



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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

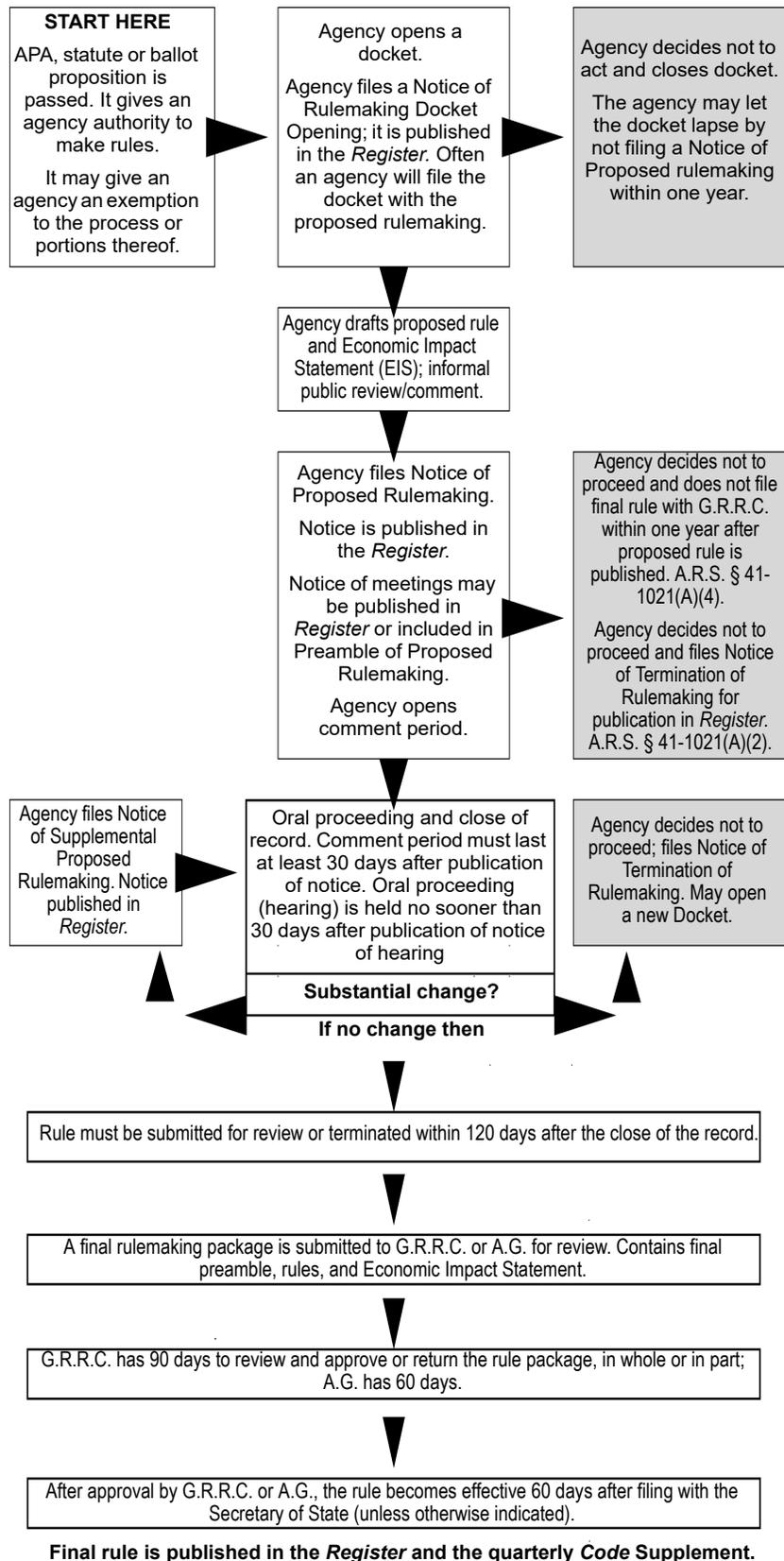
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.

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

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

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

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

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

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.

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 PROPOSED RULEMAKING

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

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 15. DEPARTMENT OF WATER RESOURCES**

[R18-169]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R12-15-722 | Amend |
| R12-15-723 | Amend |
| R12-15-725 | Amend |
| R12-15-725.01 | Repeal |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 45-105(B)(1) and 45-576(H)
 Implementing statute: A.R.S. § 45-576
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2503, September 7, 2018 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|---|
| Name: | Jeff Tannler, Statewide Active Management Area Director |
| Address: | Arizona Department of Water Resources
1110 W. Washington St., Suite 310
Phoenix, AZ 85007 |
| Telephone: | (602) 771-8424 |
| Fax: | (602) 771-8686 |
| E-mail: | jmtannler@azwater.gov |
| Name: | Ayesha Vohra, Deputy Counsel |
| Address: | Arizona Department of Water Resources
1110 W. Washington St., Suite 310
Phoenix, AZ 85007 |
| Telephone: | (602) 771-8472 |
| Fax: | (602) 771-8686 |
| E-mail: | avohra@azwater.gov |
- 5. An explanation of the rule, including the agency’s reasons for initiating the rule:**
Reasons for Initiating the Rulemaking
 Developers of new subdivisions within an Active Management Area (“AMA”) must either obtain a certificate of assured water supply (“AWS”) from the Arizona Department of Water Resources (“Department”) or obtain a commitment of water service from a municipal water provider designated by the Department as having an AWS prior to the sale of any lots. A.R.S. § 45-576(A). One of several requirements to obtain a certificate or designation of AWS is to demonstrate that any groundwater use is consistent with the management goal of the AMA. The management goal of the Pinal AMA, where a predominately agricultural economy exists, is to allow development of non-irrigation uses and to preserve existing agricultural economies for as long as feasible, consistent with the necessity to preserve future water supplies for non-irrigation uses. A.R.S. § 45-562(B).



One of the methods for demonstrating consistency with the management goal for groundwater use in the Pinal AMA is through the use of extinguishment credits. Under the Department's AWS Rules, when a grandfathered groundwater right is extinguished, the Department issues extinguishment credits that can be used by a developer or municipal water provider to demonstrate that a specified volume of groundwater use by the development or water provider will be consistent with the management goal of the AMA.

Another method of demonstrating that groundwater use is consistent with the management goal of the AMA is through the use of a groundwater allowance established in the Department's AWS rules. Currently, under the Department's rules, an applicant for a certificate of AWS receives a certain volume of groundwater allowance. Like extinguishment credits, a groundwater allowance represents a volume of groundwater that can be used to serve a subdivision consistent with the management goal.

Prior to 2007, the amount of extinguishment credits issued for the extinguishment of grandfathered groundwater rights in the Pinal AMA was an annual volume that remained the same each year, regardless of when the right was extinguished. In 2007, the Department amended the rule governing the calculation of extinguishment credits in the Pinal AMA, R12-15-725, to provide for a gradual reduction in the amount of credits given for the extinguishment of grandfathered groundwater rights, depending on when the extinguishment occurs. Under the rule as amended, the first reduction in the allocation factor for calculating extinguishment credits was to take effect on January 1, 2010, with additional reductions each year thereafter until 2054, when no credits would be given for the extinguishment of a grandfathered right.

One of the major reasons for the 2007 amendment was that residential development in the Pinal AMA was increasing rapidly, and the rate of development was projected to continue for the foreseeable future. Some of this development was anticipated to result in the extinguishment of Irrigation Grandfathered Rights ("IGFRs") for extinguishment credits. Extinguishment of IGFRs under the extinguishment credit rule in effect at that time, combined with rapid development, could have led to a sharp increase in unreplenished groundwater pumping. The 2007 amendment was designed to reduce potential unreplenished groundwater pumping.

Shortly after the 2007 rule amendment, the Arizona real estate market began experiencing a significant downturn and residential development in the Pinal AMA slowed dramatically. In 2009, landowners and irrigation districts in the Pinal AMA expressed concerns to the Department that implementation of the reduction in extinguishment credits as scheduled could result in owners of farm land in the AMA prematurely extinguishing their IGFRs before the first reduction in credits was to take effect on January 1, 2010. It was feared that this would exacerbate the effects of the economic recession in the area by prematurely taking more lands out of agricultural production and increasing the water and power costs for those lands that continued to be farmed.

Consistent with the Pinal AMA management goal of preserving the agricultural economy for as long as feasible while ensuring water supply availability for future municipal and industrial water uses, the Department amended rule R12-15-725 in 2009 to delay the effective date of the first reduction of the allocation factor for calculating extinguishment credits in the Pinal AMA until 2014. It was felt that by 2014, economic conditions in the AMA would improve sufficiently so that implementation of the reduction in extinguishment credits at that time would not have a significant negative impact on the local economy. Through the 2009 amendment, the allocation factors for calendar years 2010 through 2013 were increased to 100, and the allocation factors for calendar years 2014 through 2016 were increased to 94, 88 and 82, respectively. No changes were made to the allocation factors for calendar years 2017 and thereafter.

In 2013, a group of stakeholders in the Pinal AMA requested that the Department again delay the reduction in the allocation factor used to calculate extinguishment credits in the Pinal AMA because economic conditions in the area had not improved as much as expected when rule R12-15-725 was amended in 2009. In response to this request, the Department again amended the Pinal AMA AWS rules to temporarily delay the first reduction in the allocation factor until September 15, 2014. This was accomplished through the adoption of two new rules, R12-15-725.01 and R12-15-725.02.

The combined effect of the adoption of R12-15-725.01 and R12-15-725.02 was that the first reduction in the allocation factor was delayed until September 15, 2014, when the reduction schedule adopted in 2009 was to become effective again. The temporary delay in the reduction schedule was designed to allow water users and other interested parties in the Pinal AMA to work together to examine conditions within the AMA and consider alternatives for meeting the Pinal AMA's management goal.

Again in 2014, a group of stakeholders in the Pinal AMA requested that the Department delay the first reduction in the Pinal AMA extinguishment credit calculation allocation factor. The stakeholders requested a delay until January 1, 2019 so that they could explore alternative solutions to extinguishment credit reductions in the AMA and make recommendations before the first extinguishment credit reduction would become effective in 2019. In response, the Department again amended the Pinal AMA AWS rules in 2014 to postpone the first allocation factor reduction until January 1, 2019.

Following the Department's amendment of the Pinal AMA AWS rules in 2014, a group of stakeholders in the Pinal AMA held several meetings to consider changes to both the extinguishment credit rule and the rule providing for a groundwater allowance for new certificates of AWS. Earlier this year, Stephen Q. Miller, Chairman of the Pinal AMA stakeholders group, requested that the Department amend the Pinal AMA AWS rules to: (1) modify the method of calculating extinguishment credits in the Pinal AMA for new certificates of AWS, (2) limit the amount of groundwater that may be made consistent with the Pinal AMA management goal with the use of extinguishment credits for new certificates of AWS, and (3) eliminate the groundwater allowance for new certificates of AWS. After considering this request, the Department agrees that the requested rule amendments should be made. These amendments will serve to both eliminate the concerns of IGFR holders that the current rule may result in IGFR holders extinguishing their grandfathered groundwater rights prematurely as well as potentially reduce the amount of future unreplenished groundwater use by new subdivisions.

Explanation of the Rules

1. Amendments relating to extinguishment credit calculation and use of credits

The Department is proposing to repeal rule R12-15-725.01, which contains the extinguishment credit calculation for the Pinal AMA, and add a new subsection (B) to rule R12-15-725 that contains the extinguishment credit calculation. This will combine the Pinal AMA groundwater allowance calculation and extinguishment credit calculation into one rule. The Department's new pro-



posed extinguishment credit calculation in rule R12-15-725(B) no longer includes a declining allocation factor. Under the new proposed calculation, all new extinguishments, regardless of when they occur, would be calculated in the same manner. For all new extinguishments, the initial amount of extinguishment credits given for the extinguishment would be calculated using the same formula that is currently used to calculate extinguishment credits. However, once extinguished, if 25 percent of the extinguishment credits are not used in each five-year period after extinguishment, the total amount of extinguishment credits will be reduced so that in the fifth year only 75 percent of the original amount of extinguishment credits remain, 50 percent in the 10th year, 25 percent in the 15th year, and zero percent in the 20th year.

The Department is proposing to amend rule R12-15-722(C) to limit, for certificates of AWS, the volume of groundwater use that can be made consistent with the management goal with the use of extinguishment credits created after January 1, 2019. Under the proposed amendment, for certificates, in years six through 10 only 75 percent of total groundwater use may be made consistent with the management goal through the use of those extinguishment credits. The percentage declines over time as follows: 50 percent for years 11 through 15, 25 percent for years 16 through 20, and zero percent for years 21 and after.

This amendment is being proposed to avoid Central Arizona Groundwater Replenishment District (CAGR) replenishment fee rate shock to future homeowners in subdivisions with a certificate of AWS issued based on a combination of extinguishment credits issued after January 1, 2019 and CAGR membership. Under the proposed amendments to the extinguishment credit calculation in rule R12-15-725, unused extinguishment credits created in the Pinal AMA after January 1, 2019 will decline to zero after 20 years. With the proposed declining extinguishment credits, it is anticipated that a steep increase in CAGR fees likely would be experienced by homeowners in subdivisions with certificates relying on new extinguishment credits. The proposed amendment ensures that subdivisions with certificates relying on new extinguishment credits will be required to gradually “ramp down” annual extinguishment credit use and gradually “ramp up” annual CAGR replenishment to make subdivision groundwater use consistent with the Pinal AMA management goal.

The Department is proposing to amend R12-15-723(D)(5) to make a conforming change by deleting the language in subsection (D)(5) that states that grandfathered rights cannot be extinguished in the Pinal AMA in the first calendar year in which the allocation factor for the extinguishment of a grandfathered right is zero. Because the Department is proposing to eliminate the current declining allocation factor, under the proposed rule changes, grandfathered rights can be extinguished in perpetuity.

2. Amendments relating to the groundwater allowance

The Department proposes to amend the groundwater allowance calculation for certificates of AWS in R12-15-725 by eliminating the groundwater allowance for certificate applications filed on or after January 1, 2019. Currently, the rule provides for a groundwater allowance for certificate applications until January 1, 2025. The Department proposes to make this change by deleting the table containing allocation factors used to calculate the groundwater allowance for applications filed during the first through fifth management periods and replacing the table with two new subsections. New subsection (A)(1)(a) provides that for certificate applications in the Pinal AMA filed before January 1, 2019, the groundwater allowance is calculated by multiplying the annual estimated water demand of the subdivision by 10 (this is the current formula). New subsection (A)(1)(b) provides that for certificate applications filed on or after January 1, 2019, the groundwater allowance is zero.

3. Effective date of rule amendments

The Department will request that the Governor’s Regulatory Review Council approve the R12-15-722, R12-15-723, and R12-15-725 rule amendments and rule R12-15-725.01 repeal with an immediate effective date so that they become effective immediately upon filing with the Office of the Secretary of State pursuant to A.R.S. § 41-1032(A)(4), which provides that a rule may be effective immediately if the rule provides a benefit to the public and a penalty is not associated with a violation of the rule. Modifying the method of calculating extinguishment credits in the Pinal AMA and limiting the amount of groundwater that may be made consistent with the Pinal AMA management goal with the use of new extinguishment credits for certificates of AWS will provide a benefit to the public by eliminating the pressure on IGFR holders to prematurely extinguish their grandfathered groundwater rights before the first allocation factor reduction in 2019, potentially reducing future unreplenished groundwater use in the AMA, and reducing the possibility that future certificate of AWS subdivision homeowners will experience an abrupt CAGR replenishment fee increase. Additionally, no penalty is associated with a violation of the rules. Lastly, the Department is requesting an immediate effective date in order to allow the rule amendments and repeal to take effect before January 1, 2019 when the first allocation factor reduction is scheduled to occur under R12-15-725.01.

Eliminating the groundwater allowance for new certificates of AWS will provide a benefit to the public by potentially reducing future unreplenished groundwater use in the Pinal AMA. No penalty is associated with a violation of the rule.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes 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

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

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rule amendments related to extinguishment credits will have potential positive economic impacts on IGFR holders who would have prematurely extinguished their IGFRs under the existing rules, but who will retain their IGFRs until it is most advantageous to extinguish. These IGFR holders may benefit in the following ways: (1) by continuing farming operations so that they can receive an income from the land, and (2) by maintaining the lower tax rates applicable to agricultural land uses. The rule amendment will likely have positive economic impacts on businesses within the Pinal AMA that sell farming materials, such as seed and



equipment.

The rule changes related to extinguishment credits may result in reduced CAGR fees for future homeowners within the Pinal AMA who purchase homes in subdivisions with AWS determinations based wholly or in part on extinguishment credits created in the later years of the current rule allocation factor table. Additionally, the rule changes may also have a positive economic impact on future homeowners in the Pinal AMA in subdivisions with certificates issued after January 1, 2019 based in part on extinguishment credits due to the proposed extinguishment credit use limitations in R12-15-722(C) designed to avoid abrupt increases in CAGR replenishment fees.

The rule amendment will likely have no economic impact on the Department. The Department does not believe that any new full-time employees would be necessary to implement the proposed rule amendments. The rule amendments related to extinguishment credits may have a negative economic impact on governmental entities that receive tax revenues from the real estate taxes assessed on lands within the Pinal AMA, such as Pinal County and Maricopa County. Some lands within the AMA that otherwise would have been taken out of agricultural production may remain in agricultural production. These lands would retain their lower agricultural tax status during that period. However, the loss in real estate tax revenue may be offset by more revenues from other taxes paid by the persons farming the lands, such as income taxes and sales taxes.

The rule amendment related to extinguishment credits may result in more IGFR groundwater withdrawals within the Pinal AMA, as some IGFR holders will likely continue irrigating their lands with groundwater longer under the proposed rule modification than under the current extinguishment credit rules. However, because under the proposed rule amendments, extinguishment credits created on or after January 2, 2019 decline by 25 percent every five years unless used, the rule amendments may reduce the amount of unreplenished groundwater that would have been pumped to support future AWS determinations under the current rule. This likely will have a positive economic impact on all water users and businesses in the Pinal AMA by reducing the mining of groundwater in the AMA. The amendment could result in higher CAGR fees for some future homeowners in the Pinal AMA.

The rule amendment eliminating the groundwater allowance for certificate applications filed on or after January 1, 2019 may also reduce the amount of unreplenished groundwater that would have been pumped to support future AWS determinations under the current rules. This likely will have a positive economic impact on all water users and businesses in the Pinal AMA by reducing the mining of groundwater in the AMA. The amendment could result in higher CAGR fees for some future homeowners in the Pinal AMA.

9. The name and address of the agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Jeff Tannler, Statewide AMA Director
Telephone: (602) 771-8424
Fax: (602) 771-8686
E-mail: jmtannler@azwater.gov

10. The time, place, and nature of the proceedings for the making, amendment, or receipt of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department will hold an oral proceeding on the proposed rulemaking on Tuesday, October 9, 2018, at 10:00 a.m., at the following location:

City of Casa Grande City Hall
Council Chambers
510 E. Florence Blvd.
Casa Grande, AZ 85122

Written comments may be submitted at any time prior to the close of the public record on Tuesday, October 9, 2018 at 5:00 p.m. Written comments not submitted at the oral proceeding described above should be submitted to:

Name: Sharon Scantlebury, Docket Supervisor
Address: Arizona Department of Water Resources
1110 W. Washington St., Suite 310
Phoenix, AZ 85007
Telephone: (602) 771-8472
Fax: (602) 771-8687
E-mail: sscantlebury@azwater.gov

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:



**TITLE 12. NATURAL RESOURCES
CHAPTER 15. DEPARTMENT OF WATER RESOURCES**

ARTICLE 7. ASSURED AND ADEQUATE WATER SUPPLY

Section

- R12-15-722. Consistency with Management Goal
- R12-15-723. Extinguishment Credits
- R12-15-725. Pinal AMA — ~~Groundwater Allowance Calculation of Groundwater Allowance and Extinguishment Credits~~
- R12-15-725.01. Pinal AMA — ~~Extinguishment Credits Calculation Repealed~~

ARTICLE 7. ASSURED AND ADEQUATE WATER SUPPLY

R12-15-722. Consistency with Management Goal

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. No change
- C. For a certificate in the Pinal AMA, the Director shall calculate the volume of groundwater that may be used consistent with the management goal of the AMA for at least 100 years by adding the following:
 - 1. No change
 - 2. The amount of any extinguishment credits pledged to the certificate for a grandfathered right that was extinguished on or after January 1, 2019, according to R12-15-725(B), except that annual reported use of such extinguishment credits to make groundwater use consistent with the management goal is limited to the following percentages of groundwater use from the sixth year after certificate issuance:

<u>Years After Certificate Issuance</u>	<u>Percentage of Total Groundwater Use that May Be Made Consistent with the Pinal AMA Management Goal with Extinguishment Credits Pledged to Certificate</u>
<u>Years Six through Ten</u>	<u>75%</u>
<u>Years Eleven through Fifteen</u>	<u>50%</u>
<u>Years Sixteen through Twenty</u>	<u>25%</u>
<u>Years Twenty-one and After</u>	<u>0%</u>

- 23. The amount of any extinguishment credits pledged to the certificate for a grandfathered right that was extinguished on or after October 1, 2007, ~~according to R12-15-725(B)~~ and before January 1, 2019.
- 34. The amount of any extinguishment credits pledged to the certificate for a grandfathered right that was extinguished before October 1, 2007. The Director shall calculate the amount of the extinguishment credits by multiplying the annual amount of the credits by 100.
- 45. Any groundwater that is consistent with achievement of the management goal pursuant to A.R.S. Title 45, Chapter 2.
- D. No change
- E. For a designation in the Pinal AMA, the Director shall calculate the volume of groundwater that may be used consistent with the management goal of the Pinal AMA on an annual basis for at least 100 years by adding the following for each year during the 100-year period:
 - 1. No change
 - 2. The amount of any extinguishment credits pledged to the designation for a grandfathered right that was extinguished on or after January 1, 2019, divided by the number of years remaining in which the credits may be used pursuant to R12-15-725(B). These credits shall be included in the calculation only for those years in which the credits may be used. If any of the extinguishment credits were originally pledged to a certificate and are being used to support the municipal provider's designation pursuant to R12-15-723(G)(2), the extinguishment credits shall not be limited by the percentages in subsection (C)(2) of this section.
 - 23. The amount of any extinguishment credits pledged to the designation for a grandfathered right that was extinguished on or after October 1, 2007 and before January 1, 2019, according to R12-15-725(B), divided by 100. Extinguishment credits for a grandfathered right that was extinguished on or after October 1, 2007 and before January 1, 2019 may be used in any year.
 - 34. The annual amount of any extinguishment credits pledged to the designation for a grandfathered right that was extinguished before October 1, 2007. The following shall apply if any of the extinguishment credits are not used during a calendar year:
 - a. If the extinguishment credits were pledged to the designation before October 1, 2007, any extinguishment credits not used during a calendar year shall be added to the volume calculated under this subsection for the following calendar year.
 - b. If the extinguishment credits are pledged to the designation on or after October 1, 2007, any of the extinguishment credits not used during a calendar year shall not be added to the volume calculated under this subsection for the following calendar year, except that if the extinguishment credits were originally pledged to a certificate before October 1, 2007 and are used to support the municipal provider's designation pursuant to R12-15-723(G)(2), any of the extinguishment credits not used during a calendar year shall be added to the volume calculated under this subsection for the following calendar year.



- 45. Any groundwater that is consistent with the achievement of the management goal pursuant to A.R.S. Title 45, Chapter 2.
- F. For a designation in the Pinal AMA, the Director shall determine that the proposed groundwater use is consistent with the management goal of the Pinal AMA if the ~~annual~~ volume calculated in subsection (E) of this Section for each year during the 100-year period is equal to or greater than the portion of the applicant’s annual estimated water demand to be met with groundwater.
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change
- H. No change

R12-15-723. Extinguishment Credits

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - 5. No change
 - 6. No change
- B. No change
- C. No change
- D. The following rights may not be extinguished in exchange for extinguishment credits:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. ~~Any grandfathered right in the Pinal AMA beginning in the first calendar year in which the allocation factor for the extinguishment of a grandfathered right is zero, pursuant to R12-15-725(B)(3) or (4).~~
 - 65. A Type 1 non-irrigation grandfathered right that was requested to be included by a city or town in the Tucson AMA in the determination made under A.R.S. § 45-463(F).
- E. No change
- F. No change
- G. No change
 - 1. No change
 - 2. No change
- H. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
- J. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- K. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- L. No change

R12-15-725. Pinal AMA — ~~Groundwater Allowance Calculation of Groundwater Allowance and Extinguishment Credits~~

- A. The Director shall calculate the groundwater allowance for a certificate or designation in the Pinal AMA as follows:
 - 1. If the application is for a certificate, ~~multiply the applicable allocation factor in the table below for the management period in effect on the date of application by the annual estimated water demand for the proposed subdivision.~~



MANAGEMENT PERIOD/ DATE OF APPLICATION	ALLOCATION FACTOR
Third	40
Fourth	40
Fifth	5
After Fifth	0

- a. If the certificate application is filed before January 1, 2019, multiply the annual estimated water demand for the proposed subdivision by 10.
- b. If the certificate application is filed on or after January 1, 2019, the groundwater allowance shall be zero.
- 2. If the application is for a designation:
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - b. If the applicant provided water to its customers before October 1, 2007 but was not designated as having an assured water supply as of that date, and a complete and correct application for designation ~~is~~was filed before January 1, 2012, multiply the applicant's service area population as of October 1, 2007 by 125 gallons per capita per day and multiply the product by 365 days. The service area population shall be determined using the methodology in Section 5-103(D) of the Third Management Plan for the Pinal AMA.
 - c. If the applicant provided water to its customers before October 1, 2007 but was not designated as having an assured water supply as of that date, and a complete and correct application for designation ~~is~~was filed on or after January 1, 2012, the applicant's groundwater allowance is zero acre-feet.
 - d. No change
- 3. No change

B. The Director shall calculate the extinguishment credits for extinguishing a grandfathered right in the Pinal AMA as follows.

- 1. The Director shall calculate the initial volume of extinguishment credits for the extinguishment of a grandfathered right in the Pinal AMA as follows:
 - a. For the extinguishment of a type 2 non-irrigation grandfathered right, multiply the number of acre-feet indicated on the certificate of grandfathered right by 100.
 - b. For the extinguishment of all or part of an irrigation grandfathered right, or all or part of a type 1 non-irrigation grandfathered right, multiply 1.5 acre-feet by the number of irrigation acres associated with the extinguished irrigation grandfathered right or the number of acres to which the extinguished type 1 non-irrigation grandfathered right is appurtenant, and then multiply that product by 100, except that:
 - i. If only a portion of an irrigation grandfathered right or a type 1 non-irrigation grandfathered right is extinguished, only those acres associated with the portion of the right that is extinguished shall be included in the calculation; and
 - ii. If an extinguished irrigation grandfathered right has a debit balance in the corresponding flexibility account established under § 45-467, the amount of the debit shall be subtracted from the amount of the extinguishment credits.
- 2. For grandfathered rights extinguished in the Pinal active management area on or after January 1, 2019, if the amount of the extinguishment credits remaining unused in the fifth, tenth, fifteenth, and twentieth year after the year of extinguishment is greater than an amount calculated by multiplying the initial volume of extinguishment credits by the applicable percentage shown in the table below, the amount of unused credits shall be reduced to an amount calculated by multiplying the initial volume of extinguishment credits by the applicable percentage:

<u>Year After Extinguishment</u>	<u>Percentage</u>
<u>Fifth</u>	<u>75%</u>
<u>Tenth</u>	<u>50%</u>
<u>Fifteenth</u>	<u>25%</u>
<u>Twentieth</u>	<u>0%</u>

- 3. For purposes of subsection (B)(2) of this section, the amount of extinguishment credits remaining unused shall be the initial volume of extinguishment credits issued for the extinguishment of the right, less:
 - a. The amount of any of the extinguishment credits previously pledged to a certificate of assured water supply or designation of assured water supply pursuant to R12-15-723, subsections (E) or (F) and reported to the department as having been used; and
 - b. The amount of any previous reductions made to the extinguishment credits pursuant to subsection (B)(2) of this section.

R12-15-725.01. Pinal AMA — Extinguishment Credits Calculation Repealed



The Director shall calculate the extinguishment credits for the extinguishment of a grandfathered right in the Pinal AMA as follows:

1. For the extinguishment of a type 2 non-irrigation grandfathered right, multiply the number of acre-feet indicated on the certificate by the applicable allocation factor as determined under subsection (A)(3) or (A)(4) of this Section.
2. For the extinguishment of all or part of an irrigation grandfathered right, or all or part of a type 1 non-irrigation grandfathered right, an amount calculated by multiplying 1.5 acre-feet by the number of irrigation acres associated with the extinguished irrigation grandfathered right or the number of acres to which the extinguished type 1 non-irrigation grandfathered right is appurtenant, and then multiply that product by the applicable allocation factor as determined under subsection (A)(3) or (A)(4) of this Section, except that:
 - a. If only a portion of an irrigation grandfathered right or a type 1 non-irrigation grandfathered right is extinguished, the Director shall include in the calculation only those acres associated with the portion of the right that is extinguished; and
 - b. If an extinguished irrigation grandfathered right has a debit balance in the corresponding flexibility account established under A.R.S. § 45-467, the Director shall subtract the amount of the debit from the amount of the extinguishment credits.
3. Except as provided in subsection (A)(4) of this Section, in calculating the extinguishment credits for the extinguishment of a grandfathered right under subsection (A)(1) or (A)(2) of this Section, the Director shall use the allocation factor associated with the year in which the grandfathered right is extinguished, as shown in the table below.

Year	Allocation Factor
2010	100
2011	100
2012	100
2013	100
2014	100
2015	100
2016	100
2017	100
2018	100
2019	94
2020	88
2021	82
2022	76
2023	74
2024	72
2025	70
2026	68
2027	66
2028	64
2029	62
2030	60
2031	58
2032	56
2033	54
2034	52
2035	50
2036	48
2037	46
2038	44
2039	42
2040	40
2041	38
2042	36
2043	34
2044	32
2045	30
2046	28
2047	26



2048	24
2049	22
2050	20
2051	18
2052	16
2053	14
2054	12
2055	10
2056	8
2057	6
2058	4
2059	2
After 2059	0

4. ~~If, before January 1, 2060, there is a moratorium on adding new member lands and member service areas in the Pinal AMA pursuant to A.R.S. § 45-576.06(A), in calculating the extinguishment credits for the extinguishment of a grandfathered right under subsection (A)(1) or (A)(2) of this Section, the Director shall use an allocation factor determined as follows:~~
 - a. ~~If the grandfathered right is extinguished while the moratorium is in effect, the Director shall use the allocation factor associated with the year in which the moratorium first became effective, as shown in the table in subsection (A)(3) of this Section.~~
 - b. ~~If the grandfathered right is extinguished when the moratorium is no longer in effect, the Director shall use the allocation factor associated with the year determined pursuant to this subsection, as shown in the table in subsection (A)(3) of this Section. The Director shall determine the year as follows:~~
 - i. ~~Subtract the year in which the moratorium first became effective from the year in which the moratorium ended.~~
 - ii. ~~Subtract the difference in subsection (A)(4)(b)(i) of this Section from the year in which the grandfathered right was extinguished.~~



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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:

On July 25, 2016, in Decision No. 75626 the Arizona Corporation Commission ("Commission") directed the Utilities Division ("Staff") to begin a rulemaking process to consider a change to the Arizona Administrative Code ("A.A.C.") R14-2-803 which would alleviate the regulatory burden that currently exists for utilities seeking to purchase and sell Class D and Class E water and wastewater utility systems. If the change to the rules is approved, the current 120-day notice requirement in A.A.C. R-14-2-803 would not apply to a reorganization of an existing Arizona water or wastewater public utility holding company when that reorganization is due to a purchase of or merger with a Class D or E water or wastewater utility. The modification proposed will assist in the consolidation of smaller water utilities with large utilities, which can provide professional management and capital for system improvements.

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

Not applicable

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

Not applicable

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

Delays in the acquisition of Class D and Class E water and wastewater companies can prevent timely resolution of operational problems of small water companies arising from lack of capital and expertise. The proposed rule would eliminate a notification of reorganization when a utility acquires the shares of or merges with a Class D or Class E water or wastewater company. This would facilitate faster acquisition of smaller companies and provision of professional management and capital investments in infrastructure.

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

None

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

Written Comments

The Commission received one written comment on the NPRM filed by EPCOR Water Arizona, Inc. ("EPCOR") on June 7, 2018. EPCOR expressed support for the proposed modifications to the affiliated interest rule. Specifically, EPCOR noted that the rule change is consistent with the Commission's Policy Statement No. 5 within the water policy set forth in Decision No. 75626, dated July 25, 2016. EPCOR asserts the change will facilitate the process of acquisition of smaller water and wastewater utilities within Arizona and encourage further consolidation.

Commission Response: The Commission acknowledges the supportive comments. No change is needed in response to these comments.

Oral Comments

During the oral proceeding held on July 16, 2018, Mr. Tim Sabo, representing Global Water Resources, Inc. ("GWR"), voiced support for the proposed revision to the rules, for the reasons previously expressed in GWR's October 26, 2016, filing in the docket and expressed in the filing by EPCOR on June 7, 2018.

Mr. Sabo indicated that the proposed elimination of the notice requirement would eliminate a regulatory burden in the acquisition of small water companies. Mr. Sabo also noted that the Commission's prior support for a waiver process relating to notice was helpful, but that process also imposed costs and delays in the process of acquisition. Mr. Sabo observed that there are out of state utilities which are not Class A utilities, and therefore not subject to the notice requirements of A.A.C. R14-2-803, which are acquiring small utilities in Arizona. According to Mr. Sabo, the elimination of the notice requirement will "level the playing field" for acquisitions by Arizona Class A utilities and facilitate consolidation of smaller water companies, consistent with a policy directive expressed by the Commission in Decision No. 75626.

Commission Response: The Commission acknowledges the supportive comments. No change is needed in response to these comments.

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

None

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



Not applicable

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

Not applicable

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:

Not applicable

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

None

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

Not applicable

15. The full text of the rules follows:

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;
SECURITIES REGULATION**

CHAPTER 2. CORPORATION COMMISSION – FIXED UTILITIES

ARTICLE 8. PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS

Section

R14-2-803. Organization of Public Utility Holding Companies

ARTICLE 8. PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS

R14-2-803. Organization of Public Utility Holding Companies

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change

B. No change

C. No change

D. A notice of intent under this section is not required when the reorganization of an existing Arizona water or wastewater public utility holding company is due to the purchase of the shares of (or merger with) a Class D or E water or wastewater utility.



NOTICES OF PROPOSED EXPEDITED RULEMAKING

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

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing the rule. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

[R18-170]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-5-101 | Amend |
| R9-5-201 | Amend |
| R9-5-202 | Amend |
| Table 2.1 | Amend |
| R9-5-203 | Amend |
| R9-5-205 | Amend |
| R9-5-208 | Amend |
| R9-5-301 | Amend |
| R9-5-303 | Amend |
| R9-5-305 | Amend |
| R9-5-307 | Amend |
| R9-5-310 | Amend |
| R9-5-402 | Amend |
| R9-5-403 | Amend |
| R9-5-501 | Amend |
| R9-5-507 | Amend |
| Table 5.1 | Amend |
| R9-5-517 | Amend |
| R9-5-601 | Amend |
| R9-5-602 | Amend |
| R9-5-603 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-132(A) and 36-136(G)
 Implementing statutes: A.R.S. §§ 36-883 through 36-894.01
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rule:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2273, August 10, 2018
- 4. The agency’s contact person who can answer questions about the rulemaking:**
- Name: Colby Bower, Assistant Director
 Address: Arizona Department of Health Services
 Public Health Services Licensing Services
 150 N. 18th Ave., Suite 510
 Phoenix, AZ 85007-3248
- 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. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

The five-year-review report (Report) for 9 A.A.C. 5 was approved by the Governor's Regulatory Review Council on March 6, 2018. The Report identified that the rules are mostly consistent, but could be more clear and understandable if the citations in the following definitions were updated: A.R.S. § 41-132(E) in definition "electronic signature" to A.R.S. § 41-351(9); A.R.S. § 32-2301, deleted by Laws 2013, Ch. 125, in definition "licensed applicator" to A.A.C. R3-8-201(C); and A.R.S. § 32-2301 in definition "pesticide" to A.R.S. § 3-3601. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden.

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

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

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

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:

Close of record: September 20, 2018 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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

There are no other matters prescribed by statutes 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 a permit.

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

There are no federal 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.

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

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES

ARTICLE 1. GENERAL

Section R9-5-101. Definitions

ARTICLE 2. FACILITY LICENSURE

Section R9-5-201. Application for a License



R9-5-202.	Time-frames
Table 2.1	Time-frames (in <u>calendar</u> days)
R9-5-203.	Fingerprinting and Central Registry Background Check Requirements
R9-5-205.	Submission of Licensure Fees
R9-5-208.	Changes Affecting a License

ARTICLE 3. FACILITY ADMINISTRATION

Section	
R9-5-301.	General Licensee Responsibilities
R9-5-303.	Posting of Notices
R9-5-305.	Child Immunization Requirements
R9-5-307.	Suspected or Alleged Child Abuse or Neglect
R9-5-310.	Pesticides

ARTICLE 4. FACILITY STAFF

Section	
R9-5-402.	Staff Records and Reports
R9-5-403.	Training Requirements

ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT

Section	
R9-5-501.	General Child Care Program, Equipment, and Health and Safety Standards
R9-5-507.	Supplemental Standards for Children with Special Needs
Table 5.1	Meal Pattern Requirements for Children
R9-5-517.	Transportation

ARTICLE 6. PHYSICAL PLANT OF A FACILITY

Section	
R9-5-601.	General Physical Plant Standards
R9-5-602.	Facility Square footage Requirements
R9-5-603.	Outdoor Activity Areas

ARTICLE 1. GENERAL

R9-5-101. Definitions

In addition to the definitions in A.R.S. § 36-881, the following definitions apply in this Chapter unless otherwise specified:

1. "Abuse" has the same meaning as in A.R.S. § 8-201.
2. "Accident" means an unexpected occurrence that:
 - a. Causes injury to an enrolled child,
 - b. Requires attention from a staff member, and
 - c. May or may not be an emergency.
3. "Accommodation school" has the same meaning as in A.R.S. § 15-101.
4. "Accredited" means approved by the:
 - a. ~~New England Association of Schools and Colleges~~ Commission of Institution of Higher Education,
 - b. ~~Middle States Association of Colleges and Schools~~ Commission of Higher Education,
 - c. ~~North Central Association of Colleges and Schools~~ the Higher Learning Commission,
 - d. Northwest Commission on Colleges and Universities,
 - e. ~~Southern Association of Colleges and Schools~~ Commission on Colleges, or
 - f. Western Association of Schools and Colleges.
5. "Activity" means an action planned by a licensee and performed by an enrolled child while supervised by a staff member.
6. "Activity area" means a specific indoor or outdoor space or room of a licensed facility that is designated by a licensee for use by an enrolled child for an activity.
7. "Adaptive device" means equipment used to augment an individual's use of the individual's arms, legs, sight, hearing, or other physical part or function.
8. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
9. "Adult" means an individual who is at least 18 years of age.
10. "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
11. "Agency" means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
12. "Applicant" means a person or governmental agency requesting one of the following:
 - a. A license, or
 - b. Approval of a change affecting a license under R9-5-208.
13. "Application" means the documents that an applicant is required to submit to the Department for licensure or approval of a request for a change affecting a license.
14. "Assistant teacher-caregiver" means a staff member who aids a teacher-caregiver in planning, developing, or conducting child care activities.



- 15. "Association" means a group of individuals other than a corporation, limited liability company, partnership, joint venture, or public school who has established a governing board and bylaws to operate a facility.
- 16. "Beverage" means a liquid for drinking, including water.
- 17. "Business organization" has the same meaning as "entity" in A.R.S. § 10-140.
- 18. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- ~~18-19.~~ "Calendar week" means a seven-day period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m.
- ~~19-20.~~ "C.C.P." means Certified Childcare Professional, a credential awarded by the ~~National Child Care Association~~ National Early Childhood Program Accreditation.
- ~~20-21.~~ "C.D.A." means Child Development Associate, a credential awarded by the Council for Professional Recognition.
- ~~21-22.~~ "Change in ownership" means a transfer of controlling legal or controlling equitable interest and authority in a facility resulting from a sale or merger of a facility.
- ~~22-23.~~ "Charter school" has the same meaning as in A.R.S. § 15-101.
- ~~23-24.~~ "Child care experience" means an individual's documented work with children in:
 - a. A child care facility or a child care group home that was licensed, certified, or approved by a state in the United States or by one of the Uniformed Services of the United States;
 - b. A public school, a charter school, a private school, or an accommodation school;
 - c. A public or private educational institution authorized under the laws of another state where instruction was provided for any grade or combination of grades between pre-kindergarten and grade 12; or
 - d. One of the following professional fields:
 - i. Nursing,
 - ii. Social work,
 - iii. Psychology,
 - iv. Child development, or
 - v. A closely-related field.
- ~~24-25.~~ "Child care services" means the range of activities and programs provided by a licensee to an enrolled child, including personal care, supervision, education, guidance, and transportation.
- ~~25.~~ "Child Protective Services" means the ~~Child Protective Services Program of the Arizona Department of Economic Security~~.
- 26. "Child with special needs" means:
 - a. A child with a health care provider's diagnosis and record of a physical or mental condition that substantially limits the child in providing self-care or performing manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
 - b. A child with a "developmental disability" as defined in A.R.S. § 36-551; or
 - c. A "child with a disability" as defined in A.R.S. § 15-761.
- 27. "Clean" means to remove dirt or debris by methods such as washing with soap and water, vacuuming, wiping, dusting, or sweeping.
- 28. "Closely-related field" means any educational instruction or occupational experience pertaining to the growth, development, physical or mental care, or education of children.
- 29. "Communicable disease" has the same meaning as in A.A.C. R9-6-101.
- 30. "Compensation" means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit, that is received as payment.
- 31. "Corporal punishment" means any physical action used to discipline a child that inflicts pain to the body of the child, or that may result in physical injury to the child.
- 32. "CPR" means cardiopulmonary resuscitation.
- 33. "Credit hour" means an academic unit earned at an accredited college or university:
 - a. By attending a one-hour class session each calendar week during a semester or equivalent shorter course term, or
 - b. Completing practical work for a course as determined by the accredited college or university.
- ~~34.~~ "Days" means calendar days, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- ~~35-34.~~ "Designated agent" means an individual who meets the requirements in A.R.S. § 36-889(D).
- ~~36-35.~~ "Developmentally-appropriate" means consistent with a child's physical, emotional, social, cultural, and cognitive development, based on the child's age and family background and the child's personality, learning style, and pattern and timing of growth.
- ~~37-36.~~ "Discipline" means the on-going process of helping a child develop self-control and assume responsibility for the child's own actions.
- ~~38-37.~~ "Documentation" means information in written, photographic, electronic, or other permanent form.
- ~~39-38.~~ "Electronic signature" has the same meaning as in ~~A.R.S. § 41-132(E)~~ A.R.S. § 41-351(9).
- ~~40-39.~~ "Emergency" means a potentially life-threatening occurrence involving an enrolled child or staff member that requires an immediate response or medical treatment.
- ~~41-40.~~ "Endanger" means to expose an individual to a situation where physical injury or mental injury to the individual may occur.
- ~~42-41.~~ "Enrolled" means placed by a parent and accepted by a licensee for child care services.
- ~~43-42.~~ "Evening and nighttime care" means child care services provided between the hours of 8:00 p.m. and 5:00 a.m.
- ~~44-43.~~ "Facility" has the same meaning as "child care facility" in A.R.S. § 36-881.



- 45-44. "Facility director" means an individual who is designated by a licensee as the individual responsible for the daily onsite operation of a facility.
- 46-45. "Facility premises" means property that is:
- Designated on an application for a license by the applicant; and
 - Licensed for child care services by the Department under A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter.
- 47-46. "Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.
- 48-47. "Field trip" means an activity planned by a staff member for an enrolled child:
- At a location or area that is not licensed for child care services by the Department, or
 - At a child care facility in which the child is not enrolled.
- 49-48. "Final construction drawings" means facility plans that include the architectural, structural, mechanical, electrical, fire protection, plumbing, and technical specifications of the physical plant and the facility premises and that have been approved by local government for the construction, alteration, or addition of a facility.
- 50-49. "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- 51-50. "Food preparation" means processsing food for human consumption by cooking or assembling the food, but does not include distributing prepackaged food or whole fruits or vegetables.
- 52-51. "Full-day care" means child care services provided for six or more hours per day between the hours of 5:00 a.m. and 8:00 p.m.
- 53-52. "Governmental agency" has the same meaning as in A.R.S. § 44-7002.
- 54-53. "Guidance" means the ongoing direction, counseling, teaching, or modeling of generally accepted social behavior through which a child learns to develop and maintain the self-control, self-reliance, and self-esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
- 55-54. "Hazard" means a source of endangerment.
- 56-55. "Health care provider" means a physician, physician assistant, or registered nurse practitioner.
- 57-56. "High school equivalency diploma" means:
- A document issued by the ~~Arizona Department of Education~~ State Board of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B);
 - A document issued by another state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B); or
 - A document issued by another country to an individual who has completed that country's equivalent of a 12th grade education, as determined by the Department based upon information obtained from American or foreign consulates or embassies or other governmental agencies.
- 58-57. "Hours of operation" means the specific time during a day for which a licensee is licensed to provide child care services.
- 59-58. "Illness" means physical manifestation or signs of sickness, such as pain, vomiting, rash, fever, discharge, or diarrhea.
- 60-59. "Immediate" or "immediately" means without restriction, delay, or hesitation.
- 61-60. "Inaccessible" means:
- Out of an enrolled child's reach, or
 - Locked.
- 62-61. "Infant" means:
- A child 12 months of age or younger, or
 - A child 18 months of age or younger who is not yet walking.
- 63-62. "Infant care" means child care services provided to an infant.
- 64-63. "Infestation" means the presence of lice, pinworms, scabies, or other parasites.
- 65-64. "Inspection" means:
- ~~Onsite examination~~ Examination of a facility by the Department to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter;
 - ~~Onsite review~~ Review of facility documents, records, or reports by the Department; or
 - ~~Onsite examination~~ Examination of a facility by a local governmental agency.
- 66-65. "Lesson plan" means a written description of the activities scheduled in each activity area for a day.
- 67-66. "License" means the written authorization issued by the Department to operate a facility in Arizona.
- 68-67. "Licensed applicator" ~~has the same meaning as in A.R.S. § 32-2301 who complies with A.A.C. R3-8-201(C).~~
- 69-68. "Licensed capacity" means the maximum number of enrolled children for whom a licensee is authorized by the Department to provide child care services in a facility or a part of a facility at any given time.
- 70-69. "Licensee" means a person or governmental agency to whom the Department has issued a license to operate a facility in Arizona.
- 71-70. "Local" means under the jurisdiction of a city or county in Arizona.
- 72-71. "Mat" means a foam pad that has a waterproof cover and is of sufficient size and thickness to accommodate the height, width, and weight of a reclining child's body.
73. "~~Material safety data sheet~~" ~~means the information provided by a manufacturer describing chemical qualities, hazards, safety precautions, and emergency procedures to be followed in case of a spill, fire, or other emergency.~~
- 74-72. "Medication" means a substance prescribed by a physician, physician assistant, or registered nurse practitioner or available without a prescription for the treatment or prevention of illness or infestation.
- 75-73. "Menu" means:
- A written description of the food that a facility provides and serves as a meal or snack, or
 - The combination of food that a facility provides and serves as a meal or snack.
- 76-74. "Motor vehicle" has the same meaning as in A.R.S. § 28-101.



- ~~77-75.~~“N.A.C.” means the National Administrator Credential, a credential issued by the ~~National Child Care Association~~ National Institute of Child Care Management.
- ~~78-76.~~“Name” means, for an individual, the individual’s first name and the individual’s last name.
- ~~79-77.~~“Naptime” means any time during hours of operation, other than evening and nighttime hours, that is designated by a licensee for the rest or sleep of enrolled children.
- ~~80-78.~~“Neglect” has the same meaning as in A.R.S. § 8-201.
- ~~81-79.~~“One-year-old” means a child who is not an infant and at least 12 months of age but not yet two years of age.
- ~~82-80.~~“Outbreak” has the same meaning as in A.A.C. R9-6-101.
- ~~83-81.~~“Overall time-frame” has the same meaning as in A.R.S. § 41-1072.
- ~~84-82.~~“Parent” means:
- A natural or adoptive mother or father,
 - A legal guardian appointed by a court of competent jurisdiction, or
 - A “custodian” as defined in A.R.S. § 8-201.
- ~~85-83.~~“Part-day care” means child care services provided for fewer than six hours per day between the hours of 5:00 a.m. and 8:00 p.m.
- ~~86-84.~~“Perishable food” means food that becomes unfit for human consumption if not stored to prevent spoilage.
- ~~87-85.~~“Pesticide” has the same meaning as in ~~A.R.S. § 32-2301~~ A.R.S. § 32-3601.
- ~~88-86.~~“Pesticide label” means the written, printed, or graphic matter approved by the United States Environmental Protection Agency on, or attached to, a pesticide container.
- ~~89-87.~~“Physical injury” means temporary or permanent damage or impairment to a child’s body.
- ~~90-88.~~“Physical plant” means a building that houses a facility, or the licensed areas within a building that houses a facility, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
- ~~91-89.~~“Physician” means an individual licensed as a doctor of:
- Allopathic medicine under A.R.S. Title 32, Chapter 13;
 - Naturopathic medicine under A.R.S. Title 32, Chapter 14;
 - Osteopathic medicine under A.R.S. Title 32, Chapter 17;
 - Homeopathic medicine under A.R.S. Title 32, Chapter 29; or
 - Allopathic, naturopathic, osteopathic, or homeopathic medicine under the law of another state.
- ~~92-90.~~“Physician assistant” means:
- An individual who is licensed under A.R.S. Title 32, Chapter 25; or
 - An individual who is licensed as a physician assistant under the law of another state.
- ~~93-91.~~“Private pool” has the same meaning as “private residential swimming pool” in A.A.C. R18-5-201.
- ~~94-92.~~“Private school” has the same meaning as in A.R.S. § 15-101.
- ~~95-93.~~“Program” means a variety of activities organized and conducted by a staff member.
- ~~96-94.~~“Public pool” has the same meaning as “public swimming pool” in A.A.C. R18-5-201.
- ~~97-95.~~“Public school” has the same meaning as “school” in A.R.S. § 15-101.
- ~~98-96.~~“Registered nurse practitioner” means:
- An individual who is licensed and certified as a “registered nurse practitioner” under A.R.S. § 32-1601, or
 - An individual who is licensed or certified as a registered nurse practitioner under the law of another state.
- ~~99-97.~~“Regular basis” means at recurring, fixed, or uniform intervals.
- ~~100-98.~~“Responsible party” means an individual or a group of individuals who:
- Is assigned by a public school, charter school, or governmental agency; and
 - Has general oversight of the child care facility.
- ~~101-99.~~“Sanitize” means to use heat, chemical agents, or germicidal solutions to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
- ~~102-100.~~“School-age child” means a child who:
- Meets one of the following:
 - Is five years old on or before January 1 of the current school year, or
 - Is five years old on or before January 1 of the most recent school year; and
 - Meets one of the following:
 - Attends kindergarten or a higher level program in a public, charter, accommodation, or private school during the current school year;
 - Attended kindergarten or a higher level program in a public, charter, accommodation, or private school during the most recent school year;
 - Is home-schooled at a kindergarten or higher level during the current school year; or
 - Was home-schooled at a kindergarten or higher level during the most recent school year.
- ~~103-101.~~“School-age child care” means child care services provided to a school-age child.
- ~~104-102.~~“School campus” means the contiguous grounds of a public, charter, accommodation, or private school, including the buildings, structures, and outdoor areas available for use by children attending the school.
- ~~105-103.~~“School governing board” has the same meaning as “governing board” in A.R.S. § 15-101.
- ~~106-104.~~“Screen time” means the use of electronic media to watch television or to watch a video, a DVD, or a movie at the facility or at another location or the use of electronic media or a computer for game-playing, entertainment, communication, or educational purposes.
- ~~107-105.~~“Semi-public pool” has the same meaning as “semipublic swimming pool” in A.A.C. R18-5-201.
- ~~108-106.~~“Service classification” means one of the following:
- Full-day care;



- b. Part-day care;
 - c. Evening and nighttime care;
 - d. Infant care;
 - e. One-year-old child care;
 - f. Two-year-old child care;
 - g. Three-year-old, four-year-old, and five-year-old child care;
 - h. School-age child care; or
 - i. Weekend care.
- ~~109-107.~~ "Signatory" means an individual who is authorized by a school district governing board, school district superintendent, or governmental agency to sign a document on behalf of the school district governing board, school district superintendent, or governmental agency.
- ~~110-108.~~ "Signed" means affixed with an individual's signature or with a symbol representing an individual's signature if the individual is unable to write the individual's name.
- ~~111-109.~~ "Sippy cup" means a lidded drinking container that is designed to be leak proof or leak-resistant and from which a child drinks through a spout or straw.
- ~~112-110.~~ "Space utilization" means the designated use of an area within a facility for specific child care services or activities.
- ~~113-111.~~ "Staff" or "staff member" means the same as "child care personnel" as defined in A.R.S. § 36-883.02.
- ~~114-112.~~ "Student-aide" means an individual less than 16 years of age who is participating in an educational, curriculum-based course of study; vocational education; or occupational development program and who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision by staff in the provision of child care services.
- ~~115-113.~~ "Substantive review time-frame" has the same meaning as in A.R.S. § 41-1072.
- ~~116-114.~~ "Supervision" means:
- a. For an enrolled child, knowledge of and accountability for the actions and whereabouts of the enrolled child, including the ability to see or hear the enrolled child at all times, to interact with the enrolled child, and to provide guidance to the enrolled child; or
 - b. For an individual other than an enrolled child, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual's actions to prevent harm to enrolled children.
- ~~117-115.~~ "Swimming pool" has the same meaning as in A.A.C. R18-5-201.
- ~~118-116.~~ "Teacher-caregiver" means a staff member responsible for developing, planning, and conducting child care activities.
- ~~119-117.~~ "Teacher-caregiver-aide" means a staff member who provides child care services under the supervision of a teacher-caregiver.
- ~~120-118.~~ "Training" means child care-related conferences, seminars, lectures, workshops, classes, courses, or instruction.
- ~~121-119.~~ "Volunteer" means a staff member who, without compensation, provides child care services that are the responsibility of a licensee.
120. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday, federal holiday, or a state-wide furlough day.

ARTICLE 2. FACILITY LICENSURE

R9-5-201. Application for a License

- A. An applicant for a license shall:
1. Be at least 21 years of age;
 2. If an individual, be a U.S. citizen or legal resident alien and a resident of Arizona;
 3. If a corporation, association, or limited liability company, be a domestic entity or a foreign entity qualified to do business in Arizona;
 4. If a partnership, have at least one partner who is a U.S. citizen or legal resident alien and a resident of Arizona;
 5. Submit to the Department an application packet containing:
 - a. An application on a form provided by the Department that contains:
 - i. The applicant's name;
 - ii. The applicant's date of birth;
 - iii. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
 - iv. The requested service classifications;
 - v. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
 - vi. A statement that the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter;
 - vii. A statement that the information provided in the application packet is accurate and complete; and
 - viii. The applicant's signature and date the applicant signed the application;
 - b. A copy of the applicant's:
 - i. U.S. passport,
 - ii. Birth certificate,
 - iii. Naturalization documents, or
 - iv. Documentation of legal resident alien status;
 - c. A copy of the applicant's valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1;
 - d. A copy of the form required in A.R.S. § 36-883.02(C);
 - e. A certificate issued by the Department showing that the applicant has completed at least four hours of Department-provided training that included the Department's role in licensing and regulating child care facilities under A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter;



- f. Except as provided in subsection (A)(5)(i), a site plan of the facility drawn to scale showing:
 - i. The drawing scale;
 - ii. The boundary dimensions of the property upon which the facility’s physical plant is located;
 - iii. If more than one building is used for the facility, the location and perimeter dimensions of each building;
 - iv. The location of each driveway on the property;
 - v. The location and boundary dimensions of each parking lot on the property;
 - vi. The location and perimeter dimensions of each outdoor activity area;
 - vii. The location, type, and height of each fence and gate; and
 - viii. If applicable, the location of any swimming pool on the property;
- g. Except as provided in subsection (A)(5)(i), a floor plan of each building to be used for child care services drawn to scale showing:
 - i. The drawing scale;
 - ii. The length and width dimensions for each indoor activity area;
 - iii. The requested licensed capacity and applicable service classification for each indoor activity area;
 - iv. The location of each diaper changing area;
 - v. The location of each hand washing, utility, and three-compartment sink, toilet, urinal, and drinking fountain; and
 - vi. The location and type of fire alarm system;
- h. Except as provided in subsection (A)(5)(i):
 - i. A copy of a certificate of occupancy issued for the facility by the local jurisdiction;
 - ii. Documentation from the local jurisdiction that the facility was approved for occupancy; or
 - iii. If the documents in subsections (A)(5)(h)(i) and (ii) are not available, the seal of an architect registered as prescribed in A.R.S. § 32-121 on the site plan required in subsection (A)(5)(f) and the floor plan required in subsection (A)(5)(g) verifying compliance with current local building and fire codes, local zoning requirements, and this Chapter;
- i. For an applicant providing child care services to three-year-old, four-year-old, five-year-old, or school-age children in a facility located in a public school, a set of final construction drawings or a school map showing:
 - i. The location of each school building;
 - ii. The location and dimensions of each outdoor activity area to be used by enrolled children;
 - iii. The length and width dimensions for each indoor activity area;
 - iv. The requested licensed capacity and applicable service classification for each indoor activity area; and
 - v. The location of each hand-washing sink, toilet, urinal, and drinking fountain to be used by enrolled children;
- j. If the facility is located within one-fourth of a mile of agricultural land:
 - i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the facility, and
 - ii. A copy of an agreement complying with A.R.S. § 36-882 for each parcel of agricultural land;
- k. The applicable fee in R9-5-206;
- l. If the applicant is a business organization, a form provided by the Department that contains:
 - i. The name, street address, city, state, and zip code of the business organization;
 - ii. The type of business organization;
 - iii. The name, date of birth, title, street address, city, state, and zip code of each controlling person;
 - iv. A copy of the business organization’s articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable;
 - v. Documentation of good standing issued by the Arizona Corporation Commission and dated no earlier than three months before the date of the application; and
 - vi. A statement signed by the applicant stating:
 - (1) That each controlling person has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each controlling person has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children;
- m. If the applicant is a public school, a form provided by the Department that contains:
 - i. The name of the school district;
 - ii. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
 - iii. A statement signed by the applicant stating:
 - (1) That each individual in subsection (A)(5)(m)(ii) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each individual in subsection (A)(5)(m)(ii) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and
 - iv. A letter from the school district governing board or school district superintendent designating a signatory, if applicable;
- n. If the applicant is a charter school, a form provided by the Department that contains:
 - i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
 - ii. A statement signed by the applicant stating:
 - (1) That each individual in subsection (A)(5)(n)(i) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and



statement of deficiencies, if applicable, within the time prescribed in subsection (C)(4)(b), the Department shall deny the application.

- 5. The Department shall issue a license or other approval if the Department determines that the applicant and facility are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, and the applicant submits documentation of corrections that is acceptable to the Department for any deficiencies.
6. If the Department determines that a license or other approval is to be denied, the Department shall send to the applicant a written notice of denial complying with A.R.S. § 36-888 and stating the reasons for denial and all other information required by A.R.S. §§ 36-888 and 41-1076.

Table 2.1. Time-frames (in calendar days)

Table with 5 columns: Type of Approval, Statutory Authority, Overall Time-Frame, Administrative Completeness Review Time-Frame, Substantive Review Time-Frame. Rows include License under R9-5-201 and Approval of Change Affecting License under R9-5-208.

R9-5-203. Fingerprinting and Central Registry Background Check Requirements

- A. A licensee shall ensure that a staff member completes, signs, dates, and submits to the licensee, before the staff member's starting date of employment or volunteer service:
1. The form required in A.R.S. § 36-883.02(C); and
2. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I).
B. Except as provided in A.R.S. § 41-1758.03, a licensee shall ensure that each staff member submits to the licensee a copy of:
1. The staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
2. The fingerprint clearance card application that the staff member submitted to the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after the staff member's starting date of employment or volunteer service.
C. A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid fingerprint clearance card each time the fingerprint clearance card is issued or renewed.
D. If a staff member possesses a fingerprint clearance card that was issued before the staff member became a staff member at the facility, a licensee shall:
1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member to determine whether the fingerprint clearance card is valid; and
2. Document this determination, including the name of the staff member, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
E. If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a licensee shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.
F. A licensee shall not allow an individual to be a staff member if the individual:
1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1 and has not received an interim approval under A.R.S. § 41-619.55;
2. Receives an interim approval under A.R.S. § 41-619.55 but is subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;
3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
4. Has been denied or had revoked a certificate to operate a child care group home or a license to operate a child care facility for care of children in this state or another state;
5. Has been denied or had revoked a certification to work in a child care facility or a child care group home in this state or another state;
6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

R9-5-205. Submission of Licensure Fees

A licensee shall submit to the Department, every three years and no more than 60 calendar days before the anniversary date of the facility's license:

- 1. A form provided by the Department that contains:
a. The licensee's name,
b. The facility's name and license number, and
c. Whether the licensee intends to submit the applicable fee:
i. With the form, or
ii. According to the payment plan in subsection (2)(b), and
2. Either:
a. The applicable fee in R9-5-206, or
b. One-half of the applicable fee in R9-5-206 with the form and the remainder of the applicable fee due no later than 120 calendar days after the anniversary date of the facility's license.

**R9-5-208. Changes Affecting a License**

- A. At least 30 calendar days before the date of a change in a facility's name, a licensee shall send the Department written notice of the name change and the Department shall issue an amended license that incorporates the name change but retains the anniversary date of the current license.
- B. At least 30 calendar days before the date of an intended change in a facility's service classification, space utilization, or licensed capacity, a licensee shall submit a written request for approval of the intended change to the Department that includes:
1. The licensee's name;
 2. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
 3. The name, telephone number, and fax number of a point of contact for the request;
 4. The facility's license number;
 5. The type of change intended:
 - a. Service classification,
 - b. Space utilization, or
 - c. Licensed capacity;
 6. A narrative description of the intended change; and
 7. The following additional information, as applicable:
 - a. If the intended change affects an activity area, the following information about each affected activity area, as applicable:
 - i. Identification of the activity area,
 - ii. Current and intended square footage,
 - iii. Current and intended operating hours,
 - iv. Current and intended service classification,
 - v. Current and intended licensed capacity, and
 - vi. Whether the activity area has or will have a diaper changing area;
 - b. If the intended change is to increase licensed capacity, the square footage of the outdoor activity area; and
 - c. If the intended change includes an alteration or addition to the physical plant of a licensed facility, the following, as applicable:
 - i. If the facility is not located in a public school or if providing child care services to infants, one-year-old children, or two-year-old children in a facility located in a public school, the information required in R9-5-201(A)(5)(f) and (g) showing the intended change; or
 - ii. If the facility is located in a public school and provides child care only for three-year-old, four-year-old, or five-year-old, or school-age children, a set of final construction drawings or a school map, including the information required in R9-5-201(5)(i) showing the intended change.
- C. If the intended change in subsection (B) includes an increase in the licensed capacity, a licensee shall submit the fee for an increase in licensed capacity in R9-5-206(C) with the written request for approval.
- D. If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering an enrolled child with special needs, submit a written request for an approval; and**
1. For a license application, submit physical plant documents required by R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area;
 2. For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:
 - a. Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and provides privacy for the enrolled child with special needs, the Department shall approve the proposed diaper changing area; or
 - b. Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter or provide privacy for the enrolled child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and
 3. Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;
- D. The Department shall review a request submitted under subsection (B) according to R9-5-202. If the intended change is in compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and any applicable fee is submitted, the Department shall send the licensee written approval of the requested change or an amended license that incorporates the change but retains the anniversary date of the current license.
- E. A licensee shall not implement any change described under subsection (B) until the Department issues an approval or amended license.
- F. At least 30 days before the date of a change in ownership of a facility, a licensee shall send the Department written notice of the change. A new owner shall obtain a new license as prescribed in R9-5-201 before the new owner begins operating the facility.
- G. A licensee changing a facility's location shall apply for a new license as prescribed in R9-5-201.
- H. Within 30 calendar days after a change in a controlling person, a licensee shall send the Department written notice of the change that includes:
1. The name of the licensee;
 2. A description of the change made;
 3. The name, title, street address, city, state, and zip code of each controlling person;
 4. A statement that each controlling person has not been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;



- 5. A statement that each controlling person has not had a certificate to operate a child care group home or a license to operate a child care facility revoked in this state or another state for reasons that relate to endangerment of the health and safety of children;
- 6. A statement that the information provided in the written notice is accurate and complete; and
- 7. The signature of the licensee.
- I. If the change in subsection (H) is a change in a controlling person who is a designated agent, a licensee shall include a copy of one of the following for the designated agent:
 - 1. A U.S. passport,
 - 2. A birth certificate,
 - 3. Naturalization documents, or
 - 4. Documentation of legal resident alien status.
- J. Within 30 calendar days after changing a responsible party, a licensee shall send the Department written notice of the change that includes:
 - 1. The name of the licensee;
 - 2. A description of the change made;
 - 3. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals; and
 - 4. A statement signed by the licensee stating:
 - a. That each individual in subsection (J)(3) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - b. That each individual in subsection (J)(3) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children.

ARTICLE 3. FACILITY ADMINISTRATION

R9-5-301. General Licensee Responsibilities

- A. A licensee shall:
 - 1. Designate a facility director who acts on behalf of the licensee and is responsible for the daily onsite operation of a facility;
 - 2. Submit the name of the designated facility director in writing to the Department before a license is issued;
 - 3. Except as provided in subsection (A)(4), within 10 calendar days before changing a facility director, submit written notice of the change including the new designated facility director’s name and starting date;
 - 4. If the licensee is not aware of a change in the facility director 10 calendar days before the effective date of the change, submit written notice of the change to the Department including the new designated facility director’s name and starting date within 72 hours after becoming aware of the change.
- B. A licensee shall ensure that a facility director:
 - 1. Designates, in writing, an individual who meets the requirements of R9-5-401(2) to act on behalf of the facility director when the facility director is not present in the facility;
 - 2. Supervises or assigns a teacher-caregiver to supervise each staff member who does not meet the qualifications of R9-5-401(3);
 - 3. Prepares a dated attendance record for each day and ensures that each staff member documents on the attendance record the time of each arrival and departure of the staff member; and
 - 4. Maintains on the facility premises, the dated attendance record required in subsection (B)(3) for 12 months after the date on the attendance record.
- C. A licensee shall develop and implement written facility policies and procedures required for the daily onsite operation of the facility as prescribed in A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter.
- D. A licensee shall ensure that the following individuals are allowed immediate access to facility premises during hours of operation:
 - 1. A parent of an enrolled child or an individual designated in writing by the parent of an enrolled child; or
 - 2. A representative of:
 - a. The Department,
 - b. The local health department,
 - c. ~~Child Protective Services~~ Arizona Department of Child Safety, or
 - d. The local fire department or State Fire Marshal.
- E. A licensee shall, with the exception of individuals listed in subsection (D)(2), ensure that a staff member supervises any individual that is not a staff member who is on facility premises where enrolled children are present.
- F. A licensee shall ensure that a staff member submits, on or before the starting date of employment or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
 - 1. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of employment or volunteer service, that includes the date and the type of tuberculosis screening test; or
 - 2. If the staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the staff member is free from infectious active tuberculosis that is signed and dated by a health care provider within six months before the starting date of employment or volunteer service.
- G. A licensee shall ensure that a staff member, who has current training in first aid and CPR, as required by R9-5-403 (E), is present:
 - 1. At all times during hours of operation on facility premises,
 - 2. On field trips, and
 - 3. While transporting enrolled children in the facility’s motor vehicle or a vehicle designated by the licensee to transport enrolled children.



- H. A licensee shall prohibit the use or possession of the following items when an enrolled child is on facility premises, during hours of operation, or in any motor vehicle used for transporting an enrolled child:
 - 1. Any beverage containing alcohol;
 - 2. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2, except where used as a prescription medication in the manner prescribed;
 - 3. A dangerous drug as defined in A.R.S. § 13-3401, except where used as a prescription medication in the manner prescribed;
 - 4. A prescription medication as defined in A.R.S. § 32-1901, except where used in the manner prescribed; or
 - 5. A firearm as defined in A.R.S. § 13-105.
- I. At least once a month, and at different times of the day, a licensee shall ensure that an unannounced fire and emergency evacuation drill is conducted and each staff member and enrolled child at the facility participates in the fire and emergency evacuation drill.
 - 1. If child care services for a child with special needs are provided at a facility, the licensee shall provide for the enrolled child's participation in each fire and emergency evacuation drill according to the enrolled child's individualized plan as specified in R9-5-507(A)(1).
 - 2. A licensee shall document each fire and emergency evacuation drill and maintain the documentation on facility premises for 12 months after the date of the fire and emergency evacuation drill.
- J. Every September, a licensee shall provide to parents of enrolled children information related to recommendations for influenza vaccinations for children.
- K. A licensee shall not allow a staff member who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to be present in the facility between the start and end of an outbreak of the disease at the facility.
- L. A licensee shall ensure that the Department is notified orally or in writing within 24 hours after an enrolled child's death at the child care facility during hours of operation.

R9-5-303. Posting of Notices

- A. A licensee shall post in a place that can be conspicuously viewed by individuals entering or leaving the facility or activity area the:
 - 1. Facility's license;
 - 2. Name of the facility director;
 - 3. Name of the individual designated to act on behalf of the facility director when the facility director is not present in the facility, as prescribed by R9-5-301(B)(1);
 - 4. Schedule of child care services fees and policy for refunding fees as prescribed by ~~A.R.S. § 36-882(O)~~ A.R.S. § 36-882(P);
 - 5. Breakfast, lunch, dinner, and snack menus for each calendar week at the beginning of the calendar week;
 - 6. Notice of the presence of any communicable disease or infestation listed in 9 A.A.C. 6, Article 2, Table 2, from the date of discovery through the incubation period of the communicable disease or infestation;
 - 7. Notice of the Department's intent to deny, revoke, or suspend as prescribed by A.R.S. § 36-888 at the expiration of time in the notice for the licensee to respond;
 - 8. Notice of an intermediate sanction imposed as prescribed by A.R.S. § 36-891.01 within 10 calendar days after the licensee received notice of the intermediate sanction;
 - 9. Notice of a legal injunction imposed as prescribed by A.R.S. § 36-886.01 when the licensee receives the legal injunction; and
 - 10. Notice of the availability of facility inspection reports for public viewing at the facility premises.
- B. A licensee shall ensure that the licensed capacity of each indoor activity area is posted in that activity area.
- C. Except as prescribed in A.R.S. § 36-898(C), a licensee shall post a notification of pesticide application in each activity area and in each entrance of a facility, at least 48 hours before a pesticide is applied on the facility's premises, containing:
 - 1. The date and time of the pesticide application, and
 - 2. A statement that written pesticide information is available from the licensee upon request.

R9-5-305. Child Immunization Requirements

- A. A licensee shall not permit an enrolled child to attend a facility until the facility receives:
 - 1. An immunization record for the enrolled child with the information required in 9 A.A.C. 6, Article 7, documenting that the enrolled child has received all current, age-appropriate immunizations required under 9 A.A.C. 6, Article 7:
 - a. Provided by a health care provider, or
 - b. Generated from the Arizona State Immunization Information System, which is the Department's child immunization reporting system established in A.R.S. § 36-135; or
 - 2. An exemption affidavit for the enrolled child provided by the enrolled child's parent that contains:
 - a. A statement, signed by the enrolled child's health care provider, that the immunizations required by 9 A.A.C. 6, Article 7 would endanger the enrolled child's health or medical condition; or
 - b. A statement, signed by the enrolled child's parent, that the enrolled child is being raised in a religion whose teachings are in opposition to immunization.
- B. A licensee shall attach an enrolled child's written immunization record or exemption affidavit, required in subsection (A), to the enrolled child's Emergency, Information, and Immunization Record card, required in R9-5-304(B).
- C. A licensee shall ensure that a staff member updates an enrolled child's written immunization record required in subsection (A)(1)(a) each time the enrolled child's parent provides the licensee with a written statement from the enrolled child's health care provider that the enrolled child has received an age-appropriate immunization required by 9 A.A.C. 6, Article 7.
- D. If an enrolled child's immunization record indicates that the enrolled child has not received an age-appropriate immunization required by 9 A.A.C. 6, Article 7, a licensee shall ensure that a staff member:
 - 1. Notifies the enrolled child's parent in writing that the enrolled child may attend the facility for not more than 15 calendar days after the date of the notification unless the enrolled child's parent complies with the immunization requirements in 9 A.A.C. 6, Article 7; and



- 2. Documents on the enrolled child’s Emergency, Information, and Immunization Record card the date on which the enrolled child’s parent is notified of an immunization required by the Department.
- E. A licensee shall not allow an enrolled child who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to attend the child care facility between the start and end of an outbreak of the disease at the facility.
- F. If a parent of an enrolled child, excluded from a child care facility because of the lack of documented immunity to a disease during an outbreak of the disease at the child care facility, submits any of the documents in A.A.C. R9-6-704 as proof of the enrolled child’s immunity to the disease, a licensee shall allow the enrolled child to attend the child care facility during the outbreak of the disease.

R9-5-307. Suspected or Alleged Child Abuse or Neglect

A licensee shall ensure that the licensee or a staff member documents and reports all suspected or alleged cases of child abuse or neglect.

- 1. The licensee or staff member shall report the suspected or alleged child abuse or neglect to ~~Child Protective Services~~ the Arizona Department of Child Safety or to a local law enforcement agency as prescribed in A.R.S. § 13-3620. The licensee or staff member shall also send documentation to ~~Child Protective Services~~ the Arizona Department of Child Safety and any local law enforcement agency previously notified within three calendar days of the initial report, and maintain documentation of a child abuse or neglect report on facility premises for 12 months after the date of a report.
- 2. The licensee or staff member shall report the suspected or alleged child abuse by a staff member to the Department and to a local law enforcement agency as prescribed in A.R.S. § 13-3620. A licensee or staff member shall also send documentation to the Department and to any law enforcement agency previously notified within three calendar days of the initial report, and maintain documentation of a child abuse report on facility premises for 12 months after the date of a report.

R9-5-310. Pesticides

- A. A licensee shall make written pesticide information available to a parent, upon a parent’s request, at least 48 hours before a pesticide application occurs on facility premises, containing:
 - 1. The brand, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;
 - 2. The date and time of the pesticide application;
 - 3. The pesticide label ~~and the material safety data sheet~~; and
 - 4. The name and telephone number of the pesticide business licensee and the name of the licensed applicator providing pesticide services.
- B. A licensee is exempt from the provisions in subsection (A), as prescribed by A.R.S. § 36-898(C).

ARTICLE 4. FACILITY STAFF

R9-5-402. Staff Records and Reports

- A. A licensee shall maintain a file for each staff member containing:
 - 1. The staff member’s name, date of birth, home address, and telephone number;
 - 2. The staff member’s starting date of employment or volunteer service;
 - 3. The staff member’s ending date of employment or volunteer service, if applicable;
 - 4. ~~The name, telephone number, and mailing address~~ name and telephone number of an individual to be notified in case of an emergency;
 - 5. The staff member’s written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 - 6. The form required in A.R.S. § 36-883.02(C);
 - 7. Documents required by R9-5-203(A)(2) or (B);
 - 8. Documents required by R9-5-301;
 - 9. Documents required by R9-5-401, if applicable;
 - 10. If applicable:
 - a. The form required in A.R.S. § 8-804(I),
 - b. Documentation of the submission required in A.R.S. § 8-804 and the information received as a result of the submission, and
 - c. Documentation of training provided by a licensee as required by R9-5-403;
 - 11. A copy of any current license or certification required by A.R.S. Title 36, Chapter 7.1, Article 1, or this Chapter; and
 - 12. Documentation of the requirements in A.R.S. § 36-883.02(D).
- B. A licensee shall ensure that, for a staff member who is currently working at the facility, the staff member’s information required by:
 - 1. Subsections (A)(1) through (11) is maintained in a single location on facility premises, and
 - 2. Subsection (A)(12) is maintained and provided to the Department within two hours of the Department’s request.
- C. A licensee shall ensure that, for an individual who is not currently working at the facility, the information required in subsections (A)(1) through (12) is:
 - 1. Maintained for 12 months after the date the individual last worked at the facility, and
 - 2. Provided to the Department within two hours of the Department’s request.

R9-5-403. Training Requirements

- A. Within 10 calendar days of the starting date of employment or volunteer service, a licensee shall provide, and each staff member who provides child care services shall complete, training for new staff members that includes all of the following:
 - 1. Facility philosophy and goals;
 - 2. Names and ages of and developmental expectations for enrolled children for whom the staff member will provide child care services;
 - 3. Health needs, nutritional requirements, any known allergies, and information about adaptive devices of enrolled children for whom the staff member will provide child care services;
 - 4. Lesson plans;
 - 5. Child guidance and methods of discipline;
 - 6. Hand washing techniques;



7. Diapering techniques and toileting, if assigned to diaper changing duties;
 8. Food preparation, service, sanitation, and storage, if assigned to food preparation;
 9. If a staff member is assigned to feeding infants, the preparation, handling, and storage of infant formula and breast milk;
 10. Recognition of signs of illness and infestation;
 11. Child abuse or neglect detection, prevention, and reporting;
 12. Accident and emergency procedures;
 13. Staff responsibilities as required by A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter;
 14. Sun safety policies and procedures;
 15. Safety in outdoor activity areas;
 16. Transportation procedures, if applicable; and
 17. Field trip procedures, if applicable.
- B.** A licensee shall ensure that:
1. Each staff member who provides child care services completes 18 or more actual hours of training every 12 months after the effective date of this Chapter or the staff member's starting date of employment or volunteer service in at least two topics listed in this subsection:
 - a. Child growth and development, including:
 - i. Infant growth and development, which may include sudden infant death syndrome prevention;
 - ii. Developmental psychology;
 - iii. Language development;
 - iv. Observation and child assessment;
 - v. Developmentally-appropriate activities;
 - vi. Child guidance and methods of discipline which may include training on the appropriate techniques to prevent a child from harm or to prevent the child from harming others; and
 - vii. Developmentally-appropriate activity areas;
 - b. Health and safety issues, including:
 - i. Accident and emergency procedures, including CPR and first aid for infants and children;
 - ii. Recognition of signs of illness and infestation;
 - iii. Nutrition and developmentally-appropriate eating habits;
 - iv. Child abuse detection, reporting, and prevention;
 - v. Safety of indoor and outdoor activity areas; and
 - vi. Sun safety policies and procedures;
 - c. Program administration, planning, development, or management; and
 - d. Availability of community services and resources, including those available to children with special needs; and
 2. As part of the required 18 hours of training in subsection (B)(1):
 - a. A staff member who has less than 12 months of child care experience before the staff member's starting date, completes at least 12 hours in one or more of the topics in subsection (B)(1)(a) in the staff member's first 12 months at the facility;
 - b. A staff member who has 12 months or more of child care experience, completes at least six hours in one or more of the topics in subsection (B)(1)(a) every 12 months after the staff member's starting date;
 - c. A staff member who provides child care services to an infant completes at least six hours in subsection (B)(1)(a)(i) every 12 months after the staff member's starting date; and
 - d. A facility director completes at least six hours in subsection (B)(1)(c) every 12 months after the facility director's starting date.
- C.** A licensee shall ensure that documentation of a staff member's completion of training required by subsection (A) is signed by the facility director and dated.
- D.** A licensee shall ensure that a staff member submits to the licensee documentation of training received as required by subsection (B) to the licensee as the training is completed.
- E.** A licensee shall ensure that a staff member required by R9-5-301(G) meets all of the following:
1. The staff member obtains first aid training specific to infants and children;
 2. The staff member obtains CPR training specific to infants and children, which includes a demonstration of the staff member's ability to perform CPR;
 3. The staff member maintains current training in first aid and CPR; and
 4. The staff member provides the licensee with a copy of the front and back of the current card ~~issued by the agency or instructor~~ issued to the staff member upon completing first aid and CPR training as proof of completion of the requirements of this subsection.

ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT

R9-5-501. General Child Care Program, Equipment, and Health and Safety Standards

- A.** A licensee shall ensure that:
1. In addition to complying with the requirements in this Chapter, the health, safety, or welfare of an enrolled child is not placed at risk of harm;
 2. Except for an enrolled school-age child, drinking water is provided sufficient for the needs of and accessible to each enrolled child in both indoor and outdoor activity areas;
 3. For an enrolled school-age child, if drinking water is not accessible in an indoor or outdoor activity area, drinking water sufficient to meet the individual needs of each enrolled school-aged child is available;
 4. An enrolled child is placed in an age-appropriate or developmentally-appropriate group;



5. Indoor activity areas used by enrolled children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
6. Age-appropriate toys, materials, and equipment are provided to enable each enrolled child to participate in an activity;
7. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
8. Clean clothing is available to an enrolled child when the enrolled child needs a change of clothing;
9. If a staff member places an enrolled child in a feeding chair when feeding the enrolled child:
 - a. The feeding chair is constructed to prevent toppling;
 - b. The tray or feeding surface of the feeding chair is smooth and free of cracks; and
 - c. The staff member:
 - i. Cleans the feeding chair before and after each enrolled child's use;
 - ii. Sanitizes the tray or feeding surface before and after each enrolled child's use; and
 - iii. If the feeding chair was manufactured with a safety strap, fastens the feeding chair's safety strap while the enrolled child is in the feeding chair;
10. At least one indoor activity area in the facility is equipped with at least one cot or mat, a sheet, and a blanket, where an enrolled child can rest quietly away from other enrolled children;
11. Outdoor activities are scheduled to allow not less than 75 square feet for each enrolled child occupying the facility's outdoor activity area or indoor activity area substituted for outdoor activity area at any time;
12. The facility premises, including the buildings, are maintained free from hazards;
13. Toys and play equipment, required in this Article, are maintained:
 - a. Free from hazards, and
 - b. In a condition that allows the toy or play equipment to be used for the original purpose of the toy or play equipment;
14. Temperatures are maintained between 68° F and 82° F in each room used by enrolled children;
15. Except when an enrolled child is napping or sleeping, each room used by an enrolled child is maintained at a minimum of 30 foot candles of illumination;
16. When an enrolled child is napping or sleeping in a room, the room is maintained at a minimum of 5 foot candles of illumination;
17. Each enrolled child's toothbrush, comb, washcloth, cloth towel, and clothing is maintained in a clean condition and stored in an identified space separate from those of other enrolled children;
18. Each enrolled child's pacifier is labeled with an identifier that is specific to the enrolled child and maintained in a clean condition;
19. Except as provided in subsection (A)(20), the following are stored separate from food storage areas and are inaccessible to an enrolled child:
 - a. All materials and chemicals labeled as a toxic or flammable substance;
 - b. All substances that have a child warning label and may be a hazard to a child; and
 - c. Lawn mowers, ladders, toilet brushes, plungers, and other facility equipment that may be a hazard to a child;
20. Hand sanitizers:
 - a. When being stored, are stored separate from food storage areas and are inaccessible to enrolled children; and
 - b. When being provided for use, are accessible to enrolled children; and
21. Except when used as part of an activity, the following are stored in an area inaccessible to an enrolled child:
 - a. Garden tools, such as a rake, trowel, and shovel; and
 - b. Cleaning equipment and supplies, such as a mop and mop bucket.
- B.** A toy or piece of play equipment, which is free from hazards and in a condition that does not allow the toy or play equipment to be used for the toy or play equipment's original purpose, may be in an activity area but is not counted as one of the toys or play equipment required in this Article.
- C.** A licensee shall ensure that a staff member:
 1. Supervises each enrolled child at all times;
 2. Does not smoke or use tobacco:
 - a. On facility premises, except in designated areas separated from the children; or
 - b. On a field trip or when transporting an enrolled child;
 3. Except for an enrolled child who can change the enrolled child's own clothing, changes an enrolled child's clothing when wet or soiled;
 4. Except as provided in subsection (D), prepares and posts in each indoor activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
 - a. Meals and snacks;
 - b. Naps;
 - c. Indoor activities;
 - d. Outdoor or large muscle development activities;
 - e. Quiet and active activities;
 - f. Teacher-directed activities;
 - g. Self-directed activities;
 - h. Activities for individuals, groups of five or fewer children, and groups of six or more children; and
 - i. Activities that develop small muscles;
 5. Except as provided in subsection (D), prepares and posts a dated lesson plan in each indoor activity area for each calendar week, which is maintained on facility premises for 12 months after the lesson plan date and provides opportunities for each child to:
 - a. Gain a positive self-concept;
 - b. Develop and practice social skills;



- c. Think, reason, question, and experiment;
 - d. Acquire language skills;
 - e. Develop physical coordination skills;
 - f. Participate in structured large muscle physical activity;
 - g. Develop habits that meet health, safety, and nutritional needs;
 - h. Express creativity;
 - i. Learn to respect cultural diversity of children and staff;
 - j. Learn self-help skills; and
 - k. Develop a sense of responsibility and independence;
6. If an activity in the lesson plan required in subsection (C)(5) includes screen time, include in the lesson plan the duration of the screen time in minutes;
 7. Except as provided in subsection (C)(8), implements the schedule in subsection (C)(4) and lesson plan in subsection (C)(5);
 8. If the schedule in subsection (C)(4) or lesson plan in subsection (C)(5) is not implemented, writes on the schedule or the lesson plan the activity that is implemented;
 9. Does the following when a parent permits or asks a staff member to apply personal products on an enrolled child, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, toothpaste, and baby diapering preparations:
 - a. Obtains the enrolled child's personal products from the enrolled child's parent or, if the licensee provides the personal products for use by the enrolled child, obtains written approval for use of the products from the enrolled child's parent;
 - b. Labels the personal products with the enrolled child's name; and
 - c. Keeps the personal products inaccessible to enrolled children;
 10. When a parent permits, allows an enrolled school-age child to possess and use a topical sunscreen product without a note or prescription from a licensed health care professional.
 - ~~10.~~11. In an indoor activity area that does not have a diaper changing area:
 - a. Stores an enrolled child's wet or soiled clothing in a sealed plastic bag labeled with the enrolled child's name; and
 - b. Sends an enrolled child's wet or soiled clothing home with the enrolled child when the facility releases the enrolled child to the enrolled child's parent; and
 - ~~11.~~12. Monitors an enrolled child for overheating or overexposure to the sun. If the enrolled child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403(E) shall evaluate and treat the enrolled child.
- D.** A licensee is not required to have a schedule required in subsection (C)(4) or a lesson plan required in subsection (C)(5) for an indoor activity area that is approved and used:
1. By enrolled children only for:
 - a. Snacks or meals, or
 - b. A specific activity,
 2. To provide child care services to infants, or
 3. As a substitute for an outdoor activity area.

R9-5-507. Supplemental Standards for Children with Special Needs

- A.** A licensee providing child care services for a child with special needs shall:
1. Except as provided in subsection (A)(2), before a child with special needs receives child care services, obtain from the enrolled child's parent a copy of an existing individualized plan for the enrolled child that can be reviewed, adopted, and implemented by the licensee when providing child care services to the enrolled child that includes the following as needed for the enrolled child:
 - a. Medication schedule;
 - b. Nutrition and feeding instructions;
 - c. Qualifications required of a staff member who feeds the enrolled child;
 - d. Medical equipment or adaptive devices;
 - e. Medical emergency instructions;
 - f. Toileting and personal hygiene instructions;
 - g. Specific child care services to be provided to the enrolled child at the facility;
 - h. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy;
 - i. Training required of a staff member to care for the enrolled child's special needs; and
 - j. Participation in fire and emergency evacuation drills;
 2. If an enrolled child with special needs does not have an existing individualized plan, obtain from the enrolled child's parent written instructions for providing services to the enrolled child until a written individualized plan required in subsection (A)(1) is developed by a team consisting of staff members, the enrolled child's parent, and health care providers that is completed within 30 calendar days after the enrolled child's initial date of receiving child care services;
 3. Maintain an enrolled child's current individualized plan on facility premises and if the current individualized plan was developed according to subsection (A)(2), provide a copy to the enrolled child's parent; and
 4. Ensure the individualized plan is updated at least every 12 months after the date of the initial plan or as changes occur.
- B.** If an enrolled child with special needs who is 18 months of age or older and does not walk is placed in an infant group, a licensee may move the enrolled child after the enrolled child's parent and licensee determine that the proposed move is developmentally-appropriate.
- C.** A licensee shall ensure that:
1. When tube feeding an enrolled child, a staff member only uses:
 - a. Commercially prepackaged formula in a ready-to-use state,
 - b. Formula prepared by the enrolled child's parent and brought to the facility in an unbreakable container, or
 - c. Breast milk brought to the facility in an unbreakable container; and



2. Only a staff member instructed by an enrolled child's parent or individual designated by the enrolled child's parent:
 - a. Feeds the enrolled child using the enrolled child's tube-feeding apparatus, and
 - b. Cleans the enrolled child's tube-feeding apparatus.
- D. A licensee shall provide an enrolled child with special needs with:
 1. Developmentally-appropriate toys, materials, and equipment; and
 2. Assistance from staff members to enable the enrolled child to participate in the activities of the facility.
- E. In addition to complying with the transportation requirements in R9-5-517, a licensee transporting an enrolled child with special needs in a wheelchair in a facility's motor vehicle shall ensure that:
 1. The enrolled child's wheelchair is manufactured to be secured in a motor vehicle;
 2. The enrolled child's wheelchair is secured in the motor vehicle using a minimum of four anchorages attached to the motor vehicle floor, and four securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
 3. The enrolled child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
 4. The enrolled child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the enrolled child in the wheelchair or passage to the front and rear in the motor vehicle.
- F. A licensee providing child care services for an enrolled child who uses a wheelchair or is not able to walk shall locate the enrolled child on the ground floor of the facility.
- G. If a child care facility requires a separate diaper changing area to allow privacy while providing diapering to an enrolled child with special needs, the licensee shall submit a written request for approval of the intended change to the Department according to R9-5-208 prior to adding a diaper changing area.

Table 5.1 Meal Pattern Requirements for Children

TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN			
Food Components	Ages 1 through 2 years	Ages 3 through 5 years	Ages 6 and Older
Breakfast: 1. Milk, fluid 2. Vegetable, fruit, or full-strength juice <u>both</u> 3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains Grains	1/2 cup 1/4 cup 1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. eq ¹	3/4 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. eq ¹	1 cup 1/2 cup 1 slice 1 serving 3/4 cup 1/2 cup 1 oz. eq ¹
Lunch or Supper: 1. Milk, fluid 2. Vegetable and/or fruit (2 or more kinds) Vegetables Fruits 3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains Grains 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter, or other nut or seed butters or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/meat alternates or yogurt	1/2 cup 1/4 cup total 1/8 cup 1/8 cup 1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. eq ¹ 1 oz. 1 oz. 1 oz. 1/2 egg 1/4 cup 2 tbsp** 1/2 oz.** 4 oz.	3/4 cup 1/2 cup total 1/4 cup 1/4 cup 1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. eq ¹ 1 1/2 oz. 1 1/2 oz. 1 1/2 oz. 3/4 egg 3/8 cup 3 tbsp** 3/4 oz.** 6 oz.	1 cup 3/4 cup total 1/2 cup 1/4 cup 1 slice 1 serving 3/4 cup 1/2 cup 1 oz. eq ¹ 2 oz. 2 oz. 2 oz. 1 egg 1/2 cup 4 tbsp** 1 oz.** 8 oz.
Snack: (select 2 of these 4 components)*** 1. Milk, fluid 2. Vegetable, fruit, or full-strength juice Vegetables Fruits 3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains Grains 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese	1/2 cup 1/2 cup 1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. 1/2 oz. 1/2 oz. 1/2 oz.	1/2 cup 1/2 cup 1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. 1/2 oz. 1/2 oz. 1/2 oz.	1 cup 3/4 cup 3/4 cup 3/4 cup 1 slice 1 serving 3/4 cup 1/2 cup 1 oz. 1 oz. 1 oz. 1 oz.



or egg or cooked dry beans or peas* or peanut butter, soy nut butter, or other nut or seed butters or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/meat alternates or yogurt	1/2 egg 1/8 cup 1 tbsp 1/2 oz. 2 oz.	1/2 egg 1/8 cup 1 tbsp 1/2 oz. 2 oz.	1/2 egg 1/4 cup 2 tbsp 1 oz. 4 oz.
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¹ Meat and meat alternates may be used to substitute the entire grains component a maximum of three times per week. Oz eq = ounce equivalents
 * In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.
 ** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat.
 *** Juice may not be served when milk is served as the only other component.

R9-5-517. Transportation

- A. A licensee who transports an enrolled child in a motor vehicle that the licensee owns, or acquires for use by contract, shall:
1. Obtain dated, written permission from the enrolled child’s parent before the licensee transports the enrolled child;
 2. Maintain written permission required in subsection (A)(1) on facility premises for 12 months after the date on the written permission;
 3. Ensure that the motor vehicle is registered by the Arizona Department of Transportation as required by A.R.S. Title 28, Chapter 7;
 4. Maintain documentation of current motor vehicle insurance coverage inside the motor vehicle;
 5. Contact the Department no later than 24 hours after a motor vehicle accident that occurs while transporting an enrolled child;
 6. Submit a written report to the Department within seven calendar days after a motor vehicle accident that occurs while transporting an enrolled child;
 7. Not permit an enrolled child to be transported in a truck bed, camper, or trailer attached to a motor vehicle;
 8. Use a child passenger restraint system, as required by A.R.S. § 28-907, for each enrolled child who ~~is younger than five years old;~~ is:
 - a. Under eight years of age, and
 - b. Not more than four feet nine inches tall.
 9. ~~Except as provided in subsection (E), use an adjustable lap belt or an integrated lap and shoulder belt for each enrolled child who is five years old or older;~~
 10. ~~9.~~ Ensure that the motor vehicle has:
 - a. A working mechanical heating system capable of maintaining a temperature throughout the motor vehicle of at least 60° F when outside air temperatures are below 60° F;
 - b. Except as provided in subsection (E), a working air-conditioning system capable of maintaining a temperature throughout the motor vehicle at or below 86° F when outside air temperatures are above 86° F;
 - c. Except as provided in subsection (F), a first aid kit that meets the requirements of R9-5-514(A);
 - d. Two large, clean towels or blankets; and
 - e. Sufficient drinking water available to meet the needs of each enrolled child in the motor vehicle and sufficient cups or other drinking receptacles so that each enrolled child can drink from a different cup or receptacle;
 11. ~~10.~~ Ensure that the motor vehicle is:
 - a. Maintained in a clean condition,
 - b. In a mechanically safe condition, and
 - c. Free from hazards; and
 12. ~~11.~~ Maintain the service and repair records of the motor vehicle as follows:
 - a. A person operating a single child care facility shall maintain the service and repair records for at least 12 months after the date of an inspection or repair in a single location on facility premises;
 - b. A public or private school that uses a school bus, as defined in A.R.S. § 28-101, shall maintain the service and repair records for the school bus as provided in A.A.C. R17-9-108(F); and
 - c. A school governing board, charter school, or person operating multiple child care facilities shall maintain the service and repair records for any motor vehicle other than a school bus for at least 12 months after the date of an inspection or repair in a single administrative office located in the same city, town, or school attendance area as the facility.
- B. A licensee shall ensure that an individual who drives a motor vehicle used to transport an enrolled child:
1. Is 18 years of age or older;
 2. Holds a valid driver’s license issued by the Arizona Department of Motor Vehicles as prescribed by A.R.S. Title 28, Chapter 8;
 3. Carries a list stating the name of each enrolled child being transported and a copy of each enrolled child’s Emergency, Information, and Immunization Record card including the attached immunization record or exemption affidavit, in the motor vehicle;
 4. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
 5. Does not permit an enrolled child to be seated in front of a motor vehicle’s air bag;
 6. Requires that each enrolled child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;
 7. Except as provided in subsection (E), requires that each enrolled child be secured in a seat belt before the motor vehicle is set in motion and while the motor vehicle is in motion;
 8. Does not permit an enrolled child to open or close a door or window in the motor vehicle;
 9. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;



- 10. Ensures that each enrolled child is loaded into or unloaded from the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose; and
- 11. Does not use audio headphones or a telephone while the motor vehicle is in motion.
- C. When transporting an enrolled school-age child in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled school-age child in a motor vehicle, if the motor vehicle driver meets the qualifications of a teacher-caregiver.
- D. When transporting an enrolled child who is not school-age in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled child who is not school-age in a motor vehicle, only if four or fewer enrolled children are being transported and the motor vehicle driver meets the qualifications of a teacher-caregiver.
- E. A licensee who is transporting an enrolled child in a commercial vehicle, as defined in A.R.S. § 28-1301, is exempt from the provisions in subsections (A)(9), (A)(10)(b), and (B)(7).
- F. A licensee who is transporting an enrolled child in a school bus, as defined in A.R.S. § 28-101, is exempt from the provision in subsection (A)(10)(c) and shall comply with A.A.C. R17-9-110.

ARTICLE 6. PHYSICAL PLANT OF A FACILITY

R9-5-601. General Physical Plant Standards

A licensee shall comply with the following physical plant requirements:

- 1. When a facility is licensed to care for more than five infants in an infant room as described in R9-5-502(A)(1), each infant room has two or more designated exits from the room;
- 2. Not including infants and children who use diapers, toilets and hand-washing sinks are available to enrolled children in a facility as follows:
 - a. At least one flush toilet and one hand-washing sink for 10 or fewer children,
 - b. At least two flush toilets and two hand-washing sinks for 11 to 25 children, and
 - c. At least one flush toilet and one hand-washing sink for each additional 20 children;
- 3. A hand-washing sink required in R9-5-503(A)(2) or subsection (2) provides running water with a drain connected to a sanitary sewer as defined in A.R.S. § 45-101;
- 4. Except as provided in ~~subsections (5) and (6)~~ subsection (5), when providing child care services for infants or children who require diapering, a diaper changing area that meets the requirements in R9-5-503 is available in each infant room or indoor activity area used by an enrolled infant or child who wears diapers or disposable training pants;
- 5. ~~If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering an enrolled child with special needs, submit a written request for an approval; and~~
 - a. ~~For a license application, submit physical plant documents required by R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area;~~
 - b. ~~For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:~~
 - i. ~~Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and provides privacy for the enrolled child with special needs, the Department shall approve the proposed diaper changing area; or~~
 - ii. ~~Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter or provide privacy for the enrolled child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and~~
 - e. ~~Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;~~
- 6.5. A diaper changing area is not required in an activity area that is:
 - a. Only used by enrolled children for snacks or meals,
 - b. Used for a specific activity by enrolled children who are two years of age or older, or
 - c. An indoor activity area that is being substituted for an outdoor activity area under R9-5-602(D); and
- 7.6. A glass mirror, window, or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated, or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or physical injury to an enrolled child.

R9-5-602. Facility Square Footage Requirements

- A. A licensee shall ensure that the facility meets the following square footage requirements for indoor activity areas based on the child care services classifications:
 - 1. At least 35 square feet of indoor activity space for each infant and 1-year-old child;
 - 2. At least 25 square feet of indoor activity space for each child who is not an infant or 1-year-old child; and
 - 3. When 1-year-old children are grouped together with children older than 1-year-old children in the same activity area, at least 35 square feet of indoor activity space for each child.
- B. When computing indoor activity space for subsections (A)(1) through (3) to determine licensed capacity, the floor space occupied by the following shall be excluded:
 - 1. The interior walls;
 - 2. A kitchen, bathroom, closet, hallway, stair, entryway, office, a room designated for isolating an enrolled child from other children, storage rooms, and a room designated for the sole use of child care staff; and
 - 3. Room space occupied by teacher-caregiver desks, file cabinets, storage cabinets, and hand washing sinks for staff use.
- C. To provide activities that develop large muscles and an opportunity to participate in structured large muscle physical activities, a licensee shall:



1. Provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity, or
 2. Comply with one of the following:
 - a. If no enrolled child attends the facility for more than four hours per day, provide at least 50 square feet of indoor activity area for each child, based on the facility's licensed capacity;
 - b. If no enrolled child attends the facility for more than six hours per day, provide at least 75 square feet of indoor activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A); or
 - c. Provide at least 37.5 square feet of outdoor activity area and 37.5 square feet of indoor activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A).
- D.** A licensee substituting indoor activity area for outdoor activity area shall:
1. Designate, on the site plan and the floor plan submitted with the license application or request for approval of an intended change, the indoor activity area that is being substituted for an outdoor activity area; and
 2. In the indoor activity area substituted for outdoor activity area, install and maintain a mat or pad designed to provide impact protection in the fall zone of indoor swings and climbing equipment.
- E.** An indoor activity area that is substituted for an outdoor activity area is not assigned a licensed capacity.
- F.** The Department shall review and approve or deny the request for exemption or substitution.
1. For a request that is part of a license application, the Department shall review the proposed exemption or substitution and provide written notice according to the procedures in R9-5-202.
 2. For a licensed facility, within 30 calendar days after the date of the receipt of the request, the Department shall review the proposed exemption or substitution and provide written notice of the review to the licensee. If the proposed exemption or substitution:
 - a. Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, the Department shall approve the proposed exemption or substitution; or
 - b. Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter, the Department shall provide the licensee with the requirements necessary to approve the requested exemption or substitution.
 3. A licensee shall provide at least 75 square feet of outdoor activity area per child for 50% of the facility's licensed capacity, until the Department approves the exemption or substitution.

R9-5-603. Outdoor Activity Areas

- A.** Except as provided in subsection (B), a licensee shall not permit an enrolled child to cross a driveway or parking lot to access an outdoor activity area on the facility premises or a school campus unless the licensee obtains written approval from the Department.
- B.** If a licensee requests approval from the Department for enrolled children to cross a driveway or parking lot to access an outdoor activity area, the Department shall inspect the facility premises or school campus to determine whether the health, safety, or welfare of enrolled children would be endangered. The Department shall notify the licensee of approval or disapproval within 30 calendar days of receipt of the request. If disapproved, the Department shall provide the licensee with the requirements necessary to approve the proposed crossing.
- C.** Except as provided in subsection (D), a licensee shall ensure that an outdoor activity area:
1. Is enclosed by a fence:
 - a. A minimum of 4 feet high,
 - b. Secured to the ground, and
 - c. With either vertical or horizontal open spaces on the fence or gate that do not exceed 4.0 inches;
 2. Is maintained free from hazards, such as exposed concrete footings and broken toys; and
 3. Has gates that are kept closed while an enrolled child is in the outdoor activity area.
- D.** A licensee shall ensure that a playground used only for enrolled school age children at a facility operating at a public school meets the fencing requirements of the public school. If the Department determines by inspection that a facility fence at a public school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection (C).
- E.** A licensee shall ensure that the following is provided and maintained within the fall zones of swings and climbing equipment in an outdoor activity area:
1. A shock-absorbing unitary surfacing material manufactured for such use in outdoor activity areas; or
 2. A minimum depth of 6 inches of a nonhazardous, resilient material such as fine loose sand or wood chips.
- F.** A licensee shall ensure that hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for a rubber surfacing.
- G.** A licensee shall ensure that a swing or climbing equipment is not located in the fall zone of another swing or climbing equipment.
- H.** A licensee shall provide a shaded area for each enrolled child occupying an outdoor activity area at any time of day.



NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES

[R18-171]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:
4. The agency's contact person who can answer questions about the rulemaking:
5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:
6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:



- 7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. **The preliminary summary of the economic, small business, and consumer impact:**
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 9. **The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**
Not applicable
- 10. **Where, when, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(C):**
Close of record: Monday, September 17, 2018, 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.
- 11. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rules in Articles 3 and 8, and 10 require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-2204(3) for training programs and A.R.S. § 36-2212 for ambulance services, so a general permit is not applicable.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal laws do not apply to the rules in 9 A.A.C. 25.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No such analysis was submitted.
- 12. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
None
- 13. **The full text of the rule follows:**

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

ARTICLE 3. TRAINING PROGRAMS

- Section
- R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))
 - R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))
 - R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

ARTICLE 8. AIR AMBULANCE REGISTRATION

- Section
- Table 8.1. Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)

ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION

- Section
- R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))

ARTICLE 3. TRAINING PROGRAMS

- R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**
- A. To apply for certification as a training program, an applicant shall submit an application to the Department, in a Department-provided format, including:
 - 1. The applicant's name, address, and telephone number;
 - 2. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
 - 3. The name of each course the applicant plans to provide;
 - 4. Attestation that the applicant has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references for the courses specified in subsection (A)(3);



5. The name, telephone number, and e-mail address of the training program medical director;
 6. The name, telephone number, and e-mail address of the training program director;
 7. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and 9 A.A.C. 25;
 8. Attestation that all information required as part of the application has been submitted and is true and accurate; and
 9. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B.** An applicant may submit to the Department a copy of an accreditation report if the applicant is currently accredited by a national accrediting organization.
- C.** The Department shall certify a training program if the applicant:
1. Has not operated a training program that has been decertified by the Department within five years before submitting the application,
 2. Submits an application that is complete and compliant with requirements in this Article, and
 3. Has not knowingly provided false information on or with an application required by this Article.
- D.** The Department:
1. Shall assess a training program at least once every 24 months after certification to determine ongoing compliance with the requirements of this Article; and
 2. May inspect a training program according to A.R.S. § 41-1009:
 - a. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079, or
 - b. As necessary to determine compliance with the requirements of this Article.
- E.** The Department shall approve or deny an application under this Article according to Article 12 of this Chapter.
- F.** A training program certificate is valid only for the name of the training program certificate holder and the courses listed by the Department on the certificate and may not be transferred to another person.

R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

- A.** No later than 10 days after a change in the name, address, or e-mail address of the training program certificate holder listed on a training program certificate, the training program certificate holder shall notify the Department of the change, in a Department-provided format, including:
1. The current name, address, and e-mail address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The new name, new address, or new e-mail address and the date of the name, address, or e-mail address change;
 4. If applicable, attestation that the training program certificate holder has insurance required in R9-25-302(C) that is valid for the new name or new address;
 5. Attestation that all information submitted to the Department is true and correct; and
 6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B.** No later than 10 days after a change in the training program medical director or training program director, a training program certificate holder shall notify the Department, in a Department-provided format, including:
1. The name and address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The name, telephone number, and e-mail address of the new training program medical director or training program director and the date of the change; and
 4. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- C.** A training program certificate holder that intends to add a course shall submit to the Department a request for approval, in a Department-provided format, including:
1. The name and address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
 4. The name of each course the training program certificate holder plans to add;
 5. Attestation that the training program certificate holder has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references for the courses specified in subsection (C)(4);
 6. Attestation that all information required as part of the request is true and accurate; and
 7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- D.** For notification made under subsection (A) of a change in the name or address of a certificate holder, the Department shall issue an amended certificate to the training program certificate holder that incorporates the new name or address but retains the date on the current certificate.
- E.** The Department shall approve or deny a request for the addition of a course in subsection (C) according to Article 12 of this Chapter.
- F.** A training program certificate holder shall not conduct a course until an amended certificate is issued by the Department.

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

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



1. Covers knowledge, skills, and competencies comparable to the national education standards established for a specific EMCT classification level;
 2. Prepares a student for:
 - a. A national certification organization examination for the specific EMCT classification level, or
 - b. A standardized certification test under the state certification process;
 3. Has no more than 24 students enrolled in each session of the course; and
 4. Has a minimum course length of:
 - a. For an EMT certification course, 130 hours;
 - b. For an AEMT certification course, 244 hours, including:
 - i. A minimum of 100 contact hours of didactic instruction and practical skills training, and
 - ii. A minimum of 144 contact hours of clinical training and field training; and
 - c. For a Paramedic certification course, 1000 hours, including:
 - i. A minimum of 500 contact hours of didactic instruction and practical skills training, and
 - ii. A minimum of 500 contact hours of clinical training and field training.
- B.** A training program director shall ensure that, for an AEMT certification course or a Paramedic certification course, a student has one of the following:
1. Current certification from the Department as an EMT or higher EMCT classification level,
 2. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program, or
 3. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level.
- C.** A training program director shall ensure that for a course to prepare an EMT-I(99) for Paramedic certification:
1. A student has current certification from the Department as an EMT-I(99);
 2. The course covers the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references;
 3. The minimum course length is 600 hours, including:
 - a. A minimum of 220 contact hours of didactic instruction and practical skills training, and
 - b. A minimum of 380 contact hours of clinical training and field training; and
 4. A minimum of 60 contact hours of training in anatomy and physiology are completed by the student:
 - a. As a prerequisite to the course,
 - b. As preliminary instruction completed at the beginning of the course session before the didactic instruction required in subsection (C)(3)(a) begins, or
 - c. Through integration of the anatomy and physiology material with the units of instruction required in subsection (C)(3).
- D.** A training program director shall ensure that for an EMT refresher course:
1. A student has one of the following:
 - a. Current certification from the Department as an EMT or higher EMCT classification level,
 - b. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program,
 - c. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level, or
 - d. Documentation from a national certification organization requiring the student to complete the EMT refresher course to be eligible to apply for registration in the national certification organization;
 2. A student has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
 3. The EMT refresher course covers the knowledge, skills, and competencies in the national education standards established at the EMT classification level;
 4. No more than 32 students are enrolled in each session of the course; and
 5. The minimum course length is 24 contact hours.
- E.** A training program authorized to provide an EMT refresher course may administer a refresher challenge examination covering materials included in the EMT refresher course to an individual eligible for admission into the EMT refresher course.
- F.** A training program director shall ensure that for an ALS refresher course:
1. A student has one of the following:
 - a. Current certification from the Department as an AEMT, EMT-I(99), or Paramedic;
 - b. Documentation of completion of a prior training course, at the AEMT classification level or higher, provided by a training program certified by the Department or an equivalent training program;
 - c. Documentation of current registration in a national certification organization at the AEMT or Paramedic classification level; or
 - d. Documentation from a national certification organization requiring the student to complete the ALS refresher course to be eligible to apply for registration in the national certification organization;
 2. A student has documentation of current certification in:
 - a. Adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs, and
 - b. For a student who has current certification as an EMT-I(99) or higher level of EMCT classification, advanced emergency cardiac life support;
 3. The ALS refresher course covers:



- a. For a student who has current certification as an AEMT or documentation of completion of prior training at an AEMT classification level, the knowledge, skills, and competencies in the national education standards established for an AEMT;
 - b. For a student who has current certification as an EMT-I(99), the knowledge, skills, and competencies established according to A.R.S. § 36-2204 for an EMT-I(99) as of the effective date of this Section and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references; and
 - c. For a student who has current certification as a Paramedic or documentation of completion of prior training at a Paramedic classification level, the knowledge, skills, and competencies in the national education standards established for a Paramedic;
4. No more than 32 students are enrolled in each session of the course; and
5. The minimum course length is 48 contact hours.
- G. A training program authorized to provide an ALS refresher course may administer a refresher challenge examination covering materials included in the ALS refresher course to an individual eligible for admission into the ALS refresher course.

ARTICLE 8. AIR AMBULANCE REGISTRATION

Table 8.1. Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)

X = Required

ALS = Advanced Life Support Mission

BLS = Basic Life Support Mission

CC = Critical Care Mission

FW = Fixed-Wing Aircraft

RW = Rotor-Wing Aircraft

MINIMUM EQUIPMENT AND SUPPLIES	FW	RW	BLS	ALS	CC
A. Ventilation and Airway Equipment					
1. Portable and fixed suction apparatus, with wide-bore tubing, rigid pharyngeal curved suction tip, tonsillar and flexible suction catheters, 5F-14F	X	X	X	X	X
2. Portable and fixed oxygen equipment, with variable flow regulators	X	X	X	X	X
3. Oxygen administration equipment, including tubing; non-rebreathing masks (adult and pediatric sizes); and nasal cannulas (adult and pediatric sizes)	X	X	X	X	X
4. Bag-valve mask, with hand-operated, self-reexpanding bag (adult size), with oxygen reservoir/accumulator; mask (adult, pediatric, infant, and neonate sizes); and valve	X	X	X	X	X
5. Airways, oropharyngeal (adult, pediatric, and infant sizes)	X	X	X	X	X
6. Laryngoscope handle with extra batteries and bulbs, adult and pediatric	X	X	-	X	X
7. Laryngoscope blades, sizes 0, 1, and 2, straight; sizes 3 and 4, straight and curved	X	X	-	X	X
8. Endotracheal tubes, sizes 2.5-5.0 mm cuffed or uncuffed and 6.0-8.0 mm cuffed	X	X	-	X	X
9. Meconium aspirator	X	X	-	X	X
10. 10 mL straight-tip syringes	X	X	-	X	X
11. Stylettes for Endotracheal tubes, adult and pediatric	X	X	-	X	X
12. Magill forceps, adult and pediatric	X	X	-	X	X
13. Nasogastric tubes, sizes 5F and 8F, Salem sump sizes 14F and 18F	X	X	-	X	X
14. End-tidal CO ₂ detectors, colorimetric or quantitative	X	X	-	X	X
15. Portable automatic ventilator with positive end expiratory pressure	X	X	-	X	X
B. Monitoring and Defibrillation					
1. Automatic external defibrillator	X	X	X	-	-
2. Portable, battery-operated monitor/defibrillator, with tape write-out/recorder, defibrillator pads, adult and pediatric paddles or hands-free patches, ECG leads, adult and pediatric chest attachment electrodes, and capability to provide electrical discharge below 25 watt-seconds	X	X	-	X	X
3. Transcutaneous cardiac pacemaker, either stand-alone unit or integrated into monitor/defibrillator	X	X	-	X	X
C. Immobilization Devices					
1. Cervical collars, rigid, adjustable or in an assortment of adult and pediatric sizes	-	X	X	X	X
2. Head immobilization device, either firm padding or another commercial device	-	X	X	X	X
3. Lower extremity (femur) traction device, including lower extremity, limb support slings, padded ankle hitch, padded pelvic support, and traction strap	-	X	X	X	X
4. Upper and lower extremity immobilization splints	-	X	X	X	X



D. Bandages						
1.	Burn pack, including standard package, clean burn sheets	X	X	X	X	X
2.	Dressings, including sterile multi-trauma dressings (various large and small sizes); abdominal pads, 10" x 12" or larger; and 4" x 4" gauze sponges	X	X	X	X	X
3.	Gauze rolls, sterile (4" or larger)	X	X	X	X	X
4.	Elastic bandages, non-sterile (4" or larger)	X	X	X	X	X
5.	Occlusive dressing, sterile, 3" x 8" or larger	X	X	X	X	X
6.	Adhesive tape, including various sizes (1" or larger) hypoallergenic and various sizes (1" or larger) adhesive	X	X	X	X	X
E. Obstetrical						
1.	Obstetrical kit (separate sterile kit), including towels, 4" x 4" dressing, umbilical tape, sterile scissors or other cutting utensil, bulb suction, clamps for cord, sterile gloves, at least 4 blankets, and a head cover	X	X	X	X	X
2.	An alternate portable patient heat source or 2 heat packs	X	X	X	X	X
F. Miscellaneous						
1.	Sphygmomanometer (infant, pediatric, and adult regular and large sizes)	X	X	X	X	X
2.	Stethoscope	X	X	X	X	X
3.	Pediatric equipment sizing reference guide	X	X	X	X	X
4.	Thermometer with low temperature capability	X	X	X	X	X
5.	Heavy bandage or paramedic scissors for cutting clothing, belts, and boots	X	X	X	X	X
6.	Cold packs	X	X	X	X	X
7.	Flashlight (1) with extra batteries	X	X	X	X	X
8.	Blankets	X	X	X	X	X
9.	Sheets	X	X	X	X	X
10.	Disposable emesis bags or basins	X	X	X	X	X
11.	Disposable bedpan	X	X	X	X	X
12.	Disposable urinal	X	X	X	X	X
13.	Properly secured patient transport system	X	X	X	X	X
14.	Lubricating jelly (water soluble)	X	X	X	X	X
15.	Small volume nebulizer	X	X	-	X	X
16.	Glucometer or blood glucose measuring device with reagent strips	X	X	X	X	X
17.	Pulse oximeter with pediatric and adult probes	X	X	X	X	X
18.	Automatic blood pressure monitor	X	X	X	X	X
G. Infection Control (Latex-free equipment shall be available)						
1.	Eye protection (full peripheral glasses or goggles, face shield)	X	X	X	X	X
2.	Masks	X	X	X	X	X
3.	Gloves, non-sterile	X	X	X	X	X
4.	Jumpsuits or gowns	X	X	X	X	X
5.	Shoe covers	X	X	X	X	X
6.	Disinfectant hand wash, commercial antimicrobial (towelette, spray, or liquid)	X	X	X	X	X
7.	Disinfectant solution for cleaning equipment	X	X	X	X	X
8.	Standard sharps containers	X	X	X	X	X
9.	Disposable red trash bags	X	X	X	X	X
10.	High-efficiency particulate air mask	X	X	X	X	X
H. Injury Prevention Equipment						
1.	Appropriate restraints (such as seat belts) for patient, personnel, and family members	X	X	X	X	X
2.	Child safety restraints	X	X	X	X	X
3.	Safety vest or other garment with reflective material for each personnel member	-	X	X	X	X
4.	Fire extinguisher	X	X	X	X	X
5.	Hazardous material reference guide	X	X	X	X	X
6.	Hearing protection for patient and personnel	X	X	X	X	X
I. Vascular Access						
1.	Intravenous administration equipment, with fluid in bags	X	X	-	X	X
2.	Antiseptic solution (alcohol wipes and povidone-iodine wipes)	X	X	-	X	X
3.	Intravenous pole or roof hook	X	X	-	X	X
4.	Intravenous catheters 14G-24G	X	X	-	X	X
5.	Intraosseous needles	X	X	-	X	X
6.	Venous tourniquet	X	X	-	X	X



7. One of each of the following types of intravenous solution administration sets: a. A set with blood tubing, b. A set capable of delivering 60 drops per cc, and c. A set capable of delivering 10 or 15 drops per cc	X	X	-	X	X
8. Intravenous arm boards, adult and pediatric	X	X	-	X	X
9. IV pump or pumps (minimum of 3 infusion lines)	X	X	-	X	X
10. IV pressure bag	X	X	-	X	X
J. Medications					
1. Agents required in Tables 5.2 and, if applicable, 5.3 for a table of agents, established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov/ems-regulatory-references , that an administrative medical director may authorize based on the EMCT classification	X	X	X	X	X

ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION

R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))

A. A ground ambulance vehicle used for either BLS or ALS level of service shall contain the following operational equipment and supplies:

1. A portable and a fixed suction apparatus;
2. Wide-bore tubing, a rigid pharyngeal curved suction tip, and a flexible suction catheter in the following French sizes:
 - a. Two in 6, 8, or 10; and
 - b. Two in 12, 14, or 16;
3. One fixed oxygen cylinder or equivalent with a minimum capacity of 106 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
4. One portable oxygen cylinder with a minimum capacity of 13 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
5. Oxygen administration equipment including: tubing, two adult-size and two pediatric-size non-rebreather masks, and two adult-size and two pediatric-size nasal cannula;
6. One adult-size, one child-size, one infant-size, and one neonate-size hand-operated, disposable, self-expanding bag-valve with one of each size bag-valve mask;
7. Nasal airways in the following French sizes:
 - a. One in 16, 18, 20, 22, or 24; and
 - b. One in 26, 28, 30, 32, or 34;
8. Two adult-size, two child-size, and two infant-size oropharyngeal airways;
9. Two large-size, two medium-size, and two small-size cervical immobilization devices;
10. Two small-size, two medium-size, and two large size upper extremities splints;
11. Two small-size, two medium-size, and two large size lower extremities splints;
12. One child-size and one adult-size lower extremity traction splints;
13. Two full-length spine boards;
14. Supplies to secure a patient to a spine board;
15. One cervical-thoracic spinal immobilization device for extrication;
16. Two sterile burn sheets;
17. Two triangular bandages;
18. Three sterile multi-trauma dressings, 10" x 30" or larger;
19. Fifty non-sterile 4" x 4" gauze sponges;
20. Ten non-sterile soft roller bandages, 4" or larger;
21. Four sterile occlusive dressings, 3" x 8" or larger;
22. Two 2" or 3" adhesive tape rolls;
23. Containers for biohazardous medical waste that comply with requirements in 18 A.A.C. 13, Article 14;
24. A sterile obstetrical kit containing towels, 4" x 4" dressing, scissors, bulb suction, and clamps or tape for cord;
25. One blood glucose testing kit;
26. A meconium aspirator adapter;
27. A length/weight-based pediatric reference guide to determine the appropriate size of medical equipment and drug dosing;
28. A pulse oximeter with both pediatric and adult probes;
29. One child-size, one adult-size, and one large adult-size sphygmomanometer;
30. One stethoscope;
31. One heavy duty scissors capable of cutting clothing, belts, or boots;
32. Two blankets;
33. One thermal absorbent blanket with head cover or blanket of other appropriate heat-reflective material;
34. Two sheets;
35. Body substance isolation equipment, including:
 - a. Two pairs of non-sterile disposable gloves;
 - b. Two gowns;
 - c. Two masks that are at least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator, which may be of universal size;



- d. Two pairs of shoe coverings; and
 - e. Two sets of protective eye wear;
 36. At least three pairs of non-latex gloves; and
 37. A wheeled, multi-level stretcher that is:
 - a. Suitable for supporting a patient at each level,
 - b. At least 69 inches long and 20 inches wide,
 - c. Rated for use with a patient weighing up to or more than 350 pounds,
 - d. Adjustable to allow a patient to recline and to elevate the patient's head and upper torso to an angle at least 70° from the horizontal plane,
 - e. Equipped with a mattress that has a protective cover,
 - f. Equipped with at least two attached straps to secure a patient during transport, and
 - g. Equipped to secure the stretcher to the interior of the vehicle during transport using the fastener required under R9-25-1002(38).
- B.** In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide BLS shall contain at least:
1. The minimum supply of agents required in Table 5-2 a table of agents, established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov/ems-regulatory-references, that an administrative medical director may authorize for an EMT;
 2. ~~By January 1, 2016, the~~ The capability of providing automated external defibrillation;
 3. Two 3 mL syringes; and
 4. Two 10-12 mL syringes.
- C.** In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide ALS shall contain at least the minimum supply of agents required in Table 5-2 a table of agents, established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov/ems-regulatory-references, that an administrative medical director may authorize for the highest level of service to be provided by the ambulance's crew and at least the following:
1. Four intravenous solution administration sets capable of delivering 10 drops per cc;
 2. Four intravenous solution administration sets capable of delivering 60 drops per cc;
 3. Intravenous catheters in:
 - a. Three different sizes from 14 gauge to 20 gauge, and
 - b. Either 22 or 24 gauge;
 4. One child-size and one adult-size intraosseous needle;
 5. Venous tourniquet;
 6. Two endotracheal tubes in each of the following sizes: 2.5 mm, 3.0 mm, 3.5 mm, 4.0 mm, 4.5 mm, 5.0 mm, 5.5 mm, 6.0 mm, 7.0 mm, 8.0 mm, and 9.0 mm;
 7. One pediatric-size and one adult-size stylette for endotracheal tubes;
 8. End tidal CO₂ monitoring/capnography equipment with capability for pediatric and adult patients;
 9. One laryngoscope with blades in sizes 0-4, straight or curved or both;
 10. One pediatric-size and one adult-size Magill forceps;
 11. One scalpel;
 12. One portable, battery-operated cardiac monitor-defibrillator with strip chart recorder and adult and pediatric EKG electrodes and defibrillation capabilities;
 13. Electrocardiogram leads;
 14. The following syringes:
 - a. Two 1 mL tuberculin,
 - b. Four 3 mL,
 - c. Four 5 mL,
 - d. Four 10-12 mL,
 - e. Two 20 mL, and
 - f. Two 50-60 mL;
 15. Three 5 micron filter needles; and
 16. Assorted sizes of non-filter needles.
- D.** A ground ambulance vehicle shall be equipped to provide, and capable of providing, voice communication between:
1. The ambulance attendant and the dispatch center;
 2. The ambulance attendant and the ground ambulance service's assigned medical direction authority, if any; and
 3. The ambulance attendant in the patient compartment and the ground ambulance service's assigned medical direction authority, if any.



NOTICES OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)

This section of the Arizona Administrative Register contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(J), if an agency does not file a five-year rule review report with the Governor's Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the Register, and the rules are removed from the Code.

GOVERNOR'S REGULATORY REVIEW COUNCIL

NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)

DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R18-173]

- 1. Agency name: Department of Environmental Quality
2. Title and its heading: 18, Environmental Quality
3. Chapter and its heading: 2, Department of Environmental Quality - Air Pollution Control
4. Article and its heading: 16, Visibility; Regional Haze

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of August 14, 2018:

- R18-2-1601. Definitions
R18-2-1602. Applicability
R18-2-1603. Certification of Impairment
R18-2-1604. Attribution Analysis; Finding
R18-2-1605. BART Control Analysis; Finding
R18-2-1606. Exemption form BART
R18-2-1607. Reserved
R18-2-1608. Reserved
R18-2-1609. Reserved

Signature is of Nicole O. Colyer

/s/

Nicole Ong Colyer
Chairwoman

Date of Signing

August 8, 2018



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
ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS
REAL ESTATE APPRAISAL DIVISION**

[R18-174]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Department of Financial Institutions - Real Estate Appraisal Division
Article and its heading: 1, General Provisions
 2, Registration, Licensure, and Certification as an Appraiser
 2.1, Investigations
 3, Hearings and Disciplinary Proceedings
 4, Appraisal Management Companies
 5, Course Approval

Section numbers: R4-46-101, R4-46-103 to R4-46-107, R4-46-201 to R4-46-209, R4-46-301 to R4-46-306, R4-46-401 to R4-46-408, R4-46-501, R4-46-503 to R4-46-506, R4-46-508 to R4-46-511
(Sections may be added, deleted, or modified as necessary)

2. **The subject matter of the proposed rule:**
 The DFI has formally received an exception from the rulemaking moratorium to develop an extensive rulemaking to modernize A.A.C. R4-46-101 et seq. In 2015, governor Ducey signed S1480 (Budget; BRB; Agency consolidation: FY15-16) consolidating the Board of Appraisal (Board) under the regulatory authority of the DFI. In 2017, S1197 was signed into law, codifying the Departments statutory authority found in (Title 6) over the appraisal industry (Title 32). With the statutory authority in place, the DFI is proposing to amend and repeal portions of 4 A.A.C. Chapter 46 that are overly burdensome, outdated or redundant.

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

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Stephen Briggs, Legislative Liaison
 Address: Arizona Department of Financial Institutions
 100 N. 15th Ave., Suite 261
 Phoenix, AZ 85007

 Telephone: (602) 771-2778
 Fax: (602) 381-1225
 E-mail: sbriggs@azdfi.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 To be announced in the Notice of Proposed Rulemaking

6. **A timetable for agency decisions or other action on the proceeding, if known:**
 To be announced in the Notice of Proposed Rulemaking



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[R18-175]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 10, Department of Health Services - Health Care Institutions: Licensing
Articles and their headings: 1, General; 2, Hospitals; 3, Behavioral Health Inpatient Facilities; 4, Nursing Care Institutions; 6, Hospices; 7, Behavioral Health Residential Facilities; 8, Assisted Living Facilities; 10, Outpatient Treatment Centers; 11, Adult Day Health Care Facilities; 14, Substance Abuse Transitional Facilities; 19, Counseling Facilities

Section numbers: R9-10-101 through R9-10-108, Table 1.1, R9-10-109 through R9-10-118, R9-10-201, R9-10-202, R9-10-203, R9-10-206, R9-10-207, R9-10-210, R9-10-215, R9-10-217, R9-10-219, R9-10-220, R9-10-224, R9-10-225, R9-10-226, R9-10-233, R9-10-302, R9-10-306, R9-10-307, R9-10-308, R9-10-314, R9-10-315, R9-10-401, R9-10-402, R9-10-408, R9-10-409, R9-10-414, R9-10-415, R9-10-418, R9-10-425, R9-10-427, R9-10-602, R9-10-607, R9-10-702, R9-10-703, R9-10-706, R9-10-707, R9-10-802, R9-10-803, R9-10-806, R9-10-807, R9-10-818, R9-10-1002, R9-10-1003, R9-10-1019, R9-10-1025, R9-10-1031, R9-10-1102, R9-10-1414, and R9-10-1902 (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. The Arizona Department of Health Services (Department) has adopted rules for licensing health care institutions in Arizona Administrative Code (A.A.C.) Title 9, Chapter 10. Laws 2017, Ch. 122 eliminates renewal licensure for health care institutions and states that a health care institution license remains valid unless subsequently suspended or revoked by the Department or the health care institution fails to pay a licensing fee by a specified due date. Laws 2017, Ch. 122 also requires the Department to establish rules regarding the payment of licensing fees and modifies information and documentation required to be submitted as part of a licensing application. In this rulemaking, the Department is revising the rules in 9 A.A.C. 10 to comply with Laws 2017, Ch. 122. As part of the rulemaking, the Department is also making other changes to rules in 9 A.A.C. 10 described in five-year-review reports approved by the Governor’s Regulatory Review Council.

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: Arizona 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

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA DEPARTMENT OF WATER RESOURCES**

[R18-176]

- 1. Title and its heading:** 12, Natural Resources
- Chapter and its heading:** 15, Department of Water Resources
- Article and its heading:** 7, Assured and Adequate Water Supply
- Section numbers:** R12-15-722, R12-15-723, R12-15-725, R12-15-725.01

2. The subject matter of the proposed rule:

The Department’s proposed amendments to R12-15-725 and R12-15-723 and repeal of R12-15-725.01 will amend the extinguishment credit calculation for the extinguishment of grandfathered groundwater rights in the Pinal Active Management Area. The Department’s proposed amendments to R12-15-722 will limit, for certificates of assured water supply in the Pinal Active Management Area, the volume of groundwater use that can be made consistent with the management goal with the use of extinguishment credits created after January 1, 2019.

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

Notice of Proposed Rulemaking: 24 A.A.R. 2459, September 7, 2018 (*in this issue*)

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

Name: Jeff Tannler, Statewide Active Management Area Director
 Address: Arizona Department of Water Resources
 1110 W. Washington St., Suite 310
 Phoenix, AZ 85007
 Telephone: (602) 771-8424
 Fax: (602) 771-8686
 E-mail: jmtannler@azwater.gov

or

Name: Ayesha Vohra, Deputy Counsel
 Address: Arizona Department of Water Resources
 1110 W. Washington St., Suite 310
 Phoenix, AZ 85007
 Telephone: (602) 771-8472
 Fax: (602) 771-8686
 E-mail: avohra@azwater.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 may be submitted at any time prior to the close of the public record on Tuesday, October 9, 2018 at 5:00 p.m. Written comments not submitted at the oral proceeding described below should be submitted to: Sharon Scantlebury, Docket Supervisor, Arizona Department of Water Resources, 1110 West Washington Street, Suite 310, Phoenix, AZ 85007. Written comments may also be submitted by email to sscantlebury@azwater.gov or fax (602) 771-8687. An oral proceeding will be held on October 9, 2018 at City of Casa Grande, City Hall Council Chambers, 510 E Florence Boulevard, Casa Grande AZ 85122. Oral comments may be made at the oral proceeding.

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

See Notice of Proposed Rulemaking starting on page 2459 of this issue.



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

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

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Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index and published by volume page number.

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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	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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 AUGUST 7, 2018 MEETING

[M18-68]

Rules:

DEPARTMENT OF HEALTH SERVICES (R-18-0801)

Title 9, Chapter 6, Article 7, Required Immunizations for Child Care or School Entry

Amend: R9-6-701; R9-6-702; R9-6-703; R9-6-704; R9-6-705; R9-6-706; R9-6-707;
R9-6-708; Table 7.1; Table 7.2

Repeal: Table 1; Table 2

COUNCIL ACTION: APPROVED

REGISTRAR OF CONTRACTORS (R-18-0802)

Title 4, Chapter 9, Article 1, General Provisions

Amend: R4-9-106; R4-9-119

COUNCIL ACTION: RETURNED AMENDMENTS THAT INCREASED THE REQUIRED EXAMINATION SCORE FROM 70% TO 75% IN R4-9-106(C) AND (D), APPROVED THE REMAINING AMENDMENTS.

Five-Year Review Reports:

DEPARTMENT OF PUBLIC SAFETY (F-18-0801)

Title 13, Chapter 1, Article 1, Criminal History Records; Article 2, ACJIS Network; Article 3, Arizona Crime Statistics; Article 4, Applicant Fingerprint Processing; Article 5, Department Records

COUNCIL ACTION: APPROVED

DEPARTMENT OF HEALTH SERVICES (F-18-0802)

Title 9, Chapter 10, Article 14, Substance Abuse Transitional Facilities

COUNCIL ACTION: APPROVED

DEPARTMENT OF TRANSPORTATION (F-18-0803)

Title 17, Chapter 4, Article 4, Driver Licenses

COUNCIL ACTION: APPROVED

MEDICAL BOARD (F-18-0804)

Title 4, Chapter 16, Article 7, Office-based Surgery Using Sedation

COUNCIL ACTION: APPROVED

DEPARTMENT OF ECONOMIC SECURITY (F-18-0806)

Title 6, Chapter 4, Article 1, State Agency Administration; Article 2, Provision of Services to Individuals; Article 3, Business Enterprise Program; Article 4, Other Rules and Provisions that Relate to Providing Services to Individuals

COUNCIL ACTION: APPROVED

DEPARTMENT OF ECONOMIC SECURITY (F-18-0807)

Title 6, Chapter 11, Job Training Partnership Act (JTPA)

COUNCIL ACTION: APPROVED