



# Arizona Administrative REGISTER

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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 Statutes 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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., and 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 page.

# Arizona Administrative REGISTER

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This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

**ADMINISTRATIVE CODE**  
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

**PUBLICATION DEADLINES**  
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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# 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.

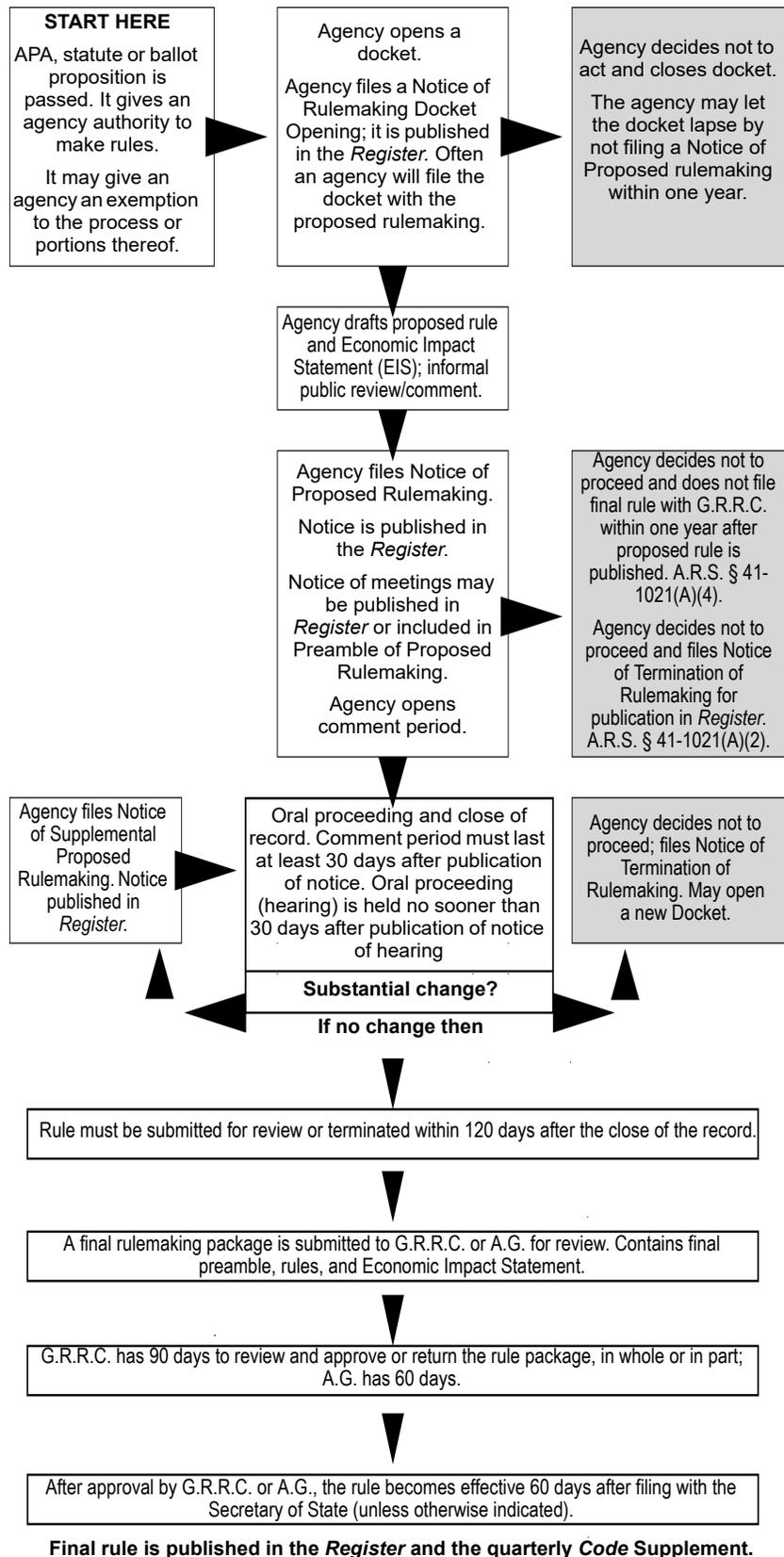
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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



## Definitions

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at [www.azsos.gov](http://www.azsos.gov).

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

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

**Code of Federal Regulations (CFR):** The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**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](http://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*

U.S.C. – *United States Code*

## 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 FINAL RULEMAKING**

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

The final published notice includes a preamble and

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

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

**NOTICE OF FINAL RULEMAKING  
TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 30. BOARD OF TECHNICAL REGISTRATION**

[R18-113]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R4-30-101	Amend
R4-30-102	Amend
R4-30-103	Repeal
R4-30-106	Amend
R4-30-107	Amend
R4-30-120	Amend
R4-30-121	Amend
R4-30-123	Amend
R4-30-126	Amend
R4-30-201	Amend
R4-30-202	Amend
R4-30-202.01	Repeal
R4-30-203	Amend
R4-30-204	Amend
R4-30-208	Amend
R4-30-209	Amend
R4-30-210	Amend
R4-30-214	Amend
R4-30-222	Amend
R4-30-242	Amend
R4-30-247	Amend
R4-30-252	Repeal
R4-30-254	Amend
R4-30-262	Repeal
R4-30-264	Repeal
R4-30-270	Repeal
R4-30-271	Repeal
R4-30-272	Repeal
R4-30-282	Amend
R4-30-284	Amend
R4-30-301	Amend
R4-30-301.01	Amend
R4-30-303	Amend
R4-30-304	Amend
R4-30-305	Repeal
Appendix A	Amend
Appendix B	Repeal

**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. § 32-106

Implementing statute: A.R.S. §§ 32-106.02, 32-111, 32-121, 32-122, 32-122.01, 32-122.02, 32-122.05, 32-122.06, 32-124, 32-125, 32-126, 32-127, 32-128, 32-129, 32-144.



**3. The effective date of the rules:**

August 5, 2018

**4. Previous notices that appeared in the Register concerning this final rule.**

Notice of Rulemaking Docket Opening: 23 A.A.R. 1488, June 2, 2017

Notice of Proposed Rulemaking: 23 A.A.R. 3463, December 22, 2017

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

Name: Patrice Pritzl, Deputy Director  
Address: State Board of Technical Registration  
1110 W. Washington St., Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 364-4930  
Fax: (602) 364-4931  
E-mail: Patrice.Pritzl@azbtr.gov

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Agency proposes to amend rules as they relate to the professions and occupations under its jurisdiction to clarify modern industry standards and requirements in the licensing and enforcement areas, reflect statutory changes the Legislature made to the Board's Practice Act in 2016 and 2017, establish rules pertaining to the regulation of alarm firms, controlling persons and alarm agents and update the Board's fees to reflect current agency costs for providing services.

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good case 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 proposed amendments intend to amend Board rules to conform to recent statutory changes, implement statutory requirements, update terminology, eliminate archaic language and provide more clarity to registrants and the public. These minor changes have minimal to no economic impact on the regulated population, public, the Board or other agencies.

The amendment to R4-30-106: Fees may have a minor to moderate economic impact on public records requests, examination review requests, return check fees, verification of registration, replacement certificates and pocket cards. The proposed amendment to R4-30-247 will clarify the qualifying status for a minimal number of out-of-state home inspection courses. The impact is not expected to be substantive. The amendment to R4-30-301 allows the Board to consider all criminal convictions of a serious nature when determining unprofessional conduct. The amendment may result in additional discipline of registrants but is necessary to adequately protect the health, safety and welfare of the public.

**10. Changes made to the rules between proposed and final rules including all supplemental notices:**

R4-30-102(1), final sentence now reads, "The applicant shall not perform any fee-paid Home Inspections during this Parallel Inspection period."

Changed from, "The applicant shall not perform any fee-paid Home Inspections during this Peer Review period."

**11. Summarize the principal comments received from the public and your agency's response to them:**

Home Inspector Rules and Standards Committee commented that the final sentence of proposed rule R4-30-102(1) needed to be amended.

**12. All agencies shall list other matter prescribed by statute applicable to the specific agency or to any specific rule or class or 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:**

None

**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:**

No corresponding federal laws apply. The rules are being promulgated under state law.

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

None

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

None

**14. Specify whether the rule was previously made as an emergency rule:**

The rule was not previously made as an emergency rule.

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 30. BOARD OF TECHNICAL REGISTRATION**

**ARTICLE 1. GENERAL PROVISIONS**

Section	
R4-30-101.	Definitions
R4-30-102.	Home Inspection Definitions
R4-30-103.	<del>Drug Laboratory Site Remediation Definitions</del> <u>Repealed</u>
R4-30-106.	Fees
R4-30-107.	Registration and Certification Expiration Dates
R4-30-120.	Complaint Review Process
R4-30-121.	Investigation of Violations
R4-30-123.	Informal Compliance Procedures
R4-30-126.	Service of Board Decisions; Rehearing of Board Decisions

**ARTICLE 2. REGISTRATION PROVISIONS**

Section	
R4-30-201.	Registration as an Architect, <del>Assayer</del> , Engineer, Geologist, Landscape Architect, or Land Surveyor
R4-30-202.	In-training Designation
R4-30-202.01.	<del>Remediation Specialist Certification</del> <u>Repealed</u>
R4-30-203.	Waiver of Examination
R4-30-204.	Examinations
R4-30-208.	Education and Work Experience
R4-30-209.	Time-frames for Professional Registration, Certification, or In-training Designation
R4-30-210.	Time-frames for Approval to Sit for, or for Waiver of, the Professional, Certification, or <del>In-training</del> <u>Fundamentals</u> Examination
R4-30-214.	Architect Registration
R4-30-222.	Engineer-In-Training Designation
R4-30-242.	Geologist-in-training Designation
R4-30-247.	Home Inspector Certification
R4-30-252.	<del>Landscape Architect in-training Designation</del> <u>Repealed</u>
R4-30-254.	Landscape Architect Registration
R4-30-262.	<del>Assayer in-training Designation</del> <u>Repealed</u>
R4-30-264.	<del>Assayer Registration</del> <u>Repealed</u>
R4-30-270.	<del>Drug Laboratory Site Remediation Firm Registration</del> <u>Repealed</u>
R4-30-271.	<del>Onsite Supervisor Certification and Renewal</del> <u>Repealed</u>
R4-30-272.	<del>Onsite Worker Certification and Renewal</del> <u>Repealed</u>
R4-30-282.	Land Surveyor-in-training Designation
R4-30-284.	Land Surveyor Registration

**ARTICLE 3. REGULATORY PROVISIONS**

Section	
R4-30-301.	Rules of Professional Conduct
R4-30-301.01.	Home Inspector Rules of Professional Conduct
R4-30-303.	Securing Seals
R4-30-304.	Use of Seals
R4-30-305.	<del>Drug Laboratory Site Remediation Best Standards and Practices</del> <u>Repealed</u>
Appendix A.	Sample Seals
Appendix B.	<del>Sample Expiration Date Notification</del> <u>Repealed</u>

**ARTICLE 1. GENERAL PROVISIONS**

**R4-30-101. Definitions**

The following definitions apply in this Chapter unless the context otherwise requires:

1. "Act" means the Technical Registration Act, A.R.S. Title 32, Chapter 1.
2. "Active engagement" means actually practicing or providing architectural, ~~assaying~~, engineering, geological, landscape architectural, or land surveying services.
3. "Bona fide employee" means:
  - a. Any person employed by a town, city, county, state, or federal agency working under the direction or supervision of a registrant;
  - b. Any person employed by a business entity and working under the direct supervision of a registrant who is also employed by the same business entity; or
  - c. Any person working under the direct supervision of a registrant who:



- i. Receives direct wages from the registrant;
  - ii. Receives contract compensation from the registrant; or
  - iii. Receives direct wages from the project prime professional who has a contract with another registrant and whose work product is the responsibility of the latter registrant.
- 4. "Branch" means a specialty area within the category of engineering.
- 5. "Category" means the professions of architecture, ~~assaying~~, geology, engineering, landscape architecture, and land surveying.
- 6. "De minimis violations" means violations of Board statutes or rules that do not present a threat to public welfare, health, or safety.
- 7. "Design team" means a group of individuals that includes one or more professional registrants collaborating with any other individuals on a specific project to develop professional documents.
- 8. "Detached single family dwelling" as used in the Act means a single family dwelling unit such as a house, which is structurally and physically separate from all other family dwelling units. This does not mean any single family dwelling unit which is part of a multiple dwelling unit building such as a duplex, townhouse, apartment building, condominium, or cooperative. The term "detached single family dwelling" also includes all subsidiary buildings, structures and improvements such as garage, storage areas, swimming pool, and landscaping.
- 9. "Direct supervision" means a registrant's critical examination and evaluation of a bona fide employee's work product, during and after the preparation, for purposes of compliance with applicable laws, codes, ordinances, and regulations pertaining to professional practice.
- 10. "Experience" is classified as follows:
  - a. "Subprofessional experience" means task work done under direct supervision and not falling within the definition of professional experience, including but not limited to time spent as a rodman, chainman, recorder, instrument technician, survey aide, technician, clerk of the works, or similar work.
  - b. "Professional experience" means a diversity of work calling for substantial technical knowledge, skill, and responsibility as well as a lesser degree of supervision necessary to ensure that good judgment is applied to protect the public during the course and scope of projects.
  - c. "Responsible charge experience" means work in the field or in the office, where the ~~applicant~~ applicant/registrant had responsibility for the direction of the work and its successful accomplishment and where the ~~applicant~~ applicant/registrant had to make professional decisions without relying on advice or instructions from or first referring the decisions for approval to a superior.
  - d. "Design experience" means professional experience, including work defined under "responsible charge experience," where the ~~applicant~~ applicant/registrant must fulfill the requirements of local circumstances and conditions and yet not violate any of the requirements of the profession and ensure that the executed plan meets the purpose for which it was designed.
- 11. "Federal agency" means the United States or any agency or instrumentality, corporate or otherwise, of the United States.
- 12. "Good moral character and repute" means that the registration or certification applicant/registrant:
  - a. Has not been convicted of a ~~class 1~~ felony or equivalent offense in another jurisdiction as under defined in A.R.S. § 13-601(A).
  - b. Has not been convicted of a ~~felony or~~ misdemeanor or equivalent offense in another jurisdiction if the offense has a reasonable relationship to the functions of the employment or category for which the registration, certification, or designation is sought;
  - c. Has not, within five years of application for registration or certification, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the candidate's proposed area of practice;
  - d. Is not currently incarcerated in a penal institution;
  - e. Has not engaged in fraud or misrepresentation in connection with the application for registration, certification, or related examination;
  - f. Has not had a registration or certification revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a professional license in lieu of disciplinary action;
  - g. Has not practiced without the required technical registration or certification in this state or in another jurisdiction within the two years immediately preceding the filing of the application for registration or certification; and
  - h. Has not, within five years of application for registration or certification, committed an act that would constitute unprofessional conduct, as set forth in R4-30-301 or R4-30-301.01.
- 13. "Gross negligence" means a substantial deviation in professional practice from the standard of professional care exercised by members of the ~~applicant's~~ registrant's profession, or a substantial deviation from any technical standards issued by a nationally recognized professional organization comprised of members of the ~~applicant's~~ registrant's profession, or a substantial deviation from requirements contained in state, municipal, and county laws, ordinances, and regulations pertaining to the registrant's professional practice.
- 14. "Incompetence" means to lack the professional qualifications, experience, or education to undertake a professional engagement or assignment.
- 15. "Insufficient evidence to support disciplinary action" means:
  - a. The Board determines there was no evidence to warrant disciplinary action, but believes that continuation of the actions leading to the investigation may result in future Board action against the registrant; or
  - b. The Board determines that there were de minimis violations of Board statutes or rules, but no disciplinary action should be taken against the certification or registration and that a letter of concern would be as effective a resolution as a letter of reprimand in deterring future violations of a like nature.
- 16. "Other misconduct" means the ~~applicant~~ registrant:
  - a. ~~Has been convicted of a class 1 felony;~~



- b. Has been convicted of a felony or misdemeanor, if the offense has a reasonable relationship to the functions of the registration;
  - e. Is presently incarcerated in a penal institution;
  - d. Has had a professional license or registration suspended or revoked for cause by this state or by any other jurisdiction or has surrendered a professional license in lieu of disciplinary action;
  - e. Has knowingly acted in violation or knowingly failed to act in compliance with any provisions of the Act, or rules of the Board or any state, municipal, or county law, code, ordinance, or regulation pertaining to the practice of the applicant's/registrant's profession; or
  - f.b. Has refused to respond fully to a Board inquiry relating to an applicant's/registrant's qualifying experience, or provided the Board with false information relating to an applicant's/registrant's qualifying experience.
17. "Practicing" means offering or performing professional services regulated by the Act within the state of Arizona.
  18. "Prepared" means to exercise direct supervision over the preparation of professional documents.
  19. "Professional documents" mean the professional work product of a registrant that requires professional judgment, design, analysis, or conclusions, including original plans, drawings, maps, plats, reports, written opinions, specifications, and calculations.
  20. "Project Prime Professional" means the registrant is responsible for the coordination, continuity, and compatibility of each collaborating registrant's work (when retained by the project prime professional).
  21. "Public works" project means a work or undertaking that is financed, in whole or in part, by a federal agency or by a state public body, as defined in this Article.
  22. "Registrant" means a person or firm who has been granted registration or certification to practice any profession regulated pursuant to the Act.
  23. "Retired from active practice" means that the registrant no longer performs professional services.
  24. "State public body" means the state or a county, city, town, municipal corporation, authority, or any other subdivision, agency, or instrumentality of such an entity, corporate or otherwise.
  25. "Structure" as used in the Act means any constructed or designed improvement or improvements to real property including all onsite improvements, fixed equipment, and landscaping, pursuant to an engagement or project.

#### R4-30-102. Home Inspection Definitions

The following definitions apply to home inspection requirements in this Chapter:

1. "Automatic safety controls" means devices designated and installed to protect systems and components from high or low pressures and temperatures, electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions. "Parallel Inspection" means a home inspection completed by an applicant during the application process that is supervised by a certified home inspector acting as the Parallel Inspector, in the presence of no more than three other applicants. The applicant shall produce a written report for each Parallel Inspection, which the supervising certified home inspector, serving as the Parallel Inspector, shall review, analyze, correct, and return to the applicant within 10 calendar days after receiving the written report. The Parallel Inspector shall notate and instruct the applicant so that each report meets the Standards of Professional Practice for Arizona Home Inspectors. The applicant shall not perform any fee-paid Home Inspections during this Parallel Inspection period.
2. "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet. "Parallel Inspector" means an Arizona Certified Home Inspector who performs parallel inspections for a home inspector applicant so that the applicant can obtain a certification to conduct home inspections. A Parallel Inspector shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding three years. The Parallel Inspector shall have been continuously certified by the Board as a Home Inspector for at least five years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Applicant shall provide a signed Affidavit from the Parallel Inspector affirming that the Parallel Inspector has met this criteria to the Board with the application for certification.
3. "Component" means a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many similar pieces make up the system. "Peer Review" means a home inspection performed alongside a supervising Peer Reviewer in order to comply with the terms of Board ordered discipline. The Arizona Certified Home Inspector subject to Board ordered discipline shall, at the conclusion of each Peer Review, submit a written Home Inspection Report to the Peer Reviewer for analysis and review. The Peer Reviewer shall notate and instruct the Arizona Certified Home Inspector subject to Board ordered discipline in order for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. The Arizona Certified Home Inspector subject to Board ordered discipline shall not perform any fee-paid Home Inspections during this Peer Review period.
4. "Cross connection" means any physical connection or arrangement between potable water and any source of contamination. "Peer Reviewer" means an Arizona Certified Home Inspector performing peer review inspections for a home inspector subject to Board ordered discipline so that inspector can fulfill the terms of the ordered discipline. A Peer Reviewer shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding three years. The Peer Reviewer shall have been continuously certified by the Board as a home inspector for at least five years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Arizona Certified Home Inspector subject to Board ordered discipline shall provide the Board with a signed Affidavit from the Peer Reviewer affirming that the Peer Reviewer has met these criterion at the conclusion of each peer review inspection.
5. "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, and those situations that require the use of special protective clothing or safety equipment. "Report Checklist Supplement" a tool designed to assist home inspector applicants, parallel inspectors, peer reviewers, application reviewers, enforcement advisory evaluators and certified home inspectors when reviewing or filling out an application for home inspector certification and a home inspection report. The "Report Checklist Supplement" is not a substitute for the current version of the "Standards of Professional Practice."
6. "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened by other means and that would not be taken apart or removed by a homeowner in the course of normal household maintenance.



- 7. "Major defect" means a system or component that is dangerous or not functioning.
- 8. "Observe" means the act of making a visual examination of a system or component and reporting on its condition.
- 9. "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.
- 10. "Parallel inspection" means a home inspection by an applicant supervised by a certified home inspector, in the presence of no more than three other applicants, that includes a written report prepared by the applicant, reviewed and corrected by the supervising certified home inspector, and returned to the applicant within 10 days after the supervising certified home inspector receives the written report.
- 11. "Primary windows and doors" means windows and exterior doors that are designed to remain in their respective openings year round.
- 12. "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices so the panel can be lifted off, swung open, or otherwise removed by one person; and has edges and fasteners that are not painted in place; is within normal reach or accessible from a four-foot stepladder, and is not blocked by stored items, furniture, or building components.
- 13. "Recreational facilities" means spas, saunas, steam baths, swimming pools, tennis courts, play ground equipment, and other exercise, entertainment, or athletic facilities.
- 14. "Representative number" means for multiple identical components such as windows and electrical outlets, the inspection of one component per room. For multiple identical exterior components, the inspection of one component on each side of the building.
- 15. "Safety glazing" means tempered glass, laminated glass, or rigid plastic.
- 16. "Shut down" means a piece of equipment whose switch or circuit breaker is in the "off" position, or its fuse is missing or blown, or a system cannot be operated by the device or control that a home owner should normally use to operate it.
- 17. "Solid fuel heating device" means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.
- 18. "Structural component" means a component that supports non variable forces or weights (dead loads) and variable forces or weights (live loads). For purposes of this definition, a dead load is the fixed weight of a structure or piece of equipment, such as a roof structure on bearing walls; and a live load is a moving variable weight added to the dead load or intrinsic weight of a structure.
- 19. "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.
- 20. "Technically exhaustive" means an inspection involving measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

**R4-30-103. Drug Laboratory Site Remediation Definitions Repealed**

In addition to the definitions provided in A.R.S. §§ 12-990, 32-101, and R4-30-101, the following definitions shall apply only to drug laboratory site remediation requirements in this Chapter:

- 1. "ADHS" means the Arizona Department of Health Services.
- 2. "AHERA" means the Asbestos Hazard Emergency Response Act of 1986 training provisions contained in 40 CFR 763.92, effective November 15, 2000, 65 FR 69216, the provisions of which are incorporated by reference. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at the office of the Board of Technical Registration and from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 6397-9000, and on the federal digital system at [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys).
- 3. "AWQS" means the Arizona Aquifer Water Quality Standards contained in A.A.C. R18-11-406.
- 4. "Background concentration" means the level of naturally occurring contaminant in soil.
- 5. "Certificate" or "certificates" means registrations or certifications issued to onsite workers or onsite supervisors by the Board.
- 6. "Certified Industrial Hygienist" means a person certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene.
- 7. "Certified Safety Professional" means a person certified in safety practices and procedures by the Board of Certified Safety Professionals.
- 8. "Chain of custody protocol" means a procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, and the time of possession of each person.
- 9. "Characterize" means to determine the quality or properties of a material by sampling and testing to determine the concentration of contaminants, or specific properties of the material such as flammability or corrosiveness.
- 10. "Combustible" means vapor concentration from a liquid that has a flash point greater than 100° F.
- 11. "Confirmation sampling of remedial projects" means collecting material samples after a remedial effort to confirm that the remedial effort reduced contaminant concentrations or material properties to a level at or below the remedial standard.
- 12. "Contamination" or "contaminated" means the state of being impacted or polluted by hazardous or petroleum substances or chemicals.
- 13. "Corrosive" means a material such as acetic acid, acetic anhydride, acetyl chloride, ammonia (anhydrous), ammonium hydroxide, benzyl chloride, dimethylsulfate, formaldehyde, formic acid, hydrogen chloride/hydrochloric acid, hydrobromic acid, hydroiodic acid, hydroxylamine, methylamine, methylene chloride (dichloromethane, methylene dichloride), methyl methacrylate, nitroethane, oxalylechloride, perchloric acid, phenylmagnesium bromide, phosphine, phosphorus oxychloride, phosphorus pentoxide, sodium amide (sodamide), sodium metal, sodium hydroxide, sulfur trioxide, sulfuric acid, tetrahydrofuran, or thionyl chloride that increases or decreases the pH of a material and may cause degradation of the material.
- 14. "Delineated" means to determine the extent of a contaminant by sampling, testing, and showing the size and shape of the contaminant plume on a drawing.
- 15. "EPA" means the United States Environmental Protection Agency.
- 16. "EPA Method 8015B" means the EPA approved method for determining the concentration of various non-halogenated volatile organic compounds and semi-volatile organic compounds by gas chromatography/flame ionization detector. The EPA first pub-



- lished the second revision to the report, SW 846, citing this Method in Ch. 4.3.1, in the South West Region, in December 1996. It is incorporated by reference. The material incorporated by reference does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, and at the office of the Board of Technical Registration:
17. "EPA Method 6010B" means the EPA approved method for determining the concentration of various heavy metals by inductively coupled plasma. The EPA first published the report, SW 846, citing this Method in Ch. 3.3, in the South West Region, in December 1996. It is incorporated by reference. The material incorporated by reference does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, and at the office of the Board of Technical Registration.
  18. "EPA Method 8260B" means the EPA approved method for determining the concentration of various volatile organic compounds by GC/MS. The EPA first published the report, SW 846, citing this Method in Ch. 4.3.2, in the South West Region, in December 1996. It is incorporated by reference. The material incorporated by reference does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105 or on the EPA website at [http://epa.gov/wastes/hazard/testmethods/sw846/online/8\\_series.htm](http://epa.gov/wastes/hazard/testmethods/sw846/online/8_series.htm), and at the office of the Board of Technical Registration.
  19. "Exposed" means open to the atmosphere and not covered by a non-porous material.
  20. "Final Report" means the report required in R4 30-305(D).
  21. "FID" means flame ionization detector.
  22. "Flammable" means vapor concentration from a liquid that has a flash point less than 100° F.
  23. "GC/MS" means gas chromatograph/mass spectrometer.
  24. "Hazardous chemical decontamination projects" means work or services related to the remediation, removal, or clean-up of hazardous chemicals, hazardous substances, petroleum substances, or other hazardous materials.
  25. "Hazardous substance" means red phosphorous, iodine crystals, tincture of iodine, methamphetamine, ephedrine, pseudoephedrine, volatile organic compounds, corrosives, LSD, ecstasy, lead, mercury, and any other chemical used at a clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
  26. "Hazardous waste" means toxic materials to be discarded as defined in 40 CFR 261.3, and 66 FR 60153, effective December 3, 2001, and published by the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 and available electronically through the federal digital system at [www.gpo.gov/fdsys/](http://www.gpo.gov/fdsys/). The text of this regulation is incorporated by reference. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available in the office of the Board of Technical Registration.
  27. "HAZWOPER" or Hazardous Waste Operations and Emergency Response training means Hazardous Waste Operations Training as defined in 29 CFR 1910.120(e), and 67 FR 67964, effective November 7, 2002, and published by the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000, and available electronically through the federal digital system at [www.gpo.gov/fdsys/](http://www.gpo.gov/fdsys/). The text of this regulation is incorporated by reference. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.
  28. "HEPA" means high efficiency particulate air.
  29. "Highly suggestive of contamination" means visible or olfactory indication of contamination, or locations that are within 10 feet of areas where hazardous substances were stored or used to manufacture methamphetamine, LSD, or ecstasy and could likely be contaminated with hazardous substances, unless separated by a full height, non-porous wall with no openings.
  30. "Impacted groundwater" means water present beneath ground surface that contains hazardous or petroleum substances at concentrations above background concentrations.
  31. "Impacted soil" means soil that contains hazardous or petroleum substances at concentrations above background concentrations.
  32. "Inaccessible" means unable to be reached without removal of a construction material or component.
  33. "LEL/O2" means lower explosive limit/oxygen.
  34. "Laboratory detection limit" means the lowest concentration of a hazardous or petroleum substance that can be reliably quantified or measured by an analytical laboratory under ideal operating conditions for a particular test method on a sample.
  35. "Negative pressure enclosure" means an air-tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.
  36. "Non-porous" means resistant to penetration of hazardous substances or non-permeable substance or materials, such as concrete floors, wood floors, ceramic tile floors, vinyl tile floors, sheet vinyl floors, painted drywall or sheet rock walls or ceilings, doors, appliances, bathtubs, toilets, mirrors, windows, counter tops, sinks, sealed wood, metal, glass, plastic, and pipes.
  37. "Personal protective equipment" means various types of clothing such as suits, gloves, hats, and boots, or apparatus such as face masks or respirators designed to prevent inhalation, skin contact, or ingestion of hazardous chemicals.
  38. "Personnel decontamination procedures" means procedures used to clean or remove potential contamination from personal protective equipment.
  39. "PID" means photo ionization detector.
  40. "Porous" means easily penetrated or permeated by hazardous substances or permeable substances or materials such as carpets, draperies, bedding, mattresses, fabric covered furniture, pillows, drop ceiling or other fiberboard ceiling panels, cork paneling, blankets, towels, clothing, and cardboard.
  41. "Properly disposed of" means to discard at a licensed facility in accordance with all applicable laws and not reused or sold, or metal recycled by giving or selling to a licensed recycling facility for scrap metal.
  42. "Remedial standard" or "remediation standard" means the level or concentration to be achieved by the drug laboratory site remediation firm as defined in R4 30-305(C)(2) and (C)(4).
  43. "Remediated" or "remediation" means treatment of the residually contaminated portion of the real property by a drug laboratory site remediation firm to reduce contaminant concentrations to a level below the remedial standards.



- 44. "Residual contamination" means contamination resulting from spills or releases of hazardous or petroleum substances.
- 45. "Return air housing" means the main portion of an air ventilation system where air from the livable space returns to the air handling unit for heating or cooling.
- 46. "Reusable" means not disposable or equipment that can be used more than one time for sampling after cleaning.
- 47. "Sample location" means the actual place where an environmental sample was obtained.
- 48. "Shoring plan" means a written description or drawing that shows the structural supports required to safely occupy the building during remediation.
- 49. "Seepage pit" means a hole in the ground used to dispose of septic fluids.
- 50. "Services" means the activities performed by the drug laboratory site remediation firm in the course of remediating residual contamination from the manufacturing of methamphetamine, ecstasy, or LSD, or from the storage of chemicals used in manufacturing methamphetamine, ecstasy, or LSD.
- 51. "SRL" means the Arizona residential soil remediation levels contained in, 18 A.A.C. 7, Article 2, Appendices A and B.
- 52. "Temporary filter media" means a device used to filter or clean air.
- 53. "Toxic" means hazardous substances that can cause local or systemic detrimental effects to people.
- 54. "VOA" means volatile organic analyte.
- 55. "VOCs" means volatile organic compounds or chemicals that can evaporate at ambient temperatures such as acetone, acetonitrile, aniline, benzene, benzaldehyde, benzyl chloride, carbon tetrachloride, chloroform, cyclohexanone, dioxane, ethanol, ethyl acetate, ethyl ether, Freon 11, hexane, isopropanol, methanol, methyl alcohol, methylene chloride, naphtha, nitroethane, petroleum ether, petroleum distillates, pyridine, toluene, o toluidine, and any other volatile organic chemical used at the clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
- 56. "Waste" means refuse, garbage, or other discarded material.

**R4-30-106. Fees**

- A. The Board shall charge the following fees:
  - 1. A ~~roster~~ computer generated list of registrants for a non-commercial purpose is \$15.00-\$0.25 per name, with a maximum fee of \$300.00.
  - 2. ~~A code or rule booklet is \$5.00. A computer generated list of registrants for a commercial purpose is \$0.25 per name, with a minimum fee of \$250.00.~~
  - 3. ~~The computer printout fee per name is \$0.10 non-commercial use). The maximum charge is \$150.00 per run.~~
  - 4-3. The photocopy fee is \$0.20 per page (non-commercial use). \$1.00 for up to three pages followed by a \$0.25 fee for each additional page.
  - 5-4. The replacement certificate fee for registrants and certificate holders is \$10.00 per certificate.
  - 6-5. The recording medium copy fee is \$10.00 \$15.00 per recording.
  - 7-6. The local examination review fee is \$25.00 \$30.00 per hour.
  - 8-7. The returned check fee is \$25.00 per check.
  - 8. The verification of registration or certification fee is \$25.00 per verification.
  - 9. The laminated pocket card fee is \$10.00 per card.
- B. A person paying fees shall remit them in United States dollars in the form of cash, check, ~~or~~ money order, or credit card. If a check is returned for insufficient funds, repayment, including payment of the returned check charge, shall be made in the form of cash, money order, or certified check.
- C. Upon written request, the Board shall waive renewal fees for registrants whose registration is in inactive status.
- D. Application fee refunds are not allowed after the application has been assigned an application number and processing commences.

**R4-30-107. Registration and Certification Expiration Dates**

- A. Registrants with triennial registration have expiration dates based on the date of initial registration. The following table indicates triennial registration renewal periods:
 

Initial Registration Granted Date	Initial Triennial Renewal Expiration Date
Jan. 1 through Mar. 31	Three years from Mar. 31
Apr. 1 through Jun. 30	Three years from Jun. 30
Jul. 1 through Sept. 30	Three years from Sept. 30
Oct. 1 through Dec. 31	Three years from Dec. 31
- B. Subsequent triennial renewal dates will be three years from the initial triennial renewal expiration date.
- C. All annual registrations and certifications expire one year from the date of issuance.
- D. Alarm business certifications expire three years from the date the certification is granted and subsequently every three years thereafter.
- E. Alarm controlling persons and alarm agent certifications expire three years from the date the certification was granted and subsequently every three years thereafter.

**R4-30-120. Complaint Review Process**

- A. The Board shall select a pool of volunteers who have submitted resumes and letters of interest to serve on enforcement advisory committees ("EACs"). The Executive Director shall select registrants and public members from the pool of volunteers to serve on the committees as needed. When practicable, Each each committee shall be comprised of one public member and a minimum of four registrants, at least one of whom is registered in the same category or branch as the respondent. The committee members shall provide technical assistance to Board staff in the evaluation and investigation of complaints. A quorum of three committee members is required for each committee meeting.



- B. During the preliminary informal investigation of a complaint, registrants named as respondents may appear before an enforcement advisory committee (“EAC”) ~~for an informal conference~~ relating to the complaint. Respondents may elect to appear with or without counsel. The committee shall attempt to assess the complaint and discuss the complaint with the respondent and others, if deemed necessary, and prepare a recommendation for disposition of the complaint.
- C. Respondents are not required to participate in the ~~informal conference~~ enforcement advisory committee meeting and no inference shall be drawn from a respondent’s decision not to attend.
- D. If a respondent chooses not to attend the ~~informal conference~~ enforcement advisory committee meeting, the committee may meet and review information presented by staff and others and prepare a recommendation for disposition of the complaint.
- E. The Board shall advise the respondent of the committee recommendation ~~and offer the respondent the opportunity to attend an informal compliance conference as outlined in R4-30-123 as part of the informal investigation.~~
- F. After the informal investigation has been completed, if the committee recommendation supports a determination that the complaint is unfounded, the recommendation shall be forwarded to the Board for review and final disposition.
- G. In all cases where the advisory committee finds probable cause to believe that disciplinary action is warranted, the staff will attempt to ~~obtain~~ resolve the complaint informally by obtaining a signed consent agreement ~~from the respondent~~. The Board shall review the committee recommendation, staff recommendation, consent agreement, and, in the event a signed consent agreement cannot be obtained, any counterproposal from the respondent.

#### R4-30-121. Investigation of Violations

If any information concerning a possible violation of the Act or any of these rules is received or obtained by the Board or Board staff, an investigation shall be conducted prior to the initiation of formal proceedings. Investigative reports, professional assessments, enforcement advisory committee recommendations, and other documents and materials relating to an investigation shall remain confidential until the matter is closed, until the issuance of a hearing notice under A.R.S. § 32-128, or until the matter is settled by consent order; however, the Board shall inform the respondent that an investigation is being conducted and explain the general nature of the investigation. The respondent shall have access to a copy of the complaint and any assessment or EAC reports drafted during the investigation. The public may obtain information that an investigation is being conducted and an explanation of the general nature of the investigation. The Board may refer investigative information to other public agencies as appropriate under the circumstances.

#### R4-30-123. Informal Compliance Procedures

- A. Upon notification of the recommendation of an enforcement advisory committee, a registrant may ~~attend a compliance conference meet~~ with Board staff. The registrant may appear with or without counsel. ~~The Board staff shall mail the notice of the compliance conference to the registrant at least 15 days before the date of the conference.~~ The purpose of the ~~compliance conference meeting~~ is to discuss informal settlement of the investigative matter. Upon completion of the ~~interview meeting~~, a Board enforcement officer shall make recommendations to the Board.
- B. At any time either before or after formal disciplinary proceedings have been instituted against a registrant, the registrant may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action ~~by the Board~~, the registrant agrees to accept certain sanctions such as suspension, civil penalties, enrolling in relevant professional education courses, limiting the scope of practice, submitting work product to professional peer review, or other disciplinary sanctions. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board shall accept the offer and enter a decision consented to by the registrant, incorporating the proposed settlement.

#### R4-30-126. Service of Board Decisions; Rehearing of Board Decisions

- A. Except as provided in subsection (G), any party to an appealable agency action or contested case before the Board who is aggrieved by a decision rendered in the matter may file with the Board, not later than 30 calendar days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the motion. A decision shall be deemed to have been served on the date when personally delivered or mailed by certified mail to the party’s last known address of record with the agency. The filing of a motion for rehearing is a condition precedent to the right of appeal provided in A.R.S. § 32-128(J).
- B. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 calendar days after service of the motion or amended motion by any other party. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument. The filing of a motion for rehearing or review suspends the operation of the Board’s order and allows the registrant to practice in his or her profession pending denial or granting of the motion, and pending the decision of the Board on the rehearing or review if the motion is granted.
- C. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party’s rights:
  1. Irregularity in the administrative proceedings of the agency, members of the Board or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;
  2. Misconduct of the Board or the prevailing party;
  3. Accident or surprise which could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence which 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;
  7. The decision is unjustified based upon the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- E. Not later than 30 days after a decision is rendered, the Board may on its own motion order a rehearing or review of its decision for any reason listed in subsection (C). 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 for a reason not stated in the motion. In either case the order granting a rehearing shall specify the grounds for the rehearing.

- F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within ten days after service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. If the Board makes specific findings that the immediate effectiveness of a decision is necessary for preservation of the public welfare, health or 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, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.

**ARTICLE 2. REGISTRATION PROVISIONS**

**R4-30-201. Registration as an Architect, Assayer, Engineer, Geologist, Landscape Architect, or Land Surveyor**

- A. An applicant for registration as an architect, ~~assayer~~, engineer, geologist, landscape architect, or land surveyor shall submit ~~an original and one copy of~~ a completed application package for professional registration that contains the following:
  - 1. Evidence of successful completion of the current national professional examination or waiver of the examination pursuant to A.R.S. § 32-126 and R4-30-203 in the category, and branch if applicable, for which registration is sought. Applicants shall arrange to have their examination results sent directly to the Board from the applicable testing agency holding the examination results;
  - 2. Name, residence address, mailing address if different from residence, and telephone number, of the applicant;
  - 3. Date of birth and social security number of the applicant;
  - 4. Citizenship or legal residence of the applicant;
  - 5. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
  - 6. A detailed explanatory statement and documentation, regarding:
    - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction;
    - b. Refusal of any professional or occupational registration, certification, or license to the applicant by any state or jurisdiction;
    - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant;
    - d. Any alias or other name used by the applicant; and
    - e. Any conviction of the applicant for a felony or misdemeanor, other than a minor traffic violation.
  - 7. State or jurisdiction in which the applicant holds any other professional or occupational registration, certification, or license, type of registration, certification or license number, year granted, how registration, certification, or license was granted (by examination, education, experience, or reciprocity); ~~and the number of examination hours taken by the applicant;~~
  - 8. State or jurisdiction in which the applicant has pending an application for any type of professional or occupational license, registration, or certification, type of license, registration or certification being sought, and the status of the application;
  - 9. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;
  - 10. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended, unless previously provided to the Board pursuant to R4-30-204;
  - 11. Name, current address, and telephone number of the applicant's current and former employers (the names of companies within the last ten year period) in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week, unless previously provided to the Board pursuant to R4-30-204;
  - 12. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. An applicant who has been working in the category for which registration is sought for 10 or more years shall provide the names and address of all immediate supervisors during the most recent 10-year period. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three professional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought, unless previously provided to the Board pursuant to R4-30-204;
  - 13. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
  - 14. Certificate of Experience Report ~~and Reference Forms~~ from the applicant's present and past immediate supervisors, ~~unless previously provided to the Board pursuant to R4-30-204.~~ The applicant shall also provide Certificate of Experience Record ~~and Reference Forms~~ from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board, but the Board must receive them directly from the reference;
  - 15. Evidence of successful completion, or waiver by the Board, of the applicable ~~in-training fundamentals~~ examination, ~~unless previously provided to the Board pursuant to R4-30-204.~~ An applicant for registration who has successfully completed ~~an in-training a fundamentals~~ examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. ~~An applicant seeking professional registration as an architect or landscape architect may take the in-training examination at the same time as the professional examination.~~ An applicant seeking professional registration as an ~~assayer~~, engineer, geologist or land surveyor shall pass the applicable in-training fundamentals examination before admission to the professional examination. An applicant seeking professional registration as a geologist may take the fundamentals examination on the same day;
  - 16. Certification that the information provided to the Board is accurate, true and complete; and



17. The applicable fee.
- B. If an applicant does not have the required education and experience for registration, the Board may, upon request of the applicant, hold the application for a period of time that does not exceed one year from the date the application is filed with the Board. All timeframes adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during the above-referenced time.
- C. An applicant holding a certificate of qualification issued by one of the national registration bodies examination councils recognized in R4-30-203(B) shall arrange to have the record forwarded to the Board by the national registration body. If the forms provided by the national ~~registration body~~ examination council contain all the information described in A.R.S. § 32-122.01 and subsection (A), the Board may accept the forms in lieu of requiring the applicant to furnish the information directly to the Board.
- D. The Board staff shall review all applications and, if necessary, refer completed applications to an ~~advisory committee evaluator~~ deemed qualified by the board and chosen from the pool of enforcement advisory committee members for evaluation. If the application for registration is complete and in the proper form and the Board staff or ~~committee~~ the evaluator is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered in the field for which the application was filed, the Board staff or ~~committee~~ evaluator shall recommend that the Board certify the applicant as eligible for registration. If for any reason the Board staff or ~~committee or the evaluator~~ is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for registration, the Board staff shall make a further investigation of the applicant. The Board staff and ~~committee~~ evaluator shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for registration.
- E. The Board may accept documentation that an applicant has passed a written national examination in the area for which registration is sought from a national council of which the Board is a member ~~or a professional association approved by the Board~~.
- F. The Board shall not accept an application for registration renewal unless the applicant has responded to the questions on the application relating to good moral character and other misconduct and signed the application for renewal. The Board shall return an incomplete application to the applicant which may result in assessment of a delinquent renewal fee.
- G. An applicant may withdraw an application for registration by written request to the Board. Any fee paid by the applicant is non-refundable. If an applicant withdraws an application, the Board shall close the file. An applicant whose file has been closed and who later wishes to apply for professional registration shall submit a new application package to the Board pursuant to R4-30-201 and R4-30-202.

#### R4-30-202. In-training Designation

- A. An applicant for in-training designation shall submit an original ~~and one copy of a~~ completed in-training application package that contains the following:
  1. Evidence of successful completion, or waiver by the Board, of the current ~~in-training fundamentals~~ examination in the category and branch, if applicable, for which in-training designation is sought;
  2. The information set forth in subsections (B)(1) through (9); and
  3. The applicable fee.
- B. An ~~in-training examination~~ applicant who wants to sit for an ~~in-training a~~ fundamentals examination shall submit an original ~~and one copy of a~~ completed exam authorization application for ~~in-training designation~~ to the Board, and provide the following:
  1. Name, residence address, mailing address if different from residence, and telephone number of the applicant;
  2. Date of birth and social security number of the applicant;
  3. Citizenship or legal residence;
  4. Category, and branch of engineering if applicable, for which the applicant is seeking an in-training designation;
  5. Information regarding any conviction for a felony or misdemeanor, other than a minor traffic violation, and any alias or other name used by the applicant;
  6. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution that the applicant attended;
  7. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;
  8. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
  9. Certification that the information provided to the Board is accurate, true, and complete.
- C. If otherwise qualified, the Board shall permit an applicant for in-training designation to take the ~~in-training fundamentals~~ examination in the final year of a baccalaureate, masters, or other degree program accepted by the Board and accredited in the category for which the application is made. The applicant shall have the application form endorsed by the applicant's college dean or faculty advisor, or, if already a graduate, may arrange to have a final transcript, indicating the degree awarded, sent directly from the registrar to the Board, in lieu of the endorsement.
- D. The Board shall permit an applicant for in-training designation without an accredited college degree to take the ~~in-training fundamentals~~ examination after submitting to the Board evidence of four years, ~~or if an architect in-training applicant, five years~~ of satisfactory experience or education or both. The applicant shall provide the name, current address, and telephone number of all current and former employers; names of all supervisors and their titles; dates of employment; applicant's title, and a description of the work performed. The applicant shall provide Certificate of Experience Record and Reference Forms to immediate supervisors at present and past employers. The applicant shall ensure the completed reference forms are submitted to the Board. The applicant shall meet all other requirements of this Section.

#### R4-30-202.01. Remediation Specialist Certification Repealed

- A. An applicant for certification as a remediation specialist shall submit an original ~~and one copy of a~~ completed application package that contains the following:
  1. ~~Name, residence address, mailing address if different from residence, and residence telephone number of the applicant;~~
  2. ~~Date of birth and social security number of the applicant;~~
  3. ~~A detailed explanatory statement regarding:~~



- a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction;
  - b. Refusal of any professional or occupational registration, certification, or license by any state or jurisdiction;
  - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant;
  - d. Any alias or other name used by the applicant; and
  - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation.
4. State or jurisdiction in which any professional or occupational registration, certification, or license is held; type of professional or occupational registration, certification, or license; registration, certification, or license number, year granted, how registration, certification, or license was granted (that is, by examination, education, experience or reciprocity), and the number of examination hours taken by the applicant;
  5. Name of the state or jurisdiction, type of professional or occupational registration, certification, or license the applicant is seeking, and the current status of any application for professional or occupational registration, certification, or license pending in any state or jurisdiction;
  6. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university or educational institution the applicant attended;
  7. Relevant certified transcripts sent directly to the Board from the registrar of educational institutions the applicant attended;
  8. Name, current address, and telephone number of the applicant's current and former employers in the area of remediation; dates of employment; applicant's title; description of the work performed, and the number of hours worked per week;
  9. Names and addresses of immediate supervisors in past and present employment in the area of remediation. Applicants who have been working in remediation for 10 or more years shall provide the names and addresses of all immediate supervisors during the most recent ten-year period. If an applicant cannot supply the names and addresses of all immediate supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information;
  10. A release authorizing the Board to investigate the applicant's education, experience, moral character and repute;
  11. Certificate of Experience Record and Reference forms from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference forms to additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references and ensure that completed reference forms are provided to the Board;
  12. Certification that the information provided to the Board is accurate, true, and complete;
  13. A completed fingerprint card; and
  14. The applicable fees.
- B.** The Board staff shall review all applications and, if necessary, refer completed applications to an advisory committee for evaluation. If the application is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified as a remediation specialist, the Board staff or committee shall recommend that the Board certify the applicant as eligible to take the examination. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true or that the applicant is eligible in all other respects for registration, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for examination or certification.

**R4-30-203. Waiver of Examination**

- A.** The Board shall grant a waiver of the professional examination requirement in A.R.S. § 32-122.01 and R4-30-201 to an applicant for professional registration who holds a valid professional or occupational registration, certification, or license in the category for which registration, certification, or licensure is sought, and is in good standing in another state or ~~jurisdiction~~ U.S. territory provided:
1. The applicant submits verifiable documentation to the Board that the education, experience, and examination requirements under which the applicant was registered in the original state or jurisdiction were substantially identical to those existing in Arizona at the time of the applicant's original registration, certification, or licensure; or
  2. The applicant submits verifiable documentation to the Board that the applicant has been actively engaged as a professional or occupational registrant, certificant, or licensee in another state or ~~jurisdiction~~ or U.S. territory for at least 10 years in the category for which registration, certification, or licensure is sought. For purposes of this subsection, "actively engaged as a professional registrant" means that the applicant holds a valid professional or occupational registration, certification, or license in good standing, and has been practicing or offering professional services for at least 10 of the last 15 years.
- B.** The Board shall grant a waiver of the professional examination requirement in A.R.S. § 32-122.01 and R4-30-201 to an applicant for professional registration who submits verifiable documentation to the Board that the applicant holds one of the following professional records, issued by a national ~~registration body~~ examination council, and is registered in good standing in another state or ~~jurisdiction~~ U.S. territory and has been actively engaged in the practice of the profession for which the applicant seeks registration. The Board recognizes the following national ~~registration body~~ examination council records:
1. National Council of Architectural Registration Boards' ("NCARB") Certificate Record, with design and seismic (lateral forces) qualifications;
  2. National Council of Examiners for Engineers and Surveyors Council ("NCEES") Record; or
  3. Council of Landscape Architectural Registration Boards Council ("CLARB") Record and Certification.
- C.** When reviewing an engineering applicant's experience and examination information, the Board shall take into account the specific branch of engineering in which the applicant is seeking proficiency recognition.
- D.** The Board shall waive the ~~in-training~~ fundamentals examination if an applicant has successfully completed ~~an in-training~~ a fundamentals examination in another state or jurisdiction in the category for which registration is sought, which is equivalent to those



examinations administered required in Arizona. The applicant shall ensure that proof of successful completion is forwarded directly from the authority that administered the original examination.

- E. The Board shall waive the ~~in-training fundamentals~~ examination for an applicant who has a degree listed in R4-30-208(A) or other educational credit approved by the Board in the category, and branch if applicable, for which registration is sought, and meets all other requirements of A.R.S. § 32-126(D).
- F. All applicants who request a waiver of any examination requirement shall meet all other requirements for professional registration or in-training designation in R4-30-201 and R4-30-202. An applicant applying for a waiver under subsection (B) shall ensure that the required documentation is forwarded directly to the Board from the national ~~registration body examination council~~.
- G. ~~The Board shall waive the remediation specialist examination requirement if the applicant has successfully completed a remediation specialist examination in another state or jurisdiction that is substantially equivalent to the remediation specialist examination provided in Arizona.~~

#### R4-30-204. Examinations

- A. Board Review For ~~Examination Equivalency~~ Authorization to Test: Applicants who wish to sit for professional examination who do not possess an educational degree recognized by the applicable national council shall submit to the Board the following information for approval:
  1. Name, residence address, mailing address if different from residence, and telephone number;
  2. Date of birth and Social Security number;
  3. Proof of citizenship or legal residence;
  4. Category, and branch of engineering if applicable;
  5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution attended;
  6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution attended;
  7. Evidence of at least 60 months of required education or experience, or both, in the category for which registration is sought.
    - a. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought;
    - b. Dates of employment;
    - c. Applicant's title;
    - d. Description of work performed; and
    - e. Number of hours worked per week;
  8. Names and current addresses of applicant's ~~immediate supervisors in past and present employment~~ current and former employers (the names of companies within the last ten year period) in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
  9. A release authorizing the Board to investigate the applicant's education and experience;
  10. Certificate of Experience ~~Record and Reference Forms Report~~ from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that ~~completed reference forms are provided to the Board~~ receives these Reports directly from the reference;
  11. Evidence of successful completion, or waiver by the Board, of the applicable ~~in-training fundamentals~~ examination. An applicant who has successfully completed ~~an in-training a fundamentals~~ examination in another state or jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an ~~assayer~~, engineer, geologist, or land surveyor shall pass the applicable ~~in-training fundamentals~~ examination before admission to the professional examination. An applicant for registration as a geologist may take the in-training examination on the same date as the professional examination;
  12. Certification that the information provided to the Board is accurate, true, and complete; and
  13. The applicable fees.
  14. In addition to the above requirements, an applicant who does not possess education required for direct access to the NCARB Architect Registration Examination (ARE) shall provide the Board with 60 months of a diversity of experience directly related to the practice of architecture and of a character satisfactory to the Board, in each of the following categories, in order to obtain Board authorization to sit for the required registration examination:
    - a. Practice Management. The experience obtained in this category shall demonstrate abilities to manage architectural practice, including professional ethics, fiduciary responsibilities, and the regulations governing the practice of architecture. The experience obtained shall focus on issues related to pre-contract tasks including negotiation, human resource management, and consultant development. Applicants shall demonstrate an understanding of and abilities in business structure, business development, and asset development and protection.
    - b. Project Management. The experience obtained in this category shall demonstrate abilities to manage architectural projects, including organizing principles, contract management, and consultant management. The experience shall focus on issues related to office standards, development of project teams, and overall project control of client, fee, and risk management. Experience shall demonstrate an understanding of and abilities in quality control, project team configuration, and project scheduling. In addition, the experience shall demonstrate the ability to establish and deliver project services per contractual requirements in collaboration with consultants.
    - c. Programming and Analysis. The experience obtained in this category shall demonstrate abilities related to the evaluation of project requirements, constraints, and opportunities. The experience shall focus on issues related to programming, site analysis, and zoning and code requirements and demonstrate an understanding of and abilities in project type analysis, the



establishment of qualitative and quantitative project requirements, evaluation of project site and context, and assessment of economic issues.

- d. Project Planning and Design. The experience obtained in this category shall demonstrate abilities to assess objectives related to the preliminary design of sites and buildings. The experience shall focus on issues related to the generation or evaluation of design alternatives that synthesize environmental, cultural, behavioral, technical and economic issues. The experience shall demonstrate an understanding of and abilities in design concepts, sustainability/environmental design, universal design, and other forms of governing codes and regulations.
- e. Project Development and Documentation. The experience obtained in this category shall demonstrate objectives related to the integration and documentation of building systems, material selection, and material assemblies into a project. The experience shall focus on issues related to the development of design concepts, evaluation of materials and technologies, selection of appropriate construction techniques, and appropriate construction documentation. The experience shall demonstrate an understanding of and abilities in integration of civil, structural, mechanical, electrical, plumbing, and specialty systems into overall project design and documentation.
- f. Construction and Evaluation. The experience obtained in this category shall demonstrate objectives related to construction contract administration and post-occupancy evaluation of projects. The experience shall focus on issues related to bidding and negotiation processes, support of the construction process, and evaluation of completed projects. The experience shall demonstrate an understanding of and abilities in construction contract execution, construction support services (including construction observation and shop drawing or submittal review), payment request processing, and project closeout. In addition, candidates shall also demonstrate an understanding and abilities in project evaluation of integrated building systems and their performance.

B. The Board staff shall review all applications and, if necessary, refer completed applications to an ~~advisory committee~~ evaluator who meets qualifications approved by the Board for evaluation. If the application for examination is complete and in the proper form and the Board staff or ~~committee~~ the evaluator is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or ~~committee~~ evaluator shall recommend that the Board certify the applicant as eligible to take the examination. If for any reason the Board staff or ~~committee~~ evaluator is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.

C. National Council Examinations:

- 1. Applicants for architect, landscape architect, engineer, or land surveyor registration who wish to sit for a professional examination, and who have earned an educational degree recognized by the applicable national council, may apply directly to the applicable national council to take that exam.
- 2. Applicants not possessing the appropriate degree pursuant to subsection (C)(1) may apply to the Board for examination approval and after Board review, ~~the Board may be recommended~~ recommend them to the applicable national council for entry into the applicable national examination. Applicants shall meet all national council requirements for successful completion of applicable examinations.
- 3. An applicant for professional examination in any category shall take and pass the examination or at least one division of a multi-divisional examination within one year after receiving approval. If an applicant fails to take and pass an examination within one year after receiving approval, the applicant shall submit a new application for professional examination authorization to the Board.
- 4. An applicant who has failed any division of a national multi-divisional examination shall be required to meet the applicable national council's requirements for successful completion of the examination.
- 5. Examinations administered by a national council of which the Board is a member, or a professional association approved by the Board, shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, reexamination, exam review and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.
- 6. The Board shall close an examination authorization file for multi-divisional national examination if the applicant fails to pass all divisions of the applicable examination within five years after first passing any division of the examination unless the Board approves an extension.

D. Board Administered Examinations:

- 1. An examination administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for a Board-administered examination, shall take and pass the examination within one year from making the request to test unless the Board grants an extension. ~~the~~ The applicant shall communicate all questions and concerns regarding extensions, special accommodations and refunds to the Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date.
- 2. An applicant who fails to achieve a passing grade on ~~any division of~~ any examination administered by the Board may request reexamination by notifying the Board in writing of the applicant's desire to retake the examination and paying the applicable examination fee. An applicant who retakes any examination shall advise the Board of any changes in the information provided under subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to retake and pass the Board-administered examination within one year from the request for reexamination. An applicant whose file has been closed and who later wishes to apply for examination shall submit a new examination application package to the Board.
- 3. An applicant for a Board-administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60



days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.

4. An applicant who desires a regrade of a Board administered examination shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will regrade the examination.
5. ~~The Board shall close an application file for examination if the applicant fails to pass all divisions of the applicable examination within five years after first passing any division of the examination unless the Board approves an extension.~~
6. ~~If an applicant for professional examination fails to take the examination within five years from the examination approval date, the Board shall close the application file. The applicant shall submit a new application to take the applicable examination to the Board.~~

**R4-30-208. Education and Work Experience**

**A. Education credit.**

1. The Board shall grant credit according to the following:
  - a. Architectural applicants with ~~five year~~ National Architectural Accrediting Board accredited degree (NAAB); ~~.....~~ 60 months
  - b. Architectural applicants with ~~four year NAAB accredited degree~~ a four year architectural degree; ~~.....~~ 48 months
  - c. Landscape Architectural applicants with ~~five year~~ a Landscape Architectural Accrediting Board accredited degree (LAAB); ~~.....~~ 60 48 months
  - d. Landscape Architectural applicants with ~~four year~~ LAAB accredited master's or doctorate degree; ~~.....~~ 48- 60 months
  - e. Engineering applicants with an Accreditation Board of Engineering and Technology (ABET) accredited ~~bachelor~~ bachelor's degree and a (ABET) master's or doctorate degree in the branch of engineering that registration is sought; ~~.....~~ 60 months
  - f. Engineering applicants with an ABET accredited ~~bachelor~~ bachelor's degree or equivalent in the branch of engineering that registration is sought; ~~.....~~ 48 months
  - g. Engineering applicants with four-year ABET accredited degrees in a branch other than that in which registration is sought; ~~.....~~ 36 months
  - h. Land Surveying applicants with ABET accredited bachelor degree in land surveying; ~~.....~~ 48 months
  - i. Land Surveying applicants with a master's degree in land surveying: 60 months
  - i-j. Geology applicants with ~~four year~~ bachelor's degree in geology or earth sciences; ~~.....~~ 48 months
  - j. ~~Assayer applicants with four year degree in chemistry, metallurgy or other science directly related to the analysis of metal and ores ..... 48 months~~
  - k. ~~Remediation specialist applicants with an undergraduate degree as specified in subsection (A), or up to five years of education directly relating to remediation. Geology applicants with a master's or doctorate degree in geology or earth sciences: 60 months~~
2. The Board shall grant all other education credit according to the following:
  - a. Credit shall not be granted for course work obtained in the United States or its possessions unless attained at an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education.
  - b. Pro rata credit shall be granted for successful completion of courses substantially equivalent to the courses contained in the pertinent degree program identified in subsection (A) of this rule.
  - c. Credit shall not be given for general education courses in excess of the number of hours allowed in the pertinent program identified in subsection (A).
  - d. In determining pro rata credit, 30 semester hours or 45 quarter hours shall equal 12 months' credit.
  - e. An applicant shall be granted both education and work experience for the same period provided the total months' credit granted in a period does not exceed the number of months in that period.
  - f. Foreign education evaluation service acceptable to the Board shall be required of foreign-educated applicants and shall be provided at applicants' cost.

**B. The Board shall credit work experience as follows:**

1. One hundred and thirty hours or more of work per month is equal to one month of work experience.
2. Between 85 hours and 129 hours of work per month is equal to one-half month of work experience.
3. The Board shall not grant credit for less than 85 hours of work experience in a month.
4. Experience shall be ~~substantiated~~ verified by the employer before the Board grants the credit.
5. ~~Remediation specialist applicants shall have at least eight years of acceptable education and remediation experience, including at least three years of experience supervising remediations~~

**R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation**

- A.** Within 60 days of receiving the initial application package for professional registration, certification, or in-training designation, the Board shall finish an administrative completeness review.
1. If the application package is complete, the Board shall notify the applicant that the package is complete and that the administrative completeness review is finished.
  2. If the application package is incomplete, the Board shall notify the applicant that the package is deficient and specify the information or documentation that is missing. All time-frames are suspended from the date the notice is mailed to the applicant until the Board receives all missing information or documentation.
  3. An applicant with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. ~~However, the Board may hold a home inspector applicant's package for one year to~~



~~permit a home inspector applicant to meet the requirements of R4-30-247(A)(7). If the applicant fails to supply the missing information or documentation, the Board may close the applicant's application file. Any fee paid by the applicant is Nonrefundable. An applicant whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.~~

- 4. If an applicant requests to sit for the professional, certification, or ~~in-training fundamentals~~ examination, or requests a waiver of examination, the time-frames in R4-30-210 apply until the Board grants or denies the applicant's request.
- B. The Board shall complete its substantive review of the application package and render a decision no later than 60 days after the date the Board mails the notice of administrative completeness to the applicant.
  - 1. If the Board finds that the applicant meets all requirements in statute and rule, the Board shall approve the applicant for professional registration, certification, or intraining designation.
  - 2. ~~If the Board finds that the applicant does not meet all requirements in statute and rule, the Board shall deny the applicant professional registration, certification, or intraining designation. The Board shall provide written notice of the denial. The notice shall include justification for the denial, references to the statutes or rules on which the denial was based, and an explanation of the applicant's right to appeal, including the number of days the applicant has to file an appeal, and the name and telephone number of a Board contact person who will answer questions regarding the appeals process.~~
  - 3-2. If the Board finds a deficiency during the substantive review of the application package, the Board shall issue a written request, specifying the additional information or documentation to be submitted and the deadline for submission. The time-frame for substantive review of an application package is suspended from the date the written request for additional information or documentation is mailed until the date that all missing information or documentation is received or the deadline for submission passes.
  - 4-3. When the Board and applicant mutually agree in writing, the Board or its designee shall grant extensions of the substantive review time-frame totaling no more than 30 days.
  - 5-4. If the applicant fails to supply the missing information or documentation by the deadline date, the Board may close the applicant's application file. Any fee paid by the applicant is non-refundable. An applicant whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.
  - 5. If the Board finds that the applicant does not meet all requirements in statute and rule, the Board shall deny the applicant professional registration, certification, or in-training designation. The Board shall provide written notice of the denial. The notice shall include justification for the denial, references to the statutes or rules on which the denial was based, and an explanation of the applicant's right to appeal, including the number of days the applicant has to file an appeal, and the name and telephone number of a Board contact person who will answer questions regarding the appeals process.
- C. Saturdays, Sundays, and legal holidays are not counted in calculating the number of days under this Section.
- D. For purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for a candidate applying for professional registration, certification, or in-training designation:
  - 1. Administrative completeness review time-frame: 60 days;
  - 2. Substantive review time-frame: 60 days; and
  - 3. Overall time-frame: 120 days. Days during which time is suspended under subsection (A)(2) are not counted in the computation of the overall time-frame.

**R4-30-210. Time-frames for Approval to Sit for, or for Waiver of, the Professional, Certification, or ~~In-training~~ Fundamentals Examination**

- A. Within 60 days of receiving the initial application package to sit for, or for waiver of, the professional, certification, or ~~intraining fundamentals~~ examination, the Board shall finish an administrative completeness review.
  - 1. If the application package is complete, the Board shall notify the applicant that the package is complete and that the administrative completeness review is finished.
  - 2. If the application package is incomplete, the Board shall notify the applicant that the package is deficient and specify the information or documentation that is missing. All time-frames are suspended from the date the notice is mailed to the applicant until the Board receives all missing information or documentation.
  - 3. An applicant with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. If the applicant fails to supply the missing information or documentation, the Board may close the applicant's application file. Any fee paid by the applicant is nonrefundable. An applicant whose file has been closed and who later wishes to sit for the ~~in-training fundamentals~~, certification, or professional examination, or who requests a waiver of examination, shall submit a new application package and pay the applicable fee.
- B. The Board shall complete its substantive review of the application package and render a decision no later than ~~120~~ 60 days after the date the Board mails the notice of administrative completeness to the applicant.
  - 1. If the Board finds that the applicant meets all requirements in statute and rule, the Board shall either approve the applicant to sit for the next applicable examination, or the Board shall waive the examination requirement.
  - 2. ~~If the Board finds that the applicant does not meet all requirements in statute or rule, the Board shall not allow the applicant to sit for the applicable examination or shall deny a waiver of examination.~~
  - 3. ~~The Board shall provide written notice of its refusal to allow the applicant to sit for the examination, or for its decision to deny a waiver of the examination. The notice shall include justification for the denial, references to the statutes or rules on which the denial was based, an explanation of the applicant's right to appeal, including the number of days the applicant has to file an appeal, and the name and telephone number of a Board contact person who will answer questions regarding the appeal process. If the Board issues a denial of waiver of an examination, it may allow the applicant to sit for the applicable examination or, depending on the circumstances and the applicant's qualifications, require the applicant to submit an application to sit for the applicable examination.~~



42. If the Board finds a deficiency during the substantive review of the application package, the Board shall issue a written request, specifying the additional information or documentation to be submitted and the deadline for submission. The time-frame for substantive review of an application package is suspended from the date the written request for additional information or documentation is mailed until the date that all missing information or documentation is received.
53. If the Board and applicant mutually agree in writing, the Board or its designee shall grant extensions of the substantive review time-frames totaling not more than ~~45~~ 30 days.
64. If the applicant fails to supply the missing information or documentation by the deadline date, the Board may close the applicant's application file. Any fee paid by the applicant is non-refundable. An applicant whose file has been closed and who later wishes to sit for the applicable examination or request a waiver of examination shall submit a new application package and pay the applicable fee.
- C. Saturdays, Sundays, and legal holidays are not counted in calculating the number of days under this Section.
- D. For the purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for an applicant wishing to sit for the applicable examination or to request a waiver of examination:
1. Administrative completeness review time-frame: 60 days;
  2. Substantive review time-frame: ~~120~~ 60 days; and
  3. Overall time-frame: ~~180~~ 120 days.

#### R4-30-214. Architect Registration

An applicant for architect registration shall complete all of the following:

1. An applicant shall provide evidence of successful completion of the National Council of Architectural Registration Boards' (NCARB) ~~Intern Development Program (IDP) professional training experience~~ requirement.
2. An applicant shall successfully complete the professional architect examination designated by the Board and provided by the National Council of Architectural Registration Boards.
3. ~~An applicant must demonstrate 96 months of architectural education or experience, or both, satisfactory to the Board prior to being granted registration.~~

#### R4-30-222. Engineer-In-Training Designation

- A. To qualify for admission to the ~~in-training fundamentals~~ examination solely on the basis of education, an applicant shall be a graduate of a four-year engineering degree program accredited at the time of graduation by the Accreditation Board for Engineering and Technology (ABET) or an equivalent predecessor organization.
- B. To qualify for admission to the ~~in-training fundamentals~~ examination, an applicant who is not a graduate of a four-year ABET-accredited engineering degree program shall have at least four years of education or experience or a combination of both directly related to the practice of engineering. Experience directly related to the practice of engineering of a character satisfactory to the Board includes but is not limited to the following in the candidate's branch of engineering:
1. Consultation: The active involvement in meetings, discussions or development of reports intended to provide information, facts or advice regarding the application of the accepted engineering principles to fulfill the client's specific requirements.
  2. Research investigation: The search, examination or study to determine the practicality or effectiveness of accepted principles for adaptation and application to novel situations or the development of new or alternative solutions to solve problems.
  3. Evaluation: The analysis, testing or study to determine or estimate the merit, effect, efficiency or practicality of approaches, methods, designs, structures or materials for use in a given situation or to achieve a specific result.
  4. Planning: The preliminary development of objectives, statements, outlines, drafts, drawings or diagrams showing the arrangement, scheme, schedule, program or procedure for determining the most effective solution to a problem.
  5. Design: Design, development and location experience.
  6. Construction review: The review or supervision of construction projects in the candidate's branch of engineering to determine conformance with contract documents and design specifications (maximum 12 months' credit).
  7. Administration: Administrative experience in the candidate's branch of engineering, including office and field administration, field or laboratory testing, quotation requests, change orders, bidding procedures, cost accounting and project closeouts maximum 12 months' credit).
  8. Surveying: The measurement, using accepted methods of surveying, of units of space, water, land or structures to determine boundaries, areas, shapes, slopes, distances, angles or other calculations (maximum 12 months' credit).
  9. Editing or writing: The editing or writing for publication of articles, books, newsletters or other written materials directly relating to the candidate's branch of engineering (maximum six months' credit).
  10. Other engineering experience: Experience of a nature set forth in this subsection but in other recognized branches of engineering (maximum six months' credit).
  11. Subprofessional experience: As defined in rule R4-30-101 (maximum six months' credit).
- C. An applicant for Engineer In-Training Designation shall successfully complete the ~~engineer-in-training fundamentals~~ examination designated by the Board and provided by the National Council of Examiners for Engineers and Surveyors.

#### R4-30-242. Geologist-in-training Designation

- A. To qualify for admission to the ~~in-training fundamentals~~ examination solely on the basis of education, an applicant shall be a graduate or be in the final year of a four-year degree program with a major in geology or earth science at ~~a~~ an accredited college or university ~~accredited at the time of graduation by a regional accrediting agency recognized by the Arizona Board of Regents.~~
- B. To qualify for admission to the ~~in-training fundamentals~~ examination, an applicant who is not a graduate of a four-year degree program as specified in subsection (A) shall have at least four years of education or experience or both directly related to the practice of geology. Experience directly related to the practice of geology of a character satisfactory to the Board shall include the following:



1. Consultation: The active involvement in meetings, discussions and development of reports intended to provide information, facts or advice regarding natural resources and surface and subsurface geological conditions and the preparation of geological maps for use in consultations with clients.
  2. Evaluation: The evaluation of mining and petroleum properties, groundwater resources, unconsolidated earth materials, mineral fuels, natural hazards and land use limitations.
  3. Supervision of exploration: The supervision of the geological phases of engineering investigation, exploration for mineral and natural resources, metallic and nonmetallic ores, petroleum and groundwater resources.
  4. Administration: Administrative experience, including office and field administration, field or laboratory testing, quotation requests, change orders, cost accounting, bidding procedures and project closeouts (maximum 12 months' credit).
  5. Editing or writing: The editing or writing for publication of articles, books, newsletters or other written materials on geological subjects (maximum six months' credit).
  6. Engineering: Experience in related branches of engineering (maximum six months' credit).
  7. Subprofessional experience: As defined in rule R4-30-101 (maximum six months' credit).
- C. An applicant for geologist in-training designation shall successfully complete the geologist in-training fundamentals examination designated by the Board and provided by the Association of State Boards of Geology.

**R4-30-247. Home Inspector Certification**

- A. An applicant for certification as a home inspector shall submit an original ~~and one copy of a~~ completed application package that contains the following:
1. Evidence of successful completion, within two years before the date of application, of the National Home Inspector Examination as administered by the Examination Board of Professional Home Inspectors;
  2. The information in subsections (B) ~~(1) through (10); and (C)~~;
  3. A completed fingerprint card;
  4. Applicable fees;
  5. Evidence of successful completion of 84 hours of classroom training or an equivalent course conducted by an educational facility that is licensed by the ~~applicable postsecondary education regulatory agency in the home state of the facility, Arizona State Board for Private Postsecondary Education, or accredited by the Accrediting Commission of the Distance Education and Training Council Distance Education Accrediting Commission,~~ or by an accrediting agency approved by the United States Department of Education. The course of study shall encompass all of following major content areas:
    - a. Structural Components,
    - b. Exterior,
    - c. Roofing,
    - d. Plumbing,
    - e. Heating,
    - f. Cooling,
    - g. Electrical,
    - h. Insulation and Ventilation,
    - i. Interiors,
    - j. Fireplaces and Solid Fuel-Burning Devices,
    - k. Swimming Pools & Spas, and
    - l. Professional Practice;
  6. ~~An applicant who has lawfully conducted home inspections as part of a business shall provide evidence of successful completion of 100 home inspections that meet the standards referenced in R4-30-301.01 on a form provided by the Board. An applicant under this subsection shall meet all other requirements for certification in this Section; and~~
  7. ~~To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(6), shall present evidence~~ Evidence of completion of 30 parallel inspections. The 30 parallel inspections and home inspection report shall meet the standards in R4-30-301.01 and be retained by the applicant for at least two years from the date of application. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the applicant's package for a period of one year based solely on the need for time to permit the applicant to complete the required parallel inspections. All time-frames promulgated under A.R.S. Title 41, Chapter 6, Article 7.1 are suspended during this period.
- B. A certified home inspector is not required to inspect a pool and/or spa as part of a home inspection. If a certified home inspector conducts a pool and/or spa inspection, it shall be conducted in accordance with the "Standards of Professional Practice for the Inspection of Swimming Pools & Spas for Arizona Home Inspectors," ("Standards") adopted and published by ~~Arizona Chapter of the American Society of Home Inspectors on March 11, 2011, and incorporated by reference, without any later amendments or editions, by the Board on February 28, 2012. Copies of the Standards are available at the Board's office and at the Arizona Chapter of the American Society of Home Inspectors' web site, www.azashi.org.~~
- C. The application package shall contain the following:
1. Name, residence address, mailing address if different from residence address, and telephone number;
  2. Date of birth and Social Security number of the applicant;
  3. Citizenship or legal residence;
  4. A detailed explanatory statement regarding:
    - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant in any state or jurisdiction;
    - b. Refusal of any professional or occupational registration, license, or certification by any state or jurisdiction;



- c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant;
  - d. Any alias or other name used by the applicant;
  - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation.
  - 5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies;
  - 6. State or jurisdiction in which any professional or occupational registration, license or certification is held; type of registration, license, or certification; number; year granted, and how registration, license, or certification was granted (that is, by examination, education, experience, or reciprocity);
  - 7. The current status of any application for any type of professional or occupational registration, license, or certification pending in another state or jurisdiction;
  - 8. A release authorizing the Board to investigate the applicant's education, experience, and moral character and repute;
  - 9. Certification that the information provided to the Board is accurate, true, and complete;
  - 10. Copy of one home inspection report that meets the standards in R4-30-301.01 and reports on at least one immediate major repair as defined in the standards, along with the Report Checklist Supplement; and
  - 11. Sworn statement or statements by the supervising certified home inspector or inspectors that the parallel inspections conducted by the applicant meet the standards in R4-30-301.01.
- D. The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee or a certified home inspector evaluator for evaluation. If the application is complete and in the proper form, the Board staff, ~~or committee, or evaluator~~ is satisfied that all statements on the application are true, and the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff, ~~or committee, or evaluator~~ shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of qualification for certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established qualification by clear and convincing evidence.
- E. A certified home inspector shall notify the Board in writing within five business days of any loss of, or change in, financial assurance. The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within 90 days of loss of financial assurance or lapse of policy. All certified home inspectors shall provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.
- F. ~~A registrant who has been certified by the Board to conduct home inspections prior to February 28, 2012, will be exempt from any additional education or testing requirements relating to pools and spas. In order to reactivate an inactive home inspector certificate, a home inspector who has not practiced as a certified home inspector during that time in another state requiring registration for the previous five years shall take and pass the National Home Inspector Examination.~~

#### **R4-30-252. ~~Landscape Architect in-training Designation Repealed~~**

- ~~A. To qualify for admission to the in-training examination solely on the basis of education, an applicant shall be a graduate of a four or five year landscape architectural degree program accredited at the time of graduation by the Landscape Architectural Accreditation Board (LAAB) or an equivalent predecessor organization.~~
- ~~B. To qualify for admission to the in-training examination, an applicant who is not a graduate of a four or five year LAAB accredited landscape architectural degree program shall have at least four years of education or experience or both directly related to the practice of landscape architecture. Experience directly related to the practice of landscape architecture of a character satisfactory to the Board shall include the following:~~
- ~~1. Consultation: The active involvement in meetings, discussions and development of reports intended to provide information, facts or advice regarding the application of landscape architectural principles to fulfill the client's specific requirements.~~
  - ~~2. Investigation, reconnaissance and research: The search, examination or study to determine the practicality or effectiveness of accepted landscape architectural principles to novel situations or the development of new or alternative solutions to landscape architectural problems.~~
  - ~~3. Planning: The preliminary development of objectives, statements, outlines, drafts, drawings, maps or diagrams showing the arrangement, scheme, schedule, program or procedure for determining the most effective solution to a landscape architectural problem.~~
  - ~~4. Design: The preparation and use of sketches, plans, drawings, outlines, models or schemes to convey the use and development of land, plantings, landscapings, settings, approaches to buildings, structures or facilities, traffic patterns and drainage or erosion patterns.~~
  - ~~5. Supervision of development: The supervision of the development of land and incidental water areas for the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, settings and approaches, natural drainage and the consideration and determination of inherent problems of the land, including erosion, wear and tear, light and other hazards.~~
  - ~~6. Administration: Administrative experience, including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures and project closeouts (maximum 12 months' credit).~~
  - ~~7. Editing or writing: The editing or writing for publication of articles, books, newsletters or other written materials on landscape architectural subjects (maximum six months' credit).~~
  - ~~8. Subprofessional experience: As defined in rule R4 30 101 (maximum six months' credit).~~
- ~~C. An applicant shall successfully complete the landscape architect in-training examination designated by the Board and provided by the Council of Landscape Architectural Registration Boards.~~

#### **R4-30-254. Landscape Architect Registration**



- A. To qualify for landscape architect registration, an applicant shall provide proof to the Board of the successful completion of 96 months of landscape architecture education or experience or both. To satisfy the education requirement, an applicant must be a graduate of a four- or five-year landscape architectural degree program accredited at the time of graduation by the Landscape Architectural Accreditation Board (LAAB) or an equivalent predecessor organization.
- B. To satisfy the experience requirement, an applicant who is a graduate of a five-year landscape architectural degree program shall demonstrate successful completion of at least three years of experience directly related to the practice of landscape architecture. An applicant who is a graduate of a four-year landscape architectural degree program shall demonstrate successful completion of at least four years of experience directly related to the practice of landscape architecture. Experience directly related to the practice of landscape architecture shall demonstrate an applicant’s dedication to the protection of the public’s health, safety and welfare and shall include the following:
  - 1. Consultation: The active involvement in meetings, discussions and development of reports intended to provide information, facts or advice regarding the application of landscape architectural principles to fulfill the client’s specific requirements.
  - 2. Investigation, reconnaissance and research: The search, examination or study to determine the practicality or effectiveness of accepted landscape architectural principles to novel situations or the development of new or alternative solutions to landscape architectural problems.
  - 3. Planning: The preliminary development of objectives, statements, outlines, drafts, drawings, maps or diagrams showing the arrangement, scheme, schedule, program or procedure for determining the most effective solution to a landscape architectural problem.
  - 4. Design: The preparation and use of sketches, plans, drawings, specifications, contracts, outlines, models or schemes to convey the use and development of land, plantings, landscapings, settings, approaches to buildings, structures or facilities, traffic patterns and drainage or erosion patterns.
  - 5. Supervision of development: The supervision of the development of land and incidental water areas for the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, settings and approaches, natural drainage and the consideration and determination of inherent problems of the land, including erosion, wear and tear, light and other hazards, including storm water quality.
  - 6. Administration: Administrative experience, including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures and project closeouts (maximum 12 months’ credit).
  - 7. Subprofessional experience: As defined in rule R4-30-101 (maximum six months’ credit).
- C. An applicant shall successfully complete the professional landscape architect examination designated by the Board and provided by the Council of Landscape Architectural Registration Boards.

**R4-30-262. Assayer in training Designation Repealed**

- ~~A. To qualify for admission to the in training examination solely on the basis of education, an applicant shall be a graduate of a four year degree program with a major in chemistry, metallurgy or other science directly related to the analysis of metals and ores at a college or university accredited at the time of graduation by a regional accrediting agency recognized by the Arizona Board of Regents.~~
- ~~B. To qualify for admission to the in training examination, an applicant who is not a graduate of a four year degree program with a major in chemistry, metallurgy or other science directly related to the analysis of metals and ores at an accredited college or university specified in subsection (A), shall have at least four years of education or experience or both directly related to the practice of assaying. Experience directly related to the practice of assaying of a character satisfactory to the Board shall include the following:~~
  - ~~1. Experience in the analysis of ferrous and nonferrous metals, minerals, fabrics and rock or powdered ores.~~
  - ~~2. Experience in all phases of fire analysis for the isolation or quantification of precious metals or minerals or any other substance in them, the experience to include: identification of sample metals, ores, minerals or alloys; preweighing of sample preparations; use of assaying weights; grit sizing; dehydration; sampling; crushing; mixing; rolling; coning; truncating; quartering; firing; choice and use of fluxes; button processing; cupellation; weighing; parting; and calculation.~~
  - ~~3. Experience in wet analysis or titration procedures.~~
  - ~~4. Experience in analysis by atomic absorption.~~
  - ~~5. Experience in the use of mineral standards.~~
  - ~~6. Consultation with clients or colleagues in service or work requiring the use of the knowledge of mineral sciences and assaying and the application of this knowledge in assignments involving the evaluation and analysis of metals, minerals and ores.~~
  - ~~7. Editing or writing for publication of articles, books, newsletters or other written materials on assaying related subjects (maximum six months’ credit).~~
  - ~~8. Subprofessional experience as defined in rule R4-30-101 (maximum six months’ credit).~~
- ~~C. An applicant shall successfully complete the assayer in training examination administered and provided by the Board.~~

**R4-30-264. Assayer Registration Repealed**

~~An applicant shall successfully complete the professional assayer examination administered and provided by the Board.~~

**R4-30-270. Drug Laboratory Site Remediation Firm Registration Repealed**

~~An applicant for drug laboratory site remediation firm registration shall submit an original and one copy of a completed application package that contains the following:~~

- ~~1. Name of business, business address, mailing address if different from business address, and business telephone number;~~
- ~~2. Description of the applicant’s services offered to the public;~~
- ~~3. Name and certification number of each on site supervisor who is authorized and responsible for the services being offered;~~
- ~~4. Legal status of business, such as corporation, partnership, sole proprietorship, or other status;~~
- ~~5. Name and address of the responsible individual in the firm to whom notices and correspondence from the Board should be mailed; and~~
- ~~6. Certification that the information provided to the Board is accurate, true, and complete;~~



7. Copy of a current license issued by the Registrar of Contractors, the scope of which permits the applicant to perform the activities required of drug laboratory site remediation firms certified pursuant to this Chapter;
8. The applicable fee.

**R4-30-271. Onsite Supervisor Certification and Renewal Repealed**

- A.** An applicant for onsite supervisor certification shall submit an original and one copy of a completed application package containing the following:
1. Name, residence address, mailing address if different from residence address, and telephone number;
  2. Date of birth and Social Security number of the applicant;
  3. Proof of citizenship or legal residence;
  4. State or jurisdiction in which any other professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license, number, and year granted;
  5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational certification, registration, or license application pending in any state or jurisdiction;
  6. A detailed explanatory statement, regarding:
    - a. Denial of professional or occupational certification, registration, or license by any state or jurisdiction;
    - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
    - c. Any alias or other name used by the applicant;
    - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
    - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction.
  7. Certification that the information provided to the Board is accurate, true, and complete;
  8. A copy of a current 40-hour HAZWOPER training certificate or a copy of a current eight-hour HAZWOPER training refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
  9. Documentation of 12 months or more of onsite experience in hazardous chemical decontamination projects and a copy of a HAZWOPER training certificate that shows the applicant held valid HAZWOPER training certification during the 12 months of experience;
  10. Documentation of current AHERA contractor or supervisor certification or a copy of a current AHERA refresher certificate and a copy of an AHERA contractor or supervisor training certificate;
  11. Documentation of successful completion of a lead training course that meets the requirements of 29 CFR 1926.62(l), effective January 8, 1998, 63 FR 1296, (published by the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000 and available electronically through the federal digital system at [www.gpo.gov/fdsys/](http://www.gpo.gov/fdsys/). The provisions of this regulation are incorporated by reference and copies are available at the office of the Board of Technical Registration. This rule does not include any later amendments or editions of the incorporated matter.);
  12. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
    - a. Clandestine drug laboratory site remediation best standards and practices contained in R4-30-305;
    - b. Chemical and physical hazards of a clandestine drug laboratory;
    - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
    - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
    - e. Potential sharps and biohazards at a clandestine drug laboratory;
    - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
    - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;
  13. Documentation of successful completion of an 8-hour training course approved by the Board that encompasses the following:
    - a. Hazardous conditions and precautionary measures upon initial entry into a clandestine drug laboratory site;
    - b. Assessing residual contamination;
    - c. Preparing the work plans for remediation of a clandestine drug laboratory;
    - d. Assessing structural stability for safe entry into a clandestine drug laboratory site;
    - e. Characterizing waste from the remediation of a clandestine drug laboratory; and
    - f. Preparing final reports on the remediation of the clandestine drug laboratory;
  14. A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
  15. The applicable fee.
- B.** An applicant for renewal of onsite supervisor certification shall submit an application package that contains:
1. A completed renewal application form provided by the Board, signed and dated by the applicant that provides the information contained in subsections (A)(1), (2), (6), and (7);
  2. A copy of the registrant's current eight-hour HAZWOPER training refresher certificate;
  3. A copy of the registrant's current AHERA refresher certificate;
  4. Documentation of successful completion of a two-hour refresher training course approved by the Board that encompasses the following:
    - a. Clandestine drug laboratory site remediation best standards and practices contained in R4-30-305;
    - b. Hazardous conditions and precautionary measures upon initial entry into a clandestine drug laboratory site;
    - c. Preparation of the work plan for remediation of a clandestine drug laboratory;
    - d. Assessment of the structural stability for safe entry into a clandestine drug laboratory site;
    - e. Characterizing waste from the remediation of a clandestine drug laboratory; and



- f. Preparing the final report on the remediation of a clandestine drug laboratory;
- 5. The applicable fee.
- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

**R4-30-272. Onsite Worker Certification and Renewal Repealed**

- A. An applicant for onsite worker certification shall submit an original and one copy of a completed application package containing the following:
  - 1. Name, residence address, mailing address if different from residence address, and telephone number;
  - 2. Date of birth and Social Security number of the applicant;
  - 3. Proof of citizenship or legal residence;
  - 4. State or jurisdiction in which any professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license number and year granted;
  - 5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;
  - 6. A detailed explanatory statement regarding:
    - a. Any denial of professional or occupational certification, registration, or license by any state or jurisdiction;
    - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
    - c. Any alias or other name used by the applicant;
    - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
    - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;
  - 7. Certification that the information provided to the Board is accurate, true, and complete;
  - 8. Copy of a current 40-hour HAZWOPER training certificate or copy of a current eight-hour HAZWOPER training refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
  - 9. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
    - a. Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;
    - b. Chemical and physical hazards of a clandestine drug laboratory;
    - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
    - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
    - e. Potential sharps and biohazards at a clandestine drug laboratory;
    - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
    - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;
  - 10. A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
  - 11. The applicable fee.
- B. An applicant for renewal of onsite worker certification shall submit an application package that contains:
  - 1. A completed renewal application form provided by the Board, signed and dated by the applicant that provides the information contained in subsections (A)(1), (2), (6) and (7);
  - 2. A copy of the applicant's current eight-hour HAZWOPER training refresher certificate;
  - 3. The applicable fee.
- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and the applicant is eligible in all other respects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

**R4-30-282. Land Surveyor-in-training Designation**

- A. To qualify for admission to the in-training fundamentals examination solely on the basis of education, an applicant shall be a graduate of a four-year land surveying degree program accredited at the time of graduation by the Accreditation Board for Engineering and Technology (ABET) or an equivalent predecessor organization.
- B. To qualify for admission to the in-training fundamentals examination, an applicant who is not a graduate of a four-year ABET-accredited land surveying degree program shall have at least four years of education or experience or both directly related to the practice of land surveying. Experience directly related to the practice of land surveying of a character satisfactory to the Board shall include the following:
  - 1. The measurement of space, water, land or structures located or to be located upon or within them, to determine boundaries, areas or other necessary calculations through the use of any mechanical, physical, electric or electronic equipment or devices commonly used by registered professional land surveyors.



2. The analysis of measurement data through the use of professional knowledge or education or practical experience in the mathematical and physical sciences and in the principles of land surveying.
  3. The location or relocation, establishment or re-establishment of boundaries, easements, rights-of-way, bench marks or corners.
  4. Consultation with clients to determine the necessity of land surveying services and the determination of the correct type of services necessary to fulfill the client's needs and objectives.
  5. The search of any source of public or private records for the purpose of performing a survey or to determine and, if necessary, to reconcile differences between the surveyor's collected data and such records.
  6. The platting or subdividing of land or the planning and design of parcels of land for development purposes.
  7. The preparation and maintenance of survey records.
  8. Other land surveying activities, analyses or investigations defined in the Act.
  9. The participation in office and field administration, quotation requests, bidding procedures, cost accounting and project close-outs (maximum 12 months' credit).
  10. ~~The editing or writing for publication of articles, books, newsletters or other written materials on land surveying subjects (maximum six months' credit).~~
  11. Construction staking (maximum 12 months' credit).
  12. Subprofessional experience as defined in R4-30-101 (maximum six months' credit).
- C. The applicant for land surveyor in-training designation shall apply to the Board and provide proof of successfully complete successful completion of the land surveyor in-training fundamentals of surveying examination designated by the Board and provided by the National Council of Examiners for Engineers and Surveyors.

#### R4-30-284. Land Surveyor Registration

The candidate shall first successfully complete the fundamentals of surveying examination. Second, the candidate shall successfully complete the professional land surveyor examination provided by the National Council of Examiners for Engineers and Surveyors. Third, the candidate shall successfully complete the Arizona State Specific Examination provided by the Board. Part One of the professional examination is designated by the Board and provided by the National Council of Examiners for Engineers and Surveyors. Part Two of the professional examination is designated and provided by the Board.

### ARTICLE 3. REGULATORY PROVISIONS

#### R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. ~~A If a registrant shall not violate~~ violates any state or federal criminal statute, ~~involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty. The~~ the Board may take action against a registrant's license or certificate if a violation of the law is reasonably related to a registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
  - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
  - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Land Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, available at [www.azapls.org](http://www.azapls.org) ~~and from APLS, 3346 East Menadota Drive, Phoenix, AZ~~. The Board of Technical Registration adopted ~~them~~ the standards on June 15, 2001 and incorporated them into this subsection by reference. This incorporation by reference does not include any later amendments or editions and is available at the office of the Board of Technical Registration.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.



- 15. A registrant shall update the registrant’s address and telephone number of record with the Board within 30 days of the date of any change.
- 16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.
- 17. Except as provided below and in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant’s professional registration category unless:
  - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
  - b. The work is exempt under A.R.S. § 32-143.
- 18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
- 19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services that the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
- 20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
- 21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

**R4-30-301.01. Home Inspector Rules of Professional Conduct**

- A. To the extent applicable, a certified home inspector shall conduct a home inspection in accordance with the “Standards of Professional Practice” adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on January 1, 2002, the provisions of which are incorporated by reference and on file with the Office of the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.
- B. A Certified Home Inspector shall not:
  - 1. ~~Pay or receive~~, directly or indirectly, in full or in part, a commission or compensation as a referral or finder’s fee to a real estate company, real estate office, real estate broker/salesperson(s), real estate employees or real estate independent contractors in order to obtain referrals for home inspection business. This prohibition includes, but is not limited to, participation in pay-to-play programs by any name (e.g. “preferred vendor,” “approved vendor,” “marketing partner,” “marketing services agreement”);
  - 2. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder’s fee related to the correction of defects found within the scope of the home inspection;
  - 23. Perform, or offer to perform, for an additional fee, or have any financial interest in the performance of any repairs to a structure the property that has been inspected by that inspector or the inspector’s firm for a period of twenty-four~~24~~ months following the inspection; or
  - 34. Be accompanied by more than four home inspector candidates while conducting any parallel home inspection.

**R4-30-303. Securing Seals**

- A. Each registrant required to use a seal shall secure and use an ink seal 1 1/2 inches in diameter and identical in style, size, and appearance to the sample shown in Appendix A. The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:
  - 1. “Registered Architect”; “Registered Professional Engineer” together with the branch of engineering in which registered; “Registered Professional Geologist”; “Registered Professional Landscape Architect”; or “Registered Land Surveyor.” ~~or “Registered Assayer.”~~
  - 2. The inscription “Arizona U.S.A.” shall appear at the bottom of the annular space between the second and third circles; the inner circle shall contain the name of the registrant, registration number, and the words “date signed.”
- B. The registrant may order the seal through any vendor and shall pay the cost of its manufacture. Immediately upon receipt of the seal and before using the seal for any purpose, the registrant shall file with the Board, for its records, on a form provided by the Board, an imprint of the seal with an original signature superimposed over it and an affidavit regarding the use of the seal. The Board, within 10 working days of receipt of the form from the registrant, shall disapprove any seal that does not meet the exact specifications of subsection (A) and require that the registrant obtain and pay for another seal that meets those specifications before sealing any work. Engineers registered in more than one branch shall secure and use a seal for each branch of engineering in which registration has been granted.

**R4-30-304. Use of Seals**

- A. A registrant shall place a permanently legible imprint of the registrant’s seal and signature on the following:
  - 1. Each sheet of drawings or maps;
  - 2. Each of the master sheets when reproduced into a single set of finished drawings or maps;
  - 3. Either the cover, title, index, or table of contents page, first sheet of each set of project specifications;
  - 4. Either the cover, index page, or first sheet of each addenda or change order to plans, contract documents or specifications;
  - 5. Either the cover, index page, or first sheet of bound details when prepared to supplement project drawings or maps;
  - 6. Either the cover, title, index, or table of contents page, or first sheet of any report, specification, or other professional document prepared by a registrant or the registrant’s bona fide employee;
  - 7. The signature line of any letter or other professional document prepared by a registrant, or the registrant’s bona fide employee; and



8. Shop drawings that require professional services or work as described in the Act. Examples of shop drawings that do not require a seal include drawings that show only:
  - a. Sizing and dimensioning information for fabrication purposes;
  - b. Construction techniques or sequences;
  - c. Components with previous approvals or designed by the registrant of record; or
  - d. Modifications to existing installations that do not affect the original design parameters and do not require additional computations.
9. Public Works projects which require the signature of each professional involved in the project.
- B. A registrant shall apply a label that describes the name of the project and an original imprint of the registrant's seal and signature on all video cassettes that contain copies of professional documents.
- C. In the event that a copy of a professional document is provided to a client, regulatory body, or any other person for any reason by computer disk, tape, CD, or any other electronic form, and the document does not meet the requirements of subsection (D), the registrant shall mark the copy of the professional document: "Electronic copy of final document; sealed original document is with (identify the registrant's name and registration number)."
- D. A registrant shall sign, date, and seal a professional document:
  1. Before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary," "draft," or "not for construction" except when the document is work product intended for use by other members of a design team; and
  2. In all cases, if the document is prepared for the purpose of dispute resolution, litigation, arbitration, or mediation.
- E. For purposes of subsection (A), all original documents shall include:
  1. An original seal imprint or a computer-generated seal that matches the seal on file at the Board's office;
  2. An original signature that does not obscure either the registrant's printed name or registration number; and
  3. The date the document was sealed; and
  4. ~~A notation beneath the seal either written, typed, or electronically generated that provides the day, month, and year of expiration of current registration, as shown in Appendix B.~~
- F. Methods of transferring a seal other than an original seal imprint or a computer-generated seal are not acceptable.
- G. An electronic signature, as an option to a permanently legible signature, in accordance with A.R.S. Title 41 and Title 44, is acceptable for all professional documents. The registrant shall provide adequate security regarding the use of the seal and signature.

#### **RA-30-305. Drug Laboratory Site Remediation Best Standards and Practices Repealed**

- ~~A. Preliminary procedures:~~
1. ~~The onsite supervisor shall determine the nature and extent of damage and contamination of the residually contaminated portion of the real property.~~
  2. ~~The onsite supervisor shall request a copy of any document from a law enforcement agency, state agency, or other reporting agency regarding the nature and extent of illegal drug activity, evidence of what materials were removed from the real property, the location from which they were removed, and the area posted by the notice of removal.~~
  3. ~~The onsite supervisor shall:~~
    - a. ~~Evaluate all information obtained regarding the nature and extent of damage and contamination;~~
    - b. ~~Develop procedures to safely enter the residually contaminated portion of the real property in order to conduct a visual assessment;~~
    - c. ~~Wear the appropriate personal protective equipment for all conditions assessed;~~
    - d. ~~Visually inspect the residually contaminated portion of the real property; and~~
    - e. ~~Be assisted by at least one onsite worker during the initial entry into the residually contaminated portion of the real property.~~
  4. ~~The onsite supervisor shall conduct and document required testing for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the residually contaminated portion of the real property, such as using a LEL/O2 meter, pH paper, PID, FID, or equivalent equipment.~~
  5. ~~If the notice of removal posting is no longer present at the time of the initial entry by the drug laboratory site remediation firm, then the entire house, mobile home, recreational vehicle, detached garage or shed, hotel room, motel room or apartment unit shall be considered the residually contaminated portion of the real property.~~
  6. ~~If there was a fire or explosion in the residually contaminated portion of the real property that appears to have compromised the integrity of the structure, the drug laboratory site remediation firm shall obtain a structural assessment of the residually contaminated portion of the real property.~~
  7. ~~The owner may retain a drug laboratory site remediation firm to demolish, and dispose of the residually contaminated portion of the real property rather than perform the remediation described in subsection (B).~~
  8. ~~The drug laboratory site remediation firm shall prepare a written work plan that contains:~~
    - a. ~~Complete identifying information of the real property, and the drug laboratory site remediation firm including but not limited to:~~
      - i. ~~Street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or recreational vehicle;~~
      - ii. ~~Registration number of the drug laboratory site remediation firm, name and certification number of the onsite supervisor and onsite workers that will be performing remediation services on the residually contaminated portion of the real property;~~
    - b. ~~Copies of the current certification of the onsite supervisor and onsite workers that will be performing remediation services on the residually contaminated portion of the real property;~~
    - c. ~~Photographs or drawings, and a written description of the residually contaminated portion of the real property that depicts the location and type of any residual contamination;~~



- d. A description of the personal protective equipment to be used at the residually contaminated portion of the real property;
  - e. The health and safety procedures that will be followed in performing the remediation of the residually contaminated portion of the real property;
  - f. A list of emergency contacts and telephone numbers;
  - g. The route and location of the nearest hospital with emergency service facilities;
  - h. A detailed summary of the work to be performed by the drug laboratory site remediation firm including:
    - i. Any pre-remediation sampling and testing of non-porous or porous materials;
    - ii. Any demolition work;
    - iii. Any and all materials or articles to be removed or cleaned;
    - iv. All procedures to be employed to remove the residual contamination;
    - v. All procedures to be employed to evaluate plumbing, septic, sewer, and soil;
    - vi. All procedures for decontamination or disposal of contaminated materials or demolition debris;
    - vii. All containment and negative pressure enclosure plans; and
    - viii. Personnel decontamination procedures to be used;
  - i. The shoring plan, if an assessment of the structural integrity was conducted and it was determined that shoring was necessary for the safe occupation of the structure during remediation; and
  - j. A complete list of the proposed post-decontamination testing of the residually contaminated portion of the real property and the name of each individual conducting the sampling, such as an independent Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist, or Arizona registered engineer supervising the sampling, and each laboratory performing the analytical testing.
9. The written work plan shall be:
- a. Approved in writing by the owner of the real property or the owner's agent;
  - b. Submitted to the State Board of Technical Registration; and
  - e. Retained by the drug laboratory site remediation firm for a minimum of three years.

**B. Remediation procedures for the residually contaminated portion of the real property.**

- 1. All clandestine drug laboratory site remediation firms, onsite supervisors, and onsite workers shall comply with all applicable federal, state, municipal, and local laws, rules, ordinances, and regulations during the remediation or demolition of the residually contaminated portion of the real property.
- 2. An onsite supervisor shall be present on the residually contaminated portion of the real property during the performance of remedial or demolition services including any pre-remediation and post-remediation sampling and testing.
- 3. The ventilation system shall be turned off at the start of the remediation work and remain off until completion of the remediation work.
- 4. The remediation or demolition work shall be conducted in a manner so that no other areas or items are contaminated as a result of the work. An onsite worker shall not store new or cleaned items in any areas requiring remediation.
- 5. If the dwelling on the real property is connected to a septic system, then wash water from the remediation work shall not be disposed of in the septic system.
- 6. If the dwelling has an attic or crawl space, the onsite supervisor shall assess the attic or crawl space. If the attic or crawl space was not used for the manufacturing of drugs, the storage of drugs or chemicals, or the ventilation of manufacturing areas, and these areas will not be occupied, then the attic or crawl space does not require remediation.
- 7. The residually contaminated portion of the real property shall be assessed for asbestos-containing materials prior to demolition. Any Freon-containing appliances, propane tanks, tires, or other hazardous materials shall be removed from the residually contaminated portion of the real property prior to any demolition activities. The preliminary procedures described in subsection (A) shall be followed prior to demolition activities to verify the removal of all chemicals from the residually contaminated portion of the real property and to assist with characterization of the demolition wastes. The procedures for evaluating plumbing, septic, sewer, and soil described in subsection (B)(14) shall be followed prior to demolition activities. Mobile homes, travel trailers, or other recreational vehicles may be transported to the landfill prior to demolition. The demolition work shall be conducted in a manner to prevent visible dust emissions from the work area that may impact persons on adjacent property. The demolition debris shall be properly characterized prior to disposal as required in subsection (B)(15). After demolition, any remaining building components shall be remediated as described in subsection (B).
- 8. Onsite workers or onsite supervisors shall conduct the removal of the contamination from the residually contaminated portion of the real property, except for porous materials from areas not highly suggestive of contamination that may be cleaned by a dry cleaning or laundry service.
- 9. If pre-remediation sampling and testing are performed, non-porous materials and areas shall be sampled and tested using the personnel and procedures described in subsection (C) prior to any remediation services. If the non-porous materials or areas meet the post-remediation clearance levels described in subsections (C)(2) and (4), then no removal or cleaning of these non-porous materials or areas is required. If pre-remediation sampling and testing are performed, porous materials and areas shall be sampled and tested using the personnel and procedures described in subsection (C) prior to any remediation services. If the porous materials or areas meet the post-remediation clearance levels described in subsections (C)(2) and (4), then no removal or cleaning of these porous materials or areas is required. If pre-remediation sampling and testing are performed to evaluate whether remediation is required, the pre-remediation sampling and testing shall include an evaluation of plumbing, septic, sewer, and soil described in subsection (B)(14).
- 10. Procedures for areas highly suggestive of contamination:
  - a. All porous materials, such as carpets, draperies, bedding, fabric-covered furniture, drop ceilings, clothing, and related items that were present in the area highly suggestive of contamination at the time of the initial notice of removal (A.R.S. § 12-1000) shall be removed and properly disposed of. All items to be removed and disposed of shall be destroyed to prevent future reuse of the items.



- b. All porous materials such as carpets, draperies, bedding, fabric covered furniture, clothing, and related items, that were moved into the area highly suggestive of contamination after the time of the initial notice of removal (A.R.S. § 12-1000) shall be removed and properly disposed of, except porous drop ceilings, which shall be HEPA vacuumed and left in place. At the owner's discretion, all or some porous materials with no evidence of staining may be cleaned by HEPA vacuuming and one of the following methods:
    - i. Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.
    - ii. Chemical dry cleaning: Porous materials that cannot be washed with detergent and water shall be dry cleaned using a liquid solvent dry cleaning solution in a dry cleaning machine for at least 15 minutes.
    - iii. Detergent and water solution: Porous materials shall be washed with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water.
    - iv. If any porous materials are removed from the real property for cleaning, the materials shall be HEPA vacuumed, and the cleaning facility shall be notified in writing, by the drug laboratory site remediation firm, that the materials being cleaned are from a clandestine drug laboratory.
  - e. All stained materials from the laboratory operations including wall board (sheet rock), wood furniture, wood flooring, and tile flooring shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post remediation clearance levels contained in subsections (C)(2) and (4). If cleaned, the materials shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.
  - d. All non-porous surfaces, such as bathtubs, toilets, mirrors, windows, floors, walls, ceilings, doors, appliances, counter tops, sinks, and non fabric furniture may be cleaned to the point of stain removal and left in place or removed and properly disposed of. If cleaned, these surfaces shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.
  - e. All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed, or may be removed and properly disposed of. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water; and
  - f. All appliances shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post remediation clearance levels contained in subsections (C)(2) and (4). If cleaned, the appliances shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
11. Procedures for areas not highly suggestive of contamination.
- a. All porous materials, such as carpets, draperies, bedding, fabric covered furniture, clothing, and related items shall be removed and properly disposed of, except porous drop ceilings, which shall be HEPA vacuumed and left in place. At the owner's discretion, all or some porous materials with no evidence of staining may be cleaned by HEPA vacuuming and one of the following methods:
    - i. Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.
    - ii. Chemical dry cleaning: Porous materials that cannot be washed with detergent and water shall be dry cleaned using a liquid solvent dry cleaning solution in a dry cleaning machine for at least 15 minutes.
    - iii. Detergent and water solution: Porous materials shall be washed with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water.
    - iv. If any porous materials are removed from the real property for cleaning, the materials shall be HEPA vacuumed, and the cleaning facility shall be notified in writing, by the drug laboratory site remediation firm, that the materials being cleaned are from a clandestine drug laboratory.
  - b. All non-porous surfaces, such as bathtubs, toilets, floors, countertops, sinks, walls, ceilings, mirrors, windows, doors, appliances, and non fabric furniture, shall be thoroughly HEPA vacuumed and washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using a new detergent solution and rinse water.
  - e. Doors or other openings to areas with no visible contamination shall be cordoned off from all other areas with at least 4 mil plastic sheeting after being cleaned, to avoid recontamination during further remediation of the residually contaminated portion of the real property.
  - d. Spray-on acoustical ceilings shall be left undisturbed, and shall be sampled and tested for asbestos, and for residual contamination to determine whether ceilings meet the post remediation clearance levels contained in subsections (C)(2) and (4). If the postremediation clearance levels are exceeded, these materials shall be removed and disposed of according to applicable laws relating to asbestos removal.
  - e. All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
12. Structural Integrity and Security Procedures. If, as a result of the remediation, the structural integrity or security of the real property is compromised, the drug laboratory site remediation firm shall contact a qualified, registered professional to conduct a structural assessment and recommend corrective action for the real property.
13. Ventilation Cleaning Procedures.
- a. The ventilation system shall be turned off at the start of the remediation work and remain off until completion of the remediation work.



- b. Air registers shall be removed and washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
  - e. Temporary filter media shall be attached to air register openings.
  - d. A fan-powered HEPA filter collection machine shall be connected to the ductwork to develop negative air pressure in the ductwork.
  - e. Air lances, mechanical agitators, or rotary brushes shall be inserted into the ducts through the air register openings to loosen all dirt, dust and other loose materials.
  - f. The air handler unit, including the return air housing, coils, each fan, each system, and each drip pan, shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
  - g. All porous linings or filters in the ventilation system shall be removed and properly disposed of.
  - h. The ventilation system shall be sealed off at all openings with at least 4 mil plastic sheeting to prevent recontamination until the residually contaminated portion of the real property meets the postremediation clearance levels contained in subsections (C)(2) and (4).
14. Procedures for Plumbing, Septic, Sewer, and Soil.
- a. All plumbing inlets to the septic or sewer system, including but not limited to sinks, floor drains, bathtubs, showers, and toilets, shall be visually assessed for any staining or other visible residual contamination. All plumbing traps shall be assessed for VOC concentrations with a PID or FID, and for mercury vapors, using a mercury vapor analyzer. If VOC concentrations or mercury vapor concentrations exceed the post remediation clearance levels contained in subsections (C)(2) and (4), the accessible plumbing and traps where the excess levels are found shall be removed and properly disposed of, or shall be cleaned and tested to meet the post remediation clearance levels contained in R4-30-305(C)(2) and (4).
  - b. The onsite supervisor shall determine whether the dwelling is connected to a local sewer system or to an onsite septic system. If the dwelling is connected to an onsite septic system, water from the remediation work shall not be disposed of in the septic system, and a sample of the septic tank liquids shall be obtained and tested for VOC concentrations.
    - i. If VOCs are not found in the septic tank sample or are found at concentrations less than AWQS or less than 700 milligrams per liter (mg/l) for acetone, no additional work is required in the septic system area, unless requested by the owner of the real property.
    - ii. If VOCs are found in the septic tank at concentrations exceeding the AWQS or exceeding 700 mg/l for acetone, the following shall apply:
      - (1) The discharge area, such as the leach field, seepage pit, or evaporation mounds, shall be investigated under the direct supervision of an Arizona registered geologist or an Arizona registered engineer;
      - (2) The septic system discharge area shall be investigated for VOCs using EPA Method 8260B or an equivalent test method and, unless there is evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD or ecstasy at the clandestine drug laboratory, the septic system discharge area shall also be investigated for mercury and lead;
      - (3) The vertical extent of any VOCs, mercury, and lead detected in the soil samples shall be delineated to concentrations at or below laboratory detection limits or to background concentrations, and the horizontal extent of any VOCs, mercury, and lead shall be delineated to concentrations at or below each compound's SRL;
      - (4) If any VOCs, mercury, or lead used by the clandestine drug laboratory migrated down to groundwater level, the extent of groundwater contamination shall be investigated under the direct supervision of an Arizona registered geologist or an Arizona registered engineer and the vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations at or below the AWQS or below 700 mg/l for acetone; and
      - (5) After complete characterization of a release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations at or below the AWQS or below 700 mg/l for acetone.
  - e. The onsite supervisor shall observe the real property for evidence of burn areas, burn or trash pits, debris piles or stained areas. The on-site supervisor shall test any burn areas, burn or trash pits, debris piles or stained areas with applicable testing equipment, such as a LEL/O<sub>2</sub> meter, pH paper, PID, FID, mercury vapor analyzer or equivalent equipment.
    - i. If the burn areas, burn or trash pits, debris piles, or stained areas are not part of the residually contaminated portion of the real property, the drug laboratory site remediation firm shall recommend to the owner of the real property that these areas be investigated. If the owner advises the drug laboratory site remediation firm not to investigate these areas, the drug laboratory site remediation firm shall take appropriate action pursuant to R4-30-301(11).
    - ii. If the burn areas, burn or trash pits, debris piles or stained areas are part of the residually contaminated portion of the real property, these areas shall be investigated and remediated by the drug laboratory site remediation firm.
      - (1) Any wastes remaining from the operation of the clandestine drug laboratory or other wastes impacted by compounds used by the clandestine drug laboratory shall be characterized, removed, and properly disposed of.
      - (2) Any potentially impacted soil or groundwater shall be investigated under the direct supervision of an Arizona registered geologist or an Arizona registered engineer.
      - (3) The burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for the VOCs used by the drug laboratory. Unless there is evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, the burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for lead and mercury.
      - (4) The vertical extent of any VOCs, lead, or mercury detected in the soil samples shall be delineated to concentrations below laboratory detection limits or to background concentrations. The horizontal extent of these compounds shall be delineated to concentrations below each compound's SRL.
      - (5) If any of the compounds used by the clandestine drug laboratory migrated down to groundwater level, the extent



of groundwater contamination shall be investigated under the direct supervision of an Arizona registered geologist or an Arizona registered engineer. The vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations below the AWQS and below 700 mg/l for acetone.

- (6) After complete characterization of a release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations below the AWQS and below 700 mg/l for acetone.

15. Waste Characterization and Disposal Procedures:

- a. All items removed from the clandestine drug laboratory remediation site, and waste generated during the remediation or demolition work, shall be characterized and properly disposed of. All items to be removed and disposed of shall be destroyed to prevent future reuse of the items.
- b. All suspect asbestos containing building materials shall be properly sampled and tested for asbestos pursuant to EPA rule prior to disturbance or removal.
- c. All waste shall be characterized by sampling and testing, or the waste shall be considered hazardous waste and disposed of pursuant to applicable law, except the waste shall not be deemed to be household hazardous waste.
- d. The drug laboratory site remediation firm shall comply with all federal, state, municipal, county laws, codes, ordinances and regulations pertaining to waste transportation and disposal.

C. Pre-remediation and Post-remediation Testing Procedures:

- 1. Remediation sampling shall be conducted under the direct supervision of an independent Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist or Arizona registered engineer. The individual taking the samples and the Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist, or Arizona registered engineer directing the sampling shall have experience with remediation of hazardous substances, confirmation sampling of remedial projects, and evaluation of health risks and exposures to chemicals. All sampling used to verify that no additional removal or cleaning is required shall be conducted under the direct supervision of a Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist, or Arizona registered engineer. The drug laboratory site remediation firm and its employees shall not conduct the sampling and testing. All sample locations shall be photographed for documentation purposes, and these photographs shall be included in the final report.
- 2. Sampling and testing shall be conducted for all of the compounds listed below. All areas and materials shall meet the following remediation clearance levels:

Compound	Remediation Standard
Red Phosphorus	Removal of stained material or cleaned pursuant to these standards
Iodine Crystals	Removal of stained material or cleaned pursuant to these standards
Methamphetamine	1.5 µg Methamphetamine/100 cm <sup>2</sup>
VOCs in Air	VOC air monitoring < 1 ppm
Corrosives	Surface pH of 6 to 8
LSD	0.1 µg LSD/100 cm <sup>2</sup>
Eestasy	0.1 µg Eestasy/100 cm <sup>2</sup>

- 3. If methamphetamine, eestasy, or LSD is detected in the pre-remediation sampling and testing of porous materials and surfaces, then the porous materials shall be disposed of or cleaned as described in subsection (B).
- 4. The drug laboratory site remediation firm shall conduct sampling and testing for all of the metals listed below in all cases except where there is evidence that these metals were not used in the manufacturing of methamphetamine, LSD, or eestasy at the drug laboratory:

Compound	Remediation Standard
Lead	4.3 µg Lead/100 cm <sup>2</sup>
Merecury	3.0 µg Merecury/m <sup>3</sup> air

- 5. All sampling and testing shall be conducted in accordance with the following procedures:
  - a. All sample locations shall be photographed, and the photographs shall be included in the final report.
  - b. All sample locations shall also be shown on a floor plan of the residually contaminated portion of the real property, and the floor plan shall be included in the final report.
  - c. All samples shall be obtained from areas representative of the materials or surfaces being tested. All samples shall be obtained, preserved, and handled in accordance with industry standards for the types of samples and analytical testing to be conducted and maintained under chain of custody protocol.
  - d. The individual conducting the sampling shall wear a new pair of gloves to obtain each sample.
  - e. All reusable sampling equipment shall be decontaminated prior to sampling.
  - f. All testing equipment shall be equipped and calibrated for the types of compounds to be analyzed.
  - g. Methamphetamine, eestasy, or LSD sampling and testing of non-porous materials and surfaces:
    - i. Whatman 40 ashless filter paper or an equivalent filter paper shall be used for all wipe sampling. The filter paper shall be wetted with analytical grade methanol or deionized water for the wipe sampling. The filter paper shall be blotted or



- wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area, and the three filter papers combined for analytical testing.
- ii. Three 10 cm x 10 cm areas (100 cm<sup>2</sup>) shall be wipe sampled from each room of the residually contaminated portion of the real property. The three samples shall be obtained from the nonporous floor, one wall, and the ceiling in each room.
- iii. Three 10 cm x 10 cm areas (100 cm<sup>2</sup>) shall be wipe sampled from different areas of the ventilation system.
- iv. If there is a kitchen in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm<sup>2</sup>) shall be wipe sampled from a combination of the counter top, sink, or stove top, and from the floor in front of the stove top.
- v. If there is a bathroom in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100cm<sup>2</sup>) shall be wipe sampled from a combination of the counter top, sink, toilet, and any shower or bathtub.
- vi. If there are any cleaned appliances in the residually contaminated portion of the real property, one 10 cm x 10 cm area (100 cm<sup>2</sup>) shall be wipe sampled from the exposed portion of each appliance. If multiple appliances are present, each wipe sample may be a composite of up to three 100 cm<sup>2</sup> areas on three separate appliances.
- vii. After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon lined lid. The sample jar shall be labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an analytical laboratory licensed in any state in the United States to perform GC/MS testing. The sample shall be analyzed for methamphetamine, LSD, or ecstasy, depending upon the type of clandestine drug laboratory, using a GC/MS instrument, or an equivalent.
- h. Methamphetamine, ecstasy, and LSD sampling and testing of porous materials and surfaces:
  - i. Microvacuum sampling shall be conducted using a 37 mm microvac cassette equipped with a glass fiber filter and backup pad, a short piece of tygon tubing (1 to 2 inches) with one end cut at a 45 degree angle to be used as the "vacuum hose," and flexible tygon tubing to connect the pump to the filter. The person conducting the sampling shall connect the cassette with tygon tubing to a high volume sampling pump and calibrate the sampling pump, with a primary calibration standard, to a flow rate from 15 to 20 liters per minute.
  - ii. Select sampling areas of 10 cm x 10 cm (100 cm<sup>2</sup>). In general, visibly soiled, dusty, or heavily used areas are good choices for sampling. Three 10 cm x 10 cm areas (100 cm<sup>2</sup>) of carpet shall be microvacuum sampled from each room of the residually contaminated portion of the real property.
  - iii. If there are porous furniture, lamp shades, or other fixtures in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm<sup>2</sup>) of these materials shall be microvacuum sampled from each room where present. If multiple porous furnishings are present, the three sampled areas shall be taken from three separate furnishings.
  - iv. If there are porous wall coverings, curtains, shades, or paintings in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm<sup>2</sup>) of these materials shall be microvacuum sampled from each room where present. If multiple porous wall coverings are present, the three sampled areas shall be taken from three separate wall coverings.
  - v. If there are clothes, linens, or other porous materials in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm<sup>2</sup>) of these materials shall be microvacuum sampled from each room where present. If multiple other porous materials are present, the three sampled areas shall be taken from three separate items.
  - vi. Perform the first vacuuming, in one direction, from side to side, from top to bottom. Use a slow sweeping motion. During the sampling of softer materials, press the angled tubing nozzle firmly onto the sampling surface to agitate particles. Perform a second vacuuming, in one direction, from top to bottom from side to side across the entire area. Use a slow sweeping motion. During the sampling of softer materials, press the angled tubing nozzle firmly onto Lead 4.3 µg Lead/100 cm<sup>2</sup> Mercury 3.0 µg Mercury/m<sup>3</sup> air the sampling surface to agitate particles. The same filter may be used for up to three vacuum areas, or a new filter may be used for each area, and the three filters combined for analytical testing.
  - vii. After sampling, immediately turn off the pump and remove the filter cassette from the inlet and outlet tubing sections, replace the cassette plugs and place the sample into a labeled, resealable plastic bag.
  - viii. If additional samples are being collected, remove and discard the short vacuum nozzle tubing and place a clean vacuum nozzle on a new filter cassette to collect additional samples.
  - ix. After all sampling has been completed, the pump exterior should be decontaminated (wiped with a 10% bleach solution or an equivalent solution.) The collection tubing should also be discarded.
  - x. All sample cassette bags shall be labeled with at least the site or project identification number, date, time, and actual sample location. The samples shall be submitted to an analytical laboratory licensed in any state in the United States to perform GC/MS testing. The samples shall be analyzed for methamphetamine, LSD, and ecstasy, depending on the type of clandestine drug laboratory using a GC/MS instrument or an equivalent.
- i. VOC sampling and testing procedures:
  - i. A PID or FID calibrated to manufacturer's specifications capable of detecting VOCs shall be used for testing. The background concentration of VOCs shall be obtained by testing three exterior areas outside the limits of the residually contaminated portion of the real property and in areas with no known or suspected sources of VOCs. All VOC readings shall be recorded for each sample location.
  - ii. At least three locations in each room of the residually contaminated portion of the real property shall be tested for VOC readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.
  - iii. All accessible plumbing traps shall be tested for VOCs by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.
- j. pH testing procedures:



- i. Surface pH measurements shall be made using deionized water and pH test strips with a visual indication for a pH between six and eight. The pH reading shall be recorded for each sample location.
  - ii. For horizontal surfaces, deionized water shall be applied to the surface and allowed to stand for at least three minutes. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
  - iii. For vertical surfaces, a Whatman 40 ashless filter paper or equivalent filter paper shall be wetted with deionized water and wiped over a 10 cm x 10 cm area at least five times in two perpendicular directions. The filter paper shall then be placed into a clean sample container and covered with enough deionized water to cover the filter paper. The filter and water shall stand for at least three minutes prior to testing. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
  - iv. pH testing shall be conducted on at least three locations in each room within the areas with visible contamination and within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property.
  - k. Lead Sampling and Testing Procedures:
    - i. Unless there is evidence that lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, lead sampling shall be conducted as follows:
      - (1) Whatman 40 ashless filter paper or an equivalent filter paper shall be used for wipe sampling. The filter paper shall be wetted with analytical grade 3% nanograde nitric acid for the wipe sampling. The filter paper shall be blotted or wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area and the three filter papers combined for analytical testing.
      - (2) Three 10 cm x 10 cm areas (100 cm<sup>2</sup>) shall be sampled in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property, and
      - (3) After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon lined lid. The sample jar shall be labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an Arizona licensed analytical laboratory.
    - ii. The sample shall be analyzed for lead using EPA Method 6010B or an equivalent.
  - l. Mercury Sampling and Testing Procedures:
    - i. A mercury vapor analyzer calibrated in accordance with manufacturer's specifications shall be used for evaluating the remediated areas for the presence of mercury. All mercury readings shall be recorded for each sample location.
    - ii. At least three locations in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property shall be tested for mercury vapor readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.
    - iii. All accessible plumbing traps shall be tested for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.
  - m. Septic Tank Sampling and Testing Procedures:
    - i. The liquid in the septic tank shall be sampled with a new clean bailer or similar equipment.
    - ii. The liquid shall be decanted or poured with minimal turbulence into three new VOA vials prepared by the laboratory.
    - iii. The VOA vials shall be filled so that there are no air bubbles in the sealed container. If air bubbles are present, the vial must be emptied and refilled.
      - (1) The sample vials shall be labeled with at least the date, time, and sample location.
      - (2) The sample vials shall be placed in a cooler with ice until delivered to an Arizona licensed analytical laboratory.
      - (3) The sample shall be analyzed for acetone and methanol using EPA Method 8015B or an equivalent method.
- D. Final report.**
- 1. A final report shall be:
    - a. Prepared by the drug laboratory site remediation firm;
    - b. Submitted to the owner of the remediated property and the Board within 30 days after completion of the remediation services; and
    - e. Retained by the firm for a minimum of three years.
  - 2. The final report shall include the following information and documentation:
    - a. Complete identifying information of the real property, and the drug laboratory site remediation firm, including but not limited to street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or recreational vehicle, registration number of the drug laboratory site remediation firm, name and certification number of the onsite supervisor, and name and certification numbers of the onsite workers who performed the remediation services on the residually contaminated portion of the real property;
    - b. A summary of any pre remediation sampling and testing and all post remediation sampling and testing including the name and certification, registration, or license number of the Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist, or Arizona registered engineer supervising the sampling and testing;
    - e. A summary of the remediation and demolition services completed on the residually contaminated portion of the real property, with any deviations from the approved work plan, including a list of the rooms, surfaces, materials, and articles cleaned, a list of the materials and articles removed and disposed of, and the procedures used to evaluate the plumbing, septic, sewer, and soil and to document the extent of the remediation or demolition services;
    - d. Photographs documenting the remediation services and showing each of the sample locations, and a drawing or sketch of the residually contaminated areas that depict the sample locations;

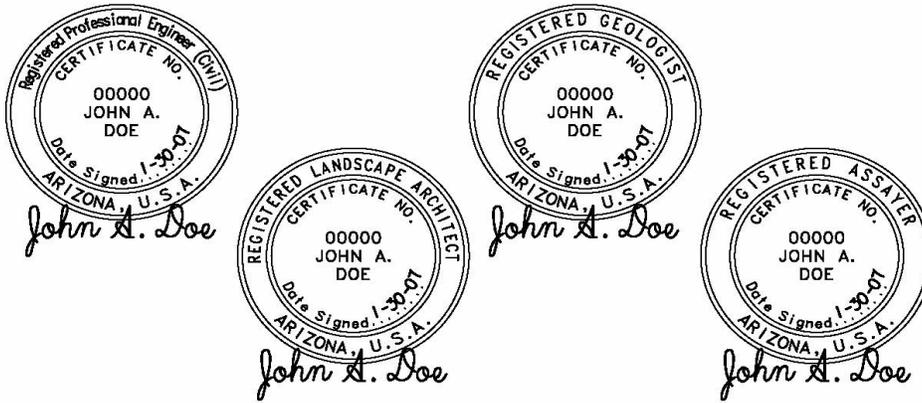


- e. A copy of the sampling and testing results for VOCs and mercury, a copy of any asbestos sampling and testing results, a copy of the laboratory test results on all samples, and a copy of the chain of custody protocol documents for all samples from the residually contaminated portion of the real property;
  - f. A summary of the waste characterization work, and copies of any waste sampling and testing results and transportation and disposal documents, including but not limited to, bills of lading, weight tickets, and manifests for all materials removed from the real property;
  - g. A summary of the onsite supervisor's observation and testing of the real property for evidence of burn areas, burn or trash pits, debris piles, or stained areas;
  - h. A copy of any reports provided to the drug laboratory site remediation firm including:
    - i. A copy of any report prepared by the Certified Industrial Hygienist, Certified Safety Professional, Arizona registered geologist, or Arizona registered engineer, and
    - ii. A signed statement confirming that the sampling was conducted under direct supervision;
  - i. A statement that the residually contaminated portion of the real property has been remediated in accordance with R4-30-305; and
  - j. The total cost of any pre-remediation sampling and testing, as described in subsection (B)(9), the total cost of all post-remediation sampling and testing, as described in subsection (C) and the total cost of the remediation decontamination services as described in subsections (B)(9), (10), (12), (13), and (14);
3. Within 24 hours after the final report described in subsection (D) has been prepared, the drug laboratory site remediation firm shall deliver, or send by certified mail, a copy of the complete and final report to the State Board of Technical Registration. The drug laboratory site remediation firm shall also deliver or send a separate document to all other individuals and entities stating that the residually contaminated portion of the real property has been remediated pursuant to A.R.S. § 12-1000 (E).

**Appendix A. Sample Seals**

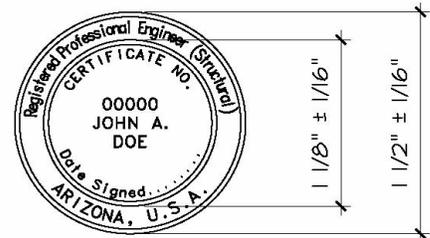
Samples:

Sign your name across lower portion of the seal. Do not cover your name or registration number with your signature.



\*\* ENGINEERS MUST LIST BRANCH – Agriculture, Architectural, Chemical, Civil, Control Systems, Electrical, Environmental, Fire Protection, Geological, Industrial, Mechanical, Mining, Metallurgical, Nuclear, Petroleum, Sanitary, or Structural. The original seal must be the following size:

Outer circle ~~should~~ shall be 1 1/2" ± 1/16"  
Inner circle ~~should~~ shall be 1 1/8" ± 1/16"







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**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

Since the rules in Arizona Administrative Code (A.A.C.) Title 9, Chapter 8, Article 1, were last revised, several statutory changes have been made to Arizona Revised Statutes (A.R.S.) § 36-136 that affect these rules. Laws 2016, Ch. 54, § 1 requires the Department to adopt rules that provide an exemption from the requirements in 9 A.A.C. 8, Article 1 for food and drink that is served at a noncommercial social event, such as a potluck. This new statutory change eliminates the requirement that food or drink served at a noncommercial event, such as a potluck, has to take place at a workplace for the serving of the food and drink to be exempt from food establishment licensing/permit requirements. Laws 2016, Ch. 243, § 1 requires the Department to adopt rules that provide an exemption from the requirements in 9 A.A.C. 8, Article 1 for food and drink that is a "whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption." Lastly, Laws 2013, Ch. 6, § 1 removes the requirement of exemption for commercially prepackaged food or drink that is not potentially hazardous to be displayed in an area of less than ten linear feet. The Department lists facilities and food sources that are exempt from complying with the requirements for food establishments in 9 A.A.C. 8, Article 1 in R9-8-102. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2016-03, and is proposing to amend this rule to implement these statutory changes and to clarify cross-references. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

**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 Department did not review or rely on any study for this rulemaking.

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**

This final rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

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

As used in this summary, annual costs/revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification. Stakeholders who may be affected by the rulemaking include the Department, county agencies acting as regulatory authorities, public schools, exempt businesses, organizers of noncommercial social events outside of a workplace, and students at public schools.

This rulemaking clarifies the types of businesses that are exempt from the requirements in 9 A.A.C. 8, Article 1, as well as clarifies the types of food and drink that are exempt consistent with A.R.S. § 36-136(I)(4). This clarity makes the Department's enforcement of the rule easier and reduces the number of questions received about the current inconsistency of the rule with statute. Therefore, the Department expects to receive a significant benefit from the changes made as part of the rulemaking, but may incur minimal costs providing technical assistance to persons affected by the rulemaking. The clarifications made to the rule related to the types of businesses that are exempt from the requirements in 9 A.A.C. 8, Article 1, may provide a significant benefit to those businesses.

The Department delegates the authority for regulating food establishments within their jurisdictions to the county regulatory authorities. Therefore, the clarity of the new rule should also make the jobs of the county sanitarians easier. The Department expects a county to receive a significant benefit from the changes made as part of the rulemaking and possibly incur a minimal cost for providing further education about the new rule requirements to its sanitarians.

The Department anticipates that the clarity of the new rule in addressing the exception for the use of fruits and vegetables grown in a school garden may provide a significant benefit to a public school for having the ability to encourage students to develop social skills and increase preference for healthy fruits and vegetables grown in a school garden. A public school, as well as the student of the public school may receive a significant benefit from a student's satisfaction and sense of accomplishment in eating fruits and vegetables grown in the school garden.

The Department expects the changes made in the rule that clarify the types of businesses that are exempt, including updated citations, will most likely provide a significant benefit to exempt businesses. The new rule makes clear that food or drink served at a noncommercial social event not occurring at a workplace is also exempt from the requirements in 9 A.A.C. 8, Article 1. If an organizer of a noncommercial social event not occurring at a workplace knows of the exception due to the rule change and understands that attendees have the ability to make food themselves, instead of purchasing it from a licensed food establishment, the rule change may provide up to a substantial benefit to the organizer of the noncommercial social event. However, those licensed food



establishments, who would have provided the food, may experience a significant decrease in income. Overall, the Department believes that the benefits outweigh any potential costs associated with this rulemaking.

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

Between the proposed rulemaking and the final rulemaking, no changes were made to the rulemaking.

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

The Department did not receive public or stakeholder comments about the rulemaking.

**12. Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules 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:**

There are no other matters prescribed by statute applicable specifically to the Department or this specific 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 rule does not require issuance of a general 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 rules applicable to the subject of 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.

**13. Incorporations by reference and their location in the rules:**

Not applicable

**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:**

The rule was not previously made as an emergency rule.

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

**TITLE 9. HEALTH SERVICES  
CHAPTER 8. DEPARTMENT OF HEALTH SERVICES  
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

**ARTICLE 1. FOOD AND DRINK**

Section  
R9-8-102.      Applicability

**ARTICLE 1. FOOD AND DRINK**

**R9-8-102.      Applicability**

- A. Except as provided in subsection (B), this Article applies to any FOOD ESTABLISHMENT.
- B. This Article does not apply to the following, which are not subject to routine inspection or other regulatory activities by a REGULATORY AUTHORITY:
  1. The beneficial use of wildlife meat authorized in A.R.S. § 17-240 and 12 A.A.C. 4, Article 1;
  2. Group homes, as defined in A.R.S. ~~Title 36, Chapter 5.1, Article 1~~ § 36-551;
  3. Child care group homes, as defined in A.R.S. ~~Title 36, Chapter 7.1, Article 4~~ § 36-897 and licensed under 9 A.A.C. 3;
  4. Residential group care facilities, as defined in ~~6 A.A.C. 5, Article 74, A.A.C. R6-5-7401~~ that have 20 or fewer clients;
  5. Assisted living homes, as defined in ~~A.R.S. § 36-401(A) and licensed under~~ 9 A.A.C. 10, Article 7 8;
  6. Adult day health care ~~services facilities~~, as defined in ~~A.R.S. § 36-401(A) and licensed under~~ 9 A.A.C. 10, Article 7 ~~11~~, that ~~have are authorized by the Department to provide services to~~ 15 or fewer ~~clients participants~~;
  7. Behavioral health ~~service agencies residential facilities~~, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. ~~20~~ 10, ~~Article 7~~, that are authorized by the Department to provide ~~residential or partial care services for~~ to 10 or fewer ~~clients residents~~;
  8. Hospice inpatient facilities, ~~as defined in A.A.C. R9-10-101 and licensed under~~ 9 A.A.C. 10, Article 8 ~~6~~, that ~~are authorized by the Department to provide services for~~ have 20 or fewer patients;
  9. ~~Substance abuse transitional facilities~~, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 14, that are ~~authorized by the Department to provide services to~~ 10 or fewer participants;
  10. Behavioral health respite homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 16;
  11. Adult behavioral health therapeutic homes, as defined in A.A.C. R9-10-101 and licensed under 9 A.A.C. 10, Article 18;
  - 9-12. Food or drink that is:
    - a. Served at a noncommercial social event ~~that takes place at a workplace~~, such as a potluck;
    - b. Prepared at a cooking school if:
      - i. The cooking school is conducted in the kitchen of an owner-occupied home,
      - ii. Only one meal per day is prepared and served by students of the cooking school,



- iii. The meal prepared at the cooking school is served to not more than 15 students of the cooking school, and
- iv. The students of the cooking school are provided with written notice that the food is prepared in a kitchen that is not regulated or inspected by a REGULATORY AUTHORITY;
- c. Not potentially hazardous and prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes;
- d. Prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled, such as an employee recognition, an employee fund-raising, or an employee social event;
- e. Offered at a child care facility and limited to commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut onsite for immediate consumption; or
- f. Offered at locations that sell only commercially prepackaged food or drink that is not potentially hazardous ~~and that is displayed in an area of less than 10 linear feet; and~~

~~10-13.~~ Baked or confectionary goods that are:

- a. Not potentially hazardous;
- b. Prepared in the kitchen of a private home for commercial purposes by or under the supervision of an individual who has obtained a food handler's card, if issued by the county in which the individual resides, and is registered with the Department, as required in A.R.S. § ~~36-136(H)(4)(g)~~ 36-136(I)(4)(g); and
- c. Labeled with:
  - i. The name, address, and telephone number of the individual registered with the Department;
  - ii. A list of the ingredients in the baked or confectionary goods;
  - iii. A statement that the baked or confectionary goods are prepared in a private home; and
  - iv. If applicable, a statement that the baked or confectionary goods are prepared in a facility for individuals with developmental disabilities; and

14. Fruits and vegetables grown in a garden at a public school, as defined in A.R.S. § 15-101, that are washed and cut on-site for immediate consumption.

- C. A kitchen in a private home in which baked or confectionary goods are prepared that meets the requirements in A.R.S. § ~~36-136(H)(4)(g)~~ 36-136(I)(4)(g) and ~~(H)(13)~~ (I)(13) and subsection ~~(B)(10)~~ (B)(13) is an approved source of baked or confectionary goods for retail sale.



**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  
DEPARTMENT OF HEALTH SERVICES  
HEALTH CARE INSTITUTIONS: LICENSING**

[R18-122]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
- Articles and their headings:** 13, Behavioral Health Specialized Transitional Facility
- Section numbers:** R9-10-1302, R9-10-1307, R9-10-1309, R9-10-1310, and R9-10-1312  
*(The Department may add, delete, or modify other Sections, as necessary.)*

**2. The subject matter of the proposed rules:**  
In order to ensure public health, safety, and welfare, Arizona Revised Statutes (A.R.S.) §§ 36-405 and 36-406 require the Arizona Department of Health Services (Department) to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. Pursuant to Arizona Administrative Code (A.A.C.) R9-10-101(31), a "[b]ehavioral health specialized transitional facility" means a health care institution that provides inpatient behavioral health services and physical health services to an individual determined to be a sexually violent person according to A.R.S. Title 36, Chapter 37." Specific rules for Arizona's sole behavioral health specialized transitional facility, the Arizona Community Protection and Treatment Center (ACPTC), may be found in A.A.C Title 9, Chapter 10, Article 13. Although the rules were made in 2013 and all but two revised in 2014, several issues have arisen that need to be addressed. Among them is that ACPTC is prohibited, according to the current requirement in R9-10-1309, from placing patients in seclusion (locked rooms) under emergency circumstances. Instead, staff must immediately resort to physically restraining patients, a more punitive and severe alternative than seclusion. The inability to place patients in seclusion has resulted in ACPTC receiving complaints from patients, potentially increasing costs and incurring unnecessary liability. As described in a five-year-review report for 9 A.A.C. 10, Article 13, approved by the Governor's Regulatory Review Council on January 9, 2018, the Department is revising the rules in 9 A.A.C. 10, Article 13, by expedited rulemaking to clarify the permissible use of seclusion in behavioral health specialized transitional facility clinical environments and address other issues described in the five-year-review report. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

**3. A citation to all published notices relating to the proceeding:**  
None

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

Name: Colby Bower, Assistant Director  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 510  
 Phoenix, AZ 85007  
 Telephone: (602) 542-6383  
 Fax: (602) 364-4808  
 E-mail: Colby.Bower@azdhs.gov  
 or  
 Name: Robert Lane, 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. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined.  
No oral proceedings have been scheduled at this time.

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

To be announced in the Notice of Proposed Rulemaking



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## NOTICES OF PUBLIC INFORMATION

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Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

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### NOTICE OF PUBLIC INFORMATION ARIZONA STATE RETIREMENT SYSTEM

[M18-54]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

Title: Compensation for ASRS Purposes  
Number: Not numbered

**2. The public information relating to the substantive policy statement:**

Effective June 12, 2018, the ASRS is rescinding the substantive policy statement identified above. This substantive policy statement is no longer necessary because the ASRS allowed the rules contained in 2 A.A.C. 8, Article 9, to expire which makes the substantive policy statement obsolete.

**3. The agency contact person who can answer questions about this notice of public information:**

Name: Jessica A.R. Thomas, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012  
Telephone: (602) 240-2039  
E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)  
Website: [www.azasrs.gov](http://www.azasrs.gov)



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(9)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
BOARD OF NURSING

[M18-55]

- 1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced: Revised - Alternative to Discipline (ATD) Chemically Addicted Nurse Diversion Option "CANDO" Pathway, Eligibility and Admission Policy
2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date: January 27, 2010; May 18, 2018
3. Summary of the contents of the substantive policy statement: To define the eligibility criteria for acceptance and participation in the Board's Alternative to Discipline ("ATD") Program for the treatment, rehabilitation and monitoring of licensees with substance use disorders.
4. Federal or state constitutional provision: federal or state statute, administrative rule, or regulation: or final court judgment that underlies the substantive policy statement: A.R.S. § 32-1605.01(B)(7)(a), (b), (c), (d), (e)
5. A statement as to whether the substantive policy statement is a new statement of a revision: Revision
6. The agency contact person who can answer questions about the substantive policy statement: Name: Joey Ridenour, RN, MN, FAAN, Executive Director; Address: State Board of Nursing, 1740 W. Adams St., Suite 2000, Phoenix, AZ 85014; Telephone: (602) 771-7801; E-mail: http://www.azbn.gov/resources/substantive-policies/
7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement: Copies of this policy statement may be obtained at no cost via e-mail to the person listed above or on the Board website: www.azbn.gov. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
BOARD OF NURSING

[M18-56]

- 1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced: Revised Administrative Violation: Administrative Penalty Practicing on Expired or Without a License
2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date: October 14, 2009; July 19, 2012; May 18, 2018
3. Summary of the contents of the substantive policy statement: This policy describes the board process regarding an administrative violation and imposing an administrative penalty for practicing without a license/certificate.



**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. § 32-1663.01(A)(1), (2), (3), (4)

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

This is a second revision.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Joey Ridenour, RN, MN, FAAN, Executive Director

Address: State Board of Nursing  
1740 W. Adams St., Suite 2000  
Phoenix, AZ 85014

Telephone: (602) 771-7801

E-mail: <http://www.azbn.gov/resources/substantive-policies/>

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above or on the Board website: [www.azbn.gov](http://www.azbn.gov). Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



GOVERNOR EXECUTIVE ORDER

Executive Order 2018-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the Register until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02

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

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue 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; and

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed; and

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:

- 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 federal court 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. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



6. A State agency subject to this Order, shall review the agency's rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
7. 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.
8. 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.
9. This Executive Order expires on December 31, 2018.

**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 Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

**ATTEST:**

**Michele Reagan**  
**SECRETARY OF STATE**

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**COUNTY NOTICES ACCORDING TO A.R.S. § 49-112**

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This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in the Arizona Rulemaking Manual.

With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

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**NOTICE OF RULEMAKING DOCKET OPENING  
MARICOPA COUNTY AIR QUALITY DEPARTMENT**

[M18-57]

- 1. Title and its heading:** Maricopa County Air Pollution Control Regulations  
**Regulation and its heading:** Regulation III – Control of Air Contaminants  
**Rule and its heading:** Rule 360, New Source Performance Standards  
Rule 370, Federal Hazardous Air Pollutant Program  
Rule 371, Acid Rain  
Appendix G, Incorporated Materials
- 2. The subject matter of the proposed rule(s):**

The Maricopa County Air Quality Department (MCAQD) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register, including actions related to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). This incorporation by reference is necessary before requesting the EPA's delegation of authority to enforce the federal rules documented in the Maricopa County Air Pollution Control Regulations Rules 360, 370, 371, and Appendix G. These rules implement federal requirements according to each federal program identified or applicable source type subject to these regulations. As part of this rulemaking, the MCAQD may propose other additions, deletions, or modifications to these rules, or other rules, as necessary. Maricopa County will reference this rulemaking in the Maricopa County Enhanced Regulatory Outreach Program as "AQ-2018-001-Incorporation by Reference".
- 3. A citation to all published notices relating to this proceeding:**

None published
- 4. The name and address of department personnel with whom persons may communicate regarding the proposed rule(s):**

Name: Cheri Dale or Hether Krause  
Address: Maricopa County Air Quality Department  
Planning and Analysis Division  
1001 N. Central Ave., Suite 125  
Phoenix, AZ 85004  
Telephone: (602) 506-6010  
Fax: (602) 506-6179  
Submit Comments at: <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>
- 5. The time during which the department will accept written comments and the time and place where oral comments may be made:**

Written comments concerning this rulemaking can be submitted at <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>. Additional information concerning the submittal of written comments and the time and place where oral comments may be made will be announced in the Notice of Expedited Rulemaking.
- 6. A timetable for department decisions or other action on the proceeding, if known:**

To be announced in the Notice of Expedited Rulemaking. The rulemaking process can be followed at <http://www.maricopa.gov/3536/Active-Regulatory-Process>.



## REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

### **PROPOSED RULEMAKING**

PN = Proposed new Section  
 PM = Proposed amended Section  
 PR = Proposed repealed Section  
 P# = Proposed renumbered Section

### **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**

#### **PROPOSED SUMMARY**

PSMN = Proposed Summary new Section  
 PSMM = Proposed Summary amended Section  
 PSMR = Proposed Summary repealed Section  
 PSM# = Proposed Summary renumbered Section

#### **FINAL SUMMARY**

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

### **EXPEDITED RULEMAKING**

#### **PROPOSED EXPEDITED**

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**

#### **EXEMPT PROPOSED**

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

#### **EXEMPT SUPPLEMENTAL PROPOSED**

SPXN = Supplemental Proposed Exempt new Section  
 SPXR = Supplemental Proposed Exempt repealed Section  
 SPXM = Supplemental Proposed Exempt amended 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

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**RULES EFFECTIVE DATES CALENDAR**

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
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1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



**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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
March 23, 2018	April 13, 2018	May 14, 2018
March 30, 2018	April 20, 2018	May 21, 2018
April 6, 2018	April 27, 2018	May 29, 2018
April 13, 2018	May 4, 2018	June 4, 2018
April 20, 2018	May 11, 2018	June 11, 2018
April 27, 2018	May 18, 2018	June 18, 2018
May 4, 2018	May 25, 2018	June 25, 2018
May 11, 2018	June 1, 2018	July 2, 2018
May 18, 2018	June 8, 2018	July 9, 2018
May 25, 2018	June 15, 2018	July 16, 2018
June 1, 2018	June 22, 2018	July 23, 2018
June 8, 2018	June 29, 2018	July 30, 2018
June 15, 2018	July 6, 2018	August 6, 2018
June 22, 2018	July 13, 2018	August 13, 2018
June 29, 2018	July 20, 2018	August 20, 2018
July 6, 2018	July 27, 2018	August 27, 2018
July 13, 2018	August 3, 2018	September 4, 2018
July 20, 2018	August 10, 2018	September 10, 2018
July 27, 2018	August 17, 2018	September 17, 2018
August 3, 2018	August 24, 2018	September 24, 2018
August 10, 2018	August 31, 2018	October 1, 2018
August 17, 2018	September 7, 2018	October 9, 2018
August 24, 2018	September 14, 2018	October 15, 2018
August 31, 2018	September 21, 2018	October 22, 2018
September 7, 2018	September 28, 2018	October 29, 2018
September 14, 2018	October 5, 2018	November 5, 2018
September 21, 2018	October 12, 2018	November 13, 2018
September 28, 2018	October 19, 2018	November 19, 2018
October 5, 2018	October 26, 2018	November 26, 2018
October 12, 2018	November 2, 2018	December 3, 2018



### 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 5 p.m. 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 <http://grrc.az.gov>.

#### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday January 3, 2018	Tuesday January 9, 2018
Tuesday December 19, 2017	Tuesday January 23, 2018	Tuesday January 30, 2018	Tuesday February 6, 2018
Tuesday January 23, 2018	Tuesday February 20, 2018	Tuesday February 27, 2018	Tuesday March 6, 2018
Tuesday February 20, 2018	Tuesday March 20, 2018	Tuesday March 27, 2018	Tuesday April 3, 2018
Tuesday March 20, 2018	Tuesday April 17, 2018	Tuesday April 24, 2018	Tuesday May 1, 2018
Tuesday April 17, 2018	Tuesday May 22, 2018	Wednesday May 30, 2018	Tuesday June 5, 2018
Tuesday May 22, 2018	Tuesday June 19, 2018	Tuesday June 26, 2018	Tuesday July 10, 2018
Tuesday June 19, 2018	Tuesday July 24, 2018	Tuesday July 31, 2018	Tuesday August 7, 2018
Tuesday July 24, 2018	Tuesday August 21, 2018	Tuesday August 28, 2018	Wednesday September 5, 2018
Tuesday August 21, 2018	Tuesday September 18, 2018	Tuesday September 25, 2018	Tuesday October 2, 2018
Tuesday September 18, 2018	Tuesday October 23, 2018	Tuesday October 30, 2018	Tuesday November 6, 2018
Tuesday October 23, 2018	Tuesday November 20, 2018	Tuesday November 27, 2018	Tuesday December 4, 2018
Tuesday November 20, 2018	Tuesday December 18, 2018	Thursday January 3, 2019	Tuesday January 8, 2019
Tuesday December 18, 2018	Tuesday January 22, 2019	Tuesday January 29, 2019	Tuesday February 5, 2019

\* Materials must be submitted by 5 PM 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 JUNE 5, 2018 MEETING**

[M18-53]

**Rules:****BOARD OF TECHNICAL REGISTRATION (R-18-0601)**

Title 4, Chapter 30, Article 1, General Provisions; Article 2, Registration Provisions; Article 3, Regulatory Provisions

- Amend:** R4-30-101; R4-30-102; R4-30-106; R4-30-107; R4-30-120; R4-30-121; R4-30-123;  
R4-30-126; R4-30-201; R4-30-202; R4-30-203; R4-30-204; R4-30-208; R4-30-209;  
R4-30-210; R4-30-214; R4-30-222; R4-30-242; R4-30-247; R4-30-254; R4-30-282;  
R4-30-284; R4-30-301; R4-30-301.01; R4-30-303; R4-30-304; Appendix A
- Repeal:** R4-30-103; R4-30-202.01; R4-30-252; R4-30-262; R4-30-264; R4-30-270; R4-30-271;  
R4-30-272; R4-30-305; Appendix B

**COUNCIL ACTION: APPROVED****DEPARTMENT OF HEALTH SERVICES (R-18-0602)**

Title 9, Chapter 8, Article 1, Food and Drink

- Amend:** R9-8-102

**COUNCIL ACTION: APPROVED****DEPARTMENT OF ECONOMIC SECURITY (R-18-0603)**

Title 6, Chapter 6, Article 3, Eligibility for Developmental Disabilities Services; Article 5, Admission/Redetermination/Termination

- Amend:** R6-6-302; R6-6-303
- New Section:** R6-6-301; R6-6-304; R6-6-305; R6-6-306; R6-6-307; R6-6-308; R6-6-309
- Renumber:** R6-6-302; R6-6-303
- Repeal:** R6-6-303; Article 5; R6-6-501; R6-6-502; R6-6-503; R6-6-504; R6-6-505

**COUNCIL ACTION: APPROVED****ARIZONA STATE RETIREMENT SYSTEM (R-18-0604)**

Title 2, Chapter 8, Article 1, Retirement System

- Amend:** R2-8-104; R2-8-116; R2-8-118; R2-8-122; R2-8-124; R2-8-125

**COUNCIL ACTION: APPROVED****DEPARTMENT OF ENVIRONMENTAL QUALITY (R-18-0605)**

Title 18, Chapter 2, Article 7, Existing Stationary Source Performance Standards; Article 9, New Source Performance Standards

- Amend:** R18-2-731; R18-2-901

**COUNCIL ACTION: APPROVED****AHCCCS (R-18-0506)**Title 9, Chapter 22, Articles 2, 3, 7, 12, 15, and 19  
Title 9, Chapter 28, Article 4  
Title 9, Chapter 29, Article 2

- Amend:** R9-22-202; R9-22-703; R9-22-1202; R9-22-1501; R9-28-401.01; R9-29-210
- Repeal:** R9-22-303; R9-22-1910

**COUNCIL ACTION: TABLED**



***Five-Year Review Reports:***

**DEPARTMENT OF CHILD SAFETY (F-18-0602)**

Title 21, Chapter 1, Article 3, Appeals and Hearing Procedures; Article 5, Substantiation of Report Findings

COUNCIL ACTION: **APPROVED**

**ARIZONA STATE RETIREMENT SYSTEM**

- R2-8-901: Definitions
- R2-8-902: Compensation for Remitting Contributions
- R2-8-903: Compensation for Pension Calculations
- R2-8-904: Accrual of Credited Service
- R2-8-905: Compensation from An Additional Employer

COUNCIL ACTION: **REPORT REQUIRED BY JUNE 12, 2018**