



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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

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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The Office of the Secretary of State is an equal opportunity employer.



Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

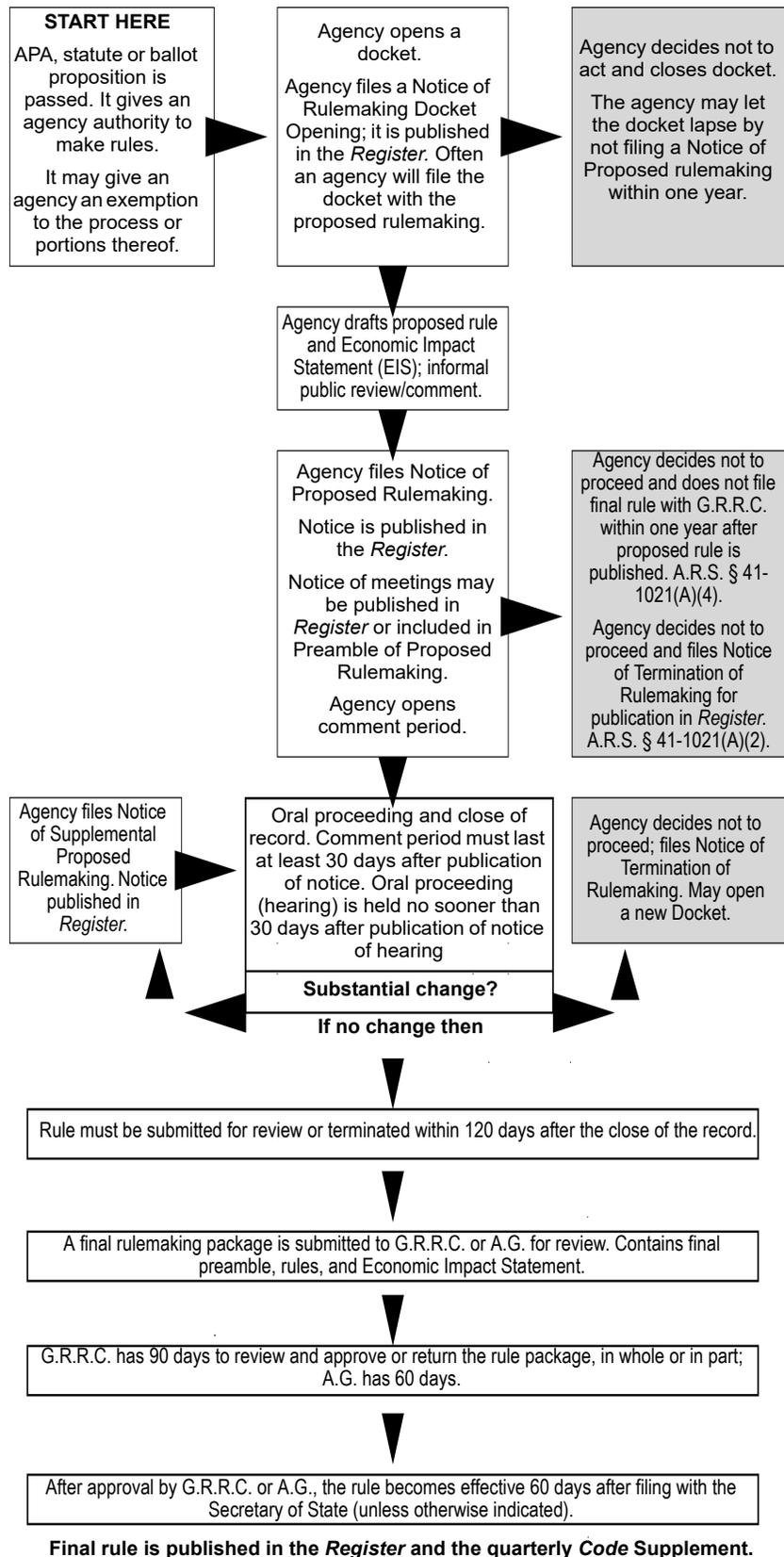
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 13. DEPARTMENT OF HEALTH SERVICES
HEALTH PROGRAMS SERVICES**

[R19-37]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R9-13-101	Amend
R9-13-102	Amend
Table 13.1	New Section
R9-13-103	Amend
R9-13-104	Amend
R9-13-105	Amend
R9-13-106	New Section
R9-13-107	Repeal
R9-13-107	New Section
R9-13-108	Repeal
R9-13-108	New Section
R9-13-109	Repeal
R9-13-109	New Section
R9-13-110	New Section
R9-13-111	New Section
R9-13-112	New Section
R9-13-113	New Section
R9-13-114	New Section
R9-13-115	New Section

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. §§ 36-136(A)(7) and 36-136(F)

Implementing statutes: A.R.S. §§ 36-899.01 through 36-899.04

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

Notice of Rulemaking Docket Opening: 24 A.A.R. 3057, October 26, 2018

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Patricia Tarango, Bureau Chief
 Address: Arizona Department of Health Services
 Division of Public Health Services, Public Health Prevention
 Bureau of Women’s and Children’s Health
 150 N. 18th Ave., Suite 320
 Phoenix, AZ 85007-3248
 Telephone: (602) 542-1436
 Fax: (602) 364-1496



E-mail: Patricia.Tarango@azdhs.gov
 or
 Name: Robert Lane, Chief
 Address: Arizona Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Robert.Lane@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) § 36-899.01 requires a program of hearing evaluation services to be established by the Arizona Department of Health Services (Department) and hearing evaluation services administered to children attending school. A.R.S. § 36-899.03 requires the Department to “develop rules and regulations governing standards, procedures, techniques and criteria for conducting and administering hearing evaluation services.” The Department in Arizona Administrative Code (A.A.C.) Title 9, Chapter 13, Article 1 established rules for the hearing screening program and school children hearing screenings to detection hearing loss. In the 2017 Hearing Screening Five-year-review Report (Report), the Department reported receiving written criticisms, identified changes that would improve the rules; and in the purposed course of action, planned to amend the rules in Article 1. To implement the planned purposed course of actions, the Department requested an exception to the rulemaking moratorium established by Executive Order 2017-02. On July 18, 2017, the Governor approved the Department's request for exception to the rulemaking moratorium to amend the hearing screening rules. The Department has amended 9 A.A.C. 13, Article 1 rules through regular rulemaking and anticipates submitting a Notice of Final Rulemaking to the Governor's Regulatory Review Council by July 2019. The changes to the rules include reducing the regulatory burden by simplifying requirements, removing obsolete requirements; updating standards for hearing screening and equipment to make consistent with national standards and best practices; and clarifying screener qualifications and frequency of hearing screening for students to ensure that Arizona students are not at risk. The new rules will also conform to rulemaking format and style requirements of the Governor's Regulatory Review council and the Office of the Secretary of State.

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

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

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

Not applicable

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

The Department has identified persons directly affected by the rules to be the Department; schools; students and parents of students; individuals who wish to be a hearing screening screener and screeners; individuals who wish to be a hearing screening trainer and trainers; specialists; and the public. Annual cost and benefit changes are designated as minimal when \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or more in additional costs or revenues. Costs are listed as significant when meaningful or important, but not readily subject to quantification. No new FTEs will be required due to this rulemaking. In this rulemaking, the Department changed the rules in R9-13-101 through R9-13-108 to add new definitions; update outdated screening requirements, screener qualifications, terms and definitions; make hearing screening criteria and requirements consistent with current national standards and best practices; and simplify hearing screening population, notifications, records and reporting, and equipment standards.

Additionally, and as indicated in the 2017 Report, the Department's cooperative agreement with the University of Arizona (UOA) terminated on December 31, 2015. Through the cooperative agreement, the UOA provided hearing screening training and certification to individuals interested in becoming a hearing screening trainer or master trainer. The UOA also provided renewal hearing screening courses to certified hearing screening trainers. With the UOA no longer providing hearing screening trainers, the Department established six new Sections that include standards and regulations for trainer eligibility; instruction, examination, observation and certificate of completion for individuals who wish to be a hearing screening trainer; and renewal requirements, including continuing education, for trainers who wish to renew their certificate of completion.

Updating the rules requires Department's resources to amend current rules in R9-13-101 through R9-13-108 and to draft new rules in Sections R9-13-110 through R9-13-115. The Department expects to incur a moderate cost to draft and promulgate the new rules, but believes the benefit of having new rules over time will exceed any cost incurred. The Department also expects to incur minimal-to-moderate costs to update the database to include collecting information about the type of audiological equipment used to conduct a hearing screening; and costs are also expected for administrative support used to update and maintain the hearing screening website, forms, and other related resources and documents. The Department estimates it may receive a significant benefit for schools, screeners, and trainers being able to access updated hearing screenings information through Department's electronic sources. The Department anticipates that it may incur a significant cost for Department personnel and resources used to provide training to individuals who wish to become a hearing-screening trainer or who wish to renew an existing trainer certificate of completion. Lastly, the Department believes it will receive a significant benefit for having rules that are more effective and no longer having obsolete requirements and antiquated language and definitions.



Current rules require a school administrator to ensure that a school provides hearing screening for students enrolled in the school, as well as specify how, when, and by whom hearing screening is required to be performed. In the new rules, the Department updated and clarified many requirements in R9-13-101 through R9-13-108. The Department clarified the hearing screening population and added a requirement for students who repeat a grade to receive a hearing screening to ensure that students who repeat a grade do not have a hearing loss. The Department estimates adding a requirement to screen students who repeat a grade may cause a school to incur a minimal cost for providing additional screenings. However, schools should receive a significant benefit for identifying students who were not previously identified and who are provided early intervention services; reasoning that students whose hearing need are met will be better students and less likely to fall behind.

In R9-13-104, the new rules include changing the word “days” to “school days;” adding a requirement for administrators to ensure students who do not receive an initial hearing screening, when expected, are re-scheduled for an initial hearing screening; and requirements for students that did not pass the initial hearing screening were changed to clarify when the second hearing screening should occur and what audiological equipment should be used. The Department anticipates that having to re-schedule students who did not receive an initial hearing screening could cause school to incur a cost; the cost is expected to be at most minimal, since the number of students re-scheduled is small. The Department believes the change to use “school days” rather than “days” will provide schools with a significant benefit for having more time to provide hearing screenings. The Department estimates that “30 school days” is equivalent to “62 days.”

Also, changes to rules in R9-13-105 clarify school notifications provided to parent and removes requirements for schools to provide parents a referral for a student who does not pass a hearing screening. The Department anticipates that these changes may provide a minimal benefit to a school. The new rules also provide flexibility to a school as to how a notification occurs by defining “notification” to mean a method used to inform or announce information on paper, electronic, photographic, or other permanent form. The Department believes many schools provide notification of hearing screenings to parent using all available resources. The Department anticipates that adding this requirement may cause schools to receive a significant benefit for not having to provide notifications to parent using a source that would otherwise cause schools to incur additional costs to provide. Overall, the Department believes removing obsolete requirements, adding new requirements, and updating antiquated language improves the effective of the hearing screening rules and provides significant benefits to all schools that are providing hearing screenings to students.

To amended screener qualification rules, the Department added requirements specifying individuals who may become a screener (individuals); simplified classroom instruction and reduce overall time period to complete screener training; and added a requirement for individuals to demonstrate competency using audiological equipment. The new rules also changed the renewal time period from five years to four years, simplified renewal requirements for screeners who wish to renew screener certificate of completion (screeners) and added continuing education (CEs) units to allow screeners to complete two hours of training on-line rather than in a classroom. In new R9-13-103, requirements for a screener to determine whether a student is physically or behaviorally limited in the ability to respond to perceived sounds, and if verified, immediately report to an administrator what the screener observed that prevented the screener from performing a hearing screening on a student were added. The Department believes individuals and screeners will not incur additional costs due to the rules. The Department expects that if additional costs do occur for individuals and screeners, the additional cost will be related to trainers increasing fees for providing hearing screening trainings. The Department expects individuals and screeners will receive a significant benefit for having rules that simplify the initial and renewal process and no longer contain obsolete requirements and antiquated language. The new rules are more effective, clearer, and understandable.

The Department added six new Sections containing requirements for training individuals who wish to be a trainer (individuals) and trainers who wish to renew trainer certificate of completion (trainers). The new rules include requirements for trainer eligibility; request for certificate; trainer instruction, examination, and observation; renewal of certificate and continuing education; and request to change a trainer’s personal information. The Department expects that the new rules regarding initial and renewal requirements for obtaining a trainer certificate of completion may cause individuals and trainers to incur a minimal cost for time spent completing the trainings. However, since the new rules do not require individuals to pay for training, the Department believes individuals completing training and obtaining a trainer certificate of completion will receive a significant benefit. Additionally, once a trainer, a trainer will receive a significant benefit for monies collected for provide training to individuals who wish to be a screener. The Department believes the same is true for trainers, who assist and provide training to screeners renewing a screener certificate of completion. The Department anticipates that individuals and trainers will receive a significant benefit for having rules that are consistent with current national standards and best practices and are effective, clear, and understandable.

The Department does not anticipate the rules will be burdensome for specialist. The Department estimates that overall specialist will receive a minimal-to-moderate benefit from school administrators providing notifications to parents that their student to receives an audiological evaluation performed by a specialist. For Arizona’s students and parents, the new rules clarify and update criteria for hearing screenings, qualifications of screeners, equipment standards, and notification of parents that may provide a significant benefit by improving the detection of hearing loss and providing early intervention services sooner. The new requirements in R9-13-105 clarify that parents’ are notified of hearing screening results, rather than receiving a referral; and if a student does not receive a hearing screening due to existing physical or behavioral limit in the student’s ability to adequately respond to hearing screening, the student’s parents are to be informed immediately to ensure the student does not suffer from prolonged deterioration related to the physical or behavioral limit identified by the screener. The Department anticipates that the changes will provide a significant benefit to students and parents of students. The Department has determined that the benefits related to hearing screenings for students identified in the new rules outweighs any potential costs associated with this rulemaking.

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

Name: Patricia Tarango, Bureau Chief



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Division of Public Health Services, Public Health Prevention
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Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department has scheduled the following oral proceeding:

Date and time: Tuesday, April 30, 2019, 10:00 a.m.
Location: 150 N. 18th Ave., 2nd Floor – Conference Room 215A
Phoenix, AZ 85007

Close of record: 3:00 p.m., Tuesday, April 30, 2019

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

The rules provide a certificate of completion to individuals who complete hearing screening training for screeners and trainers. A certificate of completion is issued to a specific individual; a general permit is not used.

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 competitive-ness of business in this state to the impact on business in other states:

No business competitiveness analysis was received by the Department.

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

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 13. DEPARTMENT OF HEALTH SERVICES
HEALTH PROGRAMS SERVICES

ARTICLE 1. HEARING SCREENING

Section

- R9-13-101. Definitions
R9-13-102. Hearing Screening Population
Table 13.1 Hearing Screening Population (students)
R9-13-103. Hearing Screening Requirements
R9-13-104. Criteria for Passing Hearing Screening; Requirements for Performing a Second Hearing Screening
R9-13-105. Referral; Notification; Follow-up
R9-13-106. Equipment Standards
R9-13-107. Screener Qualifications Records and Reporting Requirements



- R9-13-108. Equipment Standards Screener Qualifications
 R9-13-109. Records and Reporting Requirements Trainer Eligibility
 R9-13-110. Trainer Certificate of Completion Request
 R9-13-111. Trainer Instruction, Examination, and Observation
 R9-13-112. Trainer Certificate of Completion Renewal
 R9-13-113. Trainer Continuing Education
 R9-13-114. Requesting a Change
 R9-13-115. Requirement for Screener or Trainer Certificate of Completion Issued Before Article Effective Date

ARTICLE 1. HEARING SCREENING

R9-13-101. Definitions

In this Article, unless the context otherwise requires:

1. "Assistive listening device" has the meaning in A.R.S. § 36-1901.
2. "Audiologist" means an individual licensed under A.R.S. Title 36, Chapter 17.
3. "Audiometer" means an electronic device that generates signals used to measure hearing.
4. "Calibration" means a determination of the accuracy of an instrument by measurement of a variation from a standard.
5. "Cochlear implant" means a surgically inserted device that electrically stimulates the hearing nerve in the inner ear.
6. "dB" means decibel.
7. "dB HL" means decibel hearing level.
8. "Deaf" has the meaning in A.R.S. § 36-1941.
9. "Department" means the Arizona Department of Health Services.
10. "Documentation" means signed and dated information in written, photographic, electronic, or other permanent form.
11. "Effusion" means the escape of fluid from a blood or lymphatic vessel into tissue or a cavity.
12. "Frequency" means the number of cycles per second of a sound wave.
13. "Hard of hearing" has the meaning in A.R.S. § 36-1941.
14. "Hearing aid" has the meaning in A.R.S. § 36-1901.
15. "Hearing screening" means a test of a student's ability to hear certain frequencies at a consistent loudness performed in a school by an individual who meets the requirements in R9-13-107.
16. "Hz" means Hertz, a unit of frequency equal to one cycle per second.
17. "Immittance" means the ease of transmission of sound through the middle ear.
18. "Inner ear" means the semicircular canals, auditory nerve, and cochlea.
19. "Intensity" means the strength of a sound wave striking the eardrum resulting in the perception of loudness as expressed in decibels or decibels hearing level.
20. "Kindergarten" means the grade level immediately preceding first grade.
21. "Middle ear" means the eardrum, malleus, incus, stapes, and eustachian tube.
22. "mm H₂O" means millimeters of water.
23. "Noise floor" means sounds present in the auditory canal from either the environment or bodily functions such as breathing and blood flow.
24. "Otitis media" means inflammation of the middle ear.
25. "Otoacoustic emissions" means the sounds generated from the inner ear.
26. "Outer ear" means the pinna, lobe, and auditory canal.
27. "Parent" has the meaning in A.R.S. § 15-101.
28. "Physician" means an individual licensed under A.R.S. Title 32, Chapter 13 or 17.
29. "Preschool" means the instruction preceding kindergarten provided to individuals three to five years old through a:
 - a. School as defined in A.R.S. § 15-101,
 - b. Accommodation school as defined in A.R.S. § 15-101,
 - c. Charter school as defined in A.R.S. § 15-101, or
 - d. Private school as defined in A.R.S. § 15-101.
30. "Primary care practitioner" means an individual licensed as a registered nurse practitioner under A.R.S. Title 32, Chapter 15 or a physician assistant under A.R.S. 32, Chapter 25.
31. "Pure tone" means a single frequency sound.
32. "Reproducibility" means the correlation of two responses measured simultaneously and reported by percentage.
33. "School" means:
 - a. School as defined in A.R.S. § 15-101;



- b. ~~Preschool;~~
 - e. ~~Kindergarten;~~
 - d. ~~Accommodation school as defined in A.R.S. § 15-101;~~
 - e. ~~Charter school as defined in A.R.S. § 15-101, or~~
 - f. ~~Private school as defined in A.R.S. § 15-101~~
34. ~~“School administrator” means an individual or the individual’s designee assigned to act on behalf of a school by the body organized for the government and the management of the school.~~
 35. ~~“School year” means the period between July 1 and the following June 30.~~
 36. ~~“Screener” means an individual qualified to perform a hearing screening in a school according to R9-13-107.~~
 37. ~~“Special education” has the meaning in A.R.S. § 15-761.~~
 38. ~~“Speech language pathologist” means an individual licensed under A.R.S. Title 36, Chapter 17.~~
 39. ~~“Student” means an individual enrolled in a school.~~
 40. ~~“Supervision” has the meaning in A.R.S. § 36-401.~~
 41. ~~“Tympanogram” means a chart of the indirect measurements of the ease of movement of the parts of the middle ear as air pressure in the auditory canal changes.~~
 42. ~~“Tympanometer” means a device that indirectly measures the ease of movement of the parts of the middle ear as air pressure in the auditory canal changes.~~
 43. ~~“Tympanometry” means the indirect measurement of the ease of movement of the parts of the middle ear as air pressure in the auditory canal changes.~~

In this Article, unless the context otherwise requires:

1. “Accredited” means that an educational institution is recognized by the U.S. Department of Education as providing standards necessary to meet acceptable levels of quality for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice.
2. “Administrator” means the principal or person having general daily control and oversight of a school or that person’s designee.
3. “Assistive listening device” has the same meaning as “assistive listening device or system” in A.R.S. § 36-1901.
4. “Audiological equipment” means an instrument used to help determine the presence, type, or degree of hearing loss, such as:
 - a. A pure tone audiometer,
 - b. A tympanometer, or
 - c. An otoacoustic emissions device.
5. “Audiological evaluation” means:
 - a. Examination of an individual’s ears;
 - b. Assessment of the functioning of the individual’s middle ear;
 - c. Testing of the individual’s ability to perceive sounds using audiological equipment; and
 - d. Analysis by a specialist of the results obtained from the activities described in subsections (a) through (c) to determine if the individual has a hearing loss and, if so, the type and degree of the individual hearing loss.
6. “Audiologist” means an individual licensed under A.R.S. Title 36, Chapter 17.
7. “Audiometer” means an electronic device that administers sounds of varying pitches and intensities to assess an individual’s ability to hear the sounds.
8. “Auditory canal” means the tubular passage between the cartilaginous portion of the ear that projects from an individual’s head and the outer surface of the ear drum.
9. “Auditory nerve” means the filament of neurological tissue that:
 - a. Connects the cochlea and the brain, and
 - b. Transmits impulses related to hearing.
10. “Calendar day” means each day, that:
 - a. Is not the day of the act, event, or default from which a designated period of time begins to run; and
 - b. Includes the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
11. “Calibrate” means to measure the response of an instrument against a standard and adjust the instrument until the response falls within specified values according to the equipment’s manufacturer specifications and by an authorized manufacturer’s dealer, if recommended by the manufacturer.
12. “Certificate of completion” means a document issued to an individual who has completed the requirements in:
 - a. R9-13-108 to perform hearing screening for students according to this Article; or
 - b. R9-13-111 or R9-13-112 to provide training to individuals who perform hearing screenings.
13. “Cochlea” means a coiled tube in the inner ear that converts sounds into neural messages.



14. “Cochlear implant” means a device that is surgically inserted into the cochlea to electrically stimulate the auditory nerve.
15. “Continuing education” means a course that provides instruction and training that is designed to develop or improve a trainer or screener’s professional competence.
16. “Continuing education unit” means 50 to 60 minutes of continuous course work.
17. “Course” means a workshop, seminar, lecture, conference, or other learning program activities approved by the Department.
18. “daPa” means dekaPascal, a standard measure of air pressure.
19. “dB HL” means decibel hearing level, a measurement used to compare the intensity at which an individual hears sound at a particular frequency to a standard.
20. “dB SPL” means sound pressure level measured in units of decibels.
21. “Deaf” has the same meaning as in A.R.S. § 36-1941.
22. “Diagnosis” means a determination of whether a student is deaf or hard of hearing that is:
 - a. Made by specialist; and
 - b. Based on an audiological evaluation of the student.
23. “Documentation” means a method used to report information on paper, electronic, photographic, or other permanent form.
24. “Eardrum” means the tympanic membrane in the ear that vibrates in response to sound.
25. “Earphone” means the part of an audiometer that is worn over an individual’s ear.
26. “Electroacoustic analysis” means the evaluation by an audiologist of the functioning of a hearing aid or an assistive listening device using specialized electronic equipment.
27. “Eustachian tube” means a passage in an individual’s head that:
 - a. Connects the middle ear and the throat, and
 - b. Equalizes pressure on both sides of the eardrum.
28. “Follow-up” means an action that serves to verify the effectiveness of a previous hearing screening that resulted in treatment.
29. “Frequency” means the number of cycles per second of a sound wave, expressed in Hz and corresponding to the pitch of sound.
30. “Hard of hearing” has the same meaning as in A.R.S. § 36-1941.
31. “Hearing aid” has the same meaning as in A.R.S. § 36-1901.
32. “Hearing loss” means the difference, expressed in decibels, between the hearing threshold of an individual and a standard reference hearing threshold.
33. “Hearing screening” means:
 - a. The same as “hearing screening evaluation” in A.R.S. § 36-899, and
 - b. Is performed by an individual who meets the requirements specified in R9-13-108 for the purpose of identifying students who may need further evaluation; or
 - c. An audiological evaluation provided by a specialist.
34. “Hearing screening population” means the students who are expected to have a hearing screening during a school year.
35. “Hearing threshold” means the faintest sound an individual hears at each frequency at which the individual is tested.
36. “Hz” means Hertz, a unit of frequency equal to one cycle per second.
37. “Immittance” means the mobility of the parts of the middle ear during the transmission of sound vibrations through the middle ear.
38. “Immediate family member” means an individual related by birth, marriage, or adoption.
39. “Inner ear” means the part of the ear, including the semicircular canals, cochlea, and auditory nerve, that converts sound into neural messages that are sent through the auditory nerve to the brain.
40. “Intensity” means the strength of a sound wave, resulting in the perception of sound volume as expressed in decibels or decibels hearing level dB HL.
41. “KHz” means a unit of frequency equal to one thousand cycles per second or one thousand hertz.
42. “Middle ear” means the part of the ear that conducts sound to the inner ear, consisting of:
 - a. The eardrum;
 - b. The three small bones called the malleus, incus, and stapes; and
 - c. The space containing the eardrum and the three small bones.
43. “ml” means a volume measurement unit.
44. “mmho” or “millimho” means a unit of electric conductance.
45. “Notification” means a method used to inform or announce information on paper, electronic, photographic, or other permanent form.
46. “Other amplification device” means a hearing product used to amplify sounds, but may not address other components of hearing loss, such as distortion.



- 47. “Otitis media” means inflammation of the middle ear.
- 48. “Otoacoustic emissions device” or “OAE device” means an instrument used to determine the status of an individual’s cochlear function by:
 - a. Presenting sounds into the auditory canal with a sound generator, and
 - b. Detecting, with one or more microphones, low-intensity echoes in the auditory canal that are produced by normally functioning cochlea in response to sounds.
- 49. “Outer ear” means the part of the ear that projects from an individual’s head and the auditory canal.
- 50. “Parent” means a:
 - a. Natural or adoptive mother or father.
 - b. Legal guardian appointed by a court of competent jurisdiction, or
 - c. Custodian as defined in A.R.S. § 8-201.
- 51. “Pass” means a recordable response detected by a hearing screener or audiological equipment consistent with established criteria for hearing screening requirements.
- 52. “Person” has the meaning in A.R.S. § 41-1001.
- 53. “Preschool” means the instruction preceding kindergarten provided to individuals three to five year old through a school.
- 54. “Probe” means the part of a tympanometer or an OAE that is inserted into an individual’s auditory canal during a hearing screening.
- 55. “Pure tone hearing screening” means a type of hearing screening using single frequency sounds that is performed using a pure tone audiometer or a device that includes the functions of both an audiometer and a tympanometer.
- 56. “School” means:
 - a. A school as defined in A.R.S. § 15-101.
 - b. An accommodation school as defined in A.R.S. § 15-101.
 - c. A charter school as defined in A.R.S. § 15-101, or
 - d. A private school as defined in A.R.S. § 15-101.
- 57. “School day” means any day in which students attend an educational institution for instructional purposes.
- 58. “School year” means the period from July 1 through June 30.
- 59. “Screener” means an individual qualified to perform a hearing screening specified in R9-13-108.
- 60. “Semicircular canal” means the loop-shaped tubular parts of the inner ear that contain portions of the sensory organs of balance.
- 61. “Sound wave” means the repeating cycles of high pressure and low pressure that are made by a vibrating object.
- 62. “Special education” has the same meaning as in A.R.S. § 15-761.
- 63. “Specialist” means an audiologist or a doctor of medicine licensed according to A.R.S. Title 32, Chapters 13 or 17 who specializes in the ear, nose, and throat.
- 64. “Student” means an individual enrolled in a school.
- 65. “Supervision” means a screener is in the room observing and providing direction while an individual provides hearing screening to students specified in R9-13-108(M).
- 66. “Trainer” means an individual, who:
 - a. Has a current certificate of completion, and
 - b. Provides classroom instruction and assessment of competency in using audiological equipment specified in R9-13-108.
- 67. “Tympanogram” means a graphic display of the mobility of the middle ear in response to an acoustic stimulus as a function of air pressure in the auditory canal.
- 68. “Tympanometer” means a device used to determine the status of an individual’s middle ear by:
 - a. Presenting sound into the auditory canal with a sound generator;
 - b. Varying the air pressures in the auditory canal via an air pump to control the movement of the tympanic membrane; and
 - c. Detecting, with a microphone, variations in sound pressure level as acoustic energy passes into the individual’s middle ear.

R9-13-102. Hearing Screening Population

- A.** A school administrator shall ensure that the following students have a hearing screening each school year:
 - 1. A student enrolled in preschool, kindergarten, or grade 1, 2, 6, or 9;
 - 2. A student enrolled in grade 3, 4, or 5, unless there is written documentation that the student had a hearing screening in or after grade 2;
 - 3. A student enrolled in grade 7 or 8, unless there is written documentation that the student had a hearing screening in or after grade 6;
 - 4. A student enrolled in grade 10, 11, or 12 unless there is written documentation that the student had a hearing screening in or after grade 9;
 - 5. A student receiving special education; and



6. A student who failed a second hearing screening in the prior school year.
- ~~B.~~ A school administrator shall ensure that a student has a hearing screening at the request of the student, the student's parent, a school teacher, a school nurse, a school psychologist, an audiologist, a physician, a primary care practitioner, a speech language pathologist, or Department staff.
- ~~C.~~ A hearing screening is not required if a:
1. Student is age 16 years or over;
 2. Student's parent objects in writing to the screening as allowed under A.R.S. § 36-899.04;
 3. Written diagnosis or evaluation from an audiologist states that a student is deaf or hard of hearing; or
 4. Student has a hearing aid, an assistive listening device, or a cochlear implant.
- ~~D.~~ In addition to meeting the requirements in subsections (A) and (B), a school administrator shall ensure that a student who meets the criteria specified in State Board of Education rule R7-2-401 has a hearing screening required under R7-2-401.
- A. An administrator shall ensure each student included in a school's hearing screening population receives a hearing screening.
- B. An administrator may exclude from a school's hearing screening population:
1. A student who is 16 years of age or older;
 2. A student for whom the school has documentation from a specialist that:
 - a. States that the student received an audiological evaluation from a specialist;
 - b. Is dated within 12 months before the date the student would receive a hearing screening; or
 - c. Includes a time period during or after the current school year when the student is scheduled to receive another audiological evaluation from the audiologist or specialist; and
 - d. Contains the following information:
 - i. The student's name;
 - ii. The date the student's audiological evaluation was performed;
 - iii. The type of audiological equipment used;
 - iv. Whether the student has been diagnosed as being deaf or hard of hearing and, if so, the type and degree of hearing loss; and
 - v. The name of the specialist who performed the audiological evaluation; and
 3. A student who is deaf or hard of hearing.
- C. An administrator shall exclude from a school's hearing screening population a student for whom the administrator has documentation, from a student's parent objecting to the student receiving a hearing screening, specified in A.R.S. § 36-899.04, that contains:
1. The student's name;
 2. A statement objecting to the student receiving a hearing screening, including:
 - a. The school year the student should not receive the hearing screening, or
 - b. Instruction the student is not to receive a hearing screening until the parent notifies the administrator that the student may receive a hearing screening; and
 3. The parent's name, signature, and date signed.



Table 13.1 Hearing Screening Population (students)

<u>A. Students Included in Hearing Screening Population</u>	
<u>1. All grades, including preschool and kindergarten</u>	<p>Every student:</p> <ul style="list-style-type: none"> a. <u>Who is enrolled in special education, as required by A.R.S. Title 15, Chapter 7, Article 4 and A.A.C. R7-2-401;</u> b. <u>Who did not pass a hearing re-screening given to the student during the previous school year;</u> c. <u>For whom the school does not have any documentation that the student has previously had a hearing screening;</u> d. <u>Who is repeating a grade; and</u> e. <u>For whom one of the following requests a hearing screening:</u> <ul style="list-style-type: none"> i. <u>The student;</u> ii. <u>The student's parent;</u> iii. <u>A teacher;</u> iv. <u>A school nurse;</u> v. <u>A school psychologist, licensed according to A.R.S. Title 32, Chapter 19.1;</u> vi. <u>An audiologist, licensed according to A.R.S. § 36-1901;</u> vii. <u>A specialist;</u> viii. <u>A speech-language pathologist, licensed according to A.R.S. § 36-1901;</u> ix. <u>A medical physician, licensed according to A.R.S. Title 32, Chapter 13;</u> x. <u>A osteopathic physician licensed according to A.R.S. Title 32, Chapter 17; and</u> xi. <u>The Department.</u>
<u>2. Preschool</u>	<u>Every enrolled student</u>
<u>3. Kindergarten</u>	<u>Every enrolled student</u>
<u>4. Grade 1</u>	<u>Every enrolled student</u>
<u>5. Grade 2</u>	<p><u>Every enrolled student for whom the school does not have:</u></p> <ul style="list-style-type: none"> a. <u>Documentation that the student received and passed a hearing screening in or after grade 1, or</u> b. <u>Documentation that meets the requirements in subsection (B).</u>
<u>6. Grade 3</u>	<u>Every enrolled student</u>
<u>7. Grades 3, 4, and 5</u>	<p><u>Every enrolled student for whom the school does not have:</u></p> <ul style="list-style-type: none"> a. <u>Documentation that the student received and passed a hearing screening in or after grade 3, or</u> b. <u>Documentation that meets the requirements in subsection (B).</u>
<u>8. Grade 5</u>	<u>Every enrolled student</u>
<u>9. Grade 6</u>	<p><u>Every enrolled student for whom the school does not have:</u></p> <ul style="list-style-type: none"> a. <u>Documentation that the student received and passed a hearing screening in or after grade 5, or</u> b. <u>Documentation that meets the requirements in subsection (B).</u>
<u>10. Grade 7</u>	<u>Every enrolled student</u>
<u>11. Grade 8</u>	<p><u>Every enrolled student for whom the school does not have:</u></p> <ul style="list-style-type: none"> a. <u>Documentation that the student received and passed a hearing screening in or after grade 7, or</u> b. <u>Documentation that meets the requirements in subsection (B).</u>
<u>12. Grade 9</u>	<u>Every enrolled student</u>
<u>13. Grades 10, 11, and 12</u>	<p><u>Every enrolled student for whom the school does not have:</u></p> <ul style="list-style-type: none"> a. <u>Documentation that the student received and passed a hearing screening in or after grade 9, or</u> b. <u>Documentation that meets the requirements in subsection (B).</u>
<u>B. Students Not Included in Hearing Screening Population</u>	



1. A student who is at least 16 years of age and has requested not to receive a hearing screening according to A.R.S. § 36-899.01.
2. A student enrolled in a child care facility regulated pursuant to A.R.S. Title 36, Chapter 7.1, Child Care Programs.

R9-13-103. Hearing Screening Requirements

- A.** Before performing a hearing screening, a screener shall visually inspect a student's outer ears for:
1. Fluid or drainage,
 2. Blood,
 3. An open sore, or
 4. A foreign object.
- B.** If a screener inspects a student's outer ears and finds any of the conditions in subsection (A), the screener shall not perform a hearing screening.
- C.** A screener shall perform a hearing screening in each ear using one of the following hearing screening methods:
1. Four frequency, pure tone hearing screening that screens at each of the following frequencies and intensities:
 - a. 500 Hz at 25 dB HL,
 - b. 1000 Hz at 20 dB HL,
 - c. 2000 Hz at 20 dB HL, and
 - d. 4000 Hz at 20 dB HL;
 2. Three frequency, pure tone hearing screening with tympanometry that:
 - a. Includes a tympanogram that is generated automatically or is plotted at a minimum of the following three points:
 - i. +100 mm H₂O,
 - ii. Point of maximum immittance, and
 - iii. -200 mm H₂O; and
 - b. Screens at each of the following frequencies at 20 dB HL:
 - i. 1000 Hz,
 - ii. 2000 Hz, and
 - iii. 4000 Hz; or
 3. Otoacoustic emissions hearing screening using otoacoustic emissions equipment that generates a pass or no pass result:
 - a. Using a minimum of three frequencies,
 - b. At no less than 3 dB above the noise floor, and
 - c. With reproducibility greater than 50%.
- A.** Before permitting a screener to provide a hearing screening, an administrator shall ensure that the screener:
1. Is an audiologist; or
 2. Has a certificate of completion, specified in R9-13-108(F) or (I).
- B.** If an individual is not a screener and requires supervision, an administrator shall ensure that the individual provides hearings specified in R9-13-108(M).
- C.** Before performing a hearing screening on a student, a screener shall:
1. Verify that the student is on a list of students in the school's hearing screening population provided by the administrator; and
 2. Conduct a non-otoscopic inspection of the student's outer ears for anything that would contra-indicate continuation of the hearing screening, such as:
 - a. Blood or other bodily fluid in or draining from the auditory canal,
 - b. Earwax that may be occluding,
 - c. An open sore, or
 - d. A foreign object.
- D.** If a screener observes a condition specified in subsection (C)(2) when inspecting a student's outer ears, the screener shall:
1. Not perform a hearing screening on the student, and
 2. Report the student's condition to the administrator immediately.
- E.** If a screener does not observe a condition specified in subsection (C)(2) when inspecting a student's outer ears, the screener shall:
1. Determine the developmental and age appropriate audiological equipment to be used when:
 - a. The student is unable to understand the screener's instructions;
 - b. The student has been designated as a child with a disability, as defined in A.R.S. § 15-761; or
 - c. The student is physically or behaviorally limited in the ability to respond to perceived sounds;
 2. Use one of the hearing screening methods specified in subsection (G);
 3. Perform a hearing screening on each of the student's ears; and
 4. Comply with the requirements specified in R9-13-104(A).
- F.** If a screener determines that a student in subsection (E)(1) is not able to complete the hearing screening, the screener shall:
1. Not perform a hearing screening on the student, and
 2. Report the student's condition to the administrator within 10 school days.
- G.** When performing a hearing screening on a student, a screener shall comply with one of the following passing criteria, if using:
1. A pure tone audiometer to perform a three-frequency, pure tone hearing screening on each of the student's ears with response recorded at each of the following frequencies and intensities:
 - a. 1000 Hz at 20 dB HL,
 - b. 2000 Hz at 20 dB HL, and
 - c. 4000 Hz at 20 dB HL;
 2. A combination of a tympanometer and a pure tone audiometer to:
 - a. Produce a tympanogram showing the following results:



- i. Peak acoustic immittance in mmho, ml, or compliance for a 226 Hz probe tone; or
- ii. Tympanometric width in daPa; and
- b. Obtain the results of a three-frequency, pure tone hearing screening on each of the student's ears with response recorded at each of the following frequencies and intensities:
 - i. 1000 Hz at 20 dB HL,
 - ii. 2000 Hz at 20 dB HL, and
 - iii. 4000 Hz at 20 dB HL; or
- 3. An OAE device to:
 - a. Measure responses of the cochlea to no less than three test frequencies; and
 - b. Device display screen indicates pass.

R9-13-104. Criteria for Passing a Hearing Screening; ~~Requirements for Performing a Second Hearing Screening~~

- ~~A. A student passes a hearing screening if:~~
 - 1. ~~During a four frequency, pure tone hearing screening, the student responds in each ear to each frequency at each intensity listed in R9-13-103(C)(1)(a) through (C)(1)(d);~~
 - 2. ~~During a three frequency, pure tone hearing screening with tympanometry, the student:~~
 - a. ~~Responds in each ear to each frequency as described in R9-13-103(C)(2)(b); and~~
 - b. ~~Reaches a point of maximum immittance in each ear within the range of +100mm H2O to -200mm H2O; or~~
 - 3. ~~During an otoacoustic emissions hearing screening, the student receives a pass result in each ear according to R9-13-103(C)(3).~~
- ~~B. If a student does not pass a hearing screening according to subsection (A), a screener shall perform a second hearing screening on the student no earlier than 30 days and no later than 45 days from the date of the first hearing screening. The screener shall perform the second hearing screening using the same method as the first hearing screening.~~
- ~~A. A screener shall consider a student to have passed a developmentally and age appropriate hearing screening if one of the following applies:~~
 - 1. ~~During a three-frequency, pure tone hearing screening, performed according to R9-13-103(G)(1), the student responds to each frequency and intensity specified in R9-13-103(G)(1)(a) through (c) for each ear on which a hearing screening is performed;~~
 - 2. ~~During a hearing screening using both a tympanometer and pure tone audiometer, performed according to R9-13-103(G)(2):~~
 - a. ~~The tympanogram for each of the student's ears shows:~~
 - i. ~~The height of the peak acoustic immittance is > 0.3 mmho, ml, or compliance; or~~
 - ii. ~~The tympanometric width is < 250 daPa; and~~
 - b. ~~The student responds to each frequency specified in R9-13-103(G)(2)(b)(i) through (iii) for each ear on which a hearing screening is performed; or~~
 - 3. ~~During a hearing screening using an OAE device, performed according to R9-13-103(G)(3), the OAE device indicates results that the student has passed the hearing screening for each ear.~~
- ~~B. For a student in a school's hearing screening population who does not receive an initial hearing screening specified in Table 13.1, an administrator shall ensure that the student receives the initial hearing screening not more than 45 school days after the date the student was expected to receive the initial hearing screening.~~
- ~~C. For a student in a school's hearing screening population who does not pass an initial hearing screening according to subsection (A), an administrator shall ensure that:~~
 - 1. ~~The student shall receive a second hearing screening no earlier than 10 school days and no later than 30 school days after the date of the hearing screening specified in R9-13-103;~~
 - 2. ~~If the hearing screening specified in R9-13-103(G)(2) was performed using both a tympanometer and pure tone audiometer, the second hearing screening for the student is performed using both a tympanometer and pure tone audiometer; and~~
 - 3. ~~If the hearing screening specified in R9-13-103(G)(3) was performed using an otoacoustic emissions device, the second hearing screening for the student is performed using an otoacoustic emissions device.~~
- ~~D. If a student does not pass the second hearing screening in subsection (C)(1) and (2), an administrator shall provide notification to the student's parent specified in R9-13-105.~~

R9-13-105. Referral; Notification; Follow-up

- ~~A. If a school administrator finds that a student does not require a hearing screening under R9-13-102(C)(3) or (C)(4), the school administrator shall provide to the student's parent, within 10 days from the date the finding is made, a referral to have the student's current hearing status evaluated by an audiologist, including an electroacoustic analysis of any hearing aid or assistive listening device, unless there is documentation from an audiologist specifying a different evaluation schedule.~~
- ~~B. If a screener finds any of the conditions listed in R9-13-103(A) and a student does not have a hearing screening:~~
 - 1. ~~A school administrator shall provide to the student's parent, within 10 days from the date the condition is found, a referral to have the student's outer ears evaluated by a physician or primary care practitioner; and~~
 - 2. ~~A screener shall perform the hearing screening on the student no earlier than 30 days and no later than 45 days from the date the screener finds the condition.~~
- ~~C. If a student does not pass a second hearing screening or does not complete a second hearing screening within the time period required under R9-13-104(B), a school administrator shall provide to the student's parent, within 10 days from the date of the second hearing screening or from the date the period for completing a second hearing screening ends, a referral to have the student's current hearing status evaluated by one of the following:~~
 - 1. ~~An audiologist, a physician, or a primary care practitioner if the screener used only the four frequency, pure tone hearing screening method;~~
 - 2. ~~A physician or primary care practitioner if the student did not pass the tympanometry portion, but passed the three frequency, pure tone portion of the hearing screening;~~



3. An audiologist if the student did not pass the three frequency, pure tone portion, but passed the tympanometry portion of the hearing screening; or
 4. An audiologist, a physician, or a primary care practitioner if the screener used the otoacoustic emissions hearing screening method.
- D.** A referral identified in subsection (C) is not required if a school provided audiologist:
1. Assesses a student's hearing status and the condition of the middle ear at the conclusion of a hearing screening; and
 2. Within 10 days from date of the assessment, provides the student's parent with a written diagnosis and recommendation for treatment, if applicable.
- E.** A referral required under subsections (A), (B), or (C), shall include a form requesting the following:
1. The name, address, and telephone number of the student evaluated;
 2. The date of evaluation;
 3. An assessment of the condition of the outer ear, if applicable;
 4. An assessment of hearing status and the condition of the middle ear, if applicable;
 5. A diagnosis and recommendation for treatment, if applicable;
 6. The signature and title of the individual evaluating the student and completing the form; and
 7. A request that the individual completing the form or the student's parent return the completed form to the school.
- F.** Under State Board of Education rule R7-2-401, a school administrator shall ensure that a student referred under subsections (A) or (C) is evaluated.
- G.** If a school receives notice of a diagnosis that a student is deaf or hard of hearing from an audiologist, the school administrator shall notify, within 10 days from the date the notice of diagnosis is received, each of the student's teachers and the person responsible for the school's special education services of the diagnosis.
- A.** An administrator shall provide a notification to parents of students identified in Table 13.1 that includes:
1. The information for hearing screening to be conducted during the school year, and
 2. A reference to A.R.S. § 36-899.04 and information about the parent's right to object to their student receiving a hearing screening by submitting the document specified in R9-13-102(C) to the administrator.
- B.** If an administrator excludes a student from a hearing screening specified in R9-13-102(B)(3), the administrator shall provide a notification to the student's parent that:
1. Informs the parent, whose student wears a device listed in subsection (3)(a) through (c), that the student shall not receive a hearing screening;
 2. Recommends the parent schedule an audiological evaluation for the student with a specialist;
 3. Requests the parent in subsection (2) provide the administrator a copy of a specialist's audiological report dated within the past 12 months for the student's:
 - a. Hearing aid;
 - b. Assistive listening device, or
 - c. Other amplification device;
 4. Informs a parent, who chooses for their student to not wear a device listed in subsection (3)(a) through (c), that the student shall receive a hearing screening unless the administrator receives documentation specified in R9-13-102(C) stating that the parent does not want their student to have a hearing screening; and
 5. Informs a parent that a student may receive a hearing screening if an administrator does not have:
 - a. Documentation of an audiological report in subsection (3), or
 - b. Documentation specified in R9-13-102(C) stating that the parent does not want their student to have a hearing screening.
- C.** Except for a student in subsection (2)(a), within 10 school days after an initial hearing screening in subsection (A) has been completed, an administrator shall provide notification to a student's parent that includes:
1. The student's name; and
 2. The reason why the student did not receive a hearing screening due to:
 - a. A visual condition of the outer ear specified in R9-13-103(C)(2), or
 - b. A behavioral condition specified in R9-13-103(E)(1).
- D.** Except for a student's second hearing screening in subsection (3)(b), within 10 school days after a student receives a second hearing screening specified in R9-13-104(C), an administrator shall provide notification to a student's parent that includes:
1. The student's name;
 2. The type of hearing screening the student received, if received; and
 3. The hearing screening results whether the student:
 - a. Did not pass; or
 - b. Was not screened due to:
 - i. A visual condition of the outer ear specified in R9-13-103(C)(2), or
 - ii. A behavioral condition specified in R9-13-103(E)(1).
- E.** If a student in subsections (C) or (D) has an audiological evaluation on file at the school that is dated within the past 12 months, the student will not receive a hearing screening.
- F.** If a student did not receive a hearing screening due to a reason identified in subsections (C)(2)(a), (D)(3)(a), or (D)(3)(b)(i), an administrator shall provide an immediate notification to the student's parent that includes:
1. The student's name;
 2. The reason for the immediate notification;
 3. A request that the parent contact a specialist to:
 - a. Examine the student's ears;
 - b. Perform an audiological evaluation; and
 - c. If the student uses any of the following, perform an:



- i. Electroacoustic analysis of a hearing aid, an assistive listening device, or other amplification device; or
- ii. Evaluation of a cochlear implant; and
- 4. A request that the parent provide to the administrator documentation received from the specialist who examined the student that includes:
 - a. The student's name;
 - b. The name of the specialist;
 - c. The date the specialist performed the services;
 - d. The type of services provided; and
 - e. If applicable:
 - i. The results of the examination of the student's ears,
 - ii. The results of the student's audiological evaluation, including diagnosis,
 - iii. Whether there is hearing loss, including the type and degree of hearing loss,
 - iv. The type of audiological equipment used to perform the audiological evaluation; and
 - v. A recommendation for treatment.

- G. Forty-five calendar days after sending a notification specified in subsection (F)(4), an administrator shall provide a follow-up notification to the student's parent to verify whether the student received an audiological evaluation and if evaluated, provide diagnosis.
- H. Within 10 school days after an administrator receives documentation from a specialist of a diagnosis that a student is deaf or hard of hearing, the administrator shall provide notification of the diagnosis, consistent with the privacy requirements in applicable law, to:
 - 1. Each of the student's teachers,
 - 2. Other school personnel who interacts with the student, and
 - 3. The persons responsible for determining the student's eligibility for special education services under A.A.C. R7-2-401.

R9-13-106. ~~Repealed~~ Equipment Standards

- A. An administrator shall ensure that audiological equipment used for hearing screenings is recommended by the American Academy of Audiology.
- B. An administrator shall ensure that:
 - 1. A pure tone audiometer is calibrated:
 - a. Not more than 12 months before the hearing screening is planned to occur, and
 - b. According to ANSI/ASA S3.6-2010 American National Standards Institution/Acoustical Society of America, Specification for Audiometers, incorporated by reference, on file with the Department, including no future editions or amendments, and available from the American National Standards Institution at <https://webstore.ansi.org>.
 - 2. A tympanometer is calibrated:
 - a. Not more than 12 months before the hearing screening is planned to occur; and
 - b. According to ANSI/ASA S3.39-1987 (R2012) American National Standards Institution/Acoustical Society of America, American National Standard Specifications for Instruments to Measure Aural Acoustic Impedance and Admittance (Aural Acoustic Immittance), incorporated by reference, on file with the Department, including no future editions or amendments, and available from the American National Standards Institution at <https://webstore.ansi.org>.
 - 3. An OAE is calibrated:
 - a. Not more than 12 months before the hearing screening is planned to occur; and
 - b. According to the specifications of the otoacoustic emissions device's manufacturer, including:
 - i. Distortion product emission,
 - ii. No less than three test frequencies between 1 and 5 kHz,
 - iii. An f2/f1 ratio of 1.22,
 - iv. A L1/L2 levels of 65/55 dB SPL, and
 - v. A pass and fail criterion based on an emission-to-noise ratio.
- C. A screener shall ensure that:
 - 1. A pure tone audiometer:
 - a. Is inspected within one school day before the hearing screening is planned to occur; and
 - b. During the inspection in subsection (1)(a):
 - i. Had a power source and power indicator that were working,
 - ii. Had earphones that were free of noise or distortion that could interfere with a hearing screening,
 - iii. Had earphone cords that were connected securely to the pure tone audiometer and had no breaks, and
 - iv. Generated a signal at each frequency and intensity specified in R9-13-103(G)(1) that did not cross from one earphone to the other.
 - 2. A tympanometer:
 - a. Is inspected within one school day before the hearing screening is planned to occur; and
 - b. During the inspection in subsection (2)(a):
 - i. Had no obstruction in the tympanometer's probe, and
 - ii. Generated a signal.
 - 3. An OAE:
 - a. Is inspected within one school day before the hearing screening is planned to occur; and
 - b. During the inspection in subsection (3)(a):
 - i. Had no obstruction in the OAE's probe microphone, and
 - ii. Generated a signal.

R9-13-107. ~~Screener Qualifications~~ Records and Reporting Requirements

- ~~A. An audiologist may perform a hearing screening.~~



- B.** An individual who is not an audiologist may perform a hearing screening only if the individual passes a hearing screener course that:
1. Includes 90 minutes of classroom instruction in the introduction to hearing covering:
 - a. Development of speech and language;
 - b. Anatomy and physiology of the ear;
 - c. Signs and prevention of hearing loss in children; and
 - d. A.R.S. Title 36, Chapter 7.2 and 9 A.A.C. 13, Article 1;
 2. Includes 120 minutes of classroom instruction in hearing screening covering:
 - a. Auditory development;
 - b. Early identification of hearing loss;
 - c. Principles of hearing screening;
 - d. Selection of hearing screening methods, and
 - e. Components of setting up a hearing screening program;
 3. Includes 75 minutes of classroom instruction in referral and reporting covering:
 - a. Results of a hearing screening;
 - b. Responses to a hearing screening outcome;
 - c. Procedures for recording and tracking;
 - d. Communication with parents;
 - e. Role of community resources; and
 - f. Reporting hearing screening results;
 4. For an individual who will perform a hearing screening using three frequency or four frequency, pure tone hearing screening, includes 120 minutes of classroom instruction covering:
 - a. Selecting and setting up a hearing screening site;
 - b. Performing a pure tone hearing screening, and
 - c. Identifying children who need referral and evaluation;
 5. For an individual who will perform a hearing screening using tympanometry with three frequency, pure tone hearing screening, includes 60 minutes of classroom instruction covering:
 - a. The anatomy and functions of the middle ear;
 - b. What tympanometry measures and identifies;
 - c. Using a tympanometer;
 - d. Performing a tympanometry hearing screening, and
 - e. Identifying children who need referral and evaluation;
 6. For an individual who will perform a hearing screening using otoacoustic emissions hearing screening, includes 60 minutes of classroom instruction covering:
 - a. What otoacoustic emissions identify and measure;
 - b. Using otoacoustic emissions equipment;
 - c. Performing an otoacoustic emissions hearing screening, and
 - d. Identifying children who need referral and evaluation;
 7. Requires an individual to pass the course by scoring 80% or more on an examination that tests what the individual has learned;
 8. Is taught by an individual who:
 - a. Is an audiologist, or
 - b. Meets the screener qualifications in subsection (B) or (C) and has performed at least 50 hearing screenings within 24 months before teaching a hearing screener course; and
 9. Provides an individual who passes the course with a certificate of completion that includes:
 - a. The individual's name;
 - b. Whether the following were completed:
 - i. Introduction to hearing;
 - ii. Hearing screening;
 - iii. Referral and reporting;
 - iv. Pure tone hearing screening;
 - v. Tympanometry hearing screening, and
 - vi. Otoacoustic emissions hearing screening;
 - c. An attestation that the course meets the requirements in subsection (B) or (C); and
 - d. The name and signature of the individual who taught the course.
- C.** Every five years after completing a hearing screener course described in subsection (B), a screener who is not an audiologist shall pass a hearing screener course that:
1. Includes 195 minutes of classroom instruction covering the material required under subsections (B)(1), (B)(2), and (B)(3);
 2. For an individual who will perform a hearing screening using three frequency or four frequency, pure tone hearing screening, includes 60 minutes of classroom instruction covering the material required under subsection (B)(4);
 3. For an individual who will perform a hearing screening using tympanometry with three frequency, pure tone hearing screening, includes 30 minutes of classroom instruction covering the material required under subsection (B)(5);
 4. For an individual who will perform a hearing screening using otoacoustic emissions hearing screening, includes 30 minutes of classroom instruction covering the material required under subsection (B)(6); and
 5. Meets the requirements in subsections (B)(7), (B)(8), and (B)(9).
- D.** Before performing a hearing screening, an individual who passes a hearing screener course described in subsection (B) or (C) shall give a copy of the certificate of completion described in subsection (B)(9) to the school.



E. An individual who does not meet the screener qualifications in subsection (A), (B), or (C) may perform a four frequency, pure tone hearing screening, other than a second hearing screening required under R9-25-104(B), only under the supervision of an individual who meets the screener qualifications in subsection (A), (B), or (C).

A. An administrator shall obtain from a screener:

1. The screener's license number, if the screener is an audiologist; or
2. A copy of the screener's certificate of completion dated within four years before the date the hearing screening is planned to occur.

B. A student's record shall include:

1. The dates and results of each hearing screening performed on the student;
2. An objection to a hearing screening made by the student's parent specified in R9-13-102(C);
3. A request for a hearing screening made by an individual listed in Table 13.1;
4. A written diagnosis received by an administrator from a specialist specified in R9-13-105(H) that a student is deaf or hard of hearing;
5. If an administrator received a written diagnosis in subsection (4), the name of each individual specified in R9-13-105(H) that received notification of the student's diagnosis and the date notified; and
6. If an administrator notified a student's parent according to R9-13-105:
 - a. A copy of the notification; or
 - b. Documentation that contains:
 - i. The reason for the notification,
 - ii. The date of notification, and
 - iii. Whether the administrator recommended that the student have an audiological evaluation completed by a specialist.

C. Between April 1 and June 30 of each school year, an administrator shall submit to the Department in a Department-provided format:

1. The school:
 - a. Name,
 - b. Address, and
 - c. Telephone number;
2. The name of the school district, if applicable; and
3. For hearing screenings conducted at the school during the school year:
 - a. The name of each screener who performed hearing screenings;
 - b. The screener's audiological license number, if applicable;
 - c. A copy of the screener's certificate of completion specified in R9-13-108(F) or R9-13-108(I)(3), if applicable;
 - d. The type of audiological equipment used to conduct the hearing screenings;
 - e. The date the audiological equipment was calibrated;
 - f. The name and title of the individual submitting the information;
 - g. The date the information is submitted;
 - h. Whether the hearing screenings for students identified in Table 13.1 were conducted within the first 45 calendar days of the school year;
 - i. The number of students grouped by:
 - i. The grades listed in Table 13.1, and
 - ii. Enrollment in special education;
 - j. The number of students who:
 - i. Were enrolled at the start of the school year at the time of prior to the first hearing screening provided to students,
 - ii. Were excluded from the school's hearing screening population as specified in R9-13-102(B) and Table 13.1,
 - iii. Received an initial hearing screening,
 - iv. Did not pass an initial hearing screening,
 - v. Received a second hearing screening,
 - vi. Did not pass a second hearing screening, and
 - vii. Were first identified as deaf or hard of hearing; and
 - k. The number of students for whom:
 - i. An administrator provided notification to a student's parent, as specified in R9-13-105; and
 - ii. An administrator received documentation during the school year from a student's specialist related to an examination, audiological evaluation, electroacoustic analysis, or evaluation of the student's cochlear implant.

D. An administrator shall retain the information in:

1. Subsection (A) for at least three years after the date that the hearing screening occurred.
2. Subsection (B) for three school years after fiscal year of last attendance, according to Arizona State Library, Archives and Public Records, General Records Retention Schedule for All Arizona School Districts and Charter Schools Student Records.

R9-13-108. Equipment Standards Screener Qualifications

A. A school administrator shall ensure that a pure tone audiometer used to perform a three frequency or four frequency, pure tone hearing screening is:

1. Calibrated every 12 months according to the American National Standard Specification for Audiometers, S3.6-1996, Standards Secretariat, c/o Acoustical Society of America, 120 Wall Street, 32nd Floor, New York, New York 10005-3993, January 12, 1996, incorporated by reference in R9-16-209(B)(1); and
2. Inspected within 24 hours before use to ensure that:
 - a. The calibration complies with subsection (A)(1);
 - b. The power source and power indicator are working;
 - c. The earphone cords are securely connected and have no breaks;



- d. Each frequency and intensity required under R9-13-103(C)(1) is present;
 - e. A signal does not cross from one earphone to the other; and
 - f. Each earphone is free of noise or distortion that could interfere with a hearing screening.
- B.** A school administrator shall ensure that a tympanometer used to perform the tympanometry portion of a hearing screening:
- 1. Is calibrated every 12 months according to the American National Standard Specifications for Instruments to Measure Aural Acoustic Impedance and Admittance, S3.39-1987, Standards Secretariat, Acoustical Society of America, 335 East 45th Street, New York, New York 10017-3483, October 5, 1987, not including any later amendments or editions, incorporated by reference and on file with the Department and the Office of the Secretary of State; and
 - 2. Is inspected within 24 hours before use to ensure that the calibration complies with subsection (B)(1).
- C.** A school administrator shall ensure that otoacoustic emissions equipment used to perform an otoacoustic emissions hearing screening is:
- 1. Calibrated every 12 months according to manufacturer's specifications; and
 - 2. Inspected within 24 hours before use to ensure that:
 - a. The calibration complies with manufacturer's specifications;
 - b. No obstruction is in the probe microphone; and
 - e. The test signal is present.
- A.** An individual may be a screener:
- 1. If the individual is an audiologist, or
 - 2. If the individual:
 - a. Is at least 18 years of age;
 - b. Has a high school diploma or a general equivalency diploma;
 - c. Has the ability to recognize a student's response to hearing a range of tones at different pitches and volumes; and
 - d. Has a current certificate of completion specified in subsection (F).
- B.** For an individual, who is not an audiologist, to become a screener, the individual shall complete classroom instruction for pure tone audiometry provided by a trainer:
- 1. Introduction to hearing screening for children, including the:
 - a. Development of speech and language;
 - b. Anatomy and physiology of the ear;
 - c. Signs of hearing loss in children;
 - d. Prevention of hearing loss in children;
 - e. Otitis media; and
 - f. Infection control;
 - 2. Essentials for hearing screening children, including:
 - a. Auditory development;
 - b. Rationale for early identification of hearing loss;
 - c. When, how, and on whom hearing screening is performed; and
 - d. How to set up a hearing screening, including the selection of a method to use for hearing screening and a location to conduct hearing screening;
 - 3. Hearing screening protocols, including:
 - a. Possible results of hearing screening;
 - b. Screener requirements specified in this Article;
 - c. Procedures for tracking students expected to receive hearing screening and recording hearing screening results;
 - d. Notification of and communication with the parents of students;
 - e. The information that a parent of a student who does not pass a hearing screening is requested to obtain from the student's specialist and provide to the student's school;
 - f. When and to whom a student's hearing loss is required to be reported;
 - g. Procedures for reporting hearing screening results to the Department;
 - h. What resources are available to the parent of a student who does not pass hearing screening; and
 - i. Requirements in A.R.S. Title 36, Chapter 7.2 and requirements in this Article in addition to screener requirements; and
 - 4. Audiological equipment, including:
 - a. A pure tone audiometer:
 - i. How a pure tone audiometer works;
 - ii. Checking the pure tone audiometer and earphones before performing hearing screening;
 - iii. Earphone placement;
 - iv. Performing hearing screening using a pure tone audiometer;
 - v. Identifying students who need a second hearing screening; and
 - vi. Identifying students for whom notification of a parent is required; and
 - b. An otoacoustic emission device:
 - i. How an otoacoustic emission device works;
 - ii. Why and when it is appropriate to use an otoacoustic emissions device is used during hearing screening;
 - iii. Performing a hearing screening using an otoacoustic emissions device with a remote probe;
 - iv. Identifying students who need a second hearing screening; and
 - v. Identifying students for whom notification of a parent is required.
- C.** An individual who has completed the hearing screening instruction in subsection (B) may request training in the use of a tympanometer by completing the following classroom instruction provided by a trainer:
- 1. How a tympanometer works;



- 2. Why and when it is appropriate to use a tympanometer during hearing screening;
- 3. The anatomy and functions of the middle ear and Eustachian tube;
- 4. How to use a tympanometer;
- 5. Identifying students who need a second hearing screening; and
- 6. Identifying students for whom notification of a parent is required.
- D.** Obtain a score of at least 80% on a written examination that covers the classroom instruction specified in subsection (B) or (C).
- E.** Demonstrate competency in the use of the audiological equipment specified in subsection (B) or (C) that an individual received classroom instruction.
- F.** Obtain a certificate of completion in a Department-provided format from the trainer who provided the classroom instruction, examination, and competency assessment specified in (B) through (E), as applicable, that includes:
 - 1. The individual's name;
 - 2. The hearing screening methods specified in subsections (B) or (C) completed by the individual;
 - 3. The date the individual completed the classroom instruction in subsection (B) or (C);
 - 4. The date the individual completed the hearing screening:
 - a. Examination; and
 - b. Assessment, including the type of audiological equipment;
 - 5. The certificate of completion issue date;
 - 6. An attestation that the classroom instruction provided to the individual meets the requirements in subsection (B) or (C); and
 - 7. The trainer's printed name and date issued.
- G.** A screener's certificate of completion expires four years from the issue date indicated on the certificate of completion specified in subsection (F).
- H.** Prior to the expiration date of a certificate of completion, a screener shall complete the requirements in subsection (I) to renew the screener's certificate of completion.
- I.** A screener, who is not an audiologist, wanting to renew a certificate of completion shall:
 - 1. Complete two hearing screening continuing education units each year:
 - a. Specified by the Department according to subsection (J), and
 - b. Applicable to the type of audiological equipment that the screener uses when performing a hearing screening;
 - 2. As provided by a trainer:
 - a. Complete four hours of classroom instruction related to:
 - i. Development of speech and language,
 - ii. Essentials for hearing screening children, and
 - iii. Hearing screening protocols;
 - b. Obtain a score of at least 80% on a written examination that covers the hearing screening requirements in subsection (a); and
 - c. Demonstrate competency in the use of the audiological equipment consistent with the hearing screening training received in subsection (1) and (2);
 - 3. Obtain a certificate of completion in a Department-provided format from the trainer who provided classroom instruction, the examination, and competency assessment in subsection (2) that includes:
 - a. The screener's name;
 - b. The hearing screening methods specified in subsection (1);
 - c. The date the screener completed the methods in subsection (1);
 - d. The date the screener completed the hearing screening:
 - i. Examination; and
 - ii. Assessment, including the type of audiological equipment;
 - e. The certificate of completion issue date;
 - f. An attestation that the classroom instruction provided to the screener meets the requirements in subsections (1) and (2); and
 - g. The trainer's printed name.
- J.** By January 1 of each calendar year, the Department shall provide a list of Department-approved continuing education courses.
- K.** An individual who does not score at least 80% on a written examination in subsection (D) may retake the written examination. If an individual does not score at least 80% on the second written examination, the individual shall repeat classroom instruction in subsection (B) or (C) before taking a third written examination.
- L.** A screener, who does not score at least 80% on a written examination for renewal in subsection (I), may retake the written examination. A screener, who does not score at least 80% on the second written examination, shall repeat the classroom instruction in subsection (I)(1) and (2) before taking a third written examination.
- M.** An individual who is not a screener:
 - 1. May use a pure tone audiometer to perform an initial three-frequency, pure tone hearing screening for a student, specified in R9-13-103(G)(1), under the supervision of a screener; and
 - 2. Shall not perform a hearing screening:
 - a. For a student who did not pass an initial hearing screening,
 - b. Using a combination of a tympanometer and a pure tone audiometer according to R9-13-103(G)(2); or
 - c. Using an OAE specified in R9-13-103(G)(3).

R9-13-109. Recordkeeping, Reporting Requirements Trainer Eligibility

- A.** A school administrator shall retain, for Department review and inspection, a written record of:
 - 1. The date and results of a student's hearing screening for no less than three complete school years beginning on the first July 1 after the student's last date of attendance at the school, and
 - 2. All calibration dates for a piece of hearing screening equipment currently used in the school.



- B.** By June 30th of each year, a school administrator shall submit to the Department the following information for the school year ending that June 30th:
1. On a form available from the Department, the number of students by grade in each of the following categories:
 - a. Were enrolled at the time of a first hearing screening;
 - b. Did not have a first hearing screening under R9-13-102(C);
 - c. Had a first hearing screening;
 - d. Did not pass a first hearing screening;
 - e. Had a second hearing screening;
 - f. Did not pass a second hearing screening;
 - g. Were evaluated by an audiologist;
 - h. Were evaluated by a physician or a primary care practitioner;
 - i. Were first diagnosed as deaf or hard of hearing during the current school year; and
 - j. Were diagnosed as deaf or hard of hearing during a prior school year; and
 2. The name of each individual who performed a hearing screening in the school and:
 - a. The individual's license number to practice audiology; or
 - b. Evidence that the individual successfully completed a hearing screening course described in R9-13-107(B) or (C).
- A.** An individual is eligible to be a trainer if the individual meets at least one of the following:
1. Has completed at least 30 semester credits at an accredited college or university related to audiology and speech-language pathology or the equivalent credits from a college or university from outside the United States or its territories verified by a Department-approved third party evaluation service;
 2. Has completed at least two years of employment in a position directly related to and providing assistance in the practice of audiology and speech-language pathology;
 3. Is currently licensed in this state as an audiologist according to A.R.S. Title 36, Chapter 17; or
 4. Is currently a screener who has maintained a hearing screener certificate of completion for the previous five years.
- B.** In addition to subsection (A), an individual who meets the requirement in:
1. Subsection (1) or (2), has completed at least 100 hearing screenings within the previous 12 months from the date of request specified in R9-13-110(C)(9).
 2. Subsection (3), has completed at least 25 hearing screenings within the previous 12 months from the date of request specified in R9-13-110(C)(9).
 3. Subsection (4), has completed 3,000 hearing screenings within the previous five years from the date of request specified in R9-13-110(C)(9).
- C.** Prior to the expiration date of a trainer certificate of completion, a trainer is eligible to renew a certificate of completion if the trainer demonstrates the trainer provided at least two hearing screening trainings for each year during the five-year period that a certificate of completion is valid.
- D.** The practice of a trainer includes:
1. Providing classroom instruction specified in R9-13-108(B) and (C) in a classroom;
 2. Training individuals in hearing screening skills, procedures, and techniques specified in R9-13-108(B) and (C);
 3. Observing and assessing individuals and screeners in the operations of audiological equipment specified in R9-13-108(E);
 4. Administering to individuals a hearing screening examination specified in R9-13-108(D);
 5. Entering an individual's or screener's information in the Department's hearing screening database for issuance of a certificate of completion; and
 6. Providing, if available to the public, notice to the Department indicating what, where, and when classroom instruction, examination, or assessment of competency are scheduled to be provided to individuals to become a screener specified in R9-13-110(C)(8) or R9-13-112(C)(4).
- E.** A trainer who provides instruction to an individual seeking a screener certificate of completion shall:
1. Ensure that:
 - a. Eight hours of classroom instruction is provided, and
 - b. The types of classroom instruction are consistent with R9-13-108; and
 2. Establish a hearing screening record in the Department's hearing screening database for each individual seeking a certificate of completion as a screener that includes:
 - a. The individual's:
 - i. Name,
 - ii. Address,
 - iii. E-mail address, and
 - iv. Telephone number;
 - b. The date the certificate of completion expires;
 - c. The address where the classroom instructions, examination, and assessment were held;
 - d. If applicable, the name of a sponsoring organization, such as a school, school district, or other public agency; and
 - e. Documentation indicating when classroom instruction, examination, and assessment were provided.
- F.** A trainer who provides instruction to a screener who is seeking renewal of certificate of completion shall:
1. Ensure that:
 - a. A hearing screening continuing education units are completed,
 - b. Four hours of classroom instruction is provided, and
 - c. The types of classroom instruction are consistent with R9-13-108(I); and
 2. Update the screener's record in the Department's hearing screening database for each screener seeking renewal of certificate of completion that includes:



- a. The screener's:
 - i. Name.
 - ii. Address.
 - iii. E-mail address, and
 - iv. Telephone number;
- b. The date the certificate of completion expires;
- c. The address where the classroom instructions, examination, and assessment were held;
- d. If applicable, the name of a sponsoring organization, such as a school, school district, or other public agency; and
- e. Documentation indicating when classroom instruction, examination, and assessment were provided.

G. A trainer shall:

- 1. Comply with A.R.S. §§ 36-899 through 36-899.04, and
- 2. Comply with this Article.

R9-13-110. ~~Repealed~~ Trainer Certificate of Completion Request

A. An individual may apply for a trainer certificate of completion if the individual meets the eligibility requirements specified in R9-13-109(A) and (B).

B. An individual applying for a trainer certificate of completion shall submit a request to the Department at least 30 days prior to November 1 of a calendar year.

C. An individual shall provide a request for a trainer certificate of completion to the Department in a Department-provided format that includes:

- 1. The individual's:
 - a. Name.
 - b. Address.
 - c. E-mail address, and
 - d. Telephone number;
- 2. If applicable, the individual's former names;
- 3. If the individual has completed thirty semester credits specified in R9-13-109(A)(1), the:
 - a. Name of the accredited college or university attended.
 - b. Class title for each class completed, and
 - c. Number of semester credits for each class;
- 4. If the individual has completed two years of employment specified in R9-13-109(A)(2), the:
 - a. Employer's name.
 - b. Individual's position and description of responsibilities, and
 - c. Months and years of employment;
- 5. If the individual is a licensed audiologist specified in R9-13-109(A)(3), the:
 - a. Audiologist's license number, and
 - b. Date of expiration;
- 6. If the individual is a screener specified in R9-13-109(A)(4), who has maintained a hearing screener certificate of completion for the previous five years, the:
 - a. Names of the school districts where the screener provided hearing screenings, and
 - b. Screener's certification of completion date of expiration;
- 7. Whether the individual completed the hearing screenings specified in R9-13-109(B);
- 8. An attestation that the individual affirms:
 - a. To provide, if available to the public, notice of hearing screening instruction, examination, or assessment of competency specified in R9-13-109(D) to the Department 30 calendar days prior to providing to individuals to become a screener;
 - b. To provide information for each hearing screening training specified in R9-13-109(C); and
 - c. The information provided in the request for certificate of completion is true and accurate; and
- 9. The individual's printed name and date of signature.

D. Within 10 calendar days from the date the Department receives an individual's request for a trainer certificate of completion, the Department shall send a notification to the individual that:

- 1. The individual may register to take classroom instruction and written examination, and
- 2. How the individual may register.

E. If the Department determines there is a need for additional trainers prior to the November 1 submission date in subsection (B), the Department shall provide:

- 1. A notice to the public that trainer certificate of completion requests will be accepted.
- 2. When an individual may submit a trainer certificate of completion request.

F. If the Department determines not to accept any trainer certificate of completion requests in subsection (B), the Department shall provide:

- 1. A notice to the public that no trainer certificate of completion requests will be accepted.
- 2. The notice 30 days prior to the November 1 submission date in subsection (B).

R9-13-111. ~~Repealed~~ Trainer Instruction, Examination, and Observation

A. An individual requesting to become a trainer shall complete required classroom instruction, written examination, and observation within 160 calendar days from the date provided in the Department's notification specified in R9-13-110(D).

B. An individual, who has received notification from the Department specified in R9-13-110(D), shall attend classroom instruction provided by the Department or designee that includes:

- 1. Adult education learning strategies,



2. Sensory curriculum.
 3. Hearing screening protocols, confirm
 4. Audiological equipment, and
 5. Written examination.
- C.** An individual who completes classroom instruction and written examination specified in subsection (B) shall:
1. Pass a written examination with a score of 80% or more;
 2. Obtain written confirmation from the Department or designee that indicates the individual's competency in the use of each type of audiological equipment in subsection (B)(4);
 3. Submit to the Department, in a Department-provided format, a request to schedule hearing screening training observation that includes:
 - a. The individual's:
 - i. Name,
 - ii. Address,
 - iii. E-mail address, and
 - iv. Telephone number;
 - b. The date the individual passed the written examination in subsection (C)(1); and
 - c. The date the individual is requesting the hearing screening training observation; and
 4. Submit the request to take the hearing screening training observation 30 calendar days prior to the individual's requested schedule hearing screening training observation in subsection (3)(c).
- D.** Within 10 calendar days from the date the Department receives an individual's request to schedule a hearing screening training observation, the Department shall send a notification to the individual that:
1. The individual may register for hearing screening training observation, and
 2. How the individual may register.
- E.** An individual who completes hearing screening training observation in subsection (D) shall:
1. Pass the hearing screening training observation with a score of 80% or more; and
 2. Obtain a trainer certificate of completion from the Department or designee.
- F.** Within 10 calendar days from the date an individual passed the hearing screening training observation with a score of 80% or more, the Department shall send the individual a trainer certificate of completion.
- G.** An individual, who does not score at least 80% on a written examination in subsection (D), may take a second written examination no later than 30 calendar days after having taken the first written examination.
- H.** If an individual does not score at least 80% on the second written examination, the individual shall repeat the classroom instruction in subsection (B) before taking a third written examination.
- I.** An individual who does not pass the written examination in subsection (H) shall not be issued a certificate of completion.
- J.** An individual, who does not pass a training observation in subsection (E), may take a second training observation no later than 60 calendar days after having taken the first training observation.
- K.** If an individual does not pass the second training observation, the individual shall repeat the classroom instruction in subsection (B) and written examination in subsection (C) before taking a third training observation.
- L.** An individual who does not pass the training observation in subsection (K) shall not be issued a certificate of completion.
- M.** If an individual does not complete the hearing screening training observation within 160 calendar days in subsection (E), the individual shall reapply for a trainer certificate of completion as specified in R9-13-110.
- N.** By October 1 of each year, if the Department accepts requests specified in R9-13-110(B), the Department will provide a list of Department-approved core curriculum and applicable material related to classroom instruction in subsection (B).
- O.** An individual, who does not pass the written examination or pass the training observation may file an appeal according to A.R.S. Title 41, Chapter 6, Article 10.

R9-13-112. ~~Renumbered~~ Trainer Certificate of Completion Renewal

- A.** A trainer's certificate of completion expires five years from the issue date specified on the certificate of completion.
- B.** Except as specified in R9-13-113(H), a trainer shall renew the trainer's certificate of completion every five years.
- C.** At least 60 calendar days before the expiration date of a certificate of completion, a trainer shall submit to the Department a renewal request in a Department-provided format that contains:
1. The trainer's:
 - a. Name,
 - b. Address,
 - c. E-mail address, and
 - d. Telephone number;
 2. For each continuing education course specified in R9-13-113(B) and (C), the following:
 - a. The course title,
 - b. A course description,
 - c. The name of the individual providing the continuing education course,
 - d. The date the continuing education course was completed, and
 - e. The total number of continuing education hours attended;
 3. For each hearing screening training specified in R9-13-109(C), the following:
 - a. Title of the classroom instruction, examination, or assessment provided, as applicable;
 - b. Date and location of the classroom instruction, examination, or assessment provided in subsection (a); and
 - c. Number of attendees;
 4. An attestation that the trainer affirms:



- a. The continuing education courses specified in subsection (2) are applicable and consistent with the Department's approved continuing education courses;
- b. To provide, if available to the public, notice of hearing screening instruction, examination, or assessment of competency specified in R9-13-109(D) to the Department 30 calendar days prior to the trainer providing to individuals to become a screener; and
- c. The information in the request for renewal is true and accurate; and
- 5. The trainer's printed name and date of signature.
- D. Within 10 calendar days from the date a trainer submits a renewal request, the Department shall send the trainer a certificate of completion.
- E. Except as specified in R9-13-113, a trainer who does not submit a trainer renewal request according to this Section 60 calendar days prior to the expiration date of the trainer's certificate of completion, the trainer's certificate of completion expires.
- F. Except as specified in R9-13-113, a trainer who does not complete required continuing education specified in subsection (C)(2) shall apply for a trainer certificate of completion specified in R9-13-110 and R9-13-111.

R9-13-113. ~~Renumbered~~Trainer Continuing Education

- A. By January 1 of each calendar year, the Department shall provide a list of Department-approved continuing education courses.
- B. Each calendar year, a trainer, who is not an audiologist, shall complete 10 continuing education units approved by the Department.
- C. Every two calendar years, a trainer, who is an audiologist, shall complete 20 continuing education units approved by the Department.
- D. A trainer shall report continuing education units completed in subsection (B) and (C) as required in a trainer renewal request specified in R9-13-112(C).
- E. By November 1 of a calendar year or every two calendar years, as applicable, a trainer, who was prevented from completing the required continuing education units due to a personal illness or an immediate family member's illness during at least six continuous months of the preceding 12 months, may request to defer continuing education units by submitting to the Department:
 - 1. A notification in a Department-provided format that contains:
 - a. The trainer's:
 - i. Name,
 - ii. Address,
 - iii. E-mail address, and
 - iv. Telephone number;
 - b. A statement regarding the trainer's personal or immediate family member's illness;
 - c. The number of continuing education units the trainer is requesting to defer;
 - d. The date submitted; and
 - e. An attestation that the trainer affirms the information provided in the request to deter continuing education is true and accurate; and
 - 2. The trainer's printed name and date of signature.
- F. If a trainer completed any continuing education units during a calendar year in subsection (B) or every two calendar years in subsection (C), as applicable, report the completed continuing education units specified in R9-12-112(C)(2).
- G. A trainer who defers continuing education units shall obtain the deferred continuing education during the first 180 calendar days of the subsequent calendar year.
- H. A trainer called to active military service shall:
 - 1. Submit a written notice of renewal extension to the Department that includes:
 - a. The trainer's:
 - i. Name,
 - ii. Address,
 - iii. E-mail address, and
 - iv. Telephone number;
 - b. A statement stating the reason for the notice of renewal extension;
 - c. The trainer's signature, including date of signature; and
 - d. A copy of the trainer's deployment documentation;
 - 2. Retain trainer certificate of completion for the term of service or deployment plus 180 calendar days;
 - 3. Defer the requirement for completing the continuing education specified in R9-13-112 for the term of service or deployment plus 180 calendar days; and
 - 4. Submit a renewal request according to R9-13-112 after the term of service or deployment plus 180 calendar days.

R9-13-114. ~~Repealed~~Requesting a Change

A trainer requesting a change to personal information shall submit to the Department in a Department-provided format a written notice stating the information to be changed and indicating the new information within 30 calendar days after the effective date of the change.

R9-13-115. ~~Repealed~~Requirement for Screener or Trainer Certificate of Completion Issued Before Article Effective Date

- A. If a screener's certificate of completion expires before June 30, 2020, the screener whose certificate of completion includes pure tone audiometry or OAE and wishes to retain screener certificate of completion, shall complete training, examination, and assessment specified in R9-13-108 prior to the certificate's date of expiration.
- B. If a screener's certificate of completion expires after June 30, 2020, the screener whose certificate of completion includes pure tone audiometry or OAE and wishes to retain screener certificate of completion, shall complete training, examination, and assessment specified in R9-13-108 prior to June 30, 2020.
- C. A screener, whose certificate of completion includes both pure tone audiometry and OAE, shall renew current certificate of completion within 30 days prior to the expiration date of the certificate.



- D.** A trainer, who wishes to retain trainer certificate of completion and whose certificate of completion was issued before the effective date of this Article, shall submit a certificate of completion request specified in R9-13-110 no later than 30 days prior to November 2019.



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 3. AGRICULTURE
CHAPTER 8. DEPARTMENT OF AGRICULTURE
PEST MANAGEMENT DIVISION

[R19-38]

- 1. Article, Part, or Section Affected (as applicable) R3-8-103 Rulemaking Action Amend
2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific): Authorizing statute: A.R.S. §§ 3-107(A)(1), 3-3603(A)(1) and 3-3618
3. The effective date of the rules: February 25, 2019
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. 3338, November 30, 2018 Notice of Proposed Expedited Rulemaking: 24 A.A.R. 3327, November 30, 2018
5. The agency's contact person who can answer questions about the rulemaking: Name: Vince Craig, Associate Director, PMD Address: Arizona Department of Agriculture Pest Management Division 1688 W. Adams St. Phoenix, AZ 85007 Telephone: (602) 255-3664 Fax: (602) 542-0466 E-mail: vcraig@azda.gov or Name: Louise Houseworth, Asst Director, Budget & Strategic Planning Address: Arizona Department of Agriculture 1688 W. Adams St. Phoenix, AZ 85007 Telephone: (602) 542-0952 Fax: (602) 542-5420 E-mail: lhouseworth@azda.gov
6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking: The Division has received significant feedback from its customers requesting the licensing fees be temporarily reduced. The Division agrees with this recommendation and intends to implement a temporary, two year fee reduction, of at least 25% on all license related fees. This reduction will provide financial relief to industry members who desire to legally operate a pest control business. Because the fees collected from the industry annually exceed the operating expenses of the Division, a temporary fee reduction will not negatively impact the Division's operations. This rulemaking is eligible for expedited status pursuant to A.R.S. § 41-1027 because it does not increase the cost of regulatory compliance, increase a fee, or reduce the procedural rights of any regulated person, yet does amend a rule that is currently outdated and as written is not currently necessary for the operation of the Pest Management Division.
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:**
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 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 rulemaking.
- 11. **Agency’s summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:**
The Department held accepted comment on the proposed rule from November 9, 2018 until the oral proceeding, held on December 11, 2018. The Department only received positive public or stakeholder comments about the rulemaking and thanked the stakeholders for their support.
- 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:**
This rule does not require a permit, it simply implements licensing fees as required by A.R.S. § 3-3618.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal laws do not apply to the rules in A.A.C. R3-8-103
 - 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. **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 rules. 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 3. AGRICULTURE
CHAPTER 8. DEPARTMENT OF AGRICULTURE
PEST MANAGEMENT DIVISION**

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

Section
R3-8-103. Fees; Charges; Exemption

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

R3-8-103. Fees; Charges; Exemption

- A. Beginning March 1, 2019 through June 30, 2020, a person shall pay the following application and renewal fees for licensure, certification, and registration:**
 - 1. **For an applicator:**
 - a. **Applicator certification, \$55.**
 - b. **Applicator certification broadening application, \$0.**
 - c. **QA certification, \$75.**
 - d. **QA certification broadening application, \$15.**
 - 2. **For a qualifying party:**
 - a. **Registration at same time as application for or renewal of the business license, \$0.**
 - b. **Registration at a different time than application for or renewal of the business license, \$35.**
 - c. **Registration broadening, \$15.**
 - d. **Temporary qualifying party registration, \$75.**
 - 3. **For a business:**
 - a. **Business license, \$185.**
 - b. **Business license for federal entity, \$0.**
 - c. **Applicator registration, \$0 per applicator.**
 - 4. **For a branch:**
 - a. **Branch office registration, \$35 per branch.**
 - b. **Branch supervisor registration at same time as branch office registration, \$0.**
 - c. **Branch supervisor registration at a different time than branch office registration, \$15.**



- AB.** Beginning July 1, 2020, A person shall pay the following application and renewal fees for licensure, certification, and registration:
 1. For an applicator:
 - a. Applicator certification, \$75.
 - b. Applicator certification broadening application, \$0.
 - c. QA certification, \$100.
 - d. QA certification broadening application, \$25.
 2. For a qualifying party:
 - a. Registration at same time as application for or renewal of the business license, \$0.
 - b. Registration at a different time than application for or renewal of the business license, \$50.
 - c. Registration broadening, \$25.
 - d. Temporary qualifying party registration, \$100.
 3. For a business:
 - a. Business license, \$250.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, \$0 per applicator.
 4. For a branch:
 - a. Branch office registration, \$50 per branch.
 - b. Branch supervisor registration at same time as branch office registration, \$0.
 - c. Branch supervisor registration at a different time than branch office registration, \$25.
- BC.** A person renewing an applicator certification, QA certification, business license, branch office registration, or branch supervisor registration shall receive a 10 percent reduction in the renewal fee for renewals submitted for a two year renewal period.
- CD.** In addition to the fees listed in subsection (A), a person shall pay a \$10 handling fee for each application or renewal form not submitted electronically when PMD allows electronic submission.
- DE.** A person shall pay a late fee equal to ten percent of the renewal fee for any license, certification, or registration that is not renewed timely.
 1. If a business license remains expired for more than 30 days, to renew the license, a person shall also pay an additional late fee of \$15 per month that the license remains expired, not to exceed \$165. Late fees are in addition to the renewal fee.
 2. If a certification remains expired for more than 30 days, to renew the certification, a person shall also pay an additional late fee of \$10 per month the certification remains expired, not to exceed \$110. Late fees are in addition to the renewal fee.
- EF.** A business licensee shall pay the following TARF fees:
 1. Electronic submissions, \$2;
 2. Electronic final grade treatment TARF submissions, \$0;
 3. Electronic TARF submissions for a pretreatment or new-construction treatment of an addition that abuts the slab of an originally treated structure, \$0, if the business licensee:
 - a. Performed the pretreatment or new-construction treatment of the main structure,
 - b. Filed a TARF regarding the pretreatment or new-construction treatment,
 - c. Has the structure under warranty, and
 - d. Treats the abutting addition under the terms of the site warranty;
 4. All paper submissions, \$8; and
 5. Late fee equal to the original TARF fee for any TARF submission more than 30 days after the due date, except that the late fee for an electronic final grade treatment TARF submission more than 30 days after the due date shall be \$2.
- FG.** If the PMD administers a certification examination, an applicant shall pay \$50 to take the examination. If an examination service or testing vendor administers a certification examination, an applicant shall pay the examination service or testing vendor the examination cost established in the vendor’s contract with the PMD.
- GH.** PMD employees are exempt from the applicator and examination fees listed in this Section.
- HI.** An applicant who makes a payment for a fee due under this Section that is rejected by a financial institution will be subject to all of the following:
 1. The PMD shall void any approval of the application or renewal.
 2. The applicant shall pay any financial institution fee incurred by the PMD.
 3. The PMD may require the applicant to pay all fees due using a method other than a personal or business check.
 4. An application for renewal will be considered untimely if the substitute payment is not received by the PMD by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.
- IJ.** The PMD may reject an application or request for service that is submitted with the incorrect fee and not process the application or provide the service. An application for renewal will be considered untimely if the substitute payment is not received by the PMD by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.



NOTICES OF RULEMAKING DOCKET OPENING

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

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

[R19-39]

- 1. Title and its heading:** 4, Professions and Occupations
- Chapter and its heading:** 22, Board of Osteopathic Examiners in Medicine and Surgery
- Article and its heading:** 1, General Provisions
2, Licensing
- Section numbers:** R4-22-102, Table 1, R4-22-201, R4-22-202, and R4-22-207
(Additional Sections may be made, amended, or repealed as necessary)

2. The subject matter of the proposed rule:

The Board is amending its rules to address three statutory changes. Under Laws 2016, Chapter 137, the legislature adopted the Interstate Medical Licensure Compact (See A.R.S. §§ 32-3241 to 32-3246) and created a new, temporary license to allow an applicant for Arizona licensure to obtain a non-renewable, temporary license to practice osteopathic medicine in Arizona while the application for full licensure is processed. A.R.S. § 32-1834 authorizes the Board to establish a fee for the temporary license. This rulemaking establishes the fee and as required under A.R.S. § 41-1073, establishes the time frame within which the Board will act on an application for a temporary license.

Under Laws 2017, Chapter 265, the legislature required all applicants for licensure to submit to the Board a full set of fingerprints for the purpose of obtaining a state and federal criminal records check. This rulemaking places the fingerprint requirement into rule and adds the fee for processing the fingerprints.

Under Laws 2018, Chapter 1, the legislature added A.R.S. § 32-3248.02 requiring all health professionals authorized to prescribe schedule II controlled substances to complete at least three hours of opioid-related, substance use-related, or addiction-related continuing medical education. In this rulemaking, the Board places an opioid CME requirement into rule.

Exemptions from Executive Order 2017-02 for the purpose of this rulemaking were provided by Mara Mellstrom, Policy Advisor in the Office of the Governor, in e-mails dated April 21, June 29, and October 19, 2017.

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

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Barbara Prah-Wix, Interim Executive Director
 Address: Board of Examiners in Osteopathic Medicine and Surgery
 1740 W. Adams St., Suite 2410
 Phoenix, AZ 85007
 Telephone: (602) 771-2523
 Fax: (480) 657-7715
 E-mail: Barbara.Prah@azdo.gov
 Web site: www.azdo.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R19-40]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 8, Department of Health Services - Food, Recreational, and Institutional Sanitation
Articles and their headings: 1, Food and Drink
Section numbers: R9-8-101 through R9-8-109 (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rules: 9 A.A.C. 8, Article 1 rules prescribe reasonably necessary measures to ensure that all food or drink sold at the retail level are fit for human consumption. The Department of Health Services (Department) plans to amend the rules to make consistent with the current (2017) United States Food and Drug Administration Food Code (FDA Food Code), address matters described in the rules recent five-year-review report, and improve the effectiveness of the rules.

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

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

Name: Eric Thomas, Office Chief
Address: Arizona Department of Health Services
Division of Public Health Services, Public Health Preparedness,
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007
Telephone: (602) 364-3142
Fax: (602) 364-3146
E-mail: Eric.Thomas@azdhs.gov
or
Name: Robert Lane, Chief
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

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

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

To be announced in the Notice of Proposed Rulemaking.



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
BOARD OF TECHNICAL REGISTRATION**

[M19-26]

1. Title of the substantive policy statements and the substantive policy statements numbers by which the substantive policy statements are referenced:

Policy Statement Number 8 - "Home Inspector Preferred Vendor or Similar Programs"
Policy Statement Number 16 - "When to refer other tradesmen to identify and correct adverse conditions identified during a home inspection"

2. The public information relating to the substantive policy statements:

The Arizona Board of Technical Registration is rescinding the substantive policy statements specified in paragraph #1, effective February 26, 2019.

3. The name and address of agency personnel with whom persons may communicate regarding this notice of public information:

Name: Patrice Pritzl
Address: Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4955
Fax: (602) 364-4931
E-mail: Patrice.pritzl@azbtr.gov
Website: <https://btr.az.gov>



NOTICES OF SUBSTANTIVE POLICY STATEMENT

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

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

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

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

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT BOARD OF NURSING

[M19-27]

1. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Board Process: Nursing Programs Operating without Approval; Civil Penalties
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
January 25, 2019
3. **Summary of the contents of the substantive policy statement:**
To define Board processes, including civil penalty amounts, for addressing nursing programs that operate in Arizona without approval or exemption.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 32-1667. Violations; classification
5. **A statement as to whether the substantive policy statement is a new statement of a revision:**
This is a new statement
6. **The name, address, and telephone number of the person to whom questions and comments about the policy statement may be directed:**
Name: Joey Ridenour, Executive Director
Address: Arizona State Board of Nursing
1740 W. Adams St., Suite 2000
Phoenix, AZ 85007-2607
Telephone: (602) 771-7801
E-mail: <http://www.azbn.gov/resources/substantive-policies/>
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies of this policy statement may be obtained at no cost via e-mail from the person listed above or on the Board website: www.azbn.gov. Hard copies may be obtained for \$0.25 per page by contacting the person listed above.

NOTICE OF SUBSTANTIVE POLICY STATEMENT STATE LOTTERY COMMISSION

[M19-28]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Arizona State Lottery Compensation Paid to Arizona Lottery Commissioners
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
March 4, 2019
3. **Summary of the contents of the substantive policy statement:**
This policy documents the policy of the Arizona State Lottery (Lottery) to compensate Lottery Commissioners for their time in attending Lottery Commission Meetings.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 5-552



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

This is a new substantive policy statement.

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

Name: Sherri Zendri
Address: Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034
Telephone: (480) 921-4401
Fax: (480) 921-4512
E-mail: szendri@azlottery.gov
Website: www.arizonalottery.com

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

The full text of "Arizona State Lottery Compensation Paid to Arizona Lottery Commissioners" is available by contacting the person referenced above.



GOVERNOR EXECUTIVE ORDER

Executive Order 2019-01 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01

Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities

[M19-04]

WHEREAS, government regulations should be as limited as possible; and

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

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; 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, 2017 and 2018; and

WHEREAS, the State of Arizona eliminated or repealed 422 needless regulations in 2018 and 676 in 2017 for a total of 1,098 needless regulations eliminated or repealed over two years; and

WHEREAS, estimates show these eliminations saved job creators more than \$31 million in operating costs in 2018 and \$48 million in 2017 for a total of over \$79 million in savings over two years; and

WHEREAS, approximately 283,300 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 to conduct 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 while protecting the health, peace and safety of residents; and

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

- 1. 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 justifications 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. 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.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



selves out as licensed professionals for financial gain and are knowingly or recklessly providing or attempting to provide regulated services which the State agency director believes could cause immediate and/or significant harm to either the financial or physical health of unknowing consumers within the state. Agencies shall identify and execute on opportunities to improve its complaint intake process, documentation, tracking, enforcement actions and coordination with proper law enforcement channels to ensure those allegedly trying to defraud unsuspecting consumers and putting them at risk for immediate and/or significant harm to their financial or physical health are stopped and effectively diverted by the State agency to the proper law-enforcement agency for review. A written plan on the agency's process shall be submitted to the Governor's Office no later than May 31, 2019.

4. 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.
5. 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 section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, 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 ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:

Katie Hobbs
SECRETARY OF STATE

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING**EXEMPT**

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

C = Corrections to Published Rules

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RULES EFFECTIVE DATES CALENDAR

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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
March 1, 2019	March 22, 2019	April 22, 2019
March 8, 2019	March 29, 2019	April 29, 2019
March 15, 2019	April 5, 2019	May 6, 2019
March 22, 2019	April 12, 2019	May 13, 2019
March 29, 2019	April 19, 2019	May 20, 2019
April 5, 2019	April 26, 2019	May 28, 2019
April 12, 2019	May 3, 2019	June 3, 2019
April 19, 2019	May 10, 2019	June 10, 2019
April 26, 2019	May 17, 2019	June 17, 2019
May 3, 2019	May 24, 2019	June 24, 2019
May 10, 2019	May 31, 2019	July 1, 2019
May 17, 2019	June 7, 2019	July 8, 2019
May 24, 2019	June 14, 2019	July 15, 2019
May 31, 2019	June 21, 2019	July 22, 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 2019

[M19-05]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> February 26, 2019	<i>Tuesday</i> March 5, 2019
<i>Tuesday</i> February 19, 2019	<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> March 26, 2019	<i>Tuesday</i> April 2, 2019
<i>Tuesday</i> March 19, 2019	<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> April 30, 2019	<i>Tuesday</i> May 7, 2019
<i>Tuesday</i> April 23, 2019	<i>Tuesday</i> May 21, 2019	Wednesday May 29, 2019	<i>Tuesday</i> June 4, 2019
<i>Tuesday</i> May 21, 2019	<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> June 25, 2019	<i>Tuesday</i> July 2, 2019
<i>Tuesday</i> June 18, 2019	<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> July 30, 2019	<i>Tuesday</i> August 6, 2019
<i>Tuesday</i> July 23, 2019	<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> August 27, 2019	Wednesday September 4, 2019
<i>Tuesday</i> August 20, 2019	<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> September 24, 2019	<i>Tuesday</i> October 1, 2019
<i>Tuesday</i> September 17, 2019	<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> October 29, 2019	<i>Tuesday</i> November 5, 2019
<i>Tuesday</i> October 22, 2019	<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> November 26, 2019	<i>Tuesday</i> December 3, 2019
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020

* 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.