



# 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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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**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

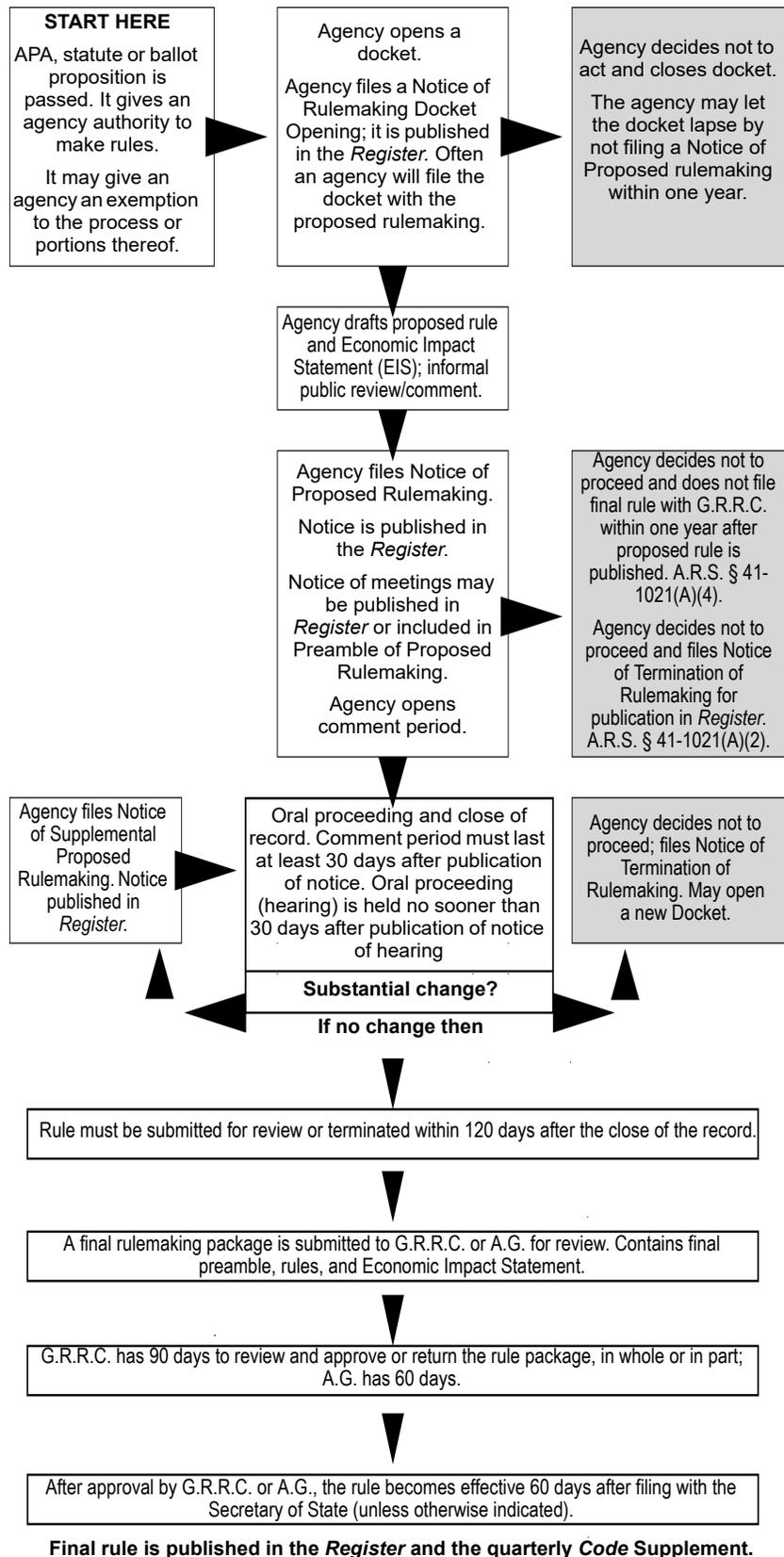
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

## About Preambles

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

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

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



**NOTICES OF FINAL RULEMAKING**

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

The final published notice includes a preamble and

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

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

**NOTICE OF FINAL RULEMAKING  
TITLE 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R18-261]

**PREAMBLE**

- 1. Article, Part, or Section Affected (as applicable)**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 10	New Article
R2-8-1001	New Section
R2-8-1002	New Section
R2-8-1003	New Section
R2-8-1004	New Section
R2-8-1005	New Section
R2-8-1006	New Section
  
- 2. Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 38-714(E)(4)  
 Implementing statutes: A.R.S. §§ 38-701 et seq., 38-711, and 38-729
  
- 3. The effective date for the rules:**  
 February 4, 2019
  - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**  
 Not applicable
  
  - b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**  
 Not applicable
  
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2361, August 24, 2018  
 Notice of Proposed Rulemaking: 24 A.A.R. 2351, August 24, 2018
  
- 5. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Jessica A.R. Thomas, Rules Writer  
 Address: Arizona State Retirement System  
 3300 N. Central Ave., Suite 1400  
 Phoenix, AZ 85012-0250  
 Telephone: (602) 240-2039  
 E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)
  
- 6. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 A.R.S. § 38-711(23) defines member as an employee of the Employer who is “engaged to work” at least 20 hours per week for at least 20 weeks per fiscal year. These rules will clarify which employees meet ASRS membership requirements. These rules will increase understandability of how an employee may become an ASRS member, but the rules do not impose any additional requirements or burdens on members. Additionally, these rules will clarify the steps a potential Employer must take in order to join the ASRS.



- 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:**  
No study was reviewed.
- 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:**  
The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administrates how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer-partner political subdivision and political subdivision entities, which have voluntarily contracted to join the ASRS. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because they merely clarify when an employee of an Employer may be eligible for ASRS membership and how a potential Employer may join the ASRS. Such clarification will increase understandability of when an employee becomes a member of the ASRS and how a potential Employer may join the ASRS, which will increase the effectiveness and efficiency of the administration of the ASRS, thus, reducing the regulatory burden and the economic impact.
- 10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**  
The ASRS changed reference of § 418 of the Social Security Act in R2-8-1001(2) to the correct citation “§ 218.”
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**  
The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on October 2, 2018.
- 12. **All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**  
None
  - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**  
The rules do not require a permit.
  - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**  
There are no federal laws applicable to these rules.
  - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**  
No analysis was submitted.
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**  
No materials are incorporated by reference.
- 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 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

**ARTICLE 10. MEMBERSHIP**

Section	
<u>R2-8-1001.</u>	<u>Definitions</u>
<u>R2-8-1002.</u>	<u>Employee Membership</u>
<u>R2-8-1003.</u>	<u>Charter School Employer Membership</u>
<u>R2-8-1004.</u>	<u>Other Political Subdivision and Political Subdivision Entity Employer Membership</u>
<u>R2-8-1005.</u>	<u>Employer Reporting</u>
<u>R2-8-1006.</u>	<u>Prior Service Purchase Cost for New Employers</u>

**ARTICLE 10. MEMBERSHIP****R2-8-1001. Definitions**

The following definitions apply to this Article unless otherwise specified:

1. "218 Agreement" means the same as in R2-8-701.
2. "218 Resolution" means written authorization for a potential Employer to provide Social Security and Medicare or Medicare-only coverage to employees under the provisions of § 218 of the Social Security Act.
3. "Acceptable Documentation" means the same as in R2-8-115.
4. "Designated Employer Administrator" means an individual designated by the Employer and who has authorized access to the Employer's secure ASRS account in order to fulfill the Employer's responsibilities.
5. "Engaged To Work" means the earlier of:
  - a. The date the employee begins rendering services for the Employer and the Employer intends the employee to work for at least 20 hours a week for at least 20 weeks in a fiscal year or;
  - b. The week an employee renders services to an Employer for at least 20 hours a week for at least 20 weeks in a fiscal year.
6. "Leasing An Employee From A Third Party" means the same as "Leased from a third party" in R2-8-116.
7. "State Social Security Administrator" means the ASRS staff designated by the Board to approve 218 Agreements.
8. "Week" means 12:00 a.m. on Sunday through 11:59 p.m. on the following Saturday.

**R2-8-1002. Employee Membership**

- A. For purposes of active member eligibility, an employee of an Employer becomes a member of the ASRS pursuant to A.R.S. § 38-711(23) when the employee is Engaged To Work for the Employer.
- B. If the Employer does not provide an accurate date for which an employee was Engaged To Work pursuant to subsection (A), the ASRS shall determine that an employee's membership effective date will be the member's hire date, if provided by the Employer and within 30 days of the first pay period end date after the hire date, for which the Employer was required to submit contributions.
- C. If the Employer does not provide a hire date pursuant to subsection (B), the effective date is the first pay period end date of contributions received for that member.
- D. Unless a member terminates employment or retires from the ASRS, for purposes of determining active member eligibility, a member will continue to be an active member for the remainder of a fiscal year in which the employee met the requirements to be an active member in the ASRS with that Employer pursuant to A.R.S. § 38-711.
- E. Within 30 days of employment, an employee who is eligible for ASRS membership pursuant to A.R.S. § 38-711(23) shall create a secure ASRS account and submit to the ASRS through the employee's secure ASRS account the following information:
  1. The Employee's full name;
  2. The Employee's Social Security number;
  3. The Employee's date of birth;
  4. The Employee's gender;
  5. The Employee's marital status;
  6. The Employee's primary phone number;
  7. The Employee's personal email address;
  8. The Employee's current mailing address; and
  9. The Employee's designated beneficiary.
- F. Within 30 days of a change in the member's name, the member shall submit to the ASRS through the member's secure ASRS account a Change of Name form that contains:
  1. The member's full name that is on file with the ASRS;
  2. The member's Social Security number;
  3. The member's current mailing address;
  4. The member's date of birth;
  5. The member's personal email address;
  6. The member's primary phone number;
  7. The member's gender;
  8. The member's marital status;
  9. The member's retired, active, inactive, or LTD status with the ASRS;
  10. The member's new full name;
  11. The type of legal document establishing the member's new name;
  12. A copy of the legal document establishing the member's new name; and
  13. The member's dated signature.
- G. Within 30 days of a change in the member's contact information, the member shall notify the ASRS of the change.
- H. If an employee of an Employer meets the requirements of A.R.S. § 38-727(A)(8), the employee may elect to not participate in the ASRS.
- I. Within 30 days after employment, an Employer whose employee is 65 years of age or older as of the date of employment and who has elected not to participate in the ASRS pursuant to subsection (H), shall submit to the ASRS through the Employer's secure ASRS account a 65+ Membership Waiver form that contains:
  1. The employee's full name;
  2. The employee's Social Security number;
  3. The employee's current mailing address;
  4. The employee's date of birth;
  5. The employee's dated signature acknowledging the following statements:



- a. The employee is electing to waive any rights to ASRS membership and the employee will not be eligible for any retirement, disability, or health insurance benefits offered by the ASRS;
  - b. The employee is not a member of the ASRS as of the date of employment; and
  - c. The employee understands that this election is irrevocable for the remainder of the employee's employment with that Employer and the time the employee works under this election is not eligible for purchase in the ASRS;
  - 6. The Employer's name;
  - 7. The date employee's employment began; and
  - 8. The name and dated signature of the Employer's representative.
- J.** A corrected and completed 65+ Membership Waiver form must be resubmitted to the ASRS pursuant to subsection (I) within 14 days of the date the ASRS notifies the employee that the 65+ Membership Waiver form is incorrect or incomplete.

**R2-8-1003. Charter School Employer Membership**

- A.** Pursuant to A.R.S. § 15-187(C), a charter school in Arizona is considered a political subdivision that is eligible to participate in the ASRS if the charter school is sponsored by:
- 1. A state university;
  - 2. A community college district;
  - 3. A group of community college districts;
  - 4. The state board of education; or
  - 5. The state board for charter schools.
- B.** In order to participate as an Employer in the ASRS, a charter school shall notify the ASRS in writing of the charter school's intent to join the ASRS and provide:
- 1. A copy of the current and active Charter Contract, including any amendments, which is approved by the entity sponsoring the charter school pursuant to subsection (A);
  - 2. Documentation showing the name and location of all schools authorized by the Charter Contract identified in subsection (B)(1); and
  - 3. Documentation showing the charter school board's approval to pursue ASRS membership and complete ASRS requirements for membership.
- C.** Upon receipt of the information contained in subsection (B), the ASRS shall determine if the charter school is eligible to participate in the ASRS. If the charter school is not eligible to participate in the ASRS, the ASRS shall send the charter school a notice of ineligibility. If the charter school is eligible to participate, the ASRS shall provide the charter school a Potential New Employer Letter.
- D.** In order to participate as an Employer in the ASRS, an eligible charter school shall submit to the ASRS the following original documents by the due date listed on the Potential New Employer Letter:
- 1. The current retirement plan or a statement signed by the designated authorized agent for the charter school acknowledging there is no current retirement plan.
  - 2. Two ASRS Agreements showing:
    - a. The legal name and current mailing address of the charter school as sponsored pursuant to subsection (A);
    - b. What amount of prior service the charter school shall purchase for employees pursuant to R2-8-1006;
    - c. The approximate number of employees that will become members upon the effective date of the ASRS Agreement;
    - d. The name, title, email address, and telephone number of the designated authorized agent for the charter school;
    - e. The designated authorized agent is authorized and directed to conduct all negotiations, conclude all arrangements, and sign all documents necessary to administer the supplemental ASRS retirement plan pursuant to A.R.S. Title 38, Chapter 5, Articles 2 and 2.1; and
    - f. The ASRS Agreement is binding and irrevocable;
    - g. The effective date of the ASRS Agreement;
    - h. The charter school agrees to be bound by the provisions of A.R.S. Title 38, Chapter 5, Article 2 and Article 2.1 unless otherwise indicated by law; and
    - i. The dated signature of the designated authorized agent for the charter school.
  - 3. Two ASRS Resolutions showing:
    - a. The legal name of the charter school as sponsored pursuant to subsection (A);
    - b. The charter school is adopting a supplemental ASRS retirement plan pursuant to A.R.S. § 38-729;
    - c. The charter school agrees to be bound by the provisions of A.R.S. Title 38, Chapter 5, Article 2 and Article 2.1 unless otherwise indicated by law;
    - d. The designated authorized agent for the charter school;
    - e. The designated authorized agent is authorized and directed to conduct all negotiations, conclude all arrangements, and sign all documents necessary to administer the supplemental ASRS retirement plan pursuant to A.R.S. Title 38, Chapter 5, Articles 2 and 2.1; and
    - f. The dated and notarized signature of the designated authorized agent.
  - 4. Two 218 Agreements either electing or declining coverage. If the charter school is electing coverage pursuant to a 218 Agreement, the 218 Agreement must be completed and approved by the Social Security Administration prior to joining the ASRS.
  - 5. Two 218 Resolutions, if the charter school is electing coverage pursuant to subsection (D)(4). The 218 Resolutions must be completed and approved by the Social Security Administration prior to joining the ASRS.
- E.** Upon receipt of Acceptable Documentation identified in subsection (D), the ASRS may approve the charter school's request for membership pursuant to A.R.S. § 38-729. If the request to join the ASRS is approved, the state Social Security administrator shall sign the 218 Agreements and the ASRS Director shall sign the ASRS Agreements before the ASRS shall send one of each of the original documents identified in subsection (D) to the charter school.



**E.** Any charter school that is established under the charter contract of a participating charter school shall participate in the ASRS.

**R2-8-1004. Other Political Subdivision and Political Subdivision Entity Employer Membership**

**A.** A political subdivision or political subdivision entity, other than a charter school, may be eligible to participate in the ASRS pursuant to A.R.S. §§ 38-711 and 38-729 if it notifies the ASRS in writing of the political subdivision's or political subdivision entity's intent to join the ASRS and provides to the ASRS:

1. A copy of the current legal authority establishing the political subdivision or political subdivision entity;
2. Documentation showing the name and location of the political subdivision or political subdivision entity; and
3. Documentation showing the political subdivision or political subdivision entity has taken the necessary legal action to be eligible to participate pursuant to A.R.S. § 38-729.

**B.** Upon receipt of the information contained in subsection (C), the ASRS shall determine if the political subdivision or political subdivision entity is eligible to participate in the ASRS. If the political subdivision or political subdivision entity is not eligible to participate in the ASRS, the ASRS shall send the political subdivision or political subdivision entity a notice of ineligibility. If the political subdivision or political subdivision entity is eligible to participate, the ASRS shall provide the political subdivision or political subdivision entity a Potential New Employer Letter.

**C.** In order to participate as an Employer in the ASRS, an eligible political subdivision or political subdivision entity shall submit to the ASRS the following original documents by the due date listed on the Potential New Employer Letter:

1. The current retirement plan or a statement signed by the designated authorized agent for the political subdivision or political subdivision entity acknowledging there is no current retirement plan.
2. Two ASRS Agreements showing:
  - a. The legal name and current mailing address of the political subdivision or political subdivision entity;
  - b. What amount of prior service the political subdivision or political subdivision entity shall purchase for employees pursuant to R2-8-1006;
  - c. The approximate number of employees that will become members upon the effective date of the ASRS Agreement;
  - d. The name, title, email address, and telephone number of the designated authorized agent for the political subdivision or political subdivision entity;
  - e. The designated authorized agent is authorized and directed to conduct all negotiations, conclude all arrangements, and sign all documents necessary to administer the supplemental ASRS retirement plan pursuant to A.R.S. Title 38, Chapter 5, Articles 2 and 2.1; and
  - f. The ASRS Agreement is binding and irrevocable;
  - g. The effective date of the ASRS Agreement;
  - h. The political subdivision or political subdivision entity agrees to be bound by the provisions of A.R.S. Title 38, Chapter 5, Article 2 and Article 2.1 unless otherwise indicated by law; and
  - i. The dated signature of the designated authorized agent for the political subdivision or political subdivision entity.
3. Two ASRS Resolutions showing:
  - a. The legal name of the political subdivision or political subdivision entity;
  - b. The political subdivision or political subdivision entity is adopting a supplemental ASRS retirement plan pursuant to A.R.S. § 38-729;
  - c. The political subdivision or political subdivision entity agrees to be bound by the provisions of A.R.S. Title 38, Chapter 5, Article 2 and Article 2.1 unless otherwise indicated by law;
  - d. The designated authorized agent for the political subdivision or political subdivision entity;
  - e. The designated authorized agent is authorized and directed to conduct all negotiations, conclude all arrangements, and sign all documents necessary to administer the supplemental ASRS retirement plan pursuant to A.R.S. Title 38, Chapter 5, Articles 2 and 2.1; and
  - f. The dated and notarized signature of the designated authorized agent.
4. Two 218 Agreements either electing or declining coverage. If the political subdivision or political subdivision entity is electing coverage pursuant to a 218 Agreement, the 218 Agreement must be completed and approved by the Social Security Administration prior to joining the ASRS.
5. Two 218 Resolutions, if the political subdivision or political subdivision entity is electing coverage pursuant to subsection (C)(4). The 218 Resolutions must be completed and approved by the Social Security Administration prior to joining the ASRS.

**D.** Upon receipt of Acceptable Documentation identified in subsection (B), the ASRS may approve the political subdivision's or political subdivision entity's request for membership pursuant to A.R.S. § 38-729. If the request to join the ASRS is approved, the state Social Security administrator shall sign the 218 Agreements and the ASRS Director shall sign the ASRS Agreements before the ASRS shall send one of each of the original documents identified in subsection (B) to the political subdivision or political subdivision entity.

**R2-8-1005. Employer Reporting**

**A.** An Employer shall submit contribution information and contribution payments pursuant to A.R.S. § 38-735, through the Employer's secure ASRS account.

**B.** Within 14 days of receiving the information contained in subsection R2-8-1002(E)(1) through (E)(3), the Employer shall:

1. Verify the information the employee provided;
2. Confirm the employee meets membership requirements pursuant to A.R.S. § 38-711; and
3. Submit the verified information to the ASRS through the Employer's secure ASRS account.

**C.** For an Employer whose employee elects to participate in an Optional Retirement Plan in lieu of the ASRS pursuant to A.R.S. §15-1628, within 30 days of electing to participate in an Optional Retirement Plan, the Employer shall submit to the ASRS through the Employer's secure ASRS account the:

1. Employee's full name;



- 2. Employee’s Social Security number;
- 3. Date of the employee’s employment; and
- 4. Date of the employee’s Optional Retirement Plan election.
- D.** For an Employer who has submitted information pursuant to subsection (C), within 30 days of that employee terminating employment with that Employer, the Employer shall notify the ASRS through the Employer’s secure ASRS account of the employee’s termination date.
- E.** Within 14 days before the effective date of joining the ASRS, an Employer shall submit an initial online authorization and designation form in writing to the ASRS with the following information:
  - 1. The Employer’s name;
  - 2. The following information for the person authorized by the Employer to approve the Employer’s Designated Employer Administrator:
    - a. The person’s full name;
    - b. The person’s title;
    - c. The person’s phone number;
    - d. The person’s email address;
    - e. The person’s dated signature affirming that person has the authority to approve the Employer’s Designated Employer Administrator;
  - 3. The full name of the individual the Employer is designating as the Employer’s Designated Employer Administrator;
  - 4. The title of the individual the Employer is designating as the Employer’s Designated Employer Administrator;
  - 5. The phone number of the individual the Employer is designating as the Employer’s Designated Employer Administrator;
  - 6. The email address of the individual the Employer is designating as the Employer’s Designated Employer Administrator;
  - 7. The dated signature of the individual the Employer is designating as the Employer’s Designated Employer Administrator.
- F.** An Employer’s Designated Employer Administrator shall establish a new Employer’s Designated Employer Administrator as needed through the Employer’s secure ASRS account.
- G.** Within 30 days of an Employer no longer having an Employer’s Designated Employer Administrator, the Employer shall submit in writing an initial online authorization and designation form pursuant to subsection (E).
- H.** Within 30 days of change in the Employer’s address, the Employer shall notify the ASRS of the change through the Employer’s secure ASRS account.
- I.** Within 10 days of any change in the name or ownership of the Employer, the Employer shall provide written notice of the change to the ASRS through the Employer’s secure ASRS account by providing the Employer’s previous account information and the changes to that information.
- J.** Within 30 days of any change in the character of an Employer’s organizational structure, the Employer shall send to the ASRS through the Employer’s secure ASRS account, written notice of the previous organizational structure and the effective changes to the Employer’s organizational structure.
- K.** Within 30 days of Leasing An Employee From A Third Party, an Employer shall submit the following information:
  - 1. The employee’s full name;
  - 2. The number of hours per week the employee works for the Employer;
  - 3. The title of the employee’s position;
  - 4. A copy of the agreement showing the Employer Leasing An Employee From A Third Party; and
  - 5. Whether the employee is retired from the ASRS.

**R2-8-1006. Prior Service Purchase Cost for New Employers**

- A.** Pursuant to A.R.S. § 38-729, upon the effective date of joining the ASRS, an Employer may elect to purchase service credit for a period of employment prior to the effective date of joining the ASRS for employees Engaged To Work for the Employer on the effective date of joining the ASRS who are members of the ASRS as of the effective date of joining the ASRS.
- B.** The ASRS may provide to a potential Employer an estimated cost to purchase service credit pursuant to this section. In order for the ASRS to estimate the cost to purchase service pursuant to this section, a potential Employer shall provide the following information to the ASRS for each employee of the potential Employer who is Engaged To Work for the potential Employer and for whom the potential Employer intends to purchase service credit pursuant to this section:
  - 1. The employee’s full name;
  - 2. The employee’s date of birth;
  - 3. The employee’s Social Security number;
  - 4. The employee’s current salary; and
  - 5. The date the employee began employment with the potential Employer.
- C.** An Employer who elects to purchase service credit pursuant to this section shall submit the following information for each member for which the Employer is purchasing service credit:
  - 1. Member’s full name;
  - 2. Member’s date of birth;
  - 3. Member’s Social Security number;
  - 4. Member’s date of employment;
  - 5. Documentation showing the Member is Engaged To Work for the Employer as of the effective date of joining the ASRS;
  - 6. Member’s current salary as of the effective date of joining the ASRS; and
  - 7. The number of years the Employer is electing to purchase for the member pursuant to this section or the dollar amount the Employer is electing to pay to purchase service for the member pursuant to this section.
- D.** The cost to purchase service credit pursuant to this section shall be determined using an actuarial present value calculation.
- E.** An Employer who elects to purchase service credit pursuant to this section shall submit payment for the full cost of the service purchase to the ASRS within 90 days of the date of notification by the ASRS.



- E.** If an Employer who elects to purchase service credit pursuant to this section does not submit payment for the full cost of the service purchase within 90 days of the date of notification, the Employer is not eligible to purchase service credit pursuant to this section.

**NOTICE OF FINAL RULEMAKING**  
**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 1. BOARD OF ACCOUNTANCY**

[R18-262]

**PREAMBLE**

- 1. Article, Part, or Section Affected (as applicable)**

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-1-226.01	Amend
R4-1-343	Amend
R4-1-453	Amend
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-703(B)(7)  
 Implementing statute: A.R.S. § 32-703(B)(4), (6), and (13)
- 3. The effective date of the rule:**

February 4, 2019

  - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable
  - b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 1752, June 22, 2018  
 Notice of Proposed Rulemaking: 24 A.A.R. 1707, June 22, 2018
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name: Monica L. Petersen, Executive Director  
 Address: Board of Accountancy  
 100 N. 15th Ave., Suite 165  
 Phoenix, AZ 85007  
 Telephone: (602) 364-0870  
 Fax: (602) 364-0903  
 E-mail: mpetersen@azaccountancy.gov  
 Website: [www.azaccountancy.gov](http://www.azaccountancy.gov)
- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

R4-1-226.01 and R4-1-343. The application and examination rule, R4-1-226.01, and education and accounting experience rule, R4-1-343, are amended to reduce fraud and ensure a consistent comparative analysis by requiring that course-by-course evaluations be done by the National Association of State Boards of Accountancy International Evaluation Services (NIES) rather than from a service that is a member of either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE). NIES evaluates international education for the sole purpose of the CPA examination and CPA certification in the United States. When originally drafted, the Board's rules assumed that it would primarily need to evaluate certificate applicants from the U.S. who completed education outside of the United States. Based on this assumption, the need to evaluate a foreign academic transcript was expected to only be an occasional endeavor. However, with the international offering of the Exam, the Board has experienced a nearly 60% increase in the receipt and processing of initial exam applications between 2014 and 2017, the majority of which is due to increases in foreign applications. Of the 38 NACES and AICE member evaluators, the overwhelming majority of evaluations that Arizona receives are from two primary companies. It is believed that these two companies do not provide the same rigor in their evaluation of transcripts, including protection from fraud and abuse in the Exam application process, as is offered through NIES. NIES' mission is to uphold the integrity of the U.S. CPA credential through expert evaluation of international coursework. NIES' stringent authentication of education will better ensure that applications submitted to Arizona meet higher and consistent levels of accuracy and integrity while offering evidence of whether or not the applicant meets Arizona educational requirements. NIES will be able to provide a level of rigor in evaluation that has not been observed in other foreign transcript evaluators, including the detection and communication of fraudulent documents.

R4-1-226.01 is additionally amended to permit the Board to request additional information or documents to assist in the determination of compliance with eligibility requirements.



R4-1-453. This rule is amended to reduce regulatory burdens by allowing CPE to be credited in smaller increments (one-fifth vs. one-half hour), and by only requiring 80 hours of CPE to be reported rather than all CPE hours completed during the CPE reporting period. Modifications are also made to CPE record retention requirements, in that registrants must maintain CPE records for three years for all CPE completed during the CPE reporting period, even if not originally-included as part of the registration. This language is essential to protect the registrant and allow them to offer evidence of additional CPE taken during the CPE reporting period if, through the review of the required CPE hours, it is determined that the registrant is short CPE.

This rule is also amended to allow a registrant who is certified as a CPA in another jurisdiction from having to meet the individual CPE requirements of Arizona, so long as the registrant is a non-resident and complies with the CPE requirements applicable in the state where their principal place of business is located. This change ensures that CPAs continue to meet CPE requirements while reducing regulatory burdens for those who qualify for reciprocal CPE. The Board regulates approximately 11,300 CPAs. Of those, over 2,700 are certified or licensed in one or more jurisdictions, in addition to being certified in Arizona. Of this amount, nearly 800 do not currently reside in Arizona and would qualify for CPE reciprocity. As such, approximately 7% of Arizona’s registrants would benefit from decreased CPE reporting.

Lastly, the rule is amended to allow for a new delivery method of CPE instruction called “nano-learning,” which is a tutorial program designed to permit a participant to conveniently learn a given subject in a 10-minute time frame. Registrants would be allowed to report a maximum total of four hours of nano-learning. This change and other clarifying changes provide registrants greater flexibility in meeting CPE requirements.

Technical and conforming changes are also made to the rules.

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

The Board did not review or rely on a study in its evaluation of or justification for a rule in this rulemaking.

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

Not applicable

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

Requiring course-by-course evaluations to be done by NIES is not expected to have any significant consumer impact as applicants are currently required to pay for such evaluations for education taken outside the United States from NACES or AICE member evaluators. This amendment may have a fiscal impact to the Board as NIES evaluation services are more effective, thorough, and reduce fraud, which may encourage applicants to apply through a jurisdiction that does not use NIES. NIES serves 51 of the 55 jurisdictions with a Board of Accountancy and is currently sole provider for 21 jurisdictions with several others in the pipeline to go sole source.

Amendments to R4-1-453 are not expected to have any economic, small business or consumer impact. In fact, CPA’s who qualify for CPE reciprocity will save time and money by no longer having to take a one-hour ethics course specific to Arizona statutes and administrative rules or report all taken CPE, as long as they meet the CPE requirements for renewal of a certificate in their principal place of business’s jurisdiction.

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

A technical change was made to A.A.C. R4-1-453(A)(1) wherein the reference to paragraph 9 was corrected to paragraph 8.

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

No comments were received regarding the Noticed of Proposed Rulemaking. No one presented oral or written comments at the oral proceeding held on July 30, 2018. The record closed at 5:00 p.m. on July 30, 2018.

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

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

The rules do not require a permit.

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

There is no federal law regarding CPAs, foreign transcript evaluation services used by applicants, continuing professional education requirements, or the other subjects of the rules.

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

No analysis was submitted.

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

No materials are incorporated by reference in this rulemaking.

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

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

**15. The full text of the rules follows:****TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 1. BOARD OF ACCOUNTANCY****ARTICLE 2. CPA EXAMINATION**

Section  
R4-1-226.01. Applications; Examination – Computer-based

**ARTICLE 3. CERTIFICATION AND REGISTRATION**

Section  
R4-1-343. Education and Accounting Experience

**ARTICLE 4. REGULATION**

Section  
R4-1-453. Continuing Professional Education

**ARTICLE 2. CPA EXAMINATION****R4-1-226.01. Applications; Examination - Computer-based**

- A. A person desiring to take the Uniform Certified Public Accountant Examination who is qualified under A.R.S. § 32-723 may apply by submitting an initial application. A person whose initial application has already been approved by the Board to sit for the Uniform CPA Examination may apply by submitting an application for re-examination.
1. The requirements for initial application for examination are:
    - a. A completed application for initial examination,
    - b. A \$100 initial application fee if:
      - i. The applicant has not previously filed an application for initial examination in Arizona, or
      - ii. The Board administratively closed a previously submitted application, or
      - iii. The applicant has been previously denied by the Board.
    - c. University or college transcripts to verify that the applicant meets the educational requirements and if necessary for education taken outside the United States an additional course-by-course evaluation from ~~a foreign transcript evaluation service that is a member of either the National Association of Credential Evaluation Services or the Association of International Credential Evaluators~~ the National Association of State Boards of Accountancy International Evaluation Services (NIES).
    - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
  2. The requirements for application for re-examination are:
    - a. A completed application for re-examination, and
    - b. A \$50 re-examination application fee.
- B. Within 30 days of receiving an initial application, board staff shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing. The applicant has 30 days from the date of the Board's letter to respond to the Board's request for additional information or the Board or its designee may administratively close the file. An applicant whose file is administratively closed and who later wishes to apply shall reapply under subsection (A)(1).
- C. The Board's certification advisory committee (CAC) shall evaluate the applicant's file and make a recommendation to the Board to approve or deny the application. The CAC may defer a decision on the applicant's file to a subsequent CAC meeting to provide the applicant opportunity to submit any information requested by the CAC that the CAC believes is relevant to make a recommendation to the Board. The applicant has 30 days from the date of the Board's letter to respond to the CAC's request for additional information or the Board or its designee may administratively close the file. If the CAC recommends approval, the application shall be put on a future board meeting agenda for consent. If the CAC recommends denial, the application will be put on a future board meeting agenda and the CAC shall provide the Board with the reasons for the recommendation of denial.
- D. If the Board approves the application, the Board shall notify the applicant in writing and send an authorization to test (ATT) to the National Association of State Boards of Accountancy (NASBA) to permit the applicant to take the specified section or sections of the examination for which the applicant applied. If the Board denies the application, the Board shall notify the applicant in writing of the reasons the application was denied.
- E. If the applicant does not timely pay to the NASBA the fees owed for the examination section or sections for which the applicant applied, the ATT expires. An applicant that still wishes to take a section or sections of the Uniform CPA Examination shall submit an application for reexamination under subsection (A)(2).
- F. After an applicant has paid NASBA, NASBA shall issue a notice to schedule (NTS) to the applicant. A NTS enables an applicant to schedule testing at an approved examination center. The NTS is effective on the date of issuance and expires when the applicant sits for all sections listed on the NTS or six months from the date of issuance, whichever occurs first. Upon written request to the Board and showing good cause that prevents the applicant from appearing for the examination, an applicant may be granted by the Board a one-testing-window extension to a current NTS.



ARTICLE 3. CERTIFICATION AND REGISTRATION

R4-1-343. Education and Accounting Experience

- A. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(B), an applicant for certification by examination or grade transfer shall submit to the Board:
  - 1. One or more certificates of experience, completed, signed and dated by an individual who:
    - a. Possesses personal knowledge of the applicant's work, and
    - b. Is able to confirm the applicant's accounting experience, and
    - c. Is a certified public accountant; or
    - d. Has accounting education and experience similar to that of a certified public accountant; and
  - 2. Other information requested by the Board for explanation or clarification of experience.
- B. To demonstrate compliance with the experience requirements of A.R.S. § 32-721(C), an applicant for certification by reciprocity shall submit to the Board:
  - 1. One or more certificates of experience, completed, signed and dated by an individual who:
    - a. Possesses personal knowledge of the applicant's work, and
    - b. Is able to confirm the applicant's accounting experience, and
    - c. Is a certified public accountant; or
    - d. Has accounting education and experience similar to that of a certified public accountant; or
  - 2. If the applicant is self-employed, the applicant shall provide a signed and dated statement indicating self-employment and three signed and dated client letters, confirming years of work experience, and
  - 3. Other information requested by the Board for explanation or clarification of experience.
- C. To demonstrate compliance with the education requirements of Title 32, Chapter 6, an applicant for certification or reinstatement shall submit to the Board:
  - 1. University or college transcripts verifying that the applicant meets the educational requirements and if necessary for education taken outside the United States, an additional course-by-course evaluation from ~~a foreign transcript evaluation service that is a member of either the National Association of Credential Evaluation Services or the Association of International Credential Evaluators~~ the National Association of State Boards of Accountancy International Evaluation Services (NIES), and
  - 2. Other information requested by the Board for explanation or clarification of education.

ARTICLE 4. REGULATION

R4-1-453. Continuing Professional Education

- A. Measurement Standards. The Board shall use the following standards to measure the hours of credit given for CPE programs completed by an individual registrant.
  - 1. CPE credit shall be given in one-fifth or one-half hour increments for periods of not less than one class hour except as noted in paragraph 8. The computation of CPE credit shall be measured as follows:
    - ~~a.~~ a. A class hour shall consist of a minimum of 50 continuous minutes of instruction ~~and~~
    - ~~b.~~ b. ~~a~~ A half-class hour shall consist of a minimum of 25 continuous minutes of instruction;
    - ~~c.~~ c. ~~CPE credit shall be given in half-hour increments for periods of not less than one class hour. Credit shall not be allowed for repeat participation in any seminar or course during the registration period. A one-fifth class hour shall consist of a minimum of 10 continuous minutes of instruction.~~
  - 2. Courses taken at colleges and universities apply toward the CPE requirement as follows:
    - a. Each semester - system credit hour is worth 15 CPE credit hours,
    - b. Each quarter - system credit hour is worth 10 CPE credit hours, and
    - c. Each noncredit class hour is worth one CPE credit hour.
  - 3. Each correspondence program hour is worth one CPE credit hour.
  - 4. Acting as a lecturer or discussion leader in a CPE program, including college courses, may be counted as CPE credit. The Board shall determine the amount of credit on the basis of actual presentation hours, and shall allow CPE credit for preparation time that is less than or equal to the presentation hours. A registrant may only claim as much preparation time as is actually spent for a presentation. Total credit earned under this subsection for service as a lecturer or discussion leader, including preparation time may not exceed 40 credit hours of the renewal period's requirement. Credit is limited to only one presentation of any seminar or course with no credit for repeat teaching of that course.
  - 5. Writing and publishing articles or books that contribute to the accounting profession may be counted for a maximum of 20 hours of CPE credit during each renewal period.
    - a. Credit may be earned for writing accounting material not used in conjunction with a seminar if the material addresses an audience of certified public accountants, is at least 3,000 words in length, and is published by a recognized third-party publisher of accounting material or a sponsor.
    - b. For each 3,000 words of original material written, the author may earn two credit hours. Multiple authors may share credit for material written.
  - 6. A registrant may earn a combined maximum of 40 hours of CPE credit under subsections (A)(4) and (5) above during each renewal period.
  - 7. A registrant may earn a maximum of 20 hours of CPE during each renewal period by completing introductory computer-related courses. Computer-related courses may qualify as consulting services pursuant to subsection (C).



8. A registrant may earn a maximum of 4 hours of CPE during each renewal period by completing nano-learning courses. A nano-learning program is a tutorial program designed to permit a participant to learn a given subject in a ten-minute time-frame through the use of electronic media and without interaction with a real time instructor.
  9. CPE credit shall be given in one-fifth or one-half hour increments if the CPE is a segment of a continuing series related to a specific subject as long as the segments are connected by an overarching course that is a minimum of one hour and taken within the same CPE reporting period.
  10. Credit shall not be allowed for repeat participation in any seminar or course during the registration period.
- B.** Programs that Qualify. CPE credit may be given for a program that provides a formal course of learning at a professional level and contributes directly to the professional competence of participants.
1. The Board shall accept a CPE course as qualified if it:
    - a. Is developed by persons knowledgeable and experienced in the subject matter,
    - b. Provides written outlines or full text,
    - c. Is administered by an instructor or organization knowledgeable in the program, and
    - d. Uses teaching methods consistent with the study program.
  2. The Board shall accept a correspondence program which includes online or computer based programs if the sponsors maintain written records of each student's participation and records of the program outline for three years following the conclusion of the program.
  3. An ethics program taught or developed by an employer or co-worker of a registrant does not qualify for the ethics requirements of subsection (C)(4).
- C.** Hour Requirement. As a prerequisite to registration pursuant to A.R.S. § 32-730(C) or to reactivate from inactive status pursuant to A.R.S. § 32-730.01, a registrant shall complete the CPE requirements during the two-year period immediately before registration as specified under subsections (C)(1) through (C)(5). For registration periods of less than two years CPE may be prorated, with the exception of ethics.
1. A registrant whose last registration period was for two years shall complete 80 hours of CPE.
  2. A registrant shall complete a minimum of 50 percent of the required hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 16 hours in the subject areas of accounting, auditing, or taxation.
  3. A registrant shall complete a minimum of 16 of the required hours:
    - a. In a classroom setting,
    - b. Through an interactive live webinar, or
    - c. By acting as a lecturer or discussion leader in a CPE program, including college courses
  4. A registrant shall complete four hours of CPE in the subject area of ethics. The four hours required by this subsection shall include a minimum of one hour of each of the following subjects:
    - a. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants, and
    - b. Board statutes and administrative rules.
  5. A registrant shall report, at a minimum, the total CPE hours completed required for the registration period.
  6. Hours that exceed the number required for the current registration period may not be carried forward to a subsequent registration period.
  7. Any CPE hours completed to vacate a suspension for nonregistration or for noncompliance with CPE requirements may not be used to meet CPE requirements for the registration period.
  68. As a prerequisite to reactivate from retired status or reinstate from cancelled, expired, relinquished or revoked status, a registrant or an applicant shall complete up to 160 hours of CPE during the four-year period immediately before application to reactivate or reinstate. For periods of less than four years CPE may be prorated by quarter, with the exception of ethics.
    - a. ~~An A registrant or an~~ applicant shall complete a minimum of 50 percent of the required hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 32 hours in the subject areas of accounting, auditing or taxation.
    - b. ~~An A registrant or an~~ applicant shall complete a minimum of 32 hours of the required hours:
      - i. In a classroom setting,
      - ii. Through an interactive live webinar, or
      - iii. By acting as a lecturer or discussion leader in a CPE program, including college courses.
    - c. ~~An A registrant or an~~ applicant shall complete eight hours of CPE in the subject area of ethics. Four hours of ethics CPE shall be required if 1 – 24 months have passed since the last registration due date for which CPE was completed. Eight hours of ethics CPE shall be required if 25 – 48 months have passed since the last registration due date for which CPE was completed. The ~~eight~~ hours required by this subsection shall include a minimum of one hour of each of the following subjects. The following subjects shall be completed during the two-year period immediately preceding application for reactivation or reinstatement:
      - i. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants; and
      - ii. Board statutes and administrative rules.
- D.** Reporting: ~~An A registrant or an~~ applicant for reactivation or reinstatement, a registrant who is subject to an audit, or a registrant completing their registration must report the following details about their completed CPE:
1. Sponsoring organization;
  2. Number of CPE credit hours;
  3. Title of program or description of content; and
  4. Dates attended.



- E. In addition to the information required under subsection (D), ~~an~~ a registrant or an applicant for reactivation or reinstatement from cancelled, expired, relinquished or revoked status, or a registrant subject to a CPE audit pursuant to subsection (G) shall provide the Board the following ~~documents~~ CPE records at its request: copies of transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- F. CPE Record Retention: A registrant shall maintain CPE records for three years from the date ~~their~~ the registration application was dated as received by the Board the following documents for all CPE completed for the registration period, even if not reported on the registration: transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.
- G. CPE audits: The Board, at its discretion, may conduct audits of a registrant's CPE and require that the registrant provide the CPE records that the registrant is required to maintain under subsection (F) to verify compliance with CPE requirements.
- H. The Board may grant a full or partial exemption from CPE requirements on demonstration of good cause for a disability for only one registration period.
- I. A non-resident registrant seeking renewal of a certificate in this state shall be determined to have met the CPE requirements of this rule by meeting the CPE requirements for renewal of a certificate in the jurisdiction in which the registrant's principal place of business is located.
  - 1. Non-resident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the jurisdiction in which the registrant's principal place of business is located by signing a statement to that effect on the renewal application of this state.
  - 2. If a non-resident registrant's principal place of business jurisdiction has no CPE requirements for renewal of a certificate or license, the non-resident registrant must comply with all CPE requirements for renewal of a certificate in this state.

**NOTICE OF FINAL RULEMAKING**  
**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

[R18-263]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R4-20-102   | Amend                           |
| R4-20-103   | Repeal                          |
| R4-20-104   | Repeal                          |
| R4-20-105   | Repeal                          |
| R4-20-106   | Repeal                          |
| R4-20-107   | Amend                           |
| R4-20-109   | Amend                           |
| R4-20-110   | Amend                           |
| R4-20-112   | Amend                           |
| R4-20-113   | Amend                           |
| R4-20-115   | Amend                           |
| R4-20-119   | Amend                           |
| R4-20-123   | Repeal                          |
| R4-20-124   | Repeal                          |
| R4-20-125   | Repeal                          |
| R4-20-126   | Repeal                          |
| Table 1   | Amend                           |
- 2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. §32-1673  
 Implementing statute: A.R.S. §32-1671, 32-1672, 32-1673, 32-1674, 32-1681, 32-1682, 32-1683, 32-1684, 32-1684.01, 32-1685, 32-1686, 32-1687, 32-1691, 32-1691.01, 32-1693, 32-1694, 32-1695, 32-1695, 32-1696, 32-1697, 32-1698, 32-1699
  - 3. **The effective date of the rule:**  
 December 4, 2018
    - a. **If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**  
 Immediate. The deadline for accepting Application for a Dispensing Optician's License by Examination is at least 45 days before an examination date, which would fall on January 18, 2019.  
 A.R.S. § 41-1032(A)(5): To adopt a rule that is less stringent than the rule that is currently in effect and that does not have an impact on the public health, safety, welfare or environment, or that does not affect the public involvement and public participation process.
    - b. **If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include**



**the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

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

Notice of Rulemaking Docket Opening: 24 A.A.R. 2093, July 27, 2018

Notice of Proposed Rulemaking: 24 A.A.R. 2299, August 17, 2018

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Megan Darian, Executive Director

Address: Board of Dispensing Opticians  
1740 W. Adams, Suite 3001  
Phoenix, AZ 85007

Telephone: (602) 542-8158

Fax: (602) 926-8103

E-mail: mdarian@do.az.gov

Web site: www.do.az.gov

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

The rule provides detailed licensing, regulatory information, and procedural instructions. The Board is proposing to amend rule R4-20-102 for clarification on material necessary to submit with the application for licensure. The Board is proposing to accept national practical examination results for licensure in State of Arizona. The Board is also, including language to assist military veterans with qualification for licensure.

R4-20-103, R4-20-104, R4-20-105, and R4-20-106 are being repealed to allow the Board more flexibility in accepting national practical examination results versus the Board proctoring a practical every six months. This will allow applicants more flexibility in taking the practical exam offered by national organizations more frequently and at various locations throughout the country.

R4-20-107, R4-20-109 and R4-20-110, are being amended to remove the notarization requirement as all applications are now accepted on line through E-Licensing.

R4-20-112 is being amended to remove the license application fee and re-numbering remaining fees.

R4-20-113 is amended as a housekeeping measure to correct a misspelling.

R4-20-115 is amended to remove the word postmarked as all applications are now accepted on line through E-Licensing.

R4-20-119 is amended to update the ANSI Standards incorporated by reference.

R4-20-123, R4-20-124, R4-20-125, and R4-20-126 are being repealed due to duplication of GRRRC Rules. Table 1 is amended to remove the time frame for approval to take the practical exam.

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

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:**

The proposed amendments/repeals do not diminish a previous grant of authority of a political subdivision of this state.

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

Amending/repealing these rules would not have any adverse economic impact on consumers and small businesses.

**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:**

The Board held an oral proceeding on the proposed rule at 1740 W. Adams, Phoenix, AZ, on Monday September 24, 2018. The Board from National Association of Optometrists and Opticians received a public comment in support of the rule changes.

**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:**

The rules licenses are general permits since they are issued to qualified individuals to conduct activities that are substantially similar in nature.

A.R.S. § 41-1001: "General permit" means a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general



permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing.

**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:**

R4-20-119. Substandard Care

1. ANSI Z80.1 1999, "Prescription Ophthalmic Lenses-Recommendations."
2. ANSI Z80-20-1998, "Contact Lenses- Standard Terminology, Tolerances, Measurements And Physiochemical Properties."
3. ANSI Z80.5-2004, "Requirements for Ophthalmic Frames."
4. ANSI Z87.1-2003, "Occupational and Educational Personal Eye and Face Protection Devices."
5. ANSI Z80.9 1998, "Optical Devices for Low Vision."

**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 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

**ARTICLE 1. GENERAL**

Section

- R4-20-102. Application for a Dispensing Optician's License by Examination
- R4-20-103. ~~Approval to Take Dispensing Optician Examination~~ Repealed
- R4-20-104. ~~Dispensing Optician Practical Examination~~ Repealed
- R4-20-105. ~~Practical Examination Procedures~~ Repealed
- R4-20-106. ~~Scoring of Examination; Failure to Pass~~ Repealed
- R4-20-107. Application for a Dispensing Optician's License by Comity
- R4-20-109. Renewal of Dispensing Optician's License; Late Renewal; Reinstatement
- R4-20-110. Application for an Optical Establishment License; Qualifications
- R4-20-112. Fees
- R4-20-113. Display of Licenses; ~~Nontransferability~~ Non-transferability
- R4-20-115. Renewal of Optical Establishment License; Late Renewal; Re-application
- R4-20-119. Substandard Care
- R4-20-123. ~~Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statements; Objection Based Upon Economic, Small Business, or Consumer Impact~~ Repealed
- R4-20-124. ~~Public Comments~~ Repealed
- R4-20-125. ~~Oral Proceedings~~ Repealed
- R4-20-126. ~~Written Criticism~~ Repealed
- Table 1 Time-frames (in days)

**ARTICLE 1. GENERAL**

**R4-20-102. Application for a Dispensing Optician's License by Examination**

At least ~~45~~ 30 days before ~~an examination~~ a regularly scheduled board meeting date, an applicant for a dispensing optician's license by examination shall submit to the Board an application packet that contains:

1. An application form provided by the Board, signed and dated by the applicant, ~~and notarized~~ that contains:
  - a. The applicant's name, Social Security number, address, and telephone number;
  - b. The name and address of the applicant's employer at the time of application, if applicable;
  - c. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(b), the name and address of each dispensing optician, physician, or optometrist for whom the applicant served as an apprentice for three of the six years immediately preceding the application date, and the beginning and ending dates of each apprenticeship;
  - d. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c), the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, degree received, and the name and address of each dispensing optician for whom the applicant served as a dispensing optician apprentice for one of the six years immediately preceding the application date and the beginning and ending dates of service. The applicant shall submit a photocopy of the applicant's diploma from the optical dispensing school;
  - e. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c) received during military service, the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, and degree received, the



location and name of the duty station at which the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of service.

- e-f. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(d), the name and address of each dispensing optician, physician, or optometrist for whom the applicant has worked for three of the six years immediately preceding the application date and the beginning and ending dates of employment;
  - f-g. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
  - g-h. A statement of whether the applicant has ever had an application for a professional license denied or had a license suspended or revoked in any state; and
  - h-i. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the applicant's:
    - a. High school diploma or general educational diploma issued in any state; or
    - b. Transcripts from a high school or college; or,
    - c. Evidence of a college degree or admission to any college in any state;
  3. Verification of passing ~~an ABO and NCLE Board~~ both spectacle and contact lens written and practical examination examinations in opticianry administered by a nationally recognized body as evidenced by an original notice of examination results or a copy of the original certificate of passage issued by the organization that prepared the examination;
  4. A letter attesting to good moral character from each of three individuals who are not family members, who have known the applicant for two years immediately before the date of the application, and support the applicant's licensure;
  5. A letter from each physician, optometrist, or dispensing optician named in subsection (1)(c), (d), or (e) that contains:
    - a. The individual's printed name, address, and telephone number; and
    - b. A statement that the applicant has either served as an apprentice or been employed as a dispensing optician by the physician, optometrist, or dispensing optician for the time required in subsection (1)(c), (d), or (e);
  6. A photograph of the applicant no smaller than 1 ½ x 2 inches and taken not more than six months before the date of application; and
  7. The fee required in R4-20-112.

#### **R4-20-103. Approval to Take Dispensing Optician Examination Repealed**

- ~~A. An applicant shall file an application to take the dispensing optician license examination with the Board 45 days before the date of the examination.~~
- ~~B. The Board may reduce or waive the 45-day requirement for any portion of the application if its nonavailability is outside the applicant's control.~~
- ~~C. The Board shall notify an applicant whose application is approved before the date of the examination as to the time and place of the examination.~~

#### **R4-20-104. Dispensing Optician Practical Examination Repealed**

- ~~A. At least twice each year, the Board shall administer a dispensing optician practical examination. The Board shall not space the examinations more than eight months apart.~~
- ~~B. The practical examination shall include measurement of optical devices, interpupillary distance, segment heights, corneal curvature, and the identification of lens styles and tints. An applicant shall use only Board-supplied measuring equipment and optical devices in the practical examination.~~

#### **R4-20-105. Practical Examination Procedures Repealed**

- ~~A. For the practical examination, an applicant shall not bring books or notes into the examination room, communicate by any means with other applicants while the examination is in progress unless expressly authorized by the presiding examiner, or leave the examination room without first securing the presiding examiner's permission. If an applicant violates this subsection, the presiding examiner shall confiscate the examination answer sheet and the Board shall not allow the applicant to complete the examination.~~
- ~~B. For the practical examination, only applicants, Board members, employees of the Board and persons having the express permission of the Board are permitted in the examination room while the examination is in progress.~~
- ~~C. Examination papers are the property of the Board. The Board shall not return examination papers to the applicant.~~

#### **R4-20-106. Scoring of Examination; Failure to Pass Repealed**

- ~~A. To pass, an applicant shall achieve a grade of 75% or more on the practical examination. For the written examination, the applicant shall achieve a grade of 70% or more on the ABO examination and shall achieve a grade of 72% or more on the NCLE examination.~~
- ~~B. An applicant who fails to pass the practical examination shall re-apply as an original applicant as described in R4-20-102.~~

#### **R4-20-107. Application for a Dispensing Optician's License by Comity**

An applicant for a dispensing optician's license by comity shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant, ~~and notarized~~ that contains:
  - a. The applicant's name, Social Security number, address, and telephone number;
  - b. The applicant is dispensing optician license number and the state and date of licensure;
  - c. A statement of whether the applicant has ever been convicted of a felony or of a misdemeanor involving moral turpitude in any state;
  - d. A statement of whether the applicant has ever been denied a license or had a license suspended or revoked in any state; and
  - e. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the unexpired license and a written statement, signed by an officer of the Board that issued the license, that states the license is in good standing, and that the license is valid to dispense both eyeglasses and contact lenses;



- 3. A photograph of the applicant no smaller than 1 ½ x 2 inches and taken not more than six months before the date of application; and
- 4. The fee required in R4-20-112.

**R4-20-109. Renewal of Dispensing Optician's License; Late Renewal; Reinstatement**

- A. No later than December 31 of each year, an applicant for renewal of a dispensing optician's license shall submit to the Board the fee required by R4-20-112, proof of continuing education credits required by R4-20-120, and an application form, provided by the Board, signed and dated by the applicant, ~~and notarized~~ that contains:
  - 1. The applicant's name, Social Security number, address, and telephone number;
  - 2. The name, address, telephone number, and Arizona license number of the optical establishment at which the applicant is currently practicing as a dispensing optician; and
  - 3. A statement that the information contained on the renewal application is correct.
- B. A licensee who submits a renewal application and renewal fee ~~postmarked~~ after December 31 but before January 31 of the following year shall pay the late fee in R4-20-112.
- C. A licensee who fails to submit a renewal application ~~postmarked~~ before January 31 following a license expiration of December 31, and who wishes to reinstate the license, shall:
  - 1. Submit a reinstatement application within one year of license expiration;
  - 2. Pay the renewal fee and the late fee in R4-20-112;
  - 3. Achieve a passing grade on the practical examination, unless the applicant has successfully completed the practical examination in the five-year period immediately preceding the license expiration.

**R4-20-110. Application for an Optical Establishment License; Qualifications**

- A. Any person, corporation, company, partnership, firm, association or society operating an optical establishment, except those exempt under A.R.S. § 32-1691, shall obtain an optical establishment license.
- B. An applicant for an optical establishment license shall submit an application packet to the Board that contains:
  - 1. An application form provided by the Board, signed and dated by the applicant, ~~and notarized~~ that contains:
    - a. The applicant's name, establishment name, establishment address, and telephone number. An application form shall be signed by the following:
      - i. If a sole proprietorship, the individual owning the optical establishment;
      - ii. If a corporation, each individual owning 20% or more of the voting stock in the corporation;
      - iii. If a partnership, the managing partner and a general partner;
      - iv. If a limited liability company, the designated manager, or if no manager is designated, any two members of the limited liability company;
    - b. The hours the establishment will be open to the public for business;
    - c. If applicable, the name, business address, and telephone number of each licensed optical establishment currently being operated by the applicant in Arizona;
    - d. If a corporation, the name of the statutory agent, the corporation's officers, and the state of incorporation; and
    - e. The name, business address, telephone number, and license number of each licensed dispensing optician who is scheduled to work at the establishment on a full-time basis, consisting of 32 hours or more per week;
  - 2. If a corporation, the articles of incorporation; and
  - 3. The fee required in R4-20-112.
- C. To be licensed, an optical establishment shall employ at least one dispensing optician licensed by the Board, for at least 32 hours or more per week.

**R4-20-112. Fees**

A. Dispensing optician fees, which are non-refundable, unless A.R.S. § 41-1077 applies, are as follows:

<del>1.</del> License application fee	\$100
<del>2.</del> <u>1.</u> License issuance fee	\$100
<del>3.</del> <u>2.</u> Renewal of dispensing optician license	\$135
<del>4.</del> <u>3.</u> License renewal late fee	\$100

B. Optical establishment license fees are as follows:

1. License application fee	\$100
2. License issuance fee	\$100
3. Renewal of optical establishment license	\$135
4. License renewal late fee	\$100

C. Fees for copies of public records are:

1. Duplicate optician license	\$25
2. Duplicate establishment license	\$25
3. Dispensing Optician Statutes and rules	\$10
4. Directories:	
a. Commercial use	\$2.50 per page
b. Non-commercial use	\$1.00 per page
5. Labels	
a. Commercial use	\$.30 per name
b. Non-commercial use	\$.10 per name
6. All other records	\$.50 per page

**R4-20-113. Display of Licenses; ~~Nontransferability~~ Non-transferability**

- A. A licensee shall display all licenses in a conspicuous place. If a license is renewed, the licensee shall display the evidence of renewal in public view.
- B. Optical establishment and dispensing optician licenses are not transferable.
- C. A licensee shall return an optical establishment license to the Board upon transfer of ownership or going out of business.

**R4-20-115. Renewal of Optical Establishment License; Late Renewal; Re-application**

- A. No later than June 30 of each year, an applicant for renewal of an optical establishment license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board that contains:
  1. The name, address, and telephone number of the optical establishment;
  2. The name and license number of each dispensing optician who is scheduled to work 32 hours or more each week at the optical establishment; and
  3. The applicant's signature and title.
- B. A licensee who submits a renewal application and renewal fee ~~postmarked~~ after June 30 but before July 31 of the renewal year shall pay the late fee in R4-20-112.
- C. A licensee who fails to submit a renewal application ~~postmarked~~ before July 31 following a license expiration of June 30, and who wishes to re-apply for an establishment license, shall submit an original application, and pay the application fee and license fee in R4-20-112.

**R4-20-119. Substandard Care**

- A. It is substandard care for a dispensing optician:
  1. To dispense improperly manufactured eyeglasses or contact lenses. If a complaint indicates that eyeglasses or contact lenses dispensed by a dispensing optician or other employee of an optical establishment may have been improperly manufactured, the Board shall be guided in its determination of the facts by referring to the standards incorporated by reference in subsection (B) with regard to the individual parameters listed in the standards and considering patient wear, care, and usage;
  2. When interpreting written prescriptions:
    - a. To fail to follow standards incorporated by reference in subsection (B) in determining lens powers due to differences in vertex distances, base curvatures, special lens requirements, and facial fitting problems; or
    - b. To fail to comply with special instructions of the vision practitioner or optometrist shown on the prescription without the full knowledge and consent of the customer, the physician, or optometrist; or
    - c. To fill prescriptions beyond the expiration date indicated on the prescription;
  3. To fail to follow manufacturer's guidelines regarding usual and customary lens thickness of eyewear;
  4. To intentionally or negligently injure a customer during the course of optical dispensing; or
  5. To fail to give the customer appropriate instructions on the care, handling, and wearing of an optical device.
- B. The following standards published by the American National Standards Institute, Inc., (ANSI), 1819 L Street, NW, Suite 600, Washington, DC 20036, are incorporated by reference, and no further editions or amendments and are on file with the Board:
  1. ANSI Z80.1 ~~1999~~ 2015, "Prescription Ophthalmic Lenses-Recommendations."
  2. ANSI ~~Z80.20-1998~~ Z80.20 2016, "Contact Lenses-Standard Terminology, Tolerances, Measurements And Physiochemical Properties."
  3. ANSI Z80.5-2004, "Requirements for Ophthalmic Frames."
  - 4.3. ANSI Z87.1-~~2003~~ 2015, "Occupational and Educational Personal Eye and Face Protection Devices."
  - 5.4. ANSI Z80.9 ~~1998~~ 2015, "Optical Devices for Low Vision."

**R4-20-123. ~~Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statements; Objection Based Upon Economic, Small Business, or Consumer Impact~~ Repealed**

A person shall file a petition to adopt, amend, or repeal a rule or to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule under A.R.S. §41-1033 or to object to a rule according to A.R.S. §41-1056.01 as prescribed in this Section. Each petition shall contain:

1. The name and current address of the petitioner;
2. For the adoption of a new rule, the specific language of the proposed rule;
3. For the amendment of a current rule, the applicable A.A.C. citation and Section heading. The request shall include the specific language of the current rule, any language to be deleted shall be stricken through but legible, and any new language shall be underlined;
4. For the repeal of a current rule, the applicable A.A.C. citation and Section heading;
5. The reasons the rule should be adopted, amended, or repealed, and if for an existing rule, why the rule is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner may provide additional supporting information, including:
  - a. Any statistical data or other justification, with clear reference to an attached exhibit;
  - b. An identification of what persons or segment of the public would be affected and how they would be affected; and
  - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or as written comments offered by the public;
6. For a review of an existing Board practice or substantive policy statement alleged to constitute a rule, the reasons the existing Board practice or substantive policy statement constitutes a rule and the proposed action requested of the Board;
7. For an objection to a rule based upon the economic, small business or consumer impact, evidence that:
  - a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule; or



- b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule and the actual impact imposes a significant burden on persons subject to the rule; and
- 8. The signature of the person submitting the petition.

**R4-20-124. Public Comments Repealed**

- ~~A. On or before the close of record, a person may comment upon a rule proposed by the Board by submitting written comments to the Board.~~
- ~~B. The Board considers a written comment submitted on the date it is received by the Board, except if a comment is mailed the date of receipt is the postmark date.~~
- ~~C. The Board shall consider all written comments submitted during the public comment period.~~

**R4-10-125. Oral Proceedings Repealed**

- ~~A. A person requesting an oral proceeding as prescribed in A.R.S. §41-1023, shall:
 
  1. File a request with the Board;
  2. Include the name and current address of the person making the request; and
  3. Refer to the proposed rule and include, if known, the date and issue of the Arizona Administrative Register in which the proposed rule was published.~~
- ~~B. The Board shall record an oral proceeding either electronically or stenographically, and make any cassette tapes, transcripts, and written comments submitted during the proceeding part of the official record;~~
- ~~C. The presiding officer shall use the following guidelines to conduct an oral proceeding:
 
  1. Registration of attendees. Registration of attendees is voluntary.
  2. Registration of persons intending to speak. Registration information shall include the person's name, representative capacity, if applicable, a notation of the person's position with regard to the proposed rule and the approximate length of time the person wishes to speak.
  3. Opening of the record. The presiding officer shall open the proceeding by identifying the rules to be considered, the location, date, time, and purpose of the proceeding, and present the agenda;
  4. A statement by Board representative. A Board representative shall explain the background and general content of the proposed rules;
  5. A public oral comment period. The presiding officer may limit comments to a reasonable time, as determined by the presiding officer and to prevent undue repetition; and
  6. Closing remarks. The presiding officer shall announce the location where written public comments are to be sent.~~

**R4-20-126. Written Criticism Repealed**

- ~~A. Any person may file a written criticism of an existing rule with the Board.~~
- ~~B. The criticism shall clearly identify the rule and specify why the existing rule is inadequate, unduly burdensome, unreasonable, or otherwise improper.~~
- ~~C. The Board shall acknowledge receipt of a criticism within 15 days and shall place the criticism in the official record for review by the Board under A.R.S. §41-1056.~~

**Table 1. Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take a Dispensing Optician Examination (R4-20-102)	A.R.S. § 32-1682	90	30	60
License by Examination (R4-20-102)	A.R.S. § 32-1682 A.R.S. § 32-1684	60	30	30
License by Comity (R4-20-107)	A.R.S. § 32-1683	90	30	60
Optical Establishment License (R4-20-110)	A.R.S. § 32-1684.01	60	30	30
Optician's License Renewal (R4-20-109)	A.R.S. § 32-1682	60	30	30
Establishment License Renewal (R4-20-115)	A.R.S. § 32-1684.01	60	30	30



**NOTICE OF FINAL RULEMAKING**  
**TITLE 10. LAW**  
**CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION**

[R18-264]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**

R10-4-402	Amend
R10-4-403	Amend
R10-4-404	Amend
R10-4-406	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 41-2405(A)(8)  
 Implementing statute: A.R.S. § 41-2402
3. **The effective date for the rules:**  
 December 4, 2018
  - a. **If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**  
 The ACJC is requesting an immediate effective date upon filing this Notice of Final Rulemaking with the Secretary of State. Pursuant to A.R.S. § 41-1032(A)(5), an immediate effective date is requested to provide greater flexibility in the grant program by removing mandatory requirements for annual applications and matching funds, and to reduce the administrative burden on grant applicants to provide documentation no longer required by federal guidelines.
  - b. **If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**  
 Not applicable
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2274, August 10, 2018  
 Notice of Proposed Rulemaking: 24 A.A.R. 2259, August 10, 2018
5. **The agency's contact person who can answer questions about the rulemaking:**

Name:	Tony Vidale, Program Manager
Address:	Arizona Criminal Justice Commission 1110 W. Washington St., Suite 230 Phoenix, AZ 85007
Telephone:	(602) 364-1155
Fax:	(602) 364-1175
E-mail:	tvidale@azcjc.gov
Web site:	www.azcjc.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 Experience using the rules and feedback from stakeholders indicate that changes are needed to make the rules more effective in achieving their goals. This rulemaking makes the necessary changes.
7. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
 None
8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
 Not applicable
9. **A summary of the economic, small business, and consumer impact:**  
 Commission anticipates that the changes included in this rulemaking will have minimal economic impact. The rules provide guidance for grant applicants regarding obtaining a grant from the Account, also include information on grantee reporting requirements. Units of state, county, local, and tribal government that apply for a grant from the Account do so voluntarily because they believe the benefits of receiving a grant outweigh the costs of making application and providing reports.
10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**  
 No changes were made to the rules between the proposed rulemaking and the final rulemaking.



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

The agency received no public or stakeholder comments about the rulemaking during the public comment period. A request for a public hearing was not received within 30-days of the publication of this rule.

**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:**

The rules do not require issuance of a regulatory permit, license or agency authorization.

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

The applicable federal law, 42 U.S.C. 3751(a), authorizes the U.S. Attorney General to make grants to states and units of local government for a variety of criminal justice programs. The law also requires a program assessment component, prohibited uses of funds under the grant program, an allowance for administrative costs, and the period length of the grant.

Program rules are not more stringent than the applicable federal law.

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

No analysis was submitted.

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

None

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

The rule was not previously made as an emergency rule.

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

**TITLE 10. LAW**

**CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION**

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS**

Section

- R10-4-402. General Information Regarding Grants
- R10-4-403. Grant Application
- R10-4-404. Application Evaluation; Standards for Award
- R10-4-406. Required Reports

**ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT GRANTS**

**R10-4-402. General Information Regarding Grants**

- A. The Commission shall ~~may~~ annually request grant applications and make grant awards of Account funds.
- B. The Commission's ability to make grant awards is contingent upon the availability of Account funds.
- C. The Commission shall publish its priorities for grant awards in a report of the state's strategy for combating drugs, gangs, and violent crime. ~~This report also includes the plan approved by the federal government and referenced under A.R.S. § 41-2402(F).~~
- D. The Commission shall make all information regarding grants, including the request for grant applications and application and report forms, available on its web site.
- E. The Commission shall ensure that training regarding grant application procedures and grant management are made available to interested approved agencies.
- F. The Commission shall provide oversight of all grants awarded, which may include conducting a financial review or audit of a grant recipient, to ensure that Account funds are expended in compliance with all terms of the grant agreement and all applicable state and federal laws.
- G. The Commission shall ~~may~~ require that a grant recipient provide matching funds in the amount specified in the request for grant applications.
- H. The Commission shall not require a grant recipient to provide matching funds that exceed 25% of the total project budget.

**R10-4-403. Grant Application**

- A. An approved agency or task force may submit an application for a grant from the Account. If application is made by a task force, members of the task force shall identify a host agency.
- B. An applicant shall access, complete, and submit to the Commission the application form that is available on the Commission's web site. The applicant shall provide the following information:
  - 1. Title of the application and proposed project;
  - 2. Purpose specified in A.R.S. § 41-2402(A) that the proposed project will address;
  - 3. Statement of whether the application is a request to continue a previously approved project;



4. Name and address of the applicant;
  5. List of member agencies of the task force if the applicant is a task force;
  6. Name of the individual authorized to submit the application;
  7. Name of the individual responsible for administering and supervising the proposed project;
  8. Statement of the mission of the proposed project;
  9. Statement of the problem addressed by the proposed project including data reflecting:
    - a. The scope of the problem, and
    - b. The absence or inadequacy of current resources to address the problem;
  10. Summary of the proposed project that explains how the proposed project seeks to address the problem identified;
  11. Description of collaborative efforts among law enforcement, prosecution, community organizations, social service agencies, and others that will be involved with the proposed project;
  12. Description of the methodology that will be used to evaluate the effectiveness of the proposed project;
  13. Goals of the proposed project stating what the proposed project is intended to accomplish;
  14. Objectives that are specific, measurable, and directly correlated to the goals of the proposed project;
  15. Detailed budget that includes:
    - a. Total amount to be expended on the proposed project including both Account and matching funds;
    - b. Estimated amount to be expended for various allowable expenses and the manner in which the estimate was determined;
    - c. Sources of the required matching funds; and
    - d. Statement of whether Account funds received will be used as matching funds for another grant program and if so, the name of the grant program and funding agency;
  16. Date of the jurisdiction's current A-133 audit report;
  17. Description of the internal controls the applicant will use to ensure compliance with all terms of the grant agreement;
  18. Description of plan to sustain the project if Account funds are no longer available; and
  19. Signature of the individual identified in subsection (B)(6) certifying that the information presented is correct and that if a grant is received, the applicant will comply with the terms of the grant agreement and all applicable state and federal laws.
- C. In addition to submitting the application form required under subsection (B), an applicant shall submit to the Commission:
1. A copy of the jurisdiction's current A-133 audit report or if the jurisdiction does not have a current A-133 audit report, a copy of all correspondence relating to an extension of time to have an audit completed;
  2. If the applicant is a task force, a letter on agency letterhead or another document from each member agency of the task force describing the manner in which the member intends to contribute to the proposed project; and
  3. If the applicant's jurisdiction applied directly for federal criminal justice grant funding; ~~a copy of the application.~~
    - a. Each applicant must disclose whether it has, or is proposed as a subrecipient under, any pending application for federally-funded grants or cooperative agreements that:
      - i. Include requests for funding to support the same project being proposed in the application for a grant from the Account; and
      - ii. Would cover identical cost items outlined in the budget submitted to the Commission as part of the application for a grant from the Account.
    - b. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g. applications to state agencies that will subaward federal funds).

#### **R10-4-404. Application Evaluation; Standards for Award**

- A. The Commission shall ensure that each application that is submitted timely and proposes a project eligible for funding from the Account is evaluated. After the applications are evaluated, the Committee shall forward a recommended allocation plan to the Commission. The Commission shall grant or deny funding within 90 days after the application deadline.
- B. If the Commission determines that it needs additional information to facilitate its review of an application, the Commission shall:
  1. Request the additional information from the applicant, or
  2. Request the applicant to amend the application.
- C. The Commission shall approve grant funding, in whole or in part, or deny funding using standards ~~in the plan approved by the federal government and~~ referenced under A.R.S. § 41-2402(F) ~~and R10-4-402(C).~~
- D. The standards referenced in subsection (C) include an assessment of whether the proposed project:
  1. Is directed toward a problem that is demonstrated by statistical data;
  2. Is designed to address the identified problem;
  3. Is a coordinated effort among multiple approved agencies;
  4. Has specific goals;
  5. Has measurable objectives that relate to the goals;
  6. Has appropriate methods for evaluating achievement of objectives;
  7. Has a reasonable budget of allowable expenses;
  8. Has identified the required matching funds;
  9. Has internal controls to monitor expenditure of Account funds; and
  10. If the program was previously funded, all grant requirements were met timely and there were no reportable deficiencies during monitoring reviews.

#### **R10-4-406. Required Reports**

- A. The Commission shall annually prepare and submit the report required under A.R.S. § 41-2405(A)(11) ~~and the report required by the federal government regarding the current criminal justice grant program.~~ The Commission shall use data submitted by grant recipients as specified in the recipient's grant agreement to prepare ~~these reports~~ the report.



- B.** A grant recipient shall submit to the Commission financial, activity, and progress reports documenting the activities supported by the Account funds. The grant recipient shall submit the reports as specified in the grant agreement. The specific reports required are determined by the nature of the proposed project. ~~A grant recipient shall submit a required report by the 25th day following the end of the month or quarter in which the report is due.~~
- C.** The Commission shall not distribute Account funds to a grant recipient that fails to submit a required report within 60 days of its due date.
- D.** A grant recipient shall cooperate with and participate in all assessment, evaluation, or data collection efforts authorized by the Commission.
- E.** The Commission has the right to obtain, reproduce, publish, or use information provided in the required reports or assessment, evaluation, or data collection efforts. When in the best interest of the state, the Commission may authorize others to receive and use the information.



**NOTICES OF FINAL EXPEDITED RULEMAKING**

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

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

**NOTICE OF FINAL EXPEDITED RULEMAKING  
TITLE 9. HEALTH SERVICES  
CHAPTER 5. DEPARTMENT OF HEALTH SERVICES  
CHILD CARE FACILITIES**

[R18-265]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| 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. The effective date of the rules:**  
 December 5, 2018
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2273, August 10, 2018  
 Notice of Proposed Expedited Rulemaking: 24 A.A.R. 2471, September 7, 2018
- 5. The agency’s contact person who can answer questions about the expedited 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](mailto:Robert.Lane@azdhs.gov)

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

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

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

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

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

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

The agency is excluded from providing an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

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

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

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

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

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

There are no other matters prescribed by statute applicable specifically to the Department or this specific expedited rulemaking.

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

The rule does not require issuance of a general permit.

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

There are no federal rules applicable to the subject of the rule.

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

No such analysis was submitted.

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

Not applicable

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

The rule was not previously made as an emergency rule.

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



**TITLE 9. HEALTH SERVICES  
CHAPTER 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 calendar 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 processing 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. A written description of the food that a facility provides and serves as a meal or snack, or
  - b. 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. A natural or adoptive mother or father,
  - b. A legal guardian appointed by a court of competent jurisdiction, or
  - c. 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:
  - a. Allopathic medicine under A.R.S. Title 32, Chapter 13;
  - b. Naturopathic medicine under A.R.S. Title 32, Chapter 14;
  - c. Osteopathic medicine under A.R.S. Title 32, Chapter 17;
  - d. Homeopathic medicine under A.R.S. Title 32, Chapter 29; or
  - e. Allopathic, naturopathic, osteopathic, or homeopathic medicine under the law of another state.
- 92-90. "Physician assistant" means:
  - a. An individual who is licensed under A.R.S. Title 32, Chapter 25; or
  - b. 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:
  - a. An individual who is licensed and certified as a "registered nurse practitioner" under A.R.S. § 32-1601, or
  - b. 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:
  - a. Is assigned by a public school, charter school, or governmental agency; and
  - b. 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:
  - a. Meets one of the following:
    - i. Is five years old on or before January 1 of the current school year, or
    - ii. Is five years old on or before January 1 of the most recent school year; and
  - b. Meets one of the following:
    - i. Attends kindergarten or a higher level program in a public, charter, accommodation, or private school during the current school year;
    - ii. Attended kindergarten or a higher level program in a public, charter, accommodation, or private school during the most recent school year;
    - iii. Is home-schooled at a kindergarten or higher level during the current school year; or
    - iv. 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:
- a. 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
    - (2) That each individual in subsection (A)(5)(n)(i) 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
  - iii. A letter from the school district governing board in which the charter school is located, the Arizona State Board of Education, or the Arizona State Board for Charter Schools, approving the applicant to operate the charter school; and
- o. If the applicant is a governmental agency, 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)(o)(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
    - (2) That each individual in subsection (A)(5)(o)(i) 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
  - iii. A letter from the individual in the senior leadership position with the agency designating a signatory.
- B. The Department requires a separate license and a separate application for:
  - 1. Each facility owned by the same person at a different location, and
  - 2. Each facility owned by a different person at the same location.
- C. The Department does not require a separate application and license for a structure that is:
  - 1. Located so that the structure and the facility:
    - a. Share the same street address, or
    - b. Can be enclosed by a single unbroken boundary line that does not encompass property owned or leased by another,
  - 2. Under the same ownership as the facility, and
  - 3. Intended to be used as a part of the facility.

#### **R9-5-202. Time-frames**

- A. The overall time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. The administrative completeness review time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1 and begins on the date that the Department receives an application packet.
  - 1. An application packet for a license is not complete until the date, provided to the Department with the application packet or by written notice, that the child care facility is ready for an onsite licensing inspection.
  - 2. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the items needed to complete the application packet.
    - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is issued until the date that the Department receives all of the missing items from the applicant.
    - c. If an applicant for a license or an approval of a change affecting a license fails to submit to the Department all of the items listed in the notice of deficiencies within 180 calendar days after the date that the Department sent the notice of deficiencies, the Department shall consider the application or request for approval withdrawn.
  - 3. If the Department issues a license or other approval to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1 and begins on the date of the notice of administrative completeness.
  - 1. As part of the substantive review for a license application, the Department shall conduct an inspection that may require more than one visit to the facility.
  - 2. As part of the substantive review for a request for approval of a change affecting a license that requires a change in the use of physical space at the facility, the Department shall conduct an evaluation of the request to determine compliance with applicable rules and statutes that may include an onsite inspection.
  - 3. The Department shall send a license, a written notice of approval, or denial of a license or other request for approval to an applicant within the substantive review time-frame.
  - 4. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.



- a. If the Department determines that an applicant or a facility is not in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
  - b. An applicant shall submit to the Department all of the information requested in the comprehensive written request for additional information and documentation of the corrections required in the statement of deficiencies, if applicable within 120 calendar days after the date of the comprehensive written request for additional information.
  - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department issues a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including documentation of corrections required in a statement of deficiencies, if applicable.
  - d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including documentation of corrections required in a 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)**

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Substantive Review Time-Frame
License under R9-5-201	A.R.S. § 36-882	120	30	90
Approval of Change Affecting License under R9-5-208	A.R.S. §§ 36-882 and 36-883	75	30	45

**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;
- DE.** 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.
- EE.** A licensee shall not implement any change described under subsection (B) until the Department issues an approval or amended license.
- FG.** 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.



- GH.** A licensee changing a facility’s location shall apply for a new license as prescribed in R9-5-201.
- HJ.** 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.
- IJ.** If the change in subsection (HJ) 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.
- JK.** 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)(K)(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)(K)(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
<b>Breakfast:</b>			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Vegetable, fruit, or <del>full-strength juice</del> <u>both</u>	1/4 cup	1/2 cup	1/2 cup
3. <del>Bread and bread alternates (whole grain or enriched);</del> <b>Bread</b> <del>or cornbread, rolls, muffins, or biscuits</del> <del>or cold dry cereal (volume or weight, whichever is less)</del> <del>or cooked cereal, pasta, noodle products, or cereal grains</del> <u>Grains</u>	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. eq <sup>1</sup>	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. eq <sup>1</sup>	1 slice 1 serving 3/4 cup 1/2 cup 1 oz. eq <sup>1</sup>
<b>Lunch or Supper:</b>			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. <del>Vegetable and/or fruit (2 or more kinds)</del> <u>Vegetables</u> <u>Fruits</u>	1/4 cup total 1/8 cup 1/8 cup	1/2 cup total 1/4 cup 1/4 cup	3/4 cup total 1/2 cup 1/4 cup
3. <del>Bread and bread alternates (whole grain or enriched);</del> <b>Bread</b> <del>or cornbread, rolls, muffins, or biscuits</del> <del>or cold dry cereal (volume or weight, whichever is less)</del> <del>or cooked cereal, pasta, noodle products, or cereal grains</del> <u>Grains</u>	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. eq <sup>1</sup>	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. eq <sup>1</sup>	1 slice 1 serving 3/4 cup 1/2 cup 1 oz. eq <sup>1</sup>
4. <del>Meat or meat alternates:</del> <del>Lean meat, fish, or poultry (edible portion as served)</del> <del>or cheese</del> <del>or egg</del>	1 oz. 1 oz. 1 oz. 1/2 egg	1 1/2 oz. 1 1/2 oz. 1 1/2 oz. 3/4 egg	2 oz. 2 oz. 2 oz. 1 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	1/4 cup 2 tbsp** 1/2 oz.** 4 oz.	3/8 cup 3 tbsp** 3/4 oz.** 6 oz.	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 <u>Vegetables</u> <u>Fruits</u> 3. Bread and bread alternates (whole grain or enriched): <u>Bread</u> 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 <u>Grains</u> 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 1/2 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 egg 1/8 cup 1 tbsp 1/2 oz. 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. 1/2 egg 1/8 cup 1 tbsp 1/2 oz. 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. 1/2 egg 1/4 cup 2 tbsp 1 oz. 4 oz.
<sup>1</sup> <u>Meat and meat alternates may be used to substitute the entire grains component a maximum of three times per week. Oz eq = ounce equivalents</u> * 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. ~~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.



**NOTICES OF PUBLIC INFORMATION**

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

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

**NOTICE OF PUBLIC INFORMATION  
ARIZONA GAME AND FISH DEPARTMENT  
DIRECTOR'S ORDER 1 – R09/18 – AQUATIC INVASIVE SPECIES  
LISTING OF AQUATIC INVASIVE SPECIES FOR ARIZONA  
EFFECTIVE - SEPTEMBER 15, 2018**

[M18-80]

Under A.R.S. § 17-255, “aquatic invasive species” means any aquatic species that is not native to the ecosystem under consideration and whose introduction or presence may cause economic or environmental harm or harm to human health.

Effective September 15, 2018, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this updated list of aquatic invasive species for the State of Arizona:

AQUATIC INVASIVE SPECIES: ANIMALS		
Common Name	Scientific Name	Status in Arizona
Apple Snail	<i>Pomacea</i> spp.	<b>Present in Arizona:</b> Confirmed in 2011.
Asian Carp Bighead Carp Black Carp Silver Carp	<i>Aristichthys nobilis</i> <i>Mylopharyngodon piceus</i> <i>Hypophthalmichthys molitrix</i>	<b>No verified presence:</b> Poses an imminent threat from illegal stocking. Triploid grass carp/white amur <i>Ctenopharyngodon idella</i> , is present and regulated through permits in Arizona.
Golden Mussel	<i>Limnoperna fortunei</i>	<b>No verified presence:</b> Poses an imminent threat. Golden Mussels are similar in appearance to Quagga and Zebra mussels.
New Zealand Mudsnaill	<i>Potamopyrgus antipodarum</i>	<b>Present in Arizona:</b> Confirmed in 2002.
Quagga Mussel	<i>Dreissena bugensis</i>	<b>Present in Arizona:</b> Confirmed in 2007.
Red Claw Crayfish	<i>Cherax quadricarinatus</i>	<b>No verified presence:</b> Poses an imminent threat. No positive identification noted among current Arizona crayfish populations.
Rusty Crayfish	<i>Orconectes rusticus</i>	<b>No verified presence:</b> Poses an imminent threat. No positive identification noted among current Arizona crayfish populations.
All Snakehead spp	Family: <i>Channidae</i> Genus: <i>Channa</i> spp. <i>Parachanna</i> spp.	<b>No verified presence:</b> Poses an imminent threat from illegal stocking.
Waterflea Spiny Fishhook	<i>Bythotrephes longimanus</i> <i>Cercopagis pengoi</i>	<b>No verified presence:</b> Poses an imminent threat.
Zebra Mussel	<i>Dreissena polymorpha</i>	<b>No verified presence:</b> Poses an imminent threat. Zebra Mussels are similar in appearance to the Quagga Mussel.

AQUATIC INVASIVE SPECIES: PLANTS AND ALGAE		
Common Name	Scientific Name	Status in Arizona
Didymo, a.k.a. Rock Snot	<i>Didymosphenia geminata</i>	<b>Present in Arizona:</b> Confirmed in 2009.
Giant Salvinia	<i>Salvinia molesta</i>	<b>Present in Arizona:</b> Confirmed in 1999.
Golden Alga	<i>Prymnesium parvum</i>	<b>Present in Arizona:</b> Confirmed in 2005.
Hydrilla	<i>Hydrilla verticillata</i>	Detected in Arizona.
Water Hyacinth	<i>Eichhornia crassipes</i>	<b>Present in Arizona:</b> Confirmed in 2016.

**The name and address of agency personnel with whom persons may communicate regarding this Order:**

Name: Erin Raney, Aquatic Invasive Species Program Coordinator  
 Address: Arizona Game and Fish Department, WMAQ  
 5000 W. Carefree Highway  
 Phoenix, AZ 85086-5000  
 Telephone: (623) 236-7271  
 Email: eraney@azgfd.gov



NOTICE OF PUBLIC INFORMATION
ARIZONA GAME AND FISH DEPARTMENT
DIRECTOR'S ORDER 2 - R09/18 - AQUATIC INVASIVE SPECIES
DESIGNATION OF WATERS OR LOCATIONS WHERE LISTED
AQUATIC INVASIVE SPECIES ARE PRESENT
EFFECTIVE - SEPTEMBER 15, 2018

[M18-81]

Effective September 15, 2018, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this updated list of waters or locations where listed aquatic invasive species are suspected or known to be present.

Table with 1 column and multiple rows listing aquatic invasive species by county: Coconino, Gila, La Paz, Maricopa, Mohave, and Pima. Each row lists a location and the species found there.



<b>Pinal County</b>
Kearny Park Lake (Kearny): Golden Algae
<b>Yavapai County</b>
Aqua Fria River: Water Hyacinth
Oak Creek (Page Springs): Water Hyacinth
<b>Yuma County</b>
Imperial Reservoir: Quagga Mussel
Lower Colorado River: Apple Snail, Giant Salvinia, Quagga Mussel, Water Hyacinth
Martinez Lake: Quagga Mussel
Mittry Lake: Quagga Mussel

**The name and address of agency personnel with whom persons may communicate regarding this Order:**

Name: Erin Raneý Aquatic Invasive Species Program Coordinator  
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**NOTICE OF PUBLIC INFORMATION  
 ARIZONA GAME AND FISH DEPARTMENT  
 DIRECTOR'S ORDER 3 – R09/18 – AQUATIC INVASIVE SPECIES  
 MANDATORY CONDITIONS ON THE MOVEMENT OF WATERCRAFT, VEHICLES, CONVEYANCES, OR OTHER  
 EQUIPMENT FROM LISTED WATERS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT  
 EFFECTIVE – SEPTEMBER 1, 2018**

[M18-82]

Effective September 15, 2018, the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes these updated mandatory conditions for movement of watercraft, vehicles, conveyances, or other equipment necessary to abate, eradicate, or prevent the spread of listed aquatic invasive species within or from those waters or locations listed in Arizona Game and Fish Department – Director's Order 2; 24 A.A.R. 3452, December 14, 2018 (*in this issue*).

<b>MANDATORY CONDITIONS AND PROTOCOLS FOR MOVEMENT FROM AQUATIC INVASIVE SPECIES LISTED WATERS/LOCATIONS</b>	
<b>Day Use</b>	<p>The following protocols shall be taken for watercraft, vehicles, conveyances, or other equipment (e.g., life jacket, buoys, ropes, anchor, etc.) that have been in or on waters or locations listed in Director's Order 2 for no more than five (5) consecutive days. Upon removing watercraft, vehicles, conveyances, or other equipment from any listed waters in Arizona and prior to transport:</p> <ol style="list-style-type: none"> <li>1. Remove any clinging material such as plants, algae, animals, and mud from anchor, boat, motor, trailer, and all other equipment.</li> <li>2. Remove all drainage plug(s) (when so equipped) and drain the water from the bilge, live-well and any other compartments that may hold water. Drain water from engine, engine compartments, and engine cooling systems. Ensure plugs and devices remain removed or open during transport.</li> <li>3. Dry completely. Allow watercraft, vehicles, conveyances, or other equipment to dry completely prior to use in any other Arizona waters. For watercraft, vehicles, conveyances, or other equipment that cannot be completely drained (e.g., ballast tanks, inboard/outboard engines, etc.):                         <ol style="list-style-type: none"> <li>a. Before using watercraft, vehicles, conveyances, or other equipment in a different water body within seven (7) or fewer days from May through October or eighteen (18) or fewer days from November through April after removing watercraft, vehicles, conveyances, or other equipment from a listed water, the Department highly recommends the owner/operator contact the Department's Aquatic Invasive Species program to schedule an inspection to determine whether decontamination of watercraft, vehicles, conveyances, or other equipment is necessary.</li> <li>b. Prior to transporting watercraft, vehicles, conveyances, or other equipment, the authorized employee or certified agent conducting the inspection/decontamination shall issue a seal and inspection receipt to the owner/operator as proof of inspection and/or decontamination and submit a record of the inspection and/or decontamination to the Department.</li> </ol> </li> <li>4. If suspected or documented aquatic invasive species are found on watercraft, vehicles, conveyances, or other equipment in the State of Arizona, an authorized employee or certified agent is required to inspect the watercraft, vehicles, conveyances, or other equipment and may order the owner/operator to decontaminate or cause to be decontaminated such watercraft, vehicle, conveyance, or equipment prior to transport.</li> </ol>



<b>Long Term Use</b>	<p><b>The following protocols shall be taken for any watercraft, vehicles, conveyances, or other equipment that have been in or on waters or locations listed in Director's Order 2 for six (6) or more consecutive days. Upon removing watercraft, vehicles, conveyances, or other equipment from any listed waters in Arizona and prior to transport:</b></p> <ol style="list-style-type: none"> <li>1. Contact the Department's Aquatic Invasive Species Program at (623) 236-7608 or an authorized agent prior to departure (recommended at least 72 hours in advance) to schedule an inspection and, if required, decontamination.</li> <li>2. Remove any clinging material such as plants, algae, animals, and mud from anchor, boat, motor, trailer, and all other equipment.</li> <li>3. Remove all drainage plug(s) (when so equipped) and drain the water from the bilge, live-well and any other compartments that may hold water. Drain water from engine, engine compartments, and engine cooling systems. Ensure plugs and devices remain removed or open during transport.</li> <li>4. Dry completely. Keep watercraft, vehicles, conveyances, or other equipment out of water and completely dry, including bilge, through hull fittings, and engine, for no less than:             <ol style="list-style-type: none"> <li>a. Eighteen (18) consecutive days during the months of November through April, and</li> <li>b. Seven (7) consecutive days during the months of May through October.</li> </ol> </li> <li>5. After an inspection has occurred and prior to transporting watercraft, vehicles, conveyances, or other equipment, an authorized employee or certified agent conducting the inspection shall issue a seal and inspection receipt to the owner/operator as proof of inspection and/or decontamination and submit a record of the inspection and/or decontamination to the Department.</li> </ol>
<b>MANDATORY PROTOCOLS FOR OTHER EQUIPMENT (NON-WATERCRAFT) REMOVED FROM AQUATIC INVASIVE SPECIES LISTED WATERS/LOCATIONS</b>	
<b>Equipment, including but not limited to: waders, boots, nets, tackle,</b>	<p><b>The following protocols shall be taken for any equipment that has been in or on waters or locations listed in Director's Order 2:</b></p> <p>Inspect and thoroughly clean the equipment. Remove any visible plants, algae, animals, and mud and disinfect the equipment using any one or more of the following decontamination methods:</p> <ol style="list-style-type: none"> <li>Option 1. Submerge equipment in a mixture of water and quaternary ammonium based cleaner (6 oz quaternary ammonium per one gallon of water) for 20 minutes.</li> <li>Option 2. Soak equipment in 140° F water for 10 minutes.</li> <li>Option 3. Freeze equipment overnight.</li> <li>Option 4. Completely dry equipment for at least 7 consecutive days from May through October or 18 consecutive days from November through April.</li> </ol>

1. A.R.S. 17-255.01(C)(1); Watercraft, vehicles, conveyances, or other equipment are subject to inspection upon entry into this state, during overland transport within this state, or upon departure from any water or location listed in Arizona Game and Fish Department - Director's Order 2, effective September 15, 2018.
2. A.R.S. 17-255.01(C)(3); A person departing from any water or location listed in Director's Order 2 may be required to decontaminate watercraft, vehicles, conveyances, or other equipment in the manner required by Order.
3. A.R.S. 17-255.01(C)(3); Authorized agents may perform inspections and decontaminations at Department authorized locations on behalf of the Arizona Game and Fish Department. An authorized agent must possess a current, valid Watercraft Inspection and Decontamination Certification from Arizona Game and Fish Department to be authorized by the Department. For the purposes of this Order, "decontamination" is defined in the Uniform Minimum Standards and Protocols for Watercraft Inspection and Decontamination, version III available on the Arizona Game and Fish Department website.
4. A.R.S. 17-255.02(1); A person shall not possess, import, ship, or transport into or within the State of Arizona Aquatic Invasive Species listed under Arizona Game and Fish Department - Director's Order 1, effective September 15, 2018; 24 A.A.R. 3451, December 14, 2018.
5. A.R.S. 17-255.02(2); A person shall not release, place or plant an aquatic invasive species identified in Arizona Game and Fish Department - Director's Order 1, effective September 15, 2018, into waters of this state or into any water treatment facility, water supply or water transportation facility, device or mechanism.
6. A.R.S. 17-255.02(3); A person shall not place in any waters of this state any equipment, watercraft, vessel, vehicle or conveyance that has been in any water or location listed in Arizona Game and Fish Department- Director's Order 2, effective September 15, 2018.
7. A. R. S. 17-255.02(4); A person shall not sell, purchase, barter or exchange an aquatic invasive species identified in Arizona Game and Fish Department - Director's Order 1, effective September 15, 2018.

**The name and address of agency personnel with whom persons may communicate regarding this Order:**

Name: Erin Raney, Aquatic Invasive Species Program Coordinator  
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5000 W. Carefree Highway  
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GOVERNOR EXECUTIVE ORDER

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

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

EXECUTIVE ORDER 2018-02

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

[M18-46]

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

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

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

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

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

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

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

WHEREAS, each State agency shall continue a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation; and

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

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

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

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

- 2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



- 6. A State agency subject to this Order, shall review the agency’s rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
- 7. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
- 8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
- 9. This Executive Order expires on December 31, 2018.

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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

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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**

XN = Exempt new Section  
XM = Exempt amended Section  
XR = Exempt repealed Section  
X# = Exempt renumbered Section

**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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R9-22-712.05.	FM-185; PM-2061; FM-3321	R4-6-301.	PM-1609; FM-3369	<b>Child Safety, Department of - Adop- tion Agency Licensing</b>	
R9-22-712.35.	PM-1712; FM-2851	R4-6-304.	PM-1609; FM-3369	R21-9-202.	PN-738; FN-3275
R9-22-712.61.	PM-1712; FM-2851	R4-6-306.	PM-1609; FM-3369	R21-9-207.	PN-738; FN-3275
R9-22-712.71.	PM-1712; FM-2851	R4-6-402.	PM-1609; FM-3369	<b>Clean Elections Commission, Citi- zens</b>	
R9-22-712.75.	PM-3092	R4-6-502.	PM-1609; FM-3369	R2-20-106.	FXM-107
R9-22-718.	PM-345; FM-1515	R4-6-602.	PM-1609; FM-3369	R2-20-109.	FXM-109
R9-22-721.	PM-2066	R4-6-704.	PM-1609; FM-3369	R2-20-111.	FXM-111
R9-22-730.	FXM-2229	R4-6-1101.	PM-1609; FM-3369	<b>Constable Ethics, Standards and Training Board</b>	
R9-22-1202.	PM-337	<b>Boxing and Mixed Martial Arts Com- mission, State</b>		R13-14-101.	FN-1518
R9-22-1302.	PM-1716; FM-2855	R4-3-101.	FR-435	R13-14-102.	FN-1518
R9-22-1303.	PM-1716; FM-2855	R4-3-102.	FR-435	R13-14-103.	FN-1518
R9-22-1305.	PM-1716; FM-2855	R4-3-103.	FR-435	R13-14-201.	FN-1518
R9-22-1306.	PR-1716; FR-2855	R4-3-104.	FR-435	R13-14-202.	FN-1518
R9-22-1501.	PM-337	R4-3-105.	FR-435	R13-14-203.	FN-1518
R9-22-1910.	PR-337	R4-3-201.	FR-435	R13-14-204.	FN-1518
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		R4-3-203.	FR-435	R13-14-301.	FN-1518
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		R4-3-303.	FR-435	R14-2-107.	PM-1643; FM-2750
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				R14-5-201.	PM-2907
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				<b>Criminal Justice Commission, Ari- zona</b>	
				R10-4-101.	FM-377
				R10-4-102.	FM-377



R10-4-103.	FM-377	R6-6-503.	FR-2013	R6-14-506.	EN-2081;
R10-4-104.	FM-377	R6-6-504.	FR-2013		PN-2893
R10-4-106.	FM-377	R6-6-505.	FR-2013	R6-14-507.	EN-2081;
R10-4-107.	FM-377				PN-2893
R10-4-108.	FM-377	<b>Economic Security, Department of - Food Stamps Program</b>		<b>Economic Security, Department of - Social Services</b>	
R10-4-109.	FM-377	R6-14-301.	EN-2081;	R6-5-3301.	PN-2357
R10-4-110.	FM-377		PN-2893	R6-5-3302.	PN-2357
R10-4-201.	FM-377	R6-14-302.	EN-2081;	R6-5-3303.	PN-2357
R10-4-202.	FM-377		PN-2893	R6-5-3304.	PN-2357
R10-4-203.	FM-377	R6-14-303.	EN-2081;	R6-5-3305.	PN-2357
R10-4-204.	FM-377		PN-2893	R6-5-3306.	PN-2357
R10-4-402.	PM-2259	R6-14-304.	EN-2081;	R6-5-3307.	PN-2357
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R10-4-404.	PM-2259	R6-14-305.	EN-2081;	R6-3-51140.	FM-1417
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R4-20-104.	PR-2299	R6-14-401.	EN-2081;	R7-2-401.	FXM-140
R4-20-105.	PR-2299		PN-2893	R7-2-604.03.	FXM-195
R4-20-106.	PR-2299	R6-14-402.	EN-2081;	R7-2-604.04.	FXM-195
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R4-20-109.	PM-2299	R6-14-403.	EN-2081;	R7-2-606.	FXM-1427
R4-20-110.	PM-2299		PN-2893	R7-2-607.	FXM-195
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R4-20-115.	PM-2299	R6-14-405.	EN-2081;		FXM-2947
R4-20-119.	PM-2299		PN-2893	R7-2-609.01.	FXN-791
R4-20-123.	PR-2299	R6-14-406.	EN-2081;	R7-2-610.	FXM-195
R4-20-124.	PR-2299		PN-2893	R7-2-610.01.	FXN-195
R4-20-125.	PR-2299	R6-14-407.	EN-2081;	R7-2-610.02.	FXN-195;
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R6-6-303.	FR-2013;	R6-14-416.	EN-2081;	R7-2-1003.	FXM-3283
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	FM-2013	R6-14-417.	EN-2081;	R7-2-1014.	FXM-3283
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R6-6-306.	FN-2013		PN-2893	<b>Environmental Quality, Department of - Air Pollution Control</b>	
R6-6-307.	FN-2013	R6-14-502.	EN-2081;	R18-2-220.	PM-2615
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R6-6-309.	FN-2013	R6-14-503.	EN-2081;		
R6-6-501.	FR-2013		PN-2893		
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R18-2-901.	PM-501; FEM-1564; FM-1864	R16-4-109.	PN-619		SPM-2910		
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R18-2-1002.	PN-2801	R16-4-111.	PN-619		SPM-2910		
R18-2-1003.	PM-2801	R16-4-112.	PN-619	R12-4-303.	PM-529; SPM-1936;		
R18-2-1005.	PM-2801	R16-4-113.	PN-619		SPM-2910		
R18-2-1006.	PM-2801	R16-4-114.	PN-619	R12-4-304.	PM-529; SPM-1936;		
R18-2-1007.	PM-2801	R16-4-115.	PN-619		SPM-2910		
R18-2-1008.	PM-2801	R16-4-116.	PN-619	R12-4-305.	PM-529; SPM-1936;		
R18-2-1009.	PM-2801	R16-4-117.	PN-619		SPM-2910		
R18-2-1010.	PM-2801	<b>Financial Institutions, Department of - Real Estate Appraisal Division</b>			R12-4-306.	PM-529; SPM-1936	
R18-2-1011.	PM-2801	R4-46-101.	PM-3001		SPM-2910		
R18-2-1012.	PM-2801	R4-46-103.	PR-3001	R12-4-307.	PM-529; SPM-1936;		
R18-2-1013.	PR-2801	R4-46-106.	PM-3001		SPM-2910		
R18-2-1016.	PM-2801	R4-46-107.	PM-3001	R12-4-308.	PM-529; SPM-1936;		
R18-2-1017.	PM-2801	R4-46-201.	PM-3001		SPM-2910		
R18-2-1018.	PM-2801	R4-46-201.01.	PM-3001	R12-4-309.	PM-529; SPM-1936;		
R18-2-1019.	PM-2801	R4-46-202.	PR-3001		SPM-2910		
R18-2-1020.	PM-2801	R4-46-202.01.	PM-3001	R12-4-310.	PM-529; SPM-1936;		
R18-2-1022.	PM-2801	R4-46-203.	PM-3001		SPM-2910		
R18-2-1023.	PM-2801	R4-46-204.	PM-3001	R12-4-311.	PM-529; SPM-1936;		
R18-2-1025.	PM-2801	R4-46-205.	PR-3001		SPM-2910		
R18-2-1026.	PM-2801	R4-46-207.	PR-3001	R12-4-312.	PM-529; SPM-1936;		
R18-2-1027.	PR-2801	R4-46-209.	PM-3001		SPM-2910		
R18-2-1028.	PR-2801	R4-46-301.	PM-3001	R12-4-313.	PM-529; SPM-1936;		
R18-2-1031.	PR-2801	R4-46-302.	PR-3001		SPM-2910		
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R18-2-1602.	EXP-2500	R4-46-301.01.	PN-3001	R12-4-316.	PR-529; SPR-1936;		
R18-2-1603.	EXP-2500	R4-46-302.01.	PN-3001		SPR-2910		
R18-2-1604.	EXP-2500	R4-46-303.01.	PN-3001	R12-4-317.	PM-529; SPM-1936;		
R18-2-1605.	EXP-2500	R4-46-304.01.	PN-3001		SPM-2910		
R18-2-1606.	EXP-2500	R4-46-305.01.	PN-3001	R12-4-318.	PM-529; SPM-1936;		
R18-2-1607.	EXP-2500	R4-46-306.01.	PN-3001		SPM-2910		
R18-2-1608.	EXP-2500	R4-46-307.01.	PN-3001	R12-4-319.	PM-529; SPM-1936;		
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		R4-46-405.	PM-3001		SPM-2910		
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		R4-46-408.	PM-3001	R12-4-401.	PM-529; SPM-1936;		
		R4-46-501.	PM-3001		SPM-2910		
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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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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
October 19, 2018	November 9, 2018	December 10, 2018
October 26, 2018	November 16, 2018	December 17, 2018
November 2, 2018	November 23, 2018	December 24, 2018
November 9, 2018	November 30, 2018	December 31, 2018
November 16, 2018	December 7, 2018	January 7, 2019
November 23, 2018	December 14, 2018	January 14, 2019
November 30, 2018	December 21, 2018	January 22, 2019
December 7, 2018	December 28, 2018	January 28, 2019
December 14, 2018	January 4, 2019	February 4, 2019
December 21, 2018	January 11, 2019	February 11, 2019
December 28, 2018	January 18, 2019	February 19, 2019
January 4, 2019	January 25, 2019	February 25, 2019
January 11, 2019	February 1, 2019	March 4, 2019
January 18, 2019	February 8, 2019	March 11, 2019
January 25, 2019	February 15, 2019	March 18, 2019
February 1, 2019	February 22, 2019	March 25, 2019
February 8, 2019	March 1, 2019	April 1, 2019
February 15, 2019	March 8, 2019	April 8, 2019
February 22, 2019	March 15, 2019	April 15, 2019



## 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
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> 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 DECEMBER 4, 2018 MEETING**

[M18-84]

Rules:

**BOARD OF DISPENSING OPTICIANS (R-18-1201)**

Title 4, Chapter 20, Article 1, General

**Amend:** R4-20-102; R4-20-107; R4-20-109; R4-20-110; R4-20-112; R4-20-113; R4-20-115; R4-20-119; Table 1

**Repeal:** R4-20-103; R4-20-104; R4-20-105; R4-20-106; R4-20-123; R4-20-124; R4-20-125; R4-20-126

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF HEALTH SERVICES (R-18-1202)**

Title 9, Chapter 25, Article 3, Training Programs; Article 8, Air Ambulance Registration; Article 10, Ground Ambulance Vehicle Registration

**Amend:** R9-25-301; R9-25-303; R9-25-305; Table 8.1; R9-25-1003

COUNCIL ACTION: **APPROVED**

**CRIMINAL JUSTICE COMMISSION (R-18-1203)**

Title 10, Chapter 4, Article 4, Drug and Gang Enforcement Account Grants

**Amend:** R10-4-402; R10-4-403; R10-4-404; R10-4-406

COUNCIL ACTION: **APPROVED**

**BOARD OF ACCOUNTANCY (R-18-1204)**

Title 4, Chapter 1, Article 2, CPA Examination; Article 3, Certification and Registration; Article 4, Regulation

**Amend:** R4-1-226.01; R4-1-343; R4-1-453

COUNCIL ACTION: **APPROVED**

**BOARD OF OPTOMETRY (R-18-1205)**

Title 4, Chapter 21, Article 1, General Provisions; Article 2, Licensing Provisions

**Amend:** R4-21-101; R4-21-209; R4-21-210; R4-21-211

COUNCIL ACTION: **APPROVED**

**ARIZONA STATE RETIREMENT SYSTEM (R-18-1206)**

Title 2, Chapter 8, Article 10, Membership

**New Article:** Article 10

**New Section:** R2-8-1001; R2-8-1002; R2-8-1003; R2-8-1004; R2-8-1005; R2-8-1006

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF HEALTH SERVICES (R-18-1207)**

Title 9, Chapter 5, Article 1, General; Article 2, Facility Licensure; Article 3, Facility Administration; Article 4, Facility Staff; Article 5, Facility Program and Equipment; Article 6, Physical Plant of a Facility

**Amend:** R9-5-101; R9-5-201; R9-5-202; Table 2.1; R9-5-203; R9-5-205; R9-5-208; R9-5-301; R9-5-303; R9-5-305; R9-5-307; R9-5-310; R9-5-402; R9-5-403; R9-5-501; R9-5-507; Table 5.1; R9-5-517; R9-5-601; R9-5-602; R9-5-603

COUNCIL ACTION: **APPROVED**



**DEPARTMENT OF TRANSPORTATION (R-18-1208)**

Title 17, Chapter 1, Article 2, Fees

**Amend:** R17-1-201

**Repeal:** R17-1-202; Table 1

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF TRANSPORTATION (R-18-1209)**

Title 17, Chapter 4, Article 8, Motor Vehicle Records

**Amend:** R17-4-801; R17-4-802

**New Section:** R17-4-803; Table 1

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF TRANSPORTATION (R-18-1210)**

Title 17, Chapter 8, Article 6, Motor Fuel Refunds

**Amend:** R17-8-601; R17-8-602; R17-8-603; R17-8-604; R17-8-605; R17-8-606; R17-8-607; R17-8-608; R17-8-609; R17-8-610; R17-8-611

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF WATER RESOURCES (R-18-1211)**

Title 12, Chapter 15, Article 7, Assured and Adequate Water Supply

**Amend:** R12-15-722; R12-15-723; R12-15-725; R12-15-725.01

COUNCIL ACTION: **APPROVED**

*Five-Year Review Reports:*

**BOARD OF PHARMACY (F-18-1106)**

Title 4, Chapter 23, Article 6, Permits and Distribution of Drugs; Article 8, Drug Classification

COUNCIL ACTION: **APPROVED**

**BOARD OF PHARMACY (F-18-1107)**

Title 4, Chapter 23, Article 5, Controlled Substances Prescription Monitoring Program; Article 12, Prescription Medication Donation Program

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF HEALTH SERVICES (F-18-1201)**

Title 12, Chapter 2, Article 2, Schools and Training Approvals and Requirements of Radiologic Technology; Article 3, Application and Certification of Radiologic Technologists and Radiologist Assistants

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF PUBLIC SAFETY – REPORTING BY SCRAP METAL AND USED AUTOMOTIVE COMPONENTS DEALERS (F-18-1202)**

Title 13, Chapter 7, Article 1, Reporting by Scrap Metal and Used Automotive Components Dealers

COUNCIL ACTION: **APPROVED**

**DEPARTMENT OF TRANSPORTATION (F-18-1203)**

Title 17, Chapter 7, Article 1, Definitions; Article 2, Authorization; Article 3, Certification; Article 4, Audits and Inspection; Article 6, Commercial Driver License Examination Program; Article 7, Driver License Training Provider Program

COUNCIL ACTION: **APPROVED**



**CRIMINAL JUSTICE COMMISSION (F-18-1205)**

Title 10, Chapter 4, Article 4, Drug and Gang Enforcement Account Grants

COUNCIL ACTION: APPROVED

**DEPARTMENT OF PUBLIC SAFETY – LOCAL RETIREMENT BOARD (F-18-1206)**

Title 13, Chapter 8, Article 1, Procedures

COUNCIL ACTION: APPROVED

**DEPARTMENT OF CHILD SAFETY (F-18-1207)**

Title 21, Chapter 5, Article 2, Independent Living and Transitional Independent Programs

COUNCIL ACTION: APPROVED