



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for 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 *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 notices of rules terminated by the agency and rules that have expired.

## 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

# Arizona Administrative REGISTER

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

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

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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 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 4. DEPARTMENT OF HEALTH SERVICES  
NONCOMMUNICABLE DISEASES**

[R19-148]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R9-4-101  | Amend                           |
| R9-4-201  | Amend                           |
| R9-4-202  | Amend                           |
| R9-4-301  | Amend                           |
| R9-4-302  | Amend                           |
| R9-4-401  | Amend                           |
| R9-4-402  | Amend                           |
| R9-4-403  | Amend                           |
| R9-4-404  | Amend                           |
| R9-4-405  | Amend                           |
| R9-4-501  | Amend                           |
| R9-4-502  | Amend                           |
| R9-4-503  | Amend                           |
| R9-4-504  | Amend                           |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. § 36-136(G)  
 Implementing statutes: A.R.S. §§ 36-133, 36-606, 36-1673, 36-1675
- 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: 25 A.A.R. 1341, May 31, 2019
- 4. The agency's contact person who can answer questions about the rulemaking:**
- Name: Georgia Yee, Office Chief  
 Address: Department of Health Services  
 Bureau of Public Health Statistics  
 150 N. 18th Ave., Suite 550  
 Phoenix, AZ 85007-3248
- Telephone: (602) 542-7321  
 Fax: (602) 364-0296  
 E-mail: Georgia.Yee@azdhs.gov
- or
- Name: Eric Thomas, Office Chief  
 Address: Department of Health Services  
 Office of Environmental Health  
 150 N. 18th Ave., Suite 140  
 Phoenix, AZ 85007-3248



Telephone: (602) 364-3142  
 Fax: (602) 364-3146  
 E-mail: Eric.Thomas@azdhs.gov  
 or  
 Name: Robert Lane, Office Chief  
 Address: 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.) § 36-133 requires the Arizona Department of Health Services (Department) to develop a chronic disease surveillance system for the collection, management, and analysis of information on the incidence of chronic diseases in Arizona. A.R.S. § 36-606 states that the Department “shall develop and implement ... a system for reporting and preventing pesticide provoked illnesses.” A.R.S. §§ 36-1673 and 36-1675 require the Department to adopt rules for reporting blood test results showing significant levels of lead and other rules “necessary and feasible to implement the purposes” of A.R.S. Title 36, Chapter 13, Article 6. The Department has implemented these statutes in Arizona Administrative Code (A.A.C.) Title 9, Chapter 4, Articles 1 through 5. The Department has identified several issues with the current rules that cause the rules to impose an undue burden on some regulated entities and reduce their effectiveness. After receiving an exception from the Governor’s rulemaking moratorium established by Executive Order 2019-01, the Department is revising the rules in 9 A.A.C. 4, to address these issues, including moving definitions used throughout Chapter 4 to Article 1; updating and clarifying definitions, cross-references and formatting; making revisions to comply with statutory changes; and updating and clarifying reporting requirements and time-frames. The proposed changes 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 anticipates that the rulemaking may affect the Department; the Arizona Department of Agriculture; hospitals; clinical laboratories; pathology laboratories; genetic testing facilities; prenatal diagnostic facilities; high-risk perinatal practices; clinics; physicians; registered nurse practitioners; physician assistants; doctors of naturopathic medicine; dentists; poison control centers; individuals who have a pesticide illness, elevated blood lead levels, cancer, or a birth defect and their parents or guardians; employers of individuals who have a pesticide illness, elevated blood lead levels, or cancer; and the general public. Annual costs/revenues changes are designated as minimal when more than \$0 and \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

Consolidating definitions, updating cross-references, and correcting grammar and formatting may provide a significant benefit to all affected persons. Clarifying requirements for reporting pesticide illness to match the current reporting forms and practice may provide a significant benefit to the Department, the Arizona Department of Agriculture, poison control centers, physicians, registered nurse practitioners, physician assistants, and other health professionals. If a poison control center or health professional were not reporting according to current practice, the additions of requirements to report race and ethnicity, occupations not necessarily related to a pesticide exposure, symptoms reported by the individual, laboratory test information if applicable, and information about the person reporting the pesticide illness may cause these persons to incur minimal increased costs. If a poison control center were not reporting monthly, as required in the current rules, the change to quarterly reporting could impose a minimal increased burden, rather than a minimal decrease in costs that a poison control center reporting according to the current rules would experience. Similarly, clarifying requirements for reporting blood lead levels to match the current reporting forms and practice may provide a significant benefit to the Department, physicians, and clinical laboratories. However, the Department anticipates that a physician or clinical laboratory that was not reporting according to current practice may incur a minimal increased cost due to the changes. This is especially true for a physician performing a point-of-care test for blood lead, who may not have reported the results of a test resulting in a blood lead level under 10 µg of lead per dL of whole blood under the current rules, even though the physician would have been asked to report as a clinical laboratory under current practice.

Since the current rules in Article 4 were adopted, many large physician group practices have formed due to savings on overhead over single-physician practices. The Department anticipates that revising the definition of “clinic” to include physician group cancer practices will provide a significant benefit to the Department and the general public through more complete and accurate reporting, but may cause up to a substantial increase in cost for a large physician group cancer practice that would be required to report as a clinic, rather than as a physician. The new rules update requirements for cancer case reports and for cancer follow-up



reports to match current reporting practices, and may also provide a significant benefit to the Department and the general public through more complete and accurate reporting. The updated methods for assessing cancer data quality and completeness to match current practice may also provide a significant benefit to the Department and the general public. Reporting entities are already complying with the reporting, follow-up, and many of the quality assurance requirements in the new rules, so there are few, if any, new real costs being imposed by the changes. However, compared with requirements in the current rules, the new rules are adding reporting requirements for hospitals, physicians, doctors of naturopathic medicine, dentists, registered nurse practitioners, and clinics, which could result in minimal-to-moderate additional costs to an entity that was not reporting as is now standard practice. Under the current rules in Article 4, a pathology laboratory is required to allow the Department to review their records at least once every 90 days. Under the new rules, pathology laboratories will be required to electronically submit reports to the Department through active reporting. While a pathology laboratory may incur minimal-to-moderate costs to set up and implement such a reporting system, these costs may be offset by not incurring the minimal-to-moderate costs for the pathology laboratory to provide hard-copy or electronic records, space for the Department to review the records, and staff to assist the Department in reviewing and abstracting data from the records.

In Article 5, the definition of “clinic” is also being revised to include other classes of health care institution in which a birth defect may be detected and update requirements for clinics. Facilities not included in the definition of “clinic” that had not already been reporting may incur a minimal-to-moderate increase in costs associated with the rule change. However, the new rules are also potentially reducing the frequency of reporting for birth defects, from monthly to upon the request of the Department and no more often than once per month, with a concomitant reduction in costs. The Department anticipates that this change may result in a no-to-moderate reduction in costs to a reporting facility. Combining birth defect reporting requirements for a prenatal diagnostic facility, high-risk perinatal practice, or clinic may help reduce confusion as to which reporting requirements a facility should be following, and provide a significant benefit to the facility as well as the Department. The new rules also allow for more flexibility in when a genetic testing facility reports, providing a significant benefit to these facilities. Clarifying requirements for review of records and services related to birth defects may provide a significant benefit to the Department and all persons from which the Department may review records, as well as to a patient with a birth defect or the patient’s parent or guardian. A patient with a birth defect or the patient’s parent or guardian may also receive a significant benefit from the changes clarifying with whom the Department may discuss information.

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

Name: Georgia Yee, Office Chief  
Address: Department of Health Services  
Bureau of Public Health Statistics  
150 N. 18th Ave., Suite 550  
Phoenix, AZ 85007-3248

Telephone: (602) 542-7321  
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E-mail: Georgia.Yee@azdhs.gov

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Phoenix, AZ 85007-3248

Telephone: (602) 364-3142  
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Name: Robert Lane, Office Chief  
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150 N. 18th Ave., Suite 200  
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: Monday, September 16, 2019, at 1:00 p.m.

Location: 150 N. 18th Ave., Room 540B  
Phoenix, AZ 85007

Close of record: Monday, September 16, 2019, at 4:00 p.m.

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 do not require a permit.

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

Not applicable

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

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 4. DEPARTMENT OF HEALTH SERVICES  
NONCOMMUNICABLE DISEASES**

**ARTICLE 1. DEFINITIONS**

Section  
R9-4-101. Definitions, General

**ARTICLE 2. PESTICIDE ILLNESS**

Section  
R9-4-201. Definitions  
R9-4-202. Pesticide Illness Reporting Requirements

**ARTICLE 3. BLOOD LEAD LEVELS**

Section  
R9-4-301. Definitions  
R9-4-302. Reporting Significant Blood Lead Levels Level Reporting Requirements

**ARTICLE 4. CANCER REGISTRY**

Section  
R9-4-401. Definitions  
R9-4-402. Exceptions  
R9-4-403. Case Reports  
R9-4-404. Requirements for Submitting Case Reports and Follow-up Reports and Allowing Review of Hospital Records  
R9-4-405. Data Quality Assurance

**ARTICLE 5. BIRTH DEFECTS MONITORING PROGRAM**

Section  
R9-4-501. Definitions  
R9-4-502. Reporting Sources; Information Submitted to the Department  
R9-4-503. Review of Records; Information Collected  
R9-4-504. Data Quality Assurance and Follow-up

**ARTICLE 1. DEFINITIONS**

**R9-4-101. Definitions, General**

In this Chapter, unless otherwise specified:

- 1. "Admitted" means the same as in A.A.C. R9-10-101.
- 2. "Business day" means any day of the week other than a Saturday, a Sunday, a state legal holiday, or a day on which the Department is authorized or obligated by law or executive order to close.
- 3. "Calendar day" means any day of the week, including a Saturday or a Sunday.
- 4. "Clinical laboratory" means a facility that:



- a. Meets the definition in A.R.S. § 36-451;
- b. Holds a certificate of accreditation or certificate of compliance issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967; and
- c. Is located within Arizona.
- 5. “Code” means a single number or letter, a set of numbers or letters, or a set of both numbers and letters that represents specific information.
- ~~4.6.~~ “Dentist” means an individual licensed under A.R.S. Title 32, Chapter 11, Article 2.
- ~~2-7.~~ “Department” means the Arizona Department of Health Services.
- ~~3-8.~~ “Diagnosis” means the identification of a disease or injury, by an individual authorized by law to make the identification, that is the cause of an individual’s current medical condition.
- 9. “Discharge” means the same as in A.A.C. R9-10-101.
- 10. “Discharge date” means the month, day, and year of an individual’s discharge from a hospital.
- 11. “Electronic” means the same as in A.R.S. § 44-7002.
- 12. “Guardian” means a person appointed as a legal guardian by a court of competent jurisdiction.
- 13. “Health care institution” means the same as in A.R.S. § 36-401.
- 14. “Health-related services” means the same as in A.R.S. § 36-401.
- ~~4-15.~~ “Hospital” means the same as in A.A.C. R9-10-201 R9-10-101.
- 5. “ICD-9-CM” means the version of the ICD-9-CM: International Classification of Diseases codes used by a hospital for billing purposes.
- 16. “International Classification of Diseases Code” or “ICD Code” means a code, such as the ICD-9-CM or ICD-10-CM codes, which is used by a hospital for billing or reporting purposes.
- 17. “Medical records” means the same as in A.R.S. § 12-2291.
- 18. “Medical services” means the same as in A.R.S. § 36-401.
- 19. “Nursing services” means the same as in A.R.S. § 36-401.
- 20. “Ordered” means instructed by a physician, registered nurse practitioner, or physician assistant to perform a test on an individual.
- 21. “Parent” means the:
  - a. Biological or adoptive father of an individual; or
  - b. Woman who:
    - i. Gave birth to an individual; or
    - ii. Adopts an individual.
- 22. “Pathology laboratory” means a clinical laboratory in which human cells or tissues are examined for the purpose of diagnosing diseases.
- ~~6-23.~~ “Physician” means an individual licensed as a doctor of allopathic medicine under A.R.S. Title 32, Chapter 13, or as a doctor of osteopathic medicine under A.R.S. Title 32, Chapter 17.
- 24. “Physician assistant” has the same meaning as in A.R.S. § 32-2501.
- 25. “Registered nurse practitioner” means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601, and is licensed under A.R.S. Title 32, Chapter 15.
- 26. “Treatment” means the same as in A.A.C. R9-10-101.

## ARTICLE 2. PESTICIDE ILLNESS

### R9-4-201. Definitions

In this Article, unless otherwise specified:

- ~~1.~~ “Cluster illness” means sickness in two or more individuals that is caused by or may be related to one pesticide exposure incident, as determined by the history, signs, or symptoms of the sickness; laboratory findings regarding the individuals; the individuals’ responses to treatment for the sickness; or the geographic proximity of the individuals.
- 1. “Cluster illness” means pesticide illness in two or more individuals that is caused by or may be related to one pesticide exposure incident.
- 2. “Documented” means evidenced by written information such as pesticide applicator reports, statements of individuals with pesticide illness, or medical records.
- 3. “Health care professional” means a physician, a registered nurse practitioner, a physician assistant, or any other individual who is authorized by law to diagnose human illness.
- 4. “Medical director” means the individual designated by a poison control center as responsible for providing medical direction for the poison control center or for approving and coordinating the activities of the individuals who provide medical direction for the poison control center.
- ~~5.~~ “Pest” has the same meaning as in A.R.S. Title 3, Chapter 2, Article 5 or as used in A.R.S. Title 3, Chapter 2, Article 6 and A.R.S. Title 32, Chapter 22.
- ~~6.~~ “Pesticide” means any substance or mixture of substances, including inert ingredients, intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, but does not include an antimicrobial agent, such as a disinfectant, sanitizer, or deodorizer, used for cleaning.
- 5. “Pesticide” means the same as in A.R.S. § 3-361, but does not include an antimicrobial agent, such as a disinfectant, sanitizer, or deodorizer, used for cleaning.
- ~~7-6.~~ “Pesticide illness” means any sickness reasonably believed by a health care professional or medical director to be caused by or related to documented exposure to any pesticide, based upon professional judgment and:
  - a. The history, signs, or symptoms of the sickness;
  - b. Laboratory findings regarding the individual; or



- c. The individual’s response to treatment for the sickness.
- 8. ~~“Physician assistant” has the same meaning as in A.R.S. § 32-2501.~~
- 9-7. ~~“Poison control center” means an organization that is a member of and may be certified by the American Association of Poison Control Centers.~~
- 10. ~~“Registered nurse practitioner” has the same meaning as in A.R.S. § 32-1601.~~

**R9-4-202. Pesticide Illness Reporting Requirements**

A health care professional or medical director who participates in the diagnosis of or identifies an individual with pesticide illness shall file a report of pesticide illness with the Department as follows:

- 1. ~~The health care professional or medical director shall report a pesticide illness within five working days from the date of diagnosis or identification, except:~~
  - a. ~~The health care professional or medical director shall report a pesticide illness where the individual with pesticide illness is hospitalized or dies no later than one working day from the time of hospital admission or death; and~~
  - b. ~~The health care professional or medical director shall report cluster illnesses no later than one working day from the time the second individual with pesticide illness is diagnosed or identified.~~
- 2. ~~The health care professional or medical director shall submit the report to the Department by telephone; in person; in a writing sent by fax, delivery service, or mail; or by an electronic reporting system if an electronic reporting system is developed by the Department. The report shall contain the following information:~~
  - a. ~~The name, address, and telephone number of the individual with pesticide illness;~~
  - b. ~~The date of birth of the individual with pesticide illness;~~
  - e. ~~The gender of the individual with pesticide illness;~~
  - d. ~~The occupation of the individual with pesticide illness, if the documented pesticide exposure is related to the occupation;~~
  - e. ~~The dates of onset of illness and of diagnosis or identification as pesticide illness;~~
  - f. ~~The name of the pesticide, if known;~~
  - g. ~~The name, business address, and telephone number of the health care professional or medical director making the report;~~
  - h. ~~A statement specifying whether the illness is caused by a documented pesticide exposure or is related to a documented pesticide exposure; and~~
  - i. ~~The health care professional’s or medical director’s reason for believing that the illness is caused by or related to documented exposure to a pesticide.~~
- 3. ~~The health care professional or medical director may designate a representative to make the report to the Department on behalf of the health care professional or medical director.~~

**A.** A health care professional who believes that an individual has pesticide illness shall submit a report to the Department, either personally or through a representative:

- 1. Except as specified in subsections (A)(2) and (C), within five business days after the health care professional determines that the individual may have pesticide illness; and
- 2. Within one business days after the individual is admitted to a hospital or dies due to pesticide illness.

**B.** Except as specified in subsection (C), a medical director who believes that an individual has pesticide illness shall submit a report to the Department, either personally or through a representative at least once each month.

**C.** A health care professional or medical director who believes that an individual is part of a cluster illness shall submit a report to the Department, either personally or through a representative, within one business day after determining that the individual has pesticide illness.

**D.** A health care professional or medical director shall ensure that the report required in subsection (A), (B), or (C) includes the following information:

- 1. The name, address, and telephone number of the individual with pesticide illness;
- 2. The date of birth of the individual with pesticide illness;
- 3. The gender, race, and ethnicity of the individual with pesticide illness;
- 4. The date symptoms of pesticide illness began;
- 5. The date the health care professional or medical director determined that the individual may have pesticide illness;
- 6. The occupation of the individual with pesticide illness;
- 7. The name of the pesticide, if known;
- 8. The symptoms reported by the individual with pesticide illness;
- 9. Whether any laboratory tests were performed for the individual with pesticide illness and, if so, for each test:
  - a. The type of specimen collected;
  - b. The date the specimen was collected;
  - c. The type of test performed;
  - d. The results of the test, and
  - e. What results of the test would be considered normal;
- 10. A description of any treatment provided to the individual with pesticide illness;
- 11. On what basis the health care professional or medical director believes the individual has pesticide illness;
- 12. The name and telephone number of the health care professional or medical director who believes that the individual has pesticide illness;
- 13. The name and address of the health care institution or poison control center at which the health care professional or medical director determined that the individual may have pesticide illness; and
- 14. A description of the type of health care institution or poison control center specified in subsection (D)(13).

**E.** A health care professional or medical director, either personally or through a representative, shall submit the report required in subsection (A), (B), or (C):

- 1. By telephone;



2. In person;
3. In a document sent by fax, delivery service, or mail; or
4. Through an electronic reporting system authorized by the Department.

### ARTICLE 3. BLOOD LEAD LEVELS

#### R9-4-301. Definitions

In this Article, unless otherwise specified:

1. "Adult" means an individual 16 years of age or older.
2. "Child" means an individual younger than 16 years of age.
3. "Clinical laboratory" ~~has the same meaning as in A.R.S. § 36-451.~~
4. "Patient" means the individual whose blood has been tested for lead content.
4. "Point-of-care test for blood lead" means an analysis to screen an individual for exposure to lead:
  - a. That is performed outside a clinical laboratory, and
  - b. For which the results of the analysis are available before the individual leaves the location at which the analysis was performed.
5. "Public" ~~means funded by and operated under the direction of the federal or state government or a political subdivision of the state.~~
6. "Public insurance" ~~means a public program, such as the Arizona Health Care Cost Containment System, Kids Care, Indian Health Services, or TRICARE, that pays for medical services.]~~
7. "Whole blood" means human blood from which plasma, erythrocytes, leukocytes, and thrombocytes have not been separated.

#### R9-4-302. ~~Reporting Significant Blood Lead Levels~~ Level Reporting Requirements

- ~~A:~~ A physician who receives a laboratory result showing a level of lead equal to or greater than 10 micrograms of lead per deciliter of whole blood for a child or 25 micrograms of lead per deciliter of whole blood for an adult shall report the blood lead level to the Department as follows:
1. ~~The physician shall report the blood lead level within five working days from the date of receipt of the laboratory result if the blood lead level is less than 45 micrograms of lead per deciliter of whole blood for a child or less than 60 micrograms of lead per deciliter of whole blood for an adult.~~
  2. ~~The physician shall report the blood lead level within one working day from the date of receipt of the laboratory result if the blood lead level is equal to or greater than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 60 micrograms of lead per deciliter of whole blood for an adult.~~
  3. ~~A physician may designate a representative to make the report to the Department on behalf of the physician.~~
- ~~B:~~ A clinical laboratory director shall report to the Department the results of all tests for lead in whole blood as follows:
1. ~~The clinical laboratory director shall report the blood lead test result within five working days from the date of completing the test if the blood lead level is equal to or greater than 10 but less than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 25 but less than 60 micrograms of lead per deciliter of whole blood for an adult.~~
  2. ~~The clinical laboratory director shall report the blood lead test result within one working day from the date of completing the test if the blood lead level is equal to or greater than 45 micrograms of lead per deciliter of whole blood for a child or equal to or greater than 60 micrograms of lead per deciliter of whole blood for an adult.~~
  3. ~~The clinical laboratory director shall report blood test results that are less than 10 micrograms of lead per deciliter of whole blood for a child or less than 25 micrograms of lead per deciliter of whole blood for an adult at least once each month.~~
  4. ~~A clinical laboratory director may designate a representative to make the report to the Department on behalf of the clinical laboratory director.~~
- ~~C:~~ A physician or clinical laboratory director shall submit each report to the Department by telephone; in a writing sent by fax, delivery service, or mail; or by an electronic reporting system authorized by the Department.
- ~~D:~~ A report shall include the following information:
1. ~~The patient's name, address, and telephone number;~~
  2. ~~The patient's date of birth;~~
  3. ~~The patient's gender;~~
  4. ~~If the patient is an adult, the patient's occupation and the name, address, and telephone number of the patient's employer;~~
  5. ~~An indication of the patient's funding source and the specific health plan name, if applicable:~~
    - a. ~~Public insurance;~~
    - b. ~~Private insurance;~~
    - c. ~~Self pay;~~
    - d. ~~Workplace monitoring program;~~
    - e. ~~Other, or~~
    - f. ~~Unknown;~~
  6. ~~The type of blood draw used (venous or capillary);~~
  7. ~~The date the blood was drawn;~~
  8. ~~The blood lead level;~~
  9. ~~The date the blood lead level was received by the physician or determined by the laboratory;~~
  10. ~~The name, address, and telephone number of the laboratory that tested the blood; and~~
  11. ~~The name, practice name, address, and telephone number of the physician who ordered the test.~~
- A. For each patient, a physician shall submit a report to the Department, either personally or through a representative, for the levels of lead and within the time periods specified in Table 3.1.



Table 3.1. Criteria for Physician Reporting of Blood Lead Levels

	<b>Child</b>	<b>Adult</b>
<b><u>Within One Business Day After Performing a Point-of-Care Test for Blood Lead or Receiving the Result of a Test for Blood Lead from a Clinical Laboratory</u></b>	<u>&gt; 45 µg of lead per dL of whole blood</u>	<u>&gt; 60 µg of lead per dL of whole blood</u>
<b><u>Within Five Business Days After Performing a Point-of-Care Test for Blood Lead or Receiving the Result of a Test for Blood Lead from a Clinical Laboratory</u></b>	<u>&gt; 10 µg to &lt; 45 µg of lead per dL of whole blood</u>	<u>&gt; 25 µg to &lt; 60 µg of lead per dL of whole blood</u>
<b><u>At Least Once Each Month After Performing a Point-of-Care Test for Blood Lead</u></b>	<u>&lt; 10 µg of lead per dL of whole blood</u>	<u>&lt; 25 µg of lead per dL of whole blood</u>

- B.** A physician shall ensure that the report required in subsection (A) includes the following information:
1. The patient’s name, address, and telephone number;
  2. The patient’s date of birth;
  3. The patient’s gender, race, and ethnicity;
  4. If the patient is an adult, the patient’s occupation and the name, address, and telephone number of the patient’s employer;
  5. Whether the blood collected from the patient was venous blood or capillary blood;
  6. The date the blood was collected;
  7. The results of the blood lead level test;
  8. The date of the test result;
  9. If the test result indicates a blood lead level greater than or equal to 25 µg of lead per dL of whole blood for an adult or greater than or equal to 10 µg of lead per dL of whole blood for a child:
    - a. The funding source for the medical services provided to the patient and, if applicable, the name of the patient’s health plan and the identification number for the patient assigned by the health plan;
    - b. The language predominantly spoken in the patient’s home, if known; and
    - c. If the patient is a child, the name of the patient’s parent or guardian;
  10. The date the physician performed the point-of-care test for blood lead or received the test result from a clinical laboratory;
  11. If applicable, the name, address, and telephone number of the clinical laboratory that tested the blood; and
  12. The name, practice name, address, and telephone number of the physician who performed the point-of-care test for blood lead or received the test result from the clinical laboratory.
- C.** For each blood lead level test, a clinical laboratory director shall submit a report to the Department, either personally or through a representative, for the levels of lead and within the time periods specified in Table 3.2.

Table 3.2. Criteria for Clinical Laboratory Director Reporting of Blood Lead Levels

	<b>Child</b>	<b>Adult</b>
<b><u>Within One Business Day After Completing the Test</u></b>	<u>&gt; 45 µg of lead per dL of whole blood</u>	<u>&gt; 60 µg of lead per dL of whole blood</u>
<b><u>Within Five Business Days After Completing the Test</u></b>	<u>&gt; 10 µg to &lt; 45 µg of lead per dL of whole blood</u>	<u>&gt; 25 µg to &lt; 60 µg of lead per dL of whole blood</u>
<b><u>At Least Once Each Month</u></b>	<u>&lt; 10 µg of lead per dL of whole blood</u>	<u>&lt; 25 µg of lead per dL of whole blood</u>

- D.** A clinical laboratory director shall ensure that the report required in subsection (C) includes the following information:
1. The patient’s name, address, and telephone number;
  2. The patient’s date of birth;
  3. The patient’s gender, race, and ethnicity;
  4. If the patient is an adult, the patient’s occupation and the name, address, and telephone number of the patient’s employer if known;
  5. The name, practice name, address, and telephone number of the physician who ordered the test;
  6. If known, the funding source for the test for blood lead, the name of the patient’s health plan, and the identification number for the patient assigned by the health plan;
  7. Whether the blood collected from the patient was venous blood or capillary blood;
  8. The date the blood was collected;
  9. The results of the blood lead level test;
  10. The date of the test result;
  11. The name and address of the clinical laboratory that tested the blood; and
  12. The name and telephone number of the clinical laboratory director.
- E.** A physician or clinical laboratory director, either personally or through a representative, shall submit the report required in subsection (A) or (C):
1. By telephone;
  2. In person;
  3. In a document sent by fax, delivery service, or mail; or



4. Through an electronic reporting system authorized by the Department.

#### ARTICLE 4. CANCER REGISTRY

##### R9-4-401. Definitions

In this Article, unless otherwise specified:

1. ~~“Accession number” means a unique number, separate from a medical record number, assigned by a hospital’s cancer registry to a patient for identification purposes.~~
2. ~~“Admitted” means the same as in A.A.C. R9-10-201.~~
3. ~~1. “Analytic patient” means a patient, who is:
 
  - a. Diagnosed at a facility, or
  - b. Administered any part of a first course of treatment at the facility.~~
4. ~~“Basal cell” means a cell of the inner most layer of the skin.~~
5. ~~“Behavioral health service agency” means the same as “agency” in A.A.C. R9-20-101.~~
6. ~~“Business day” means any day of the week other than a Saturday, a Sunday, a legal holiday, or a day on which the Department is authorized or obligated by law or executive order to close.~~
7. ~~“Calendar day” means any day of the week, including a Saturday or a Sunday.~~
8. ~~2. “Calendar year” means January 1 through December 31.~~
9. ~~3. “Cancer” means a group of diseases characterized by uncontrolled cell growth and the spread of abnormal cells.~~
10. ~~4. “Cancer registry” means a unit within a hospital or clinic that collects, stores, summarizes, distributes, and maintains information specified in R9-4-403 about patients who:
 
  - a. Are admitted to the hospital;
  - b. Receive diagnostic evaluation at, or cancer-directed treatment from, the hospital or clinic; or
  - c. Show evidence of cancer, carcinoma in situ, or a benign tumor of the central nervous system while receiving treatment from the hospital or clinic.~~
11. ~~5. “Carcinoma” means a type of cancer that is characterized as a malignant tumor derived from epithelial tissue.~~
12. ~~6. “Carcinoma in situ” means a cancer that is confined to epithelial tissue within the site of origin.~~
13. ~~7. “Case report” means an electronic or paper document that includes the information in R9-4-403 for a patient.~~
14. ~~8. “Chemotherapy” means the treatment of cancer using specific chemical agents or drugs that are selectively destructive to malignant cells and tissues.~~
15. ~~9. “Clinic” means a facility that is not physically connected to or affiliated with a hospital, where a physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner provides cancer diagnosis, cancer treatment, or both, and that is:
 
  - a. An outpatient treatment center, as defined in A.A.C. R9-10-101;
  - b. An outpatient surgical center, as defined in A.A.C. R9-10-101; or
  - c. An outpatient radiation treatment center; or
  - d. A private office of one or more physicians, doctors of naturopathic medicine, dentists, or registered nurse practitioners that:
 
    - i. Is exempt from licensing under A.R.S. § 36-402(A)(3), and
    - ii. Treats 50 or more cancer patients per year.~~
16. ~~10. “Clinical evaluation” means an examination of the body of an individual for the presence of disease or injury to the body, and review of any laboratory test results for the individual by a physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner.~~
17. ~~11. “Clinical or pathological” means an analysis of evidence either acquired solely before a first course of treatment was initiated, or acquired both before a first course of treatment, and supplemented or modified by evidence acquired during and subsequent to surgery or other treatment.~~
18. ~~“Code” means a single number or letter, a set of numbers or letters, or a set of both numbers and letters, that represents specific information.~~
19. ~~12. “Cytology” means the microscopic examination of cells.~~
20. ~~13. “Date of first contact” means the day, month, and year a reporting facility first began to provide cancer-related medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, to a patient.~~
21. ~~14. “Date of last contact” means the day, month, and year that a reporting facility last knew a patient to be alive.~~
22. ~~15. “Designee” means a person assigned by the governing authority, as defined in A.R.S. § 36-401, of a hospital or clinic or by an individual acting on behalf of the governing authority to gather information for or report to the Department, as specified in R9-4-403 or R9-4-404.~~
23. ~~“Discharge” means the same as in A.A.C. R9-10-201.~~
24. ~~“Discharge date” means the month, day, and year when a patient is discharged from a hospital.~~
25. ~~“Disease progression” means the process of a disease becoming more severe or spreading from one area of a human body to another area of the human body.~~
26. ~~16. “Distant lymph node” means a lymph node that is not in the same general area of a human body as the primary site of a tumor.~~
27. ~~17. “Distant site” means an area of a human body that is not adjacent to or in the same general area of the human body as the primary site of a tumor.~~
28. ~~18. “Doctor of naturopathic medicine” means an individual licensed under A.R.S. Title 32, Chapter 14.~~
29. ~~“Electronic” means the same as in A.R.S. § 44-7002.~~
30. ~~19. “First course of treatment” means the initial set of cancer- or non-cancer-directed treatment that is planned when a cancer is diagnosed and administered to the patient before disease progression or recurrence when a cancer is diagnosed.~~
31. ~~20. “Follow-up report” means an electronic document that includes the information stated in R9-4-404(A)(2) for a patient.~~
32. ~~“Governing authority” means the same as in A.R.S. § 36-401.~~
33. ~~“Grade” means the degree of resemblance of a tumor to normal tissue, and gives an indication of the severity of the cancer.~~



- 34. ~~“Health care institution” means the same as in A.A.C. R9-10-101.~~
- 35. ~~“Histology” means the microscopic structure of cells, tissues, and organs in relation to their function.~~
- 36-21. ~~“Inpatient beds” means the same as in A.R.S. § 36-401.~~
- 37. ~~“Laterality” means the side of a paired organ or the side of the body in which the primary site of a tumor is located.~~
- 38-22. ~~“Licensed capacity” means the same as in A.R.S. § 36-401.~~
- 39-23. ~~“Lymph” means the clear, watery, sometimes faintly yellowish fluid that circulates throughout the lymphatic system.~~
- 40-24. ~~“Lymph node” means any of the small bodies located along lymphatic vessels, particularly at the neck, armpit, and groin, that filter bacteria and foreign particles from lymph.~~
- 41-25. ~~“Lymphatic system” means the organ system that consists of lymph, lymph nodes, and vessels or channels that contain and convey lymph throughout a human body.~~
- 42-26. ~~“Malignant” means an inherent tendency of a tumor to sequentially spread to areas of a human body beyond the site of origin.~~
- 43-27. ~~“Medical record number” means a unique number assigned by a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner to an individual for identification purposes.~~
- 44-28. ~~“Melanocyte” means a skin cell that makes melanin, which is a dark pigment.~~
- 45-29. ~~“Melanoma” means a dark-pigmented, malignant tumor arising from a melanocyte and occurring most commonly in the skin.~~
- 46-30. ~~“Metastasis” means the spread of a cancer from a primary site into a regional site or a distant site.~~
- 47-31. ~~“Narrative description” means a written text describing an act, occurrence, or course of events.~~
- 48-32. ~~“Organ” means a somewhat independent part of a human body, such as a heart or a kidney, that performs a specific function.~~
- 49-33. ~~“Organ system” means one or more organs and associated tissues that perform a specific function, such as the circulatory system.~~
- 50-34. ~~“Outpatient radiation treatment center” means a facility in which a person, licensed as specified in 12 A.A.C. 1, Article 7, regulated under 9 A.A.C. 7 that provides radiation treatment.~~
- 51. ~~“Papillary tumor” means a benign tumor of the skin producing finger-like projections from the skin surface.~~
- 52. ~~“Pathology laboratory” means a facility in which human cells or tissues are examined for the purpose of diagnosing cancer and that is licensed under 9 A.A.C. 10, Article 1.~~
- 53-35. ~~“Patient” means an individual who has been diagnosed with a cancer, carcinoma in situ, or benign tumor of the central nervous system;~~
  - a. ~~including Including melanoma;~~ but and
  - b. ~~excluding Excluding skin cancer that is:~~
    - a.i. ~~Confined Is confined~~ to the primary site; or
    - ii. ~~Was diagnosed after January 1, 2003.~~
  - b. ~~Present at regional sites or distant sites, but was diagnosed on or after January 1, 2003.~~
- 54-36. ~~“Primary site” means a specific organ or organ system within a human body where the first cancer tumor originated.~~
- 55-37. ~~“Principal diagnosis” means the primary condition for which an individual is admitted to a hospital or treated by the hospital.~~
- 56-38. ~~“Radiation treatment” means the exposure of a human body to a stream of particles or electromagnetic waves for the purpose of selectively destroying certain cells or tissues.~~
- 57-39. ~~“Reconstructive surgery” means a medical procedure that involves cutting into a body tissue or organ with instruments to repair damage or restore function to, or improve the shape and appearance of, a body structure that is missing, defective, damaged, or misshapen by cancer or cancer-directed therapies.~~
- 58. ~~“Recurrence” means the reappearance of a tumor after previous removal or treatment of the tumor, after a period in which the patient was believed to be free of cancer.~~
- 59-40. ~~“Reference date” means the date on which the hospital’s cancer registry began reporting patient information to the Department.~~
- 60-41. ~~“Regional lymph node” means a lymph node that is in the same general area of a human body as the primary site of a tumor.~~
- 61-42. ~~“Regional site” means an area of a human body that is adjacent to or in the same general area of the human body as the primary site of a tumor.~~
- 62. ~~“Registered nurse practitioner” means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601, and is licensed under A.R.S. Title 32, Chapter 15.~~
- 63. ~~“Rehabilitation services” means the same as in A.A.C. R9-10-201.~~
- 64-43. ~~“Release” means to transfer care of a patient from a hospital to a physician, a doctor of naturopathic medicine, a registered nurse practitioner, an outpatient treatment center, another hospital, the patient, the patient’s parent if the patient is under 18 years of age and unmarried, or the patient’s legal guardian.~~
- 65-44. ~~“Reporting facility” means a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner that submits a case report to the Department.~~
- 66-45. ~~“Secondary diagnosis” means all other diagnoses of an individual that may be related to cancer made after the principal diagnosis.~~
- 67. ~~“Sequence number” means a unique number assigned by a cancer registry to a specific cancer within the body of a patient.~~
- 68-46. ~~“Skin cancer” means cancer of any of the following types:~~
  - a. ~~Papillary tumor, a tumor of the skin producing finger-like projections from the skin surface;~~
  - b. ~~Squamous cell, a flat, scale-like skin cell that forms part of the surface of the skin;~~
  - c. ~~Basal cell, a cell of the inner-most layer of the skin; or~~
  - d. ~~Other carcinoma of the skin, where a specific diagnosis has not been determined.~~
- 69. ~~“Special hospital” means the same as in A.A.C. R9-10-201.~~
- 70. ~~“Squamous cell” means a flat, scale-like skin cell.~~
- 71-47. ~~“Stage group” means a scheme for categorizing a patient, based on the staging classification of the patient’s cancer, to enable a physician, doctor of naturopathic medicine, or registered nurse practitioner to provide better treatment and outcome information to the patient.~~



- ~~72-48.~~ “Staging classification” means the categorizing of a cancer according to the size and spread of a tumor from its primary site, based on an analysis of three basic components:
- a. The tumor at the primary site,
  - b. Regional lymph nodes, and
  - c. Metastasis.
- ~~73.~~ “Subsite” means a specific area within a primary site where a cancer tumor originated.
- ~~74.~~ “Substantiate stage” means a narrative describing the stage group of a cancer at the time of diagnosis.
- ~~75.~~ “Treatment” means the administration to a patient of medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401, that are intended to relieve illness or injury.
- ~~76-49.~~ “Tumor” means an abnormal growth of tissue resulting from uncontrolled multiplication of cells and serving no physiological function.
- ~~77.~~ “Usual industry” means the primary type of activity carried out by the business where a patient was employed for the most number of years of the patient’s working life before the diagnosis of cancer.
- ~~78.~~ “Usual occupation” means the kind of work performed during the most number of years of a patient’s working life before the diagnosis of cancer.
- ~~79.~~ “Working life” means that portion of a patient’s life during which the patient was employed for a salary or wages.

#### R9-4-402. Exceptions

This Article does not apply to a hospital that is a special hospital, as defined in A.A.C. R9-10-101, that:

1. ~~Licensed as a special hospital and a behavioral health service agency~~ Is only licensed to provide psychiatric services, or
2. ~~A special hospital that limits~~ Limits admission to individuals requiring rehabilitation services, as defined in A.A.C. R9-10-101.

#### R9-4-403. Case Reports

A. A physician, doctor of naturopathic medicine, dentist, registered nurse practitioner, or the designee of a clinic shall:

1. Prepare a case report in a format provided by the Department;
2. Include the following information in the case report:
  - a. The name, address, and telephone number of, or the identification number assigned by the Department to, the reporting facility;
  - b. The patient’s name, and, if applicable, the patient’s maiden name and any other name by which the patient is known;
  - c. The patient’s address at the date of last contact, and address at diagnosis of cancer;
  - d. The patient’s date of birth, Social Security number, sex, race, and ethnicity;
  - e. The date of first contact with the patient for the cancer being reported, as applicable;
  - f. ~~The patient’s usual industry and usual occupation, if~~ If the patient is an adult, the:
    - i. Primary type of activity carried out by the business where the patient was employed for the most number of years of the patient’s life before the diagnosis of cancer, and
    - ii. Kind of work performed by the patient for the most number of years of the patient’s life during which the patient was employed for a salary or wages before the diagnosis of cancer;
  - g. The patient’s medical record number, if ~~assigned~~ applicable;
  - h. The date of diagnosis of the cancer being reported;
  - i. If the diagnosis was not made at the reporting facility, the name and address of the facility at which the diagnosis was made;
  - j. The primary site and the specific subsite area within the primary site of ~~or for~~ the cancer being reported;
  - k. The following characteristics of the tumor size, histology, grade, and laterality at diagnosis:
    - i. Size;
    - ii. Histology, the microscopic structure of the tumor cells and surrounding tissues in relation to their function;
    - iii. Grade, the degree of resemblance of the tumor to normal tissue, as an indication of the severity of the cancer; and
    - iv. Laterality, the side of a paired organ or the side of the body in which the primary site of the tumor is located;
  - l. A code that describes the presence or absence of malignancy in a tumor;
  - m. Whether the cancer had spread from the primary site at the time of diagnosis and, if so, to where;
  - n. The extent to which the cancer has spread from the primary site;
  - o. A narrative description of the extent to which the cancer had spread at diagnosis, as applicable;
  - p. ~~Whether the diagnosis was made by histology, cytology, clinical evaluation, diagnostic x ray, or any other~~ The method or methods by which the diagnosis was made, or whether the method by which the diagnosis was made is unknown;
  - q. Whether the patient’s laboratory results show the presence of specific substances, derived from tumor tissue, whose detection in the blood, urine, or tissues of a human body indicates the presence of a specific type of tumor, if applicable;
  - r. Any other physiological symptoms or diagnostic criteria that may indicate the presence of a specific type of tumor, if applicable;
  - ~~r.s.~~ For each treatment the patient received, the type of treatment, date of treatment, and the name of the facility where the treatment was performed;
  - ~~r.t.~~ Whether any residual tumor cells were left at the edges of a surgical site, after surgery to remove a tumor at the primary site;
  - ~~r.u.~~ Whether the patient is alive or dead, including:
    - i. ~~the~~ The date of last contact if the patient is alive, and
    - ii. ~~the~~ The date, ~~place, and cause~~ of death if the patient is dead;
  - ~~r.v.~~ Whether or not the patient has evidence of a current cancer, carcinoma in situ, or benign tumor of the central nervous system as of the date of last contact or death, or whether this information is unknown;
  - ~~r.w.~~ The name of the physician, nurse practitioner, or doctor of naturopathic medicine providing medical services, ~~as defined in A.R.S. § 36-401,~~ to the patient;



- v. ~~The name of the individual or the code that identifies the individual completing the case report;~~
  - w. ~~The date the case report was completed; and~~
  - x. Whether the patient has a history of other cancers, and if so, identification of the primary site and the date the other cancer was diagnosed; and
3. Use codes and a coding format supplied by the Department for data items specified in subsection (A)(2) that require codes on the case report.
- B. The cancer registry of a hospital ~~with a licensed capacity of fewer than 50 inpatient beds that reports as specified in R9-4-404(A) and the cancer registry of a hospital with a licensed capacity of 50 or more inpatient beds shall:~~
1. Prepare a case report in a format provided by the Department;
  2. Include the information specified in subsection (A) and the following information ~~on~~ in the case report:
    - a. ~~The patient's unique accession number, separate from a medical record number, that was assigned by the hospital's cancer registry to the patient for identification purposes;~~
    - b. ~~The unique sequence number assigned by the cancer registry to the specific cancer within the body of the patient being reported;~~
    - c. ~~The date the patient was admitted to the hospital for diagnostic evaluation, cancer-directed treatment, or evidence of cancer, carcinoma in situ, or a benign tumor of the central nervous system, if applicable;~~
    - d. ~~The date the patient was discharged from the hospital after the patient received diagnostic evaluation or treatment at the hospital, if applicable;~~
    - e. ~~The source of payment for diagnosis or treatment of cancer, or both;~~
    - f. ~~The level of the facility's involvement in the diagnosis or treatment, or both, of the patient for cancer;~~
    - g. ~~The year in which the hospital first provided diagnosis or treatment to the patient for the cancer being reported;~~
    - h. ~~The patient's county of residence at diagnosis of cancer;~~
    - i. ~~The patient's marital status and age at diagnosis of cancer, place of birth, and, if applicable, name of the patient's spouse;~~
    - j. ~~If the patient is under 18 years of age and unmarried, the name of the patient's parent or legal guardian;~~
    - ~~k. The patient's religious preference, if applicable;~~
    - ~~l. Whether the patient's laboratory results show the presence of specific substances known as Tumor Marker 1 and Tumor Marker 2, which are derived from tumor tissue, and whose detection in the blood of a human body indicates the presence of a specific type of tumor;~~
    - ~~m-k.~~ A narrative description of how the cancer was diagnosed, including a description of the primary site and the microscopic structure of the tumor cells and surrounding tissues;
    - ~~n-l.~~ The number of regional lymph nodes examined and the number in which evidence of cancer was detected;
    - ~~o-m.~~ The clinical, ~~or~~ pathological, ~~or~~ other staging classification, based on the analysis of tumor, lymph node, and metastasis;
    - ~~p-n.~~ The patient's clinical, ~~or~~ pathological, ~~or~~ other stage group;
    - ~~o-o.~~ The occupation of If the cancer was diagnosed before 2018, the individual code for the person who determined the clinical ~~or~~ pathological stage group of the patient;
    - ~~r-p.~~ A narrative description of the clinical evaluation of x-ray diagnostic films and scans of the patient, and the dates of the films or scans;
    - ~~s-q.~~ A narrative description of laboratory tests performed for the patient, including the date, type, and results of any of the patient's laboratory tests;
    - ~~t-r.~~ A narrative description of the results of the patient's clinical evaluation;
    - ~~u-s.~~ The procedures used by the reporting facility to obtain a diagnosis and staging classification, including:
      - ~~i. the The~~ i. the The dates on which the procedures were performed; and
      - ~~ii. the The~~ ii. the The name of the facilities where the procedures were performed, if different from the reporting facility;
    - ~~v-t.~~ A narrative description of any cancer-related surgery on the patient, including the:
      - ~~i. date~~ i. date Date of surgery;
      - ~~ii. name~~ ii. name Name of the facility where the surgery was performed, if different from the reporting facility; and
      - ~~iii. type~~ iii. type Type of surgery;
    - ~~w-u.~~ The code associated with the type of surgery performed on the patient and the date of surgery;
    - ~~x-v.~~ The codes associated with the:
      - ~~i. Surgical approach;~~
      - ~~ii-i.~~ ii-i. Extent of lymph node surgery;
      - ~~iii-ii.~~ iii-ii. Number of lymph nodes removed;
      - ~~iv-iii.~~ iv-iii. Surgery of regional sites, distant sites, or distant lymph nodes; and
      - ~~v-iv.~~ v-iv. Reason for no surgery or that surgery was performed;
    - ~~y-w.~~ Whether reconstructive surgery on the patient was performed as a first course of treatment, delayed, or not performed;
    - ~~z-x.~~ A narrative description of cancer-related radiation treatment administered to the patient, including the:
      - ~~i. date~~ i. date Date of radiation treatment;
      - ~~ii. name~~ ii. name Name of the facility where the radiation treatment was performed, if different from the reporting facility; and
      - ~~iii. type~~ iii. type Type of radiation;
    - ~~y.~~ As applicable, the code specifying that radiation treatment was administered or associated with the reason for no radiation treatment;
    - ~~aa-z.~~ The code associated with the type of radiation treatment administered to the patient and the date of radiation treatment;
    - ~~bb-aa.~~ A narrative description of cancer-related chemotherapy administered to the patient, including the:
      - ~~i. date~~ i. date Date of cancer-related chemotherapy;
      - ~~ii. name~~ ii. name Name of the facility that administered the chemotherapy, if different from the reporting facility; and
      - ~~iii. type~~ iii. type Type of chemotherapy;



- ~~ee.bb.~~ The code associated with the type of chemotherapy administered to the patient and the date of chemotherapy;
  - ~~dd.~~ If the patient's treatment included both surgery and radiation treatment, the sequence of the two treatments;
  - ~~cc.~~ The code associated with any other types of cancer- or non-cancer-directed first course of treatment, not otherwise coded on the case report for the patient, including:
    - ~~i.~~ Hormone therapy, immunotherapy, hematologic transplant, or endocrine procedures administered to the patient;
    - ~~ii.~~ Additional surgery, radiation, or chemotherapy administered to the patient; or
    - ~~iii.~~ Other treatment administered to the patient;
  - ~~ee.dd.~~ If applicable, a narrative description of any other types of cancer or non-cancer-directed first course of treatment, ~~not otherwise coded on the case report for the patient,~~ including:
    - ~~i.~~ Additional surgery, chemotherapy, radiation, or other treatment, administered to the patient;
    - ~~ii.~~ The dates of the treatment;
    - ~~iii.~~ The names of the facilities where the treatment was performed, if different from the reporting facility; and
    - ~~iv.~~ The type of treatment;
  - ~~ff.~~ If additional cancer of the type diagnosed at the primary site is found after cancer-directed treatment, the date and location of the additional cancer, and whether the additional cancer was found at the primary site, a regional site, or a distant site;
  - ~~ee.~~ If the patient's treatment included both surgery and another type of treatment, the sequence of the two treatments;
  - ~~ff.~~ The code for the status of the patient's treatment, including whether the patient received any treatment or the tumor was being actively observed and monitored;
  - ~~gg.~~ The code for whether the patient has had a reappearance of a cancer, carcinoma in situ, or benign tumor of the central nervous system, and, if additional cancer of the type diagnosed at the primary site is found after cancer-directed treatment:
    - ~~i.~~ The date of the reappearance; and
    - ~~ii.~~ A narrative description of the nature of the reappearance, including whether the additional cancer was found at the primary site, a regional site, or a distant site;
  - ~~gg.~~ ~~hh.~~ If the patient has died, the place and cause of death and whether an autopsy was performed; ~~and~~
    - ~~ii.~~ The name of the individual or the code that identifies the individual completing the case report;
  - ~~hh.~~ ~~jj.~~ The type of records used by the reporting facility to complete the case report;
  - ~~kk.~~ If applicable, a code that indicates the reason for a required date not to be included in the case report required in subsection (B)(1); and
  - ~~ll.~~ If applicable, a code that indicates that an apparently inconsistent code has been reviewed and is correct; and
3. Use codes and coding format supplied by the Department for data items specified in subsection (B)(2) that require codes in the case report.

#### **R9-4-404. Requirements for Submitting Case Reports and Follow-up Reports and Allowing Review of Hospital Records**

- A. The cancer registry of a hospital with a licensed capacity of 50 or more inpatient beds shall ensure that:
1. An electronic case report, prepared according to R9-4-403(B), is submitted to the Department within 180 calendar days ~~from~~ after the date a patient is first released from the hospital; ~~and~~
  2. ~~An electronic follow-up report, including a change of patient address, if applicable, a summary of additional first course of treatment, if applicable, and the information in R9-4-403(A)(2)(q), (s), (t), and (u) and R9-4-403(B)(2)(gg), is submitted to the Department at least annually for:~~
    - ~~a.~~ All living analytic patients in the hospital's cancer registry database, and
    - ~~b.~~ All analytic patients in the hospital's cancer registry database who have died since the last follow-up report.
  2. An electronic follow-up report, for correcting information previously submitted according to R9-4-403(A)(2)(j) through (l), or (B)(2)(a), (b), (m), (n), or (w), is submitted to the Department:
    - a. Within 30 calendar days after identifying the correct information and at least annually,
    - b. For all patients for whom applicable corrected information is obtained,
    - c. That includes patient identifying information and the information to be corrected, and
    - d. In a format provided by the Department; and
  3. An electronic follow-up report for analytic patients, in a format provided by the Department:
    - a. Is submitted to the Department at least annually for:
      - i. All living analytic patients in the hospital's cancer registry database, and
      - ii. All analytic patients in the hospital's cancer registry database who have died since the last follow-up report; and
    - b. Includes, as applicable:
      - i. A change of patient address;
      - ii. A summary of additional first course of treatment; and
      - iii. The information in R9-4-403(A)(2)(s), (u), (v), and (w) and R9-4-403(B)(2)(gg).
- B. The cancer registry or other designee of a hospital with a licensed capacity of fewer than 50 inpatient beds shall either report as specified in subsection (A), or shall at least once every six months:
1. Prepare and submit ~~a written report~~ to the Department, in a format provided by the Department:
    - ~~a.~~ For all individuals:
      - ~~i.~~ Released by the hospital since the last report was prepared, and
      - ~~ii.~~ Whose medical records include ~~ICD-9-CM diagnosis codes~~ ICD Codes specified in a list provided to the hospital by the Department;
    - ~~b.~~ Containing ICD-9-CM diagnosis codes that are arranged in numeric order, and
  - ~~e-b.~~ Including the The following information associated with for each ICD-9-CM diagnosis code individual:
    - i. The individual's medical record number assigned by the hospital,
    - ii. The individual's age date of birth,
    - iii. The individual's admission and discharge dates,



- ~~iv.~~ All applicable ICD Codes for the individual that are in the list in subsection (B)(1)(a)(ii), and
- ~~iv.v.~~ Whether the diagnosis code ICD Code reflects the individual’s principal or secondary diagnosis, and
- 2. Allow the Department to review the records listed in R9-4-405(A) to obtain the information specified in R9-4-403 about a patient.
- C. If the designee of a clinic submitted 100 or more case reports to the Department in the previous calendar year or expects to submit 100 or more case reports in the current calendar year, the designee of the clinic shall:
  - 1. ~~Submit to the Department~~ Submit to the Department a case report, ~~prepared according to R9-4-403(A), to the Department~~ for each patient who is not referred by the clinic to a hospital for the first course of treatment; and
  - 2. Ensure that the case report in subsection (C)(1) is submitted in electronic format within 90 calendar days ~~of~~ after:
    - a. Initiation of treatment of the patient at the clinic; or
    - b. Diagnosis of cancer in the patient, if the clinic did not provide treatment and did not refer to a hospital for the first course of treatment.
- D. If the designee of a clinic submitted fewer than 100 case reports to the Department in the previous calendar year and expects to submit fewer than 100 case reports in the current calendar year, the designee of the clinic shall ~~submit to the Department~~ submit to the Department an electronic or paper case report, ~~prepared according to R9-4-403(A), to the Department~~ for each patient, within 30 calendar days ~~from~~ after the date of diagnosis of cancer in the patient, if the clinic:
  - 1. ~~Diagnoses cancer in the patient without a pathology report from a pathology laboratory, and~~
  - 2. ~~Does not refer the patient to a hospital for the first course of treatment.~~
- E. A physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner who diagnoses cancer in or provides treatment for cancer for fewer than 50 patients per year shall submit an electronic or paper case report to the Department for each patient, within 30 calendar days ~~from~~ after the date of diagnosis of cancer in the patient, if the physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner:
  - ~~1. Diagnoses cancer in the patient without a pathology report from a pathology laboratory, and~~
  - ~~2. Does not refer the patient to a hospital or clinic for the first course of treatment.~~
- F. A clinic, physician, dentist, registered nurse practitioner, or doctor of naturopathic medicine that receives a letter from the Department, requesting any of the information specified in R9-4-403 about a patient, shall provide to the Department the requested information on the patient within 15 business days ~~from~~ after the date of the request.
- G. A clinic, physician, dentist, registered nurse practitioner, or doctor of naturopathic medicine that receives a letter from a hospital, requesting any of the information specified in R9-4-403 about a patient, shall provide to the hospital the requested information on the patient within 15 business days ~~from~~ after the date of the request.
- H. A pathology laboratory shall:
  - ~~1. Allow the Department to review pathology reports at least once every 90 calendar days, to obtain the information specified in R9-4-403; and~~
  - ~~2.1. Provide~~ At least once every 90 calendar days, provide to the Department electronic copies, in electronic or written format, of pathology reports of patients; and
  - 2. Include in a pathology report the following information:
    - a. The patient’s name, address, and telephone number;
    - b. The patient’s date of birth;
    - c. The patient’s gender, race, and ethnicity;
    - d. Clinical information about the patient, if available;
    - e. The type of tissue collected;
    - f. The procedure by which the tissue was collected;
    - g. The date the tissue was collected;
    - h. The code number assigned by the clinical laboratory to the tissue collected for pathological analysis;
    - i. The results of the pathological analysis of the tissue, including the pathologist’s interpretation of the results;
    - j. The date of the results;
    - k. The name, practice name, address, and telephone number of the physician who ordered the pathological analysis of the tissue;
    - l. The name and address of the clinical laboratory that performed the pathological analysis of the tissue; and
    - m. The name and telephone number of the clinical laboratory director.

**R9-4-405. Data Quality Assurance**

- A. To ensure completeness and accuracy of cancer reporting:
  - 1. ~~upon~~ Upon notice from the Department of at least five business days, a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner required to report under R9-4-404 shall allow the Department to review any of the following records, as are applicable to the facility:
    - ~~1-a.~~ A report meeting the requirements of R9-4-404(B)(1);
    - ~~2-b.~~ Patient medical records;
    - ~~3-c.~~ Medical records of individuals not diagnosed with cancer;
    - ~~4-d.~~ Pathology reports;
    - ~~5-e.~~ Cytology reports;
    - ~~6-f.~~ Logs containing information about surgical procedures, as specified in A.A.C. ~~R9-10-214(A)(6)~~ R9-10-215(6) or A.A.C. ~~R9-10-1709(A)~~ R9-10-911(A); and
    - ~~7-g.~~ Records other than those specified in subsections ~~(A)(1) through (A)(6)~~ (A)(1)(a) through (f) that contain information about diagnostic evaluation, cancer-directed treatment, or other treatment provided to an individual by the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner;



2. Within 14 calendar days after the Department's request, a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner required to report under R9-4-404 shall submit the following information about patients who were diagnosed with cancer or received treatment for cancer within the time period specified in the Department's request whose medical records include ICD Codes specified in a list provided by the Department:
    - a. The individual's name and date of birth.
    - b. The individual's medical record number.
    - c. The individual's admission and discharge dates.
    - d. All applicable codes for the individual that are in the list provided by the Department, and
    - e. Whether the code reflects the individual's principal or secondary diagnosis; and
  3. Within 14 calendar days after the Department's request, a hospital shall resubmit all of the information required in R9-4-403(B)(2) for patients first released from the hospital within the time period specified in the Department's request.
- B.** The Department shall consider a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner required to report under R9-4-404 as meeting the criteria in R9-4-404 if the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner submits a case report to the Department for at least 97% of the patients for whom a case report is required under R9-4-404 during a calendar year.
- C.** The Department shall consider a hospital required to report under ~~R9-4-404(A)(2)~~ R9-4-404(A)(3) as meeting the criteria in ~~R9-4-404(A)(2)~~ R9-4-404(A)(3) if the hospital submits a follow-up report specified in ~~R9-4-404(A)(2)~~ R9-4-404(A)(3) to the Department once each calendar year for at least:
1. Eighty percent of all analytic patients from the hospital's reference date; and
  2. Ninety percent of all analytic patients diagnosed within the last five years or from the hospital's reference date, whichever is shorter.
- D.** The Department shall return a case report not prepared according to R9-4-403 to the hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner that submitted the case report, identifying the revisions that are needed in the case report.
- E.** ~~The~~ Upon receiving a case report returned under subsection (D), a hospital, clinic, physician, doctor of naturopathic medicine, dentist, or registered nurse practitioner shall submit the revised case report to the Department within 15 business days ~~from~~ after the date the Department requests the revision.
- F.** Upon written request by the Department, a hospital shall:
1. ~~prepare~~ Prepare a case report based on a simulated medical record provided by the Department for the purpose of demonstrating the variability with which data is reported. ~~The hospital shall return, and~~
  2. Submit the case report to the Department within 15 business days ~~from~~ after the date of the request.

## ARTICLE 5. BIRTH DEFECTS MONITORING PROGRAM

### R9-4-501. Definitions

In this Article, unless otherwise specified:

1. ~~"Admitted"~~ means the same as in A.A.C. R9-10-201.
2. ~~1.~~ "Birth defect" means an abnormality:
  - a. Of body structure, function, or chemistry, or of chromosomal structure or composition;
  - b. That is present at or before birth; and
  - c. That may be diagnosed before or at birth, or later in life.
3. ~~"Business day"~~ means any day of the week other than a Saturday, a Sunday, a legal holiday, or a day on which the Department is authorized or obligated by law or executive order to close.
4. ~~"Calendar day"~~ means any day of the week, including a Saturday or a Sunday.
5. ~~2.~~ "Clinic" means:
  - a. A person under contract or subcontract with ~~CRS~~ the Arizona Health Care Cost Containment System to provide the medical services specified in ~~9 A.A.C. 7, Article 4 9 A.A.C. 22, Article 13;~~
  - b. An outpatient treatment center, as defined in A.A.C. R9-10-101; ~~or;~~
  - c. An outpatient surgical center, as defined in A.A.C. R9-10-101;
  - d. An abortion clinic, as defined in A.R.S. § 36-449.01; or
  - e. A birth center, as defined in A.A.C. R9-13-201.
6. ~~3.~~ "Clinical evaluation" means an examination of the body of an individual and review of the individual's laboratory test results to determine the presence or absence of a medical condition that may be related to a birth defect.
7. ~~"Clinical laboratory"~~ means a facility that:
  - a. ~~Meets the definition in A.R.S. § 36-451;~~
  - b. ~~Is operated, licensed, or certified by the U.S. government; and~~
  - c. ~~Is located within Arizona.~~
8. ~~"Code"~~ means a single number or letter, a set of numbers or letters, or a set of both numbers and letters, that represents specific information.
9. ~~4.~~ "Conception" means the formation of an entity by the union of a human sperm and ovum, resulting in a pregnancy.
10. ~~5.~~ "Co-twin" means a sibling of a patient, who was born to the same mother as the patient and as a result of the same pregnancy as the patient.
11. ~~"CRS"~~ means the Children's Rehabilitative Services program, established within the Department as specified in A.R.S. Title 36, Chapter 2, Article 3.
12. ~~6.~~ "Date of first contact" means the day, month, and year a physician, clinic, or other person specified in R9-4-503(A) first began to provide medical services, nursing services, or health-related services to a patient or the patient's mother.
13. ~~7.~~ "Date of last contact" means the day, month, and year:



- a. Of a patient’s death; or
  - b. That a physician, clinic, or other person specified in R9-4-503(A) last clinically evaluated, diagnosed, or provided treatment to a patient or the patient's mother.
- 14.8. ~~“Designee” means an individual assigned by the governing power of a hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility or by another individual acting on behalf of the governing power to gather information for or report to the Department, as specified in R9-4-502, R9-4-503, or R9-4-504.~~
15. ~~“Discharge” means the same as in A.A.C. R9-10-201.~~
16. ~~“Discharge date” means the month, day, and year of an individual’s discharge from a hospital.~~
17. ~~“Electronic” means the same as in A.R.S. § 44-7002.~~
18. ~~“Enrolled” means approved to receive services specified in 9 A.A.C. Chapter 7 from CRS.~~
- 19.9. ~~“Estimated date of confinement” means an approximation of the date on which a woman will give birth, based on the clinical evaluation of the woman.~~
- 20.10. ~~“Estimated gestational age” means an approximation of the duration of a pregnancy, based on the date of the last menstrual period of the pregnant woman.~~
- 21.11. ~~“Facility” means a building and associated personnel and equipment that perform or are used in connection with performing a particular service or activity.~~
- 22.12. ~~“Family medical history” means an account of past and present illnesses or diseases experienced by individuals who are biologically related to a patient.~~
23. ~~“Follow up services” means activities intended to assist the parent or guardian of a patient who has a birth defect to:~~
- a. ~~Learn about the birth defect and, if applicable, how the birth defect may be prevented; or~~
  - b. ~~Obtain applicable medical services, nursing services, health-related services, or support services.~~
24. ~~“Genetic condition” means a disease or other abnormal state present at birth or before birth, as a result of an alteration of DNA, that impairs normal physiological functioning of a human body.~~
- 25.13. ~~“Genetic testing facility” means an organization, institution, corporation, partnership, business, or entity that conducts tests to detect, analyze, or diagnose a genetic condition disease or other abnormal state present at birth or before birth, as a result of an alteration of DNA, that may impair normal physiological functioning in an individual, including an evaluation to determine the structure of an individual’s chromosomes.~~
- 26.14. ~~“Governing power” means the individual, agency, group, or corporation appointed, elected, or otherwise designated, in which the ultimate responsibility and authority for the conduct of a hospital, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility are vested.~~
27. ~~“Guardian” means an individual appointed as a legal guardian by a court of competent jurisdiction.~~
28. ~~“Health related services” means the same as in A.R.S. § 36-401.~~
- 29.15. ~~“High-risk perinatal practice” means a clinic or physician that routinely provides medical services prenatally to a patient or a patient’s mother with perinatal risk factors to prevent, clinically evaluate, diagnose, or treat the patient for a possible birth defect.~~
- 30.16. ~~“Log” means a chronological list of individuals for or on whom medical services, nursing services, or health-related services were provided by a designated unit of a hospital or by another person specified in R9-4-503(A).~~
- 31.17. ~~“Medical condition” means a disease, injury, other abnormal physiological state, or pregnancy.~~
32. ~~“Medical records” means the same as in A.R.S. § 12-2291.~~
- 33.18. ~~“Medical record number” means a unique number assigned by a hospital, clinic, physician, or registered nurse practitioner to an individual for identification purposes.~~
34. ~~“Medical services” means the same as in A.R.S. § 36-401.~~
- 35.19. ~~“Midwife” means an individual licensed under A.R.S. Title 36, Chapter 6, Article 7, or certified under A.R.S. Title 32, Chapter 15.~~
- 36.20. ~~“Mother” means the woman:~~
- a. ~~Who is pregnant with or gives birth to a patient, or~~
  - b. ~~From whose fertilized egg a patient develops.~~
- 37.21. ~~“Multiple gestation” means a pregnancy in which a patient is not the only fetus carried in a mother’s womb.~~
38. ~~“Nursing services” means the same as in A.R.S. § 36-401.~~
39. ~~“Ordered” means instructed by a physician, registered nurse practitioner, or physician assistant to perform a test on an individual.~~
40. ~~“Parent” means the:~~
- a. ~~Biological or adoptive father of an individual; or~~
  - b. ~~Woman who:~~
    - i. ~~Is the mother of an individual; or~~
    - ii. ~~Adopts an individual.~~
41. ~~“Pathology laboratory” means a facility in which human cells, body fluids, or tissues are examined for the purpose of diagnosing diseases and that is licensed under 9 A.A.C. 10, Article 1.~~
- 42.22. ~~“Patient” means an individual, regardless of current age:~~
- a. ~~Who, from conception to one year of age, was clinically evaluated for a possible birth defect or a medical condition that may be related to a birth defect:~~
    - i. ~~By a physician, midwife, registered nurse practitioner, or physician assistant; or~~
      - (1) ~~A physician;~~
      - (2) ~~A midwife;~~
      - (3) ~~A registered nurse practitioner, or~~
      - (4) ~~A physician assistant; or~~
    - ii. ~~At a hospital or clinic;~~



- b. Whose mother was clinically evaluated during her pregnancy with the individual:
    - i. For a medical condition that may be related to a possible birth defect, and
    - ii. By an individual or facility specified in subsection ~~(42)(a)~~ (22)(a);
  - c. Who, from conception to one year of age, was tested by a genetic testing facility or other clinical laboratory;
  - d. Whose mother was tested during her pregnancy with the individual by a:
    - i. Genetic testing facility or other clinical laboratory, or
    - ii. Prenatal diagnostic facility; ~~or~~
  - e. Who, from conception to one year of age, was provided treatment or whose mother during her pregnancy with the individual was provided treatment by a hospital, clinic, physician, registered nurse practitioner, or other person specified in R9-4-503(A) for a medical condition that may be related to a possible birth defect; ~~or~~
  - f. Who has received a diagnosis of having a medical condition that may be related to a birth defect.
- ~~43-23.~~ "Perinatal risk factor" means a situation or circumstance that may increase the chance of an individual being born with a birth defect, such as:
- a. A family medical history of birth defects or other medical conditions;
  - b. The exposure of the individual or the individual's mother or biological father to radiation, medicines, chemicals, or diseases before the individual's birth; or
  - c. An abnormal result of a test performed for the individual or the individual's mother by a prenatal diagnostic facility or clinical laboratory, including a genetic testing facility.
- ~~44.~~ "Physician assistant" means an individual licensed under A.R.S. Title 32, Chapter 25.
- ~~45-24.~~ "Prenatal diagnostic facility" means an organization, institution, corporation, partnership, business, or entity that conducts diagnostic ultrasound or other medical procedures that may diagnose a birth defect in a human being.
- ~~46-25.~~ "Principal diagnosis" means the primary reason for which an individual is:
- a. Admitted to a hospital;
  - b. Treated by a hospital, clinic, midwife, physician, registered nurse practitioner, or physician assistant; or
  - c. Tested by a genetic testing facility or prenatal diagnostic facility.
- ~~47-26.~~ "Procedure" means a set of activities performed on a patient or the mother of a patient that:
- a. Are invasive;
  - b. Are intended to diagnose or treat a disease, illness, or injury;
  - c. Involve a risk to the patient or patient's mother from the activities themselves or from anesthesia; and
  - d. Require the individual performing the set of activities to be trained in the set of activities.
- ~~48-27.~~ "Refer" means to provide direction to an individual or the individual's parent or guardian to obtain medical services or a test for assessment, diagnosis, or treatment of a birth defect or other medical condition.
- ~~49.~~ "Registered nurse practitioner" means an individual who meets the definition of registered nurse practitioner in A.R.S. § 32-1601, and is licensed under A.R.S. Title 32, Chapter 15.
- ~~50-28.~~ "Routinely" means occurring in the regular or customary course of business.
- ~~51-29.~~ "Secondary diagnosis" means all other diagnoses that may be related to a birth defect for an individual besides the principal diagnosis.
- ~~52-30.~~ "Singleton gestation" means a pregnancy in which a patient is the only fetus carried in a mother's womb.
- ~~53-31.~~ "Support services" means activities, not related to the diagnosis or treatment of a birth defect, intended to maintain or improve the physical, mental, or psychosocial capabilities of a patient or those individuals biologically or legally related to the patient.
- ~~54-32.~~ "Surgical procedure" means making an incision into an individual's body for the:
- a. Correction of a deformity or defect,
  - b. Repair of an injury,
  - c. Excision of a part of the individual's body, or
  - d. Diagnosis, amelioration, or cure of a disease.
- ~~55-33.~~ "Test" means:
- a. An analysis performed on body fluid, tissue, or excretion by a genetic testing facility or other clinical laboratory to evaluate for the presence or absence of a disease; or
  - b. A procedure performed on the body of a patient or the patient's mother that may be used to evaluate for the presence or absence of a birth defect.
- ~~56-34.~~ "Transfer" means for a hospital to discharge a patient or the patient's mother and send the patient or the patient's mother to another hospital for inpatient medical services without the intent that the patient or the patient's mother will return to the sending hospital.
- ~~57-35.~~ "Treatment" means the same as in A.A.C. R9-10-101.
- ~~58-36.~~ "Unit" means an area of a hospital designated to provide an organized service, as defined in A.A.C. R9-10-201.

#### **R9-4-502. Reporting Sources; Information Submitted to the Department**

- A. The designee of a hospital shall:
1. Upon the request of the Department and no more often than once per month, prepare ~~Prepare~~ a written report, ~~each month~~ in a format specified by the Department, identifying all individuals:
    - a. Who are patients or the mothers of patients; and
    - b. Whose:
      - i. Discharge date is within the month time period for which the report is being prepared, as specified in subsection (A)(2)(d); and
      - ii. Medical ~~record includes~~ records include for the principal diagnosis, a secondary diagnosis, or a procedure performed on the individual, an ~~ICD-9-CM~~ ICD Code for a diagnosis or a procedure code specified in a list provided to the hospital by the Department;



- 2. Include the following information in the report specified in subsection (A)(1):
  - a. The name, address, and telephone number of the hospital, or the identification number assigned by the Department to the hospital;
  - b. The name, ~~and~~ telephone number, and e-mail address of the designee of the hospital;
  - c. The date the report was completed;
  - d. The ~~month~~ time period for which the report is being prepared; and
  - e. For each patient or the mother of the patient:
    - i. The patient's or mother's medical record number;
    - ii. The name of the patient or patient's mother, if available, and, if applicable, any other name by which the patient or patient's mother is known;
    - iii. ~~The race and ethnicity of the patient or patient's mother;~~
    - iv. ~~The patient's gender and date of birth, if applicable;~~
    - v. ~~The admission and discharge dates;~~
    - vi. ~~The principal and secondary diagnoses or the ICD-9-CM diagnosis codes~~ ICD Codes for the principal and secondary diagnoses for the patient or patient's mother; and
    - vii. ~~The procedure codes for procedures provided to the patient or patient's mother; and~~
- 3. Submit the report specified in subsection (A)(1) to the Department, in a format specified by the Department, within 30 calendar days after the ~~end of the month for which the report is being prepared~~ Department's request.

**B. The designee of a high-risk perinatal practice shall:**

- 1. Prepare a written report each month in a format specified by the Department for all individuals:
  - a. ~~Who are patients or the mothers of patients; and~~
  - b. ~~Whose:~~
    - i. ~~Date of last contact is within the month for which the report is being prepared, as specified in subsection (B)(2)(d); and~~
    - ii. ~~Medical record includes a principal or secondary diagnosis specified in a list provided to the high-risk perinatal practice by the Department;~~
- 2. Include the following information in the report specified in subsection (B)(1):
  - a. ~~The name, address, and telephone number of the high-risk perinatal practice, or the identification number assigned by the Department to the high-risk perinatal practice;~~
  - b. ~~The name and telephone number of the designee of the high-risk perinatal practice;~~
  - c. ~~The date the report was completed;~~
  - d. ~~The month for which the report is being prepared; and~~
  - e. For each patient or the mother of the patient:
    - i. ~~The patient's or mother's medical record number, if assigned;~~
    - ii. ~~The mother's name;~~
    - iii. ~~The mother's date of birth;~~
    - iv. ~~The mother's estimated date of confinement;~~
    - v. ~~The patient's gender, if known;~~
    - vi. ~~Whether the patient is from a singleton or multiple gestation;~~
    - vii. ~~The location and date of the patient's birth, if known;~~
    - viii. ~~Whether the patient was born alive or dead, if known;~~
    - ix. ~~The date of last contact with the mother;~~
    - x. ~~The principal and secondary diagnoses for the patient or the patient's mother; and~~
    - xi. ~~If the principal and secondary diagnoses for the patient were made before the patient's birth, whether the principal and secondary diagnoses were confirmed at birth; and~~
- 3. ~~Submit the report specified in subsection (B)(1) to the Department, in a format specified by the Department, within 30 calendar days after the end of the month for which the report is being prepared.~~

**B. The designee of a prenatal diagnostic facility, high-risk perinatal practice, or clinic shall:**

- 1. Upon the request of the Department and no more often than once per month, prepare a report, in a format specified by the Department, identifying all individuals:
  - a. For whom a specified test was conducted, with test results indicating a diagnosis in a list provided by the Department; or
  - b. Whose medical records include a principal diagnosis or secondary diagnosis specified in a list provided by the Department;
- 2. Include the following information in the report specified in subsection (B)(1):
  - a. Either:
    - i. The name, address, and telephone number of the prenatal diagnostic facility, high-risk perinatal practice, or clinic; or
    - ii. The identification number assigned by the Department to the prenatal diagnostic facility, high-risk perinatal practice, or clinic;
  - b. The name, telephone number, and e-mail address of the designee of the prenatal diagnostic facility, high-risk perinatal practice, or clinic;
  - c. The date the report was completed;
  - d. The time period for which the report is being prepared;
  - e. The mother's name, date of birth, and medical record number;
  - f. The estimated gestational age of the patient at the time of the test or diagnosis, as applicable;
  - g. The mother's estimated date of confinement;
  - h. The outcome of the pregnancy, if known;
  - i. The location and date of the patient's birth, if known;
  - j. The patient's gender, if known;



- k. The principal diagnosis and secondary diagnoses for the patient or the patient's mother, as applicable; and
  - l. Information about the test leading to the diagnosis, including:
    - i. The type of test performed;
    - ii. The date the test was completed, and
    - iii. The results of the test; and
  - 3. Submit the report specified in subsection (B)(1) to the Department, in a Department-provided format, within 30 calendar days after the Department's request.
- C.** The designee of a genetic testing facility shall:
- 1. Prepare a ~~written~~ report ~~each month~~, in a format specified by the Department, for all individuals:
    - a. Who are patients or the mothers of patients, and
    - b. For whom the genetic testing facility performed a test specified in a list provided by the Department;
      - i. ~~Completed within the month for which the report is being prepared, as specified in subsection (C)(2)(d); and~~
      - ii. Specified in a list provided by the Department to the genetic testing facility;
  - 2. Include the following information in the report specified in subsection (C)(1):
    - a. The name, address, and telephone number of the genetic testing facility, or the identification number assigned by the Department to the genetic testing facility;
    - b. The name, ~~and~~ telephone number, and e-mail address of the designee of the genetic testing facility;
    - c. The date the report was completed;
    - d. The month for which the report is being prepared, if reporting according to subsection (C)(3)(a); and
    - e. For each patient or mother of a patient:
      - i. If the test was performed on the patient:
        - (1) The patient's name, date of birth, and gender; and
        - (2) The name of the patient's parent or guardian;
      - ii. If the test was performed on the mother of the patient:
        - (1) The mother's name and date of birth;
        - (2) The estimated gestational age of the patient when the test was performed, if available; and
        - (3) The mother's estimated date of confinement when the test was performed, if available;
      - iii. The name of the physician, registered nurse practitioner, or physician assistant who ordered the test for the patient or the patient's mother; and
      - iv. Information about the test, including:
        - (1) The type of test performed on the patient or the patient's mother,
        - (2) The date the test was completed, and
        - (3) The results of the test; and
  - 3. Submit to the Department the report specified in subsection (C)(1) and a copy of the test results to the Department, in a format specified by the Department, within 30 calendar days after either:
    - a. ~~the The end of the month for which the report is being prepared during which the test was completed, or~~
    - b. The date of the test.
- D.** ~~The designee of a prenatal diagnostic facility shall:~~
- 1. ~~Submit an electronic or paper report to the Department:~~
    - a. ~~For each mother:~~
      - i. ~~On whom the prenatal diagnostic facility conducts a test specified in a list provided by the Department to the prenatal diagnostic facility, and~~
      - ii. ~~Whose test result indicates a diagnosis specified in a list provided by the Department to the prenatal diagnostic facility; and~~
    - b. ~~Within 30 calendar days from the date of the test;~~
  - 2. ~~Include the following information in the report specified in subsection (D)(1):~~
    - a. ~~The name, address, and telephone number of the prenatal diagnostic facility, or the identification number assigned by the Department to the prenatal diagnostic facility;~~
    - b. ~~The name and telephone number of the designee of the prenatal diagnostic facility;~~
    - c. ~~The date the report was completed;~~
    - d. ~~The mother's name and date of birth;~~
    - e. ~~The estimated gestational age of the patient at the time of the test;~~
    - f. ~~The mother's estimated date of confinement;~~
    - g. ~~The outcome of the pregnancy, if known;~~
    - h. ~~The name of the physician, registered nurse practitioner, or physician assistant who ordered the test for the mother; and~~
    - i. ~~Information about the test, including:~~
      - i. ~~The type of test performed on the mother;~~
      - ii. ~~The date the test was completed, and~~
      - iii. ~~The results of the test.~~

**R9-4-503. Review of Records; Information Collected**

- A.** Upon notice from the Department of at least five business days, the following persons or facilities shall allow the Department access to the facility and the electronic or written records specified in subsection (B)(1) to collect the information specified in subsection (B)(2):
- 1. A hospital,
  - 2. A clinic,
  - 3. A physician,



- 4. A midwife,
- 5. A registered nurse practitioner,
- 6. A genetic testing facility,
- 7. A prenatal diagnostic facility,
- 8. A physician assistant,
- 9. A clinical laboratory, or
- 10. A medical examiner.

**B. The Department may:**

- 1. Review any of the following records in electronic or written format, as are applicable to the person or facility specified in subsection (A):
  - a. Patient medical records;
  - b. Medical records for the mother of a patient;
  - c. Reports from:
    - i. Physicians or other individuals who clinically evaluated, diagnosed, or treated a patient or the patient’s mother, including physical therapists, as defined in A.R.S. § 32-2001; occupational therapists, as defined in A.R.S. § 32-3401; podiatrists, as defined in A.R.S. § 32-801; and speech-language pathologists, licensed according A.R.S. Title 35, Chapter 17;
    - ii. High-risk perinatal practices;
    - iii. Prenatal diagnostic facilities;
    - iv. Genetic testing facilities;
    - v. Pathology laboratories; or
    - vi. Other facilities or clinical laboratories that performed a test for a patient or the patient’s mother;
  - d. Logs and registers containing information about surgical procedures, as specified in A.A.C. ~~R9-10-214(A)(6)~~ R9-10-215(A)(6) or A.A.C. ~~R9-10-1709(A)~~ R9-10-911(A);
  - e. Other logs that may contain information about a patient or the mother of a patient with a birth defect, such as:
    - i. Labor and delivery unit logs,
    - ii. Nursery unit logs,
    - iii. Pediatric unit logs,
    - iv. Intensive care unit logs,
    - v. Autopsy logs, and
    - vi. Ultrasound logs;
  - f. Autopsy reports; and
  - g. Records other than those specified in subsections (B)(1)(a) through (f) that contain information about or may lead to information about:
    - i. A patient,
    - ii. The patient’s mother, or
    - iii. The patient’s biological sibling; and
- 2. Collect the following information from a person or facility specified in subsection (A), as applicable to a patient or the mother of a patient:
  - a. The name, address, and telephone number of the person or facility, or the identification number assigned by the Department to the person or facility;
  - b. The date of first contact and the date of last contact;
  - c. The date the patient was admitted to a hospital;
  - d. The date the patient was discharged from a hospital;
  - e. The dates the mother of the patient was admitted to and discharged from a hospital for:
    - i. The birth of the patient, or
    - ii. Treatment related to a possible birth defect in the patient;
  - f. The name and address of the hospital or other location in which the patient was born;
  - g. The name and address of a hospital in which the patient or the mother of the patient was admitted for treatment related to a possible birth defect in the patient;
  - h. The specific unit of a hospital that provided medical services to the patient or the patient’s mother;
  - i. The medical record number of the patient or the patient’s mother;
  - j. The patient’s name and any other name by which the patient is known;
  - k. The names, addresses, and dates of birth of the patient’s parents;
  - l. The name, address and telephone number of the patient’s guardian, if a parent of the patient does not have physical custody of the patient;
  - m. The patient’s date of birth and hour of birth;
  - n. The estimated date of confinement for the pregnancy resulting in the patient’s birth;
  - o. The estimated gestational age, length, weight, and head circumference of the patient at birth;
  - p. The patient’s gender, race, and ethnicity;
  - q. The race and ethnicity of the patient’s biological mother and father;
  - r. The address of the patient’s mother at the time of the patient’s birth;
  - s. The address and telephone number of the patient at the date of last contact;
  - t. The county in which the patient was born;
  - u. The name of each physician, registered nurse practitioner, physician assistant, or other person that clinically evaluated, diagnosed, ordered a test for, or treated the patient or the patient’s mother;



- v. The names of any facility from which or to which the patient or the patient's mother was transferred or referred;
- w. Whether the patient was referred ~~to or is enrolled in CRS~~ for or approved to receive services under 9 A.A.C. 22, Article 13, and, if so, the date of referral or ~~enrollment approval~~;
- x. Whether the patient is receiving any ~~other follow-up services,~~ medical services, nursing services, or health-related services, or other services to support the patient or the patient's parent related to a birth defect, other than services under 9 A.A.C. 22, Article 13, and, if so, the name of the person providing the services and the date the provision of the services began;
- y. The name of the insurance company, if applicable, that:
  - i. Paid for the birth of the patient, and
  - ii. Is currently covering medical expenses for the patient or the patient's mother;
- z. Any perinatal risk factors documented in:
  - i. The patient's medical record,
  - ii. The patient's mother's medical record, or
  - iii. The patient's family medical history;
- aa. Whether any tests were performed on the patient or the patient's mother by a genetic testing facility and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The age or estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The name of the genetic testing facility that performed each test; and
  - vii. The names of the individuals who interpreted the test results;
- bb. Whether any tests were performed on the patient or the patient's mother by a prenatal diagnostic facility and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The name of the prenatal diagnostic facility that performed each test, and
  - vii. The names of the individuals who interpreted the test results;
- cc. Whether any other types of tests were performed on the patient or the patient's mother that may enable the diagnosis of a birth defect and, if so:
  - i. The types of tests performed,
  - ii. The test dates,
  - iii. The test results,
  - iv. The age or estimated gestational age of the patient at the time of each test,
  - v. The estimated date of confinement of the patient's mother at the time of each test,
  - vi. The names of the facilities that performed the tests, and
  - vii. The names of the individuals who interpreted the test results;
- dd. Whether any surgical procedures associated with a birth defect were performed on the patient or the patient's mother and, if so:
  - i. The types of surgical procedures performed,
  - ii. The dates of the surgical procedures,
  - iii. The results of the surgical procedures,
  - iv. The ages or estimated gestational ages of the patient at the time of the surgical procedures,
  - v. The estimated date of confinement of the patient's mother at the times of the surgical procedures, and
  - vi. The names of the facilities at which the surgical procedures were performed, and
  - vii. The names of the individuals who performed the surgical procedures;
- ee. For each diagnosis made for the patient or the patient's mother:
  - i. The diagnosis,
  - ii. Whether the diagnosis is a principal or secondary diagnosis,
  - iii. The facility at which the diagnosis was made,
  - iv. The date on which the diagnosis was made, and
  - v. The name of the individual who made the diagnosis;
- ff. The number of times the patient's mother has been pregnant;
- gg. The number of times a pregnancy of the patient's mother has lasted:
  - i. More than 37 weeks,
  - ii. Between 20 and 37 weeks, and
  - iii. Less than 20 weeks;
- hh. The number of children who were born as a result of the patient's mother's pregnancies, and whether the children were born alive or dead;
- ii. Whether the patient is from a singleton or multiple gestation, and, if from a multiple gestation, whether a co-twin of the patient:
  - i. Is identical or fraternal;
  - ii. Is alive, and, if not alive, the co-twin's date of death; and
  - iii. Has:
    - (1) The same birth defect as the patient,



- (2) A different birth defect from that of the patient, or
- (3) No birth defect;
- jj. If the patient is being adopted or living with a guardian rather than a parent;
- kk. If the patient is being adopted, the name, address, and telephone number of the individual who will adopt the patient;
- ll. The date of last contact; and
- mm. If the patient has died:
  - i. The patient's date and county of death,
  - ii. The facility in which the patient's death occurred, and
  - iii. Whether an autopsy was performed on the patient.

**R9-4-504. Data Quality Assurance and Follow-up**

- A. The Department may request a hospital, clinic, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility to revise a report:
  - 1. That was submitted to the Department by the designee of the hospital, clinic, high-risk perinatal practice, genetic testing facility, or prenatal diagnostic facility under R9-4-502;
  - 2. That was not prepared according to R9-4-502; and
  - 3. By identifying the revisions that are needed in the report.
- B. If a person receives a request from the Department for revision of a report under subsection (A), the person shall return a revised report, containing the revisions requested by the Department, to the Department within 15 business days after the date of the Department's request, or by a date agreed to by the person and the Department.
- C. The Department may discuss the information submitted to the Department as specified in R9-4-502 or collected as specified in R9-4-503(B)(2) with:
  - 1. ~~any~~ Any of the entities specified in R9-4-503(A) to obtain additional information about a patient's diagnosis or treatment;
  - 2. The Arizona Early Intervention Program, according to A.R.S. § 36-133(E); and
  - 3. The parent or guardian of a patient, as allowed by A.R.S. § 36-133(E).



**NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKINGS**

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

After an agency has filed a Notice of Proposed Rulemaking and it is published in the *Register*, an agency may decide to make substantial changes to the rule after it is proposed. The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the *Register*.

The Notice of Supplemental Proposed Rulemaking shall be published in the *Register* before holding any oral proceedings (A.R.S. § 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 #11 for the close of record and information related to public hearings and oral comments.

**NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING  
TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;  
SECURITIES REGULATION  
CHAPTER 2. CORPORATION COMMISSION – FIXED UTILITIES**

[R19-149]

**PREAMBLE**

**1. Citations to the agency’s Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A):**

Notice of Rulemaking Docket Opening: 25 A.A.R. 376, February 15, 2019  
Notice of Proposed Rulemaking: 25 A.A.R. 355, February 15, 2019

**2. Articles, Parts, or Sections Affected (as applicable)**

**Rulemaking Action**

Article 26	New Article
R14-2-2601	New Section
R14-2-2602	New Section
R14-2-2603	New Section
R14-2-2604	New Section
R14-2-2605	New Section
R14-2-2606	New Section
R14-2-2607	New Section
R14-2-2608	New Section
R14-2-2609	New Section
R14-2-2610	New Section
R14-2-2611	New Section
R14-2-2612	New Section
R14-2-2613	New Section
R14-2-2614	New Section
R14-2-2615	New Section
R14-2-2616	New Section
R14-2-2617	New Section
R14-2-2618	New Section
R14-2-2619	New Section
R14-2-2620	New Section
R14-2-2621	New Section
R14-2-2622	New Section
R14-2-2623	New Section
R14-2-2624	New Section
R14-2-2625	New Section
R14-2-2626	New Section
R14-2-2627	New Section
R14-2-2628	New Section

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

Authorizing statute: Arizona Constitution, Art. 15, §§ 3 and 13 and A.R.S. §§ 40-202 through 40-204, 40-321, 40-322, 40-332, 40-336, 40-361, and 40-374



Implementing statute: Arizona Constitution, Art. 15, §§ 3 and 13 and A.R.S. §§ 40-202 through 40-204, 40-321, 40-322, 40-332, 40-336, 40-361, and 40-374

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

Name: Patrick LaMere, Executive Consultant

Address: Corporation Commission  
Utilities Division  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-4382

E-mail: PLaMere@azcc.gov

Or

Name: Maureen Scott, Deputy Chief of Litigation and Appeals

Address: Corporation Commission  
Legal Division  
1200 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 542-3402

Fax: (602) 542-4780

E-mail: MScott@azcc.gov

Website: www.azcc.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:**

With this Notice of Supplemental Proposed Rulemaking (“NSPRM”), the Commission proposes to add a new Article 26, entitled “Interconnection of Distributed Generation Facilities” to 14 A.A.C. 2, the Chapter containing the Commission’s rules for fixed utilities, with the new Article 26 including 28 new rules. The rules for Interconnection of Distributed Generation Facilities (“DGI Rules”) would establish mandatory technical standards, processes, and timelines for utilities to use for interconnection and parallel operation of different types of distributed generation (“DG”) facilities; customer and utility rights and responsibilities; provisions for disconnection of DG facilities from the distribution system; specific safety requirements; more flexible standards for electric cooperatives; a reporting requirement; and a requirement for each utility to create, submit for initial approval and submit for approval periodically and when revised, and implement and comply with a Commission-approved Interconnection Manual.

On June 28, 2005, Congress passed the Energy Policy Act of 2005, published as Public Law 109-58 (“EPACT 2005”), which, *inter alia*, amended Section 111(d) of the Public Utility Regulatory Policies Act of 1978, published as Public Law 95-617 (“PURPA”), codified at 16 U.S.C. 2621(d), by adding the following:

(15) Interconnection.--Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term “interconnection service” means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are [sic] offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state regulatory agencies. All such agreements and procedures shall be just and reasonable, and not unduly discriminatory or preferential.

EPACT 2005 also added, *inter alia*, the following language to PURPA Section 112(b), codified at 16 U.S.C. 2622(b):

(5)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (15) of section 111(d).

(B) Not later than two years after the date of the enactment of the this [sic] paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraph (15) of section 111(d).

The consideration and determination to be made by each state regulatory authority was contained in Section 111(a) of PURPA, which provided:

(a) CONSIDERATION AND DETERMINATION.—Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider each standard established by subsection (d) and make a determination concerning whether or not it is appropriate to implement such standard to carry out the purposes of this title. For purposes of such consideration and determination in accordance with subsections (b) and (c), and for purposes of any review of such consideration and determination in any court in accordance with section 123, the purposes of this title supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement any such



standard, pursuant to its authority under otherwise applicable State law.

In Decision No. 69674 (June 28, 2007), the Commission adopted a modified version of the PURPA standard on interconnection:

*Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term ‘interconnection service’ means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the Arizona Corporation Commission’s rules for interconnection when such rules are adopted and become effective. Until such rules are adopted and become effective, the Interconnection Document shall serve as a guide for interconnection unless otherwise ordered by the Commission.*

The Commission also approved an Interconnection Document and ordered Commission Staff to begin a rulemaking process to convert the Interconnection Document into rules.

The DGI Rules are designed to fulfill the requirements of PURPA and EPACT 2005, as the ultimate culmination of the Commission’s consideration and determination regarding the implementation of the 16 U.S.C. 2621(d)(15) standard for interconnection, because the DGI Rules establish standards and procedures concerning how regulated utilities must handle requests for interconnection and parallel operation of DG facilities. The DGI Rules build upon the Interconnection Document adopted in Decision No. 69674, and are designed to promote the three purposes of PURPA: “to encourage — (1) conservation of energy supplied by electric utilities; (2) the optimization of the efficiency of use of facilities and resources by electric utilities; and (3) equitable rates to electric consumers.” (PURPA § 101.). In Decision No. 69674, the Commission found that having interconnection standards might facilitate the installation of DG, thus reducing the amount of energy to be supplied by electric utilities, and further found that the presence of DG might improve the efficiency of utility electric facilities and thus reduce costs for electric consumers.

Commission Staff has determined that DG systems provide benefits in the form of greater grid reliability, greater grid stability because of voltage support along transmission lines, increased system efficiency due to decreased transmission line losses, increased diversity of resources, decreased demand and cost pressures on natural gas and oil, and sustainability. Commission Staff further has determined that adoption of the DGI Rules, which would establish explicit and consistent standards and procedures for interconnection and parallel operation of DG facilities, should prevent increases in monetary and transaction costs for Commission-regulated utilities and their customers that can result from uncertainty. Additionally, Commission Staff has determined that the DGI Rules would adopt standards that promote current best practices of DGI for utilities, utility distribution systems, utility customers, and customers’ generating facilities and would help to ensure the continued safe and reliable operation of the distribution systems while also enhancing long-term system planning.

The Commission finds that the Interconnection Document is insufficient to establish the standards and processes that the Commission considers necessary to adequately address DGI and that the adoption of the DGI Rules is necessary to ensure that all utilities use DGI best practices for interconnection and that applicants for interconnection and parallel operation of DG facilities are subjected to the same technical standards, have their applications handled according to the same standardized processes and timelines based on the DG facilities for which interconnection is requested, and are required to pay only the costs authorized by the Commission’s rules for DGI or in Commission-approved utility tariffs. The Commission finds that failure to adopt rules for DGI could increase the risk of unsafe interconnection and parallel operation of DG facilities, which could result in conditions posing a risk to people and property, particularly in light of the technological changes in and increased adoption of generating facilities.

**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:**

Not applicable

**7. An explanation of the substantial change which resulted in the supplemental notice:**

The Commission has deleted R14-2-2628 as included in the Notice of Proposed Rulemaking (“NPRM”), along with an associated definition, and has moved the requirements from R14-2-2626(A) and (B) as included in the NPRM to a new R14-2-2628 regarding Interconnection Manuals. The new R14-2-2628 addresses formal comments received regarding the NPRM by addressing the contents for an Interconnection Manual, requiring a utility to revise its Interconnection Manual as necessary to conform to Good Utility Practice, and requiring a utility to implement and comply with its Commission-approved Interconnection Manual.

The Commission has also revised R14-2-2614(E) and R14-2-2625(E) to include an express requirement for each inverter in an inverter-based Generating Facility to meet the shutdown protective functions (under/over voltage, under/over frequency, and anti-islanding) specified in IEEE 1547-2018 – IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces (April 6, 2018), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>.

For the NSPRM, the Commission has also made the following changes that are not considered to be substantial changes:

- a. In R14-2-2618(C)(2)(a), deleting the language “or the Utility is notified within the specified time-frame,”;
- b. At the beginning of R14-2-2620(A)(2), adding the language “If the Customer desires to proceed with the Application,”;
- c. In R14-2-2623(B)(1) and (C)(1), adding a hyphen after “UL 1741” when it appears;
- d. In R14-2-2601, deleting the definition of “QF” or “Qualifying Facility” because neither term now appears in the DGI Rules;
- e. In R14-2-2620(E)(2)(c), replacing “2011” with “2014” to correct a clerical error;
- f. In R14-2-2620(G), replacing “standards” with “screens” to clarify the requirement;



- g. In R14-2-2601, restructuring the definition of “Maximum Capacity” to make it clearer, deleting the definition of “Installer,” modifying the definition of “Interconnection Manual,” and adding a definition for “RUS”;
- h. In R14-2-2607, adding exception language for cooperative utilities who obtain financing from RUS, and restructuring the rule;
- i. In R14-2-2611(A)(1) and (2), R14-2-2614(E)(2), and R14-2-2623(B)(2) and (C)(2), standardizing the language used to refer to the codes and standards with which a Generating Facility must comply; and
- j. Making minor stylistic changes or corrections to typographical errors in the following:
  - i. The definitions of “Disconnect Switch” and “Interconnection Agreement” in R14-2-2601;
  - ii. R14-2-2603(D), (D)(2) and (3), and (E);
  - iii. R14-2-2604(D)(2)(a)(i) through (vii);
  - iv. R14-2-2613(I);
  - v. R14-2-2614(A);
  - vi. R14-2-2615(C) and (E);
  - vii. R14-2-2617(C)(2)(b) and (G);
  - viii. R14-2-2618(C)(2)(b) and (G);
  - ix. R14-2-2619(C)(1)(b) and (E);
  - x. R14-2-2620(E)(1)(c)(iii) and (F);
  - xi. R14-2-2623(C)(4);
  - xii. R14-2-2626(C); and
  - xiii. R14-2-2627(A).

**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:**

Not applicable

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

The persons most affected by the DGI Rules (“stakeholders”) include:

- a. Utilities that are under the Commission’s jurisdiction and are providing electric utility service in Arizona (“regulated electric utilities”),
- b. Customers receiving electric service in Arizona from regulated electric utilities and who seek to have generating facilities interconnected (“applicants”),
- c. Customers receiving electric service in Arizona from regulated electric utilities and who do not seek to have generating facilities interconnected (“other customers”),
- d. Entities engaging in commerce directly related to DG technology and services (“industry participants”),
- e. The general public, and
- f. The Commission.

In many ways, the DGI Rules maintain the processes and standards by which regulated electric utilities have been guided pursuant to the Interconnection Document adopted by the Commission in Decision No. 69674 (June 28, 2007). To the extent that the provisions of the DGI Rules are the same or substantially similar to those in the Interconnection Document, the Commission considers the DGI Rules to maintain the status quo and thus not cause stakeholders an economic impact. However, the DGI Rules include the following major differences from the Interconnection Document adopted in Decision No. 69674, which have the potential to impact different stakeholders as noted in parentheticals:

- a. They expand the scope of the Interconnection Document by establishing standards that:
  - i. Apply to all generating facilities operated in electrical parallel, regardless of maximum capacity, that are interconnected with the distribution system of a regulated electric utility (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
  - ii. Do not prohibit “islandable systems” (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities); and
  - iii. Address energy storage systems (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
- b. They allow a customer to designate a representative to act on the customer’s behalf regarding the interconnection and parallel operation process, to sign and submit documents electronically, to request a one-time 90-day extension from the utility with simple notice, and not to have an extension unreasonably withheld for circumstances beyond the customer’s control (primarily benefitting applicants, but also benefitting regulated electric utilities);
- c. They rely upon the utility’s Interconnection Manual to establish the codes, guides, and standards applicable to qualify generating facility equipment as certified equipment (benefitting regulated electric utilities, applicants, other customers, and the Commission);
- d. Except when disconnection is done to make immediate distribution system repairs to prevent a danger, they require a utility to provide notice to a customer at least three days before disconnecting the customer’s generating facility and to include in



- the notice the timing and estimated duration of the disconnection (benefitting applicants, burdening regulated electric utilities);
- e. They establish a process and timeline for restoring interconnection when a generating facility was disconnected for failure to meet technical requirements (benefitting applicants, burdening regulated electric utilities);
  - f. They establish requirements for when there is a change of ownership of an interconnected generating facility (benefitting regulated electric utilities, burdening applicants);
  - g. They eliminate the dispute resolution process required by the Interconnection Document (benefitting regulated electric utilities and applicants);
  - h. They increase the maximum capacity for inverter-based generating facilities eligible to use the Level 1 Super Fast Track process from 10 kW to 20 kW (benefitting applicants, regulated electric utilities, and industry participants);
  - i. They add a Supplemental Review process that must be offered by a utility and can be requested by an applicant when interconnection of a generating facility cannot be approved under the Level 1, 2, or 3 Tracks (benefitting applicants and industry participants, burdening regulated electric utilities);
  - j. They increase the flexibility of one Screen for generating facilities, adapting it for higher capacity generating facilities, and include exceptions from three Screens for non-exporting systems and certain inadvertent export systems (benefitting applicants and regulated electric utilities);
  - k. They allow an applicant to request a Pre-Application Report from a utility and establish a process and timeline for completion of a Pre-Application Report (benefitting applicants and regulated electric utilities, burdening regulated electric utilities);
  - l. They establish timelines using calendar days rather than business days (benefitting all stakeholders), deem an application incomplete rather than denied (and eliminate the requirement for an applicant to start over with a new application) if a generating facility design does not satisfy an applicable Screen for the Level 1 Track or does not meet the utility's Interconnection requirements (benefitting applicants), and allow an applicant to request an extension of the 30-day period to submit additional information to the utility if an application is deemed incomplete (benefitting applicants);
  - m. They require a customer to submit to the utility a copy of final electrical clearance for the generating facility issued by the authority having jurisdiction, if required (benefitting all stakeholders, burdening applicants);
  - n. They require a utility to verify compliance with specific requirements during a site inspection, if one is completed, rather than suggesting what the utility should verify (benefitting all stakeholders, burdening regulated electric utilities);
  - o. They impose a 30-day deadline after a failed site inspection for an applicant to correct any outstanding issues and provide notice of corrections to the utility (benefitting regulated electric utilities, burdening applicants), allow the utility a few additional days to complete reinspection (benefitting regulated electric utilities), and eliminate the reinspection fee unless a utility has a Commission-approved tariff authorizing such a fee (benefitting applicants);
  - p. They eliminate the provision that operating a generator in parallel without utility approval may result in immediate termination of electric service (benefitting applicants);
  - q. They allow a customer whose generating facility is processed under the Level 2 Fast Track or the Level 3 Study Track to modify the generating facility's operating characteristics, as agreed upon by the customer and utility, in order to reduce or eliminate improvements to the distribution system that would otherwise be necessary to accommodate interconnection (benefitting applicants);
  - r. They standardize the timing requirements for Feasibility Studies, System Impact Studies, and Facilities Studies (benefitting applicants);
  - s. They establish permanent standards and requirements for interconnection to secondary spot network systems, with a larger size limit for inverter-based units, replacing the pilot effort included in the Interconnection Document (benefitting all stakeholders by establishing technical and safety standards for systems previously excluded and benefitting industry participants by increasing business opportunities);
  - t. They establish a new Expedited Interconnection Process for non-exporting or inadvertent export generating facilities that have a maximum capacity of 20 kW or less and meet specified requirements (benefitting applicants and industry participants);
  - u. They allow a utility to require a customer to install and maintain a disconnect switch that meets specified standards and to impose additional requirements for disconnect switches in the utility's Interconnection Manual (benefitting regulated electric utilities, other customers, the general public, and the Commission, and burdening applicants);
  - v. They establish advanced grid support features for generating facilities utilizing inverter-based technology (benefitting regulated electric utilities, other customers, the general public, and the Commission);
  - w. They allow proposed revisions to a utility's Interconnection Manual to go into effect immediately if made to enhance health or safety, although the revisions are subject to subsequent review and approval by the Commission (benefitting regulated electric utilities, applicants, other customers, the general public, and the Commission); allow Staff to contest and seek suspension of a proposed revision to a utility's Interconnection Manual (benefitting the Commission, burdening regulated electric utilities); and require a utility to file an updated Interconnection Manual with Docket Control within 10 days after the effective date of the decision approving the Interconnection Manual (benefitting applicants, the Commission, and industry participants, and burdening regulated electric utilities);
  - x. They add fields of information to be included in a utility's annual Interconnection Report to be filed with the Commission (benefitting the Commission and burdening regulated electric utilities);
  - y. They allow an electric cooperative's Commission-approved Interconnection Manual to impose substitute timelines with which the cooperative must comply in lieu of complying with the timelines in R14-2-2614 and R14-2-2616 through R14-2-



2623 and require an electric cooperative to employ best reasonable efforts to comply with the deadlines established in the applicable provisions of the DGI Rules (benefitting regulated electric utilities that are cooperatives);

- z. They require a regulated electric utility’s Interconnection Manual to contain detailed technical, safety, and protection requirements necessary to interconnect a Generating Facility to the Distribution System in compliance with the DGI Rules and Good Utility Practice; and to specify by date, either in its main text or an appendix, the version of each standard with which an applicant’s generating facility must comply to be eligible for interconnection and parallel operation (collectively benefitting applicants, industry participants, the general public, and the Commission, and burdening regulated electric utilities); and
- aa. They require a regulated electric utility to submit its Interconnection Manual to the Commission for review and approval as necessary to ensure compliance with Good Utility Practice (benefitting the Commission, applicants, other customers, and the general public, and burdening regulated electric utilities and the Commission).

The Commission expects the potential costs identified above to be minimal for all stakeholders, although the safety-related benefits may be significant. A regulated electric utility may be able to obtain Commission approval for a tariff that would allow the utility to pass its additional reasonable and prudent costs through to applicants and possibly other customers. The Commission expects establishment of a consistent standard that explicitly establishes procedures for interconnection and parallel operation to increase investment certainty for regulated electric utilities, applicants, and industry participants.

In addition to the impacts identified above, the Commission will incur a minimal burden from purchasing the three standards incorporated by reference in the DGI Rules.

The Commission expects political subdivisions to be impacted by the rules only to the extent that they are applicants.

The Commission does not currently expect the DGI Rules to have more than a minimal impact on private and public employment in businesses, although that impact will increase as more applications for interconnection are submitted to regulated electric utilities.

The Commission expects small businesses to be impacted by the rules either as applicants, as industry participants, or as cooperative regulated electric utilities.

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

Name: Patrick LaMere, Executive Consultant  
 Address: Corporation Commission  
 Utilities Division  
 1200 W. Washington St.  
 Phoenix, AZ 85007  
 Telephone: (602) 542-4382  
 E-mail: PLaMere@azcc.gov  
 Website: www.azcc.gov

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

Date: September 13, 2019  
 Time: 10:00 a.m.  
 Location: Corporation Commission  
 1200 W. Washington St.  
 Phoenix, AZ 85007  
 Nature: Oral Proceeding

**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:**

Not applicable

- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**  
Not applicable
- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**  
Not applicable
- c. **Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**  
Not applicable

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

R14-2-2601(46): UL 1741: Underwriters Laboratories Inc. Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources (February 15, 2018)  
 R14-2-2614(E)(1): IEEE 1547-2018 – IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces (April 6, 2018)



R14-2-2620(E)(2)(b): IEEE 1453, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems (October 30, 2015)

R14-2-2620(E)(2)(c): IEEE 519 limits, IEEE Recommended Practice and Requirements for Harmonic Control in Electric Power Systems (June 11, 2014)

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

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

**CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES**

**ARTICLE 26. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES**

Section

<u>R14-2-2601.</u>	<u>Definitions</u>
<u>R14-2-2602.</u>	<u>Applicability</u>
<u>R14-2-2603.</u>	<u>Types of Generating Facilities</u>
<u>R14-2-2604.</u>	<u>Customer Rights and Responsibilities</u>
<u>R14-2-2605.</u>	<u>Utility Rights and Responsibilities</u>
<u>R14-2-2606.</u>	<u>Easements and Rights-of-Way</u>
<u>R14-2-2607.</u>	<u>Insurance</u>
<u>R14-2-2608.</u>	<u>Non-Circumvention</u>
<u>R14-2-2609.</u>	<u>Designation of Contact Persons</u>
<u>R14-2-2610.</u>	<u>Minor Modifications</u>
<u>R14-2-2611.</u>	<u>Certification</u>
<u>R14-2-2612.</u>	<u>No Additional Requirements</u>
<u>R14-2-2613.</u>	<u>Disconnection from or Reconnection with the Distribution System</u>
<u>R14-2-2614.</u>	<u>Application and Generating Facility General Requirements</u>
<u>R14-2-2615.</u>	<u>Screens</u>
<u>R14-2-2616.</u>	<u>Pre-Application Report</u>
<u>R14-2-2617.</u>	<u>Level 1 Super Fast Track</u>
<u>R14-2-2618.</u>	<u>Level 2 Fast Track</u>
<u>R14-2-2619.</u>	<u>Level 3 Study Track</u>
<u>R14-2-2620.</u>	<u>Supplemental Review</u>
<u>R14-2-2621.</u>	<u>Utility Site Inspection: Approval for Parallel Operation</u>
<u>R14-2-2622.</u>	<u>Interconnection to a Secondary Spot Network System</u>
<u>R14-2-2623.</u>	<u>Expedited Interconnection Process</u>
<u>R14-2-2624.</u>	<u>Disconnect Switch Requirements</u>
<u>R14-2-2625.</u>	<u>Advanced Inverter Requirements</u>
<u>R14-2-2626.</u>	<u>Utility Reporting Requirements</u>
<u>R14-2-2627.</u>	<u>Electric Cooperatives</u>
<u>R14-2-2628.</u>	<u>Interconnection Manuals</u>

**ARTICLE 26. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES**

**R14-2-2601. Definitions**

In this Article, unless otherwise specified:

1. “AC” means alternating current.
2. “Applicant” means a Customer or Representative who submits an Interconnection Application pursuant to this Article.
3. “Application” means the standard form or format for an Applicant to apply to a Utility for Interconnection of a Generating Facility with the Distribution System.
4. “Backfeed” means to energize a section of a Utility electric system with a Generating Facility.
5. “Calendar Day” means any day including Saturday, Sunday, or a Federal or State Holiday.
6. “Certified Equipment” means a specific generating and protective equipment system or systems certified as meeting the requirements in R14-2-2611 relating to testing, operation, safety, and reliability by an NRTL.
7. “Clearance” means documentation from a Utility stating that a line or equipment is disconnected from all known sources of power and tagged; that for safety purposes all proper precautionary measures have been taken; and that workers may proceed to inspect, test, and install ground on the circuit.
8. “CFR” means Code of Federal Regulations.
9. “Commission” means the Arizona Corporation Commission.
10. “Customer” means an electric consumer applying to connect a Generating Facility on the consumer’s side of the Utility meter, whether an Exporting System, a Non-Exporting System, or an Inadvertent Export System.
11. “DC” means direct current.
12. “Disconnect Switch” means a device that:
  - a. Is installed and maintained for a Generating Facility by the Customer;
  - b. Is a visible-open, manual, gang-operated, load break disconnect device;



- c. Is capable of being locked in a visible-open position by a standard Utility padlock that will completely isolate the Generating Facility from the Distribution System; and
- d. If the voltage of the Generating Facility is over 500 volts, is capable of being grounded on the Utility side.
- 13. “Distributed Generation” means any type of Customer electrical generator, solid-state or static inverter, or Generating Facility interconnected with the Distribution System that either can be operated in electrical parallel with the Distribution System or can feed a Customer load that can also be fed by the Distribution System.
- 14. “Distribution System” means the infrastructure constructed, maintained, and operated by a Utility to deliver electric service at the distribution level (69 kV or less) to retail consumers.
- 15. “Electric Cooperative” means a Utility that is:
  - a. Not operated for profit;
  - b. Owned and controlled by its members; and
  - c. Operating as a public service company in this state.
- 16. “Exporting System” means any type of Generating Facility that is designed to regularly Backfeed the Distribution System.
- 17. “Facilities Study” means a comprehensive analysis of the actual construction needed to take place based on the outcome of a System Impact Study.
- 18. “Fault Current” means the level of current that can flow if a short circuit is applied to a voltage source.
- 19. “Feasibility Study” means a preliminary review of the potential impacts on the Distribution System that will result from a proposed Interconnection.
- 20. “Generating Facility” means all or part of a Customer’s electrical generator(s), energy storage system(s), or any combination of electrical generator(s) and storage system(s), together with all inverter(s) and protective, safety, and associated equipment necessary to produce electric power at the Customer’s facility; this includes solid-state or static inverters, induction machines, and synchronous machines.
- 21. “Good Utility Practice” means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods, and acts that, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with reliability, safety, and expedition. Good Utility Practice is not intended to be limited to the optimal practice, method, or act to the exclusion of all others, but rather to include practices, methods, or acts generally accepted in the region at the relevant time.
- 22. “IEEE” means the Institute of Electrical and Electronics Engineers, Inc.
- 23. “Inadvertent Export” means the unplanned, uncompensated transfer of electrical energy from a Generating Facility to the Distribution System across the Point of Interconnection.
- 24. “Interconnection” means the physical connection of a Generating Facility to the Distribution System.
- 25. “Interconnection Agreement” means an agreement, signed between the Utility and the Customer, covering the terms and conditions governing the Interconnection and operation of the Generating Facility with the Utility, and includes any appendices to the agreement.
- 26. “Interconnection Facilities” means the electrical wires, switches, and related equipment that are required, in addition to the facilities required to provide electric distribution service to a Customer, to allow Interconnection. Interconnection Facilities may be located on either side of the Point of Interconnection as appropriate to their purpose and design.
- 27. “Interconnection Manual” means a separate document developed and maintained by a Utility as required under R14-2-2628.
- 28. “Interconnection Study” means a study that may be undertaken by a Utility (or a Utility-designated third party) in response to the Utility’s receipt of a completed Application. An Interconnection Study may include:
  - a. A Feasibility Study;
  - b. A System Impact Study;
  - c. A Facilities Study; and
  - d. Any additional analysis required by the Utility.
- 29. “Islanding” means a condition in which a portion of the Distribution System is energized solely by one or more local electric power systems throughout the associated Point of Interconnection while that portion of the Distribution System is electrically separated from the rest of the Distribution System. Islanding can be either intentional (planned) or unintentional (unplanned).
- 30. “Jurisdictional Electric Inspection Agency” means the governmental authority having jurisdiction to inspect and approve the installation of a Generating Facility.
- 31. “kW” means kilowatt.
- 32. “Maximum Capacity” means:
  - a. The nameplate AC capacity of a Generating Facility; or
  - b. If the Operating Characteristics of the Generating Facility limit the power transferred across the Point of Interconnection to the Distribution System, only the power transferred across the Point of Interconnection to the Distribution System, not including Inadvertent Export.
- 33. “MW” means megawatt.
- 34. “Non-Exporting System” means a system in which there is no designed, regular export of power from the Generating Facility to the Distribution System.
- 35. “NRTL” means a Nationally Recognized Testing Laboratory recognized by the U.S. Occupational Safety and Health Administration.
- 36. “Operating Characteristics” means the mode of operation of a Generating Facility (Exporting System, Non-Exporting System, or Inadvertent Exporting System) that controls the amount of power delivered across the Point of Interconnection to the Distribution System.
- 37. “Parallel Operation” means the operation of a Generating Facility that is electrically interconnected to a bus common with the Distribution System, either on a momentary or continuous basis.



38. “Protective Functions” means the equipment, hardware, or software in a Generating Facility that protects against Unsafe Operating Conditions.
39. “Point of Interconnection” means the physical location where the Utility’s service conductors are connected to the Customer’s service conductors to allow Parallel Operation of the Generating Facility with the Distribution System.
40. “Relay” means an electric device that is designed to interpret input conditions in a prescribed manner and, after specified conditions are met, to respond and cause contact operation or similar abrupt change in associated electric control circuits.
41. “Representative” means an agent of the Customer who is designated by the Customer and is acting on the Customer’s behalf.
42. “RUS” means the U.S. Department of Agriculture Rural Utilities Service.
43. “Scoping Meeting” means an initial review meeting between a Utility and a Customer or Representative during which a general overview of the proposed Generating Facility design is discussed, and the Utility provides general information on system conditions at the proposed Point of Interconnection.
44. “Secondary Spot Network System” means an AC power Distribution System meeting the criteria in R14-2-2622.
45. “System Impact Study” means a full engineering review of the impact on the Distribution System from a Generating Facility, including power flow, Utility system protective device coordination, generator protection schemes (if not Certified Equipment), stability, voltage fluctuations, frequency impacts, and short circuit study. A System Impact Study may consider total nameplate capacity of the Generating Facility.
46. “UL 1741” means the Underwriters Laboratories Inc. Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources (February 15, 2018), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from Underwriters Laboratories Inc., 151 Eastern Avenue Bensenville, IL 60106-3072 and through <https://standardscatalog.ul.com>.
47. “UL 1741SA” means the approved supplemental amendment of UL 1741 that defines the manufacturing (including software) and product testing requirements for advanced inverters.
48. “Unsafe Operating Conditions” means conditions that, if left uncorrected, could result in any of the following:
  - a. Harm to personnel;
  - b. Damage to equipment;
  - c. An adverse effect to the safe operation of the Distribution System; or
  - d. Operation of the Generating Facility outside pre-established parameters required by the Interconnection Agreement.
49. “Utility” means an electric distribution company that constructs, operates, and maintains its Distribution System for the receipt and delivery of electricity and that is a public service corporation under Arizona Constitution, Article 15, § 2.

#### **R14-2-2602. Applicability**

These rules apply to a Generating Facility operating (or to be operated) in parallel with a Distribution System of a Utility, subject to Commission jurisdiction after the effective date of this Article.

#### **R14-2-2603. Types of Generating Facilities**

- A.** A Customer may operate a Generating Facility as an Exporting System, a Non-Exporting System, or an Inadvertent Export System.
- B.** An Applicant shall declare the Maximum Capacity of a Generating Facility in its Application.
- C.** If an Applicant claims a Generating Facility is a Non-Exporting System:
  1. The Utility may require an independent third-party certification ensuring that the system meets the following standards:
    - a. Is able to supply part or all of the Customer’s load continuously or during a Utility power outage;
    - b. Is sized such that the export of power is not possible or includes control functions to prevent the export of power; and
    - c. Has control functions that are listed by an NRTL for the purpose as used and are also inspected and approved by the Customer’s Jurisdictional Electric Inspection Agency; and
  2. The Applicant shall ensure that the Generating Facility utilizes any combination of equipment, hardware, or software, as specified by the Utility in its Interconnection Manual, to prevent the transfer of electrical energy to the Distribution System.
- D.** If an Applicant claims a Generating Facility is an Inadvertent Export system that does not utilize only UL 1741-certified or UL 1741SA-listed grid support non-islanding inverters:
  1. The Utility may require additional protective functions and equipment to detect Distribution System faults;
  2. The amount of Inadvertent Export to the Distribution System shall be limited to the lesser of the following values:
    - a. 50% of the Generating Facility’s Maximum Capacity;
    - b. 10% of the continuous conductor rating in watts at 0.9 power factor for the lowest rated feeder conductor upstream of the Generating Facility; or
    - c. 500 kW; and
  3. The expected frequency of Inadvertent Export events shall be less than two occurrences per 24-hour period.
- E.** If an Applicant claims a Generating Facility is an Inadvertent Export system that utilizes only UL 1741-certified or UL 1741SA-listed grid support non-islanding inverters, the Generating Facility shall:
  1. Utilize control functions that limit the export of electrical power to the Distribution System;
  2. Have a Maximum Capacity of 500 kVA or less;
  3. Have a magnitude of Inadvertent Export no more than 100 kVA;
  4. Have a duration of Inadvertent Export of power of less than 30 seconds for any single event;
  5. Monitor that its total energy export per month is maintained to be no more than its Maximum Capacity multiplied by 0.1 hours per day over a rolling 30-day period (e.g., a 100 kVA gross nameplate capacity Generating Facility would have a maximum energy export per 30-day month of 300 kWh);
  6. Disconnect the Generating Facility from the Distribution System in the event of an Inadvertent Export, ceasing to energize the Distribution System or halting energy production, within two seconds after the period of uninterrupted export exceeds 30 seconds or the magnitude of export exceeds 100 kVA; and



- 7. Enter a safe operation mode, where Inadvertent Export events cannot occur, upon failure of the control or inverter system for more than 30 seconds, whether from loss of control signal, loss of control power, or a single component failure or related control sensing of the control circuitry.

**R14-2-2604. Customer Rights and Responsibilities**

- A.** A Customer has the following rights:
  - 1. To designate a Representative to act on the Customer’s behalf;
  - 2. To submit an Application to interconnect a Generating Facility with a Distribution System;
  - 3. To expect prompt and professional responses from a Utility during the Interconnection process;
  - 4. To expect detailed and itemized good faith estimates of cost from the Utility;
  - 5. To expect outlines, supporting data, and justification for proposed work before the Utility undertakes any studies or system upgrades to accommodate the Generating Facility;
  - 6. To sign documents using an electronic (e-signature) method if the Customer has the technical capability to sign electronically and is submitting the documents electronically; and
  - 7. To request a one-time 90-day extension from the Utility using a simple notification process and not to have an extension unreasonably withheld for circumstances beyond the Customer’s control.
- B.** A Customer shall ensure that:
  - 1. The Generating Facility meets or exceeds all minimum Interconnection, safety, and protection requirements outlined in this Article and the Utility’s Interconnection Manual;
  - 2. The Generating Facility meets all applicable construction codes, safety codes, electric codes, laws, and requirements of government agencies having jurisdiction;
  - 3. The Generating Facility’s Certified Equipment is installed and operated in a manner that protects the Generating Facility, Utility personnel, the public, and the Distribution System from harm;
  - 4. The Generating Facility design, installation, maintenance, and operation minimize the likelihood of causing a malfunction in, damaging, or otherwise impairing the Distribution System;
  - 5. The Generating Facility does not adversely affect the quality of service to other Utility consumers;
  - 6. The Generating Facility does not hamper efforts to restore a feeder to service when a Clearance is required;
  - 7. The Generating Facility is maintained in accordance with applicable manufacturers’ maintenance schedules; and
  - 8. The Utility is notified of any emergency or hazardous condition or occurrence involving the Generating Facility that could affect safe operation of the Distribution System.
- C.** A Customer shall pay for, lease or own; and be responsible for designing, installing, and operating all Interconnection Facilities located on the Customer’s side of the Point of Interconnection.
- D.** A Customer shall ensure that Interconnection Facilities:
  - 1. Are located on the Customer’s premises; and
  - 2. To enable delivery of power from the Generating Facility to the Distribution System at the Point of Interconnection, include:
    - a. Necessary equipment for:
      - i. Connection,
      - ii. Transformation,
      - iii. Switching,
      - iv. Protective relaying,
      - v. Metering,
      - vi. Communication, and
      - vii. Safety requirements;
    - b. A Disconnect Switch; and
    - c. Any other requirements outlined in this Article or specified by the Utility in its Interconnection Manual.
- E.** A Customer interconnecting a Generating Facility with the Distribution System shall:
  - 1. Sign an Interconnection Agreement and all other applicable purchase, supply, and standby agreements; and
  - 2. Comply with all applicable tariffs, rate schedules, and Utility service requirements.
- F.** A Customer shall not interconnect or cause Interconnection of a Generating Facility to the Distribution System without first executing an Interconnection Agreement with the Utility that operates the Distribution System.

**R14-2-2605. Utility Rights and Responsibilities**

- A.** A Utility shall interconnect a Generating Facility to the Distribution System, subject to the requirements of this Article and of the Utility’s Interconnection Manual.
- B.** A Utility has the right to expect prompt, reasonable, and professional responses from a Customer during the Interconnection process.
- C.** A Utility shall require that an interconnected Generating Facility:
  - 1. Not present any hazards to Utility personnel, other Utility consumers, or the public;
  - 2. Minimize the possibility of damage to the Utility and to other Utility consumers’ equipment;
  - 3. Not adversely affect the quality of service to other Utility consumers; and
  - 4. Not hamper efforts to restore a feeder to service when a Clearance is required.
- D.** A Utility shall notify a Customer if there is reason to believe that operation of the Customer’s Generating Facility has caused disruption or deterioration of service to other Utility consumers served from the Distribution System or that such operation has caused damage to the Distribution System.
- E.** A Utility shall make its Interconnection Manual, standard Application, and Interconnection Agreements readily available to an Applicant in print and online formats.
- F.** Following the receipt of an Application, a Utility shall review the Generating Facility to ensure it complies with the applicable screens in R14-2-2615. If the Generating Facility design does not comply with the applicable screens in R-14-2-2615, an Interconnec-



tion Study may be required. Before the Utility undertakes any Interconnection Study or system upgrades that will be charged to the Applicant, the Utility shall provide the Applicant a detailed estimate of the cost, an outline of the proposed work, supporting data, and justification for the proposed work. If the results of an Interconnection Study necessitate additional Interconnection Facilities or upgrades, the Utility shall provide written notice to the Applicant of the Utility's intent to install the Interconnection Facilities or upgrades. The Applicant shall pay the Utility for Interconnection Facilities or upgrades identified in the Interconnection Study except for those unrelated to the Generating Facility installation. The Utility shall provide the results of the Interconnection Study to the Applicant.

- G.** A Utility may not disapprove Interconnection of a Generating Facility that satisfies the requirements of this Article and the Utility's Interconnection Manual.
- H.** If additional Interconnection Facilities or upgrades are needed to accommodate a Generating Facility, and the Interconnection Facilities or upgrades will benefit the grid, the Utility shall reduce the charge of the Interconnection Facilities or upgrades to the Customer by the amount of benefits to the grid that are readily quantifiable by the Utility. A Utility shall not reject an Application on the basis of existing Distribution System conditions that are deficient, or charge a Customer for Interconnection Facilities or upgrades that are overdue or that will soon be required to ensure compliance with Good Utility Practice.
- I.** A Utility shall process each Application on a nondiscriminatory basis.

#### **R14-2-2606. Easements and Rights-of-Way**

- A.** Where an easement or right-of-way does not exist, but is required by a Utility to accommodate Interconnection, a Customer shall provide a suitable easement or right-of-way, in the Utility's name, on the premises owned, leased, or otherwise controlled by the Customer. If the required easement or right of way is on another's property, the Customer shall obtain and provide to the Utility a suitable easement or right-of-way, in the Utility's name, at the Customer's expense and in sufficient time to comply with Interconnection Agreement requirements.
- B.** A Utility shall use reasonable efforts to utilize existing easements to accommodate Interconnection.
- C.** A Utility shall use reasonable efforts to assist a Customer in securing necessary easements at the Customer's expense.

#### **R14-2-2607. Insurance**

- A.** Except as provided in subsection (D), a Utility shall not require a Customer to maintain general liability insurance coverage as a condition for Interconnection.
- B.** A Utility shall not require a Customer to negotiate any policy or renewal of any policy covering any liability through a particular insurance provider, agent, solicitor, or broker.
- C.** The provision in subsection (A) does not waive or otherwise foreclose any rights a Utility may have to pursue remedies at law against a Customer to recover damages.
- D.** A Utility that obtains financing from RUS may require a Customer to maintain liability insurance, to the extent necessary to meet the Utility's obligations to RUS.

#### **R14-2-2608. Non-Circumvention**

- A.** A Utility shall not directly or through an affiliate use knowledge of proposed Distributed Generation projects submitted to the Utility for Interconnection or study to initiate competing proposals to the Customer that offer discounted rates in return for not installing the Distributed Generation, or to offer the Customer competing Distributed Generation projects.
- B.** A Customer may share with a Utility or its affiliates information in the Customer's possession regarding a potential Distributed Generation project and may use such information to negotiate a discounted rate or other mutually beneficial arrangement with a Utility or its affiliate.
- C.** A Utility may inform a Customer of any existing or pending (awaiting approval by the Commission) rate schedule that may economically benefit, economically disadvantage, or otherwise affect the Customer's Distributed Generation project.

#### **R14-2-2609. Designation of Contact Persons**

- A.** Each Utility shall:
  1. Designate a person or persons who will serve as the Utility's contact for all matters related to Distributed Generation Interconnection;
  2. Identify to the Commission in its Interconnection Manual each designated Distributed Generation Interconnection contact person or persons; and
  3. Provide convenient access through its website to the name, telephone number, mailing address, and email address for each Distributed Generation Interconnection contact person.
- B.** Each Applicant applying for Interconnection shall designate a contact person or persons and provide to the Utility the name, telephone number, mailing address, and email address for each contact person.

#### **R14-2-2610. Minor Modifications**

A Utility shall not reject or declare incomplete and require resubmission of a submitted Application if minor modifications must be made to the design of the Generating Facility or to other information on the Application (including ownership of Generating Facility) while the Application is being reviewed by the Utility or prior to completing the Interconnection of the Generating Facility.

#### **R14-2-2611. Certification**

- A.** To qualify as Certified Equipment, Generating Facility equipment proposed for use separately or packaged with other equipment in an Interconnection system shall:
  1. Comply with all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
  2. Comply with all applicable codes and standards used by an NRTL to test and certify Interconnection equipment; and
  3. Be labeled and publicly listed as certified by the NRTL at the time of Application submission.



- B.** If Certified Equipment includes only interface components (switchgear, inverters, or other interface devices), a Customer shall show, upon request from the Utility, that the Generating Facility is compatible with the interface components and consistent with the testing and listing specified for the Interconnection equipment.
- C.** A Customer is not required to ensure that equipment provided by the Utility is Certified Equipment.

**R14-2-2612. No Additional Requirements**

If a Generating Facility complies with all applicable requirements of R14-2-2611, complies with the screens listed in R14-2-2615, and complies with the Utility's Interconnection Manual, a Utility shall not require the Customer to install additional controls, or to perform or pay for additional tests, in order to obtain approval to interconnect, unless the Customer agrees to do so or the Commission so requires. A Utility may install additional equipment or perform additional testing at its own expense.

**R14-2-2613. Disconnection from or Reconnection with the Distribution System**

- A.** A Utility may disconnect a Generating Facility from the Distribution System under the following conditions:
  - 1. Upon expiration or termination of the Interconnection Agreement with a Customer, in accordance with the terms of the Interconnection Agreement;
  - 2. Upon determining that the Generating Facility is not in compliance with the technical requirements found within the Utility's Interconnection Manual;
  - 3. Upon determining that continued Interconnection of the Generating Facility will endanger system operations, persons, or property, for the time needed to make immediate repairs on the Distribution System;
  - 4. To perform routine maintenance, repairs, and system modifications; and
  - 5. Upon determining that an Interconnection Agreement is not in effect for the Generating Facility.
- B.** A Utility and a Customer shall cooperate to restore the Generating Facility and the Distribution System to their normal operating states as soon as practicable.
- C.** A Customer may temporarily disconnect the Generating Facility from the Distribution System at any time. Such temporary disconnection shall not constitute a termination of the Interconnection Agreement unless the Customer has so specified in writing.
- D.** Except in the case of a disconnection under subsection (A)(3), a Utility shall provide notice to a Customer before disconnecting the Generating Facility. The Utility shall provide the Customer notice at least three calendar days prior to the impending disconnection and shall include in the notice the date, time, and estimated duration of the disconnection.
- E.** When a Generating Facility is disconnected under subsection (A)(2):
  - 1. The Customer shall notify the Utility when the Generating Facility is restored to compliance with technical requirements;
  - 2. The Utility shall, within five calendar days after receiving the Customer's notice, have an inspector verify the compliance; and
  - 3. Upon verifying the compliance, the Utility shall, in coordination with the Customer, reconnect the Generating Facility.
- F.** A Utility shall reconnect a Generating Facility as quickly as practicable after determining that the reason for disconnection is remedied.
- G.** An Interconnection Agreement shall continue in effect after disconnection or termination of electric service to the extent and for the period necessary to allow or require the Utility or Customer to fulfill rights or obligations that arose under the agreement, notwithstanding subsection (H)(4). An Interconnection Agreement cannot be for a term less than the expected life of the Generating Facility, unless mutually agreed upon by the Customer and the Utility.
- H.** An Interconnection Agreement shall become effective on the effective date specified in the Interconnection Agreement and shall remain in effect thereafter unless and until:
  - 1. It is terminated by mutual agreement of the Utility and Customer;
  - 2. It is replaced by another Interconnection Agreement, with mutual consent of the Utility and Customer;
  - 3. It is terminated by the Utility or the Customer due to a breach or default of the Interconnection Agreement; or
  - 4. The Customer terminates Utility electric service, vacates or abandons the property on which the Generating Facility is located, or terminates or abandons the Generating Facility, without the Utility's agreement.
- I.** An Interconnection Agreement shall not be terminated in the event of the sale or lease of the property owned by the Customer. If the ownership of a Generating Facility changes, the Interconnection Agreement will remain in effect so long as the operation of the Generating Facility, as specified in the Interconnection Agreement, remains unchanged. The Customer shall provide notice to the Utility within seven calendar days in the event of a change in the ownership of the Generating Facility.
- J.** Upon termination of an Interconnection Agreement:
  - 1. The Customer shall ensure that the electrical conductors connecting the Generating Facility to the Distribution System are immediately lifted and permanently removed, to preclude any possibility of interconnected operation in the future; and
  - 2. The Utility may inspect the Generating Facility to verify that it is permanently disconnected.

**R14-2-2614. Application and Generating Facility General Requirements**

- A.** A Customer desiring to interconnect to the Distribution System a Generating Facility that is not a Non-Exporting inverter-based energy storage Generating Facility or an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less shall apply to the Utility for Interconnection as provided in this Section.
- B.** An Applicant shall submit an Application on a form provided by the Utility, or according to a format provided by the Utility, along with the following:
  - 1. All supplemental information and documents required by the Utility, which shall be noted on the Utility's Application or Application instructions;
  - 2. An executed Interconnection Agreement, if required by the Utility; and
  - 3. An initial Application or processing fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- C.** Upon request, a Utility shall provide an Applicant with sample diagrams that indicate the preferred level of detail and type of information required for a typical inverter-based system.
- D.** Within seven calendar days after receiving an Application, a Utility shall review the Application and provide the Applicant notice:



- 1. That the Application satisfies all requirements under subsection (B); or
  - 2. That the Application does not satisfy one or more requirements under subsection (B), in which case:
    - a. The Utility shall specify the additional information or documents required;
    - b. The Applicant shall submit the specified information or documents; and
    - c. The Application may be deemed withdrawn if the Applicant does not submit the required information or documents within 30 calendar days.
- E.** A Generating Facility shall comply with the following general requirements:
- 1. If inverter based, each inverter shall meet the shutdown protective functions (under/over voltage, under/over frequency, and anti-Islanding) specified in IEEE 1547-2018 – IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces (April 6, 2018), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>;
  - 2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual; and
  - 3. The Generating Facility shall comply with the Utility’s Interconnection Manual and Interconnection Agreement requirements.

**R14-2-2615. Screens**

- A.** For Interconnection of a proposed Generating Facility to a distribution circuit, the aggregated generation on the circuit, including the proposed Generating Facility, shall not exceed 15% of the total circuit annual peak load as most recently measured at the substation or on the line section (if available), or the circuit hosting capacity limit; whichever is greater. Non-Exporting Systems, regardless of system size, and Inadvertent Export systems with a Maximum Capacity of 20 kW and under shall not be subject to this subsection.
- B.** A proposed Generating Facility shall not contribute more than 10% to a distribution circuit’s maximum fault current at any point on the Distribution System, including during normal contingency conditions that may occur due to reconfiguration of the feeder or the distribution substation.
- C.** The proposed Maximum Capacity of a Generating Facility, in aggregate with the Maximum Capacity of other generation on a distribution circuit, shall not cause any distribution protective devices and equipment (including but not limited to substation breakers, fuse cutouts, and line reclosers), or consumer equipment on the system, to exceed 90% of the short circuit interrupting capability. Interconnection shall not be proposed for a circuit that already exceeds 90% of the short circuit interrupting capability.
- D.** A proposed Generating Facility shall be interconnected to the Distribution System as shown in the table below:

<b>Primary Distribution Line Configuration</b>	<b>Interconnection to Primary Distribution Line</b>
Three-phase, three wire	If a three-phase or single-phase Generating Facility, Interconnection shall be phase-to-phase
Three-phase, four wire	If a three-phase (effectively grounded) or single-phase Generating Facility, Interconnection shall be line-to-neutral

- E.** If a proposed Generating Facility is to be interconnected on single-phase shared secondary, the aggregate generation capacity on the shared secondary, including the proposed Maximum Capacity of the Generating Facility, shall not exceed 75% of the service transformer rating. Non-Exporting Systems and Inadvertent Export systems shall not be subject to this subsection.
- F.** If a proposed Generating Facility is single-phase and is to be interconnected on a transformer center tap neutral of a 240-volt service, its addition shall not create an imbalance between the two sides of the 240-volt service of more than 20% of the nameplate rating of the service transformer.
- G.** A proposed Generating Facility, in aggregate with other generation interconnected to the distribution low-voltage side of a substation transformer feeding the distribution circuit where the Generating Facility would interconnect, shall not exceed 10 MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (e.g., three or four transmission voltage level busses from the Point of Interconnection). Non-Exporting Systems, regardless of system size, and Inadvertent Export systems with a Maximum Capacity of 20 kW and under shall not be subject to this subsection.
- H.** A proposed Generating Facility’s Point of Interconnection shall not be on a transmission line.
- I.** A proposed Generating Facility shall not exceed the capacity of the Customer’s existing electrical service unless there is a simultaneous request for an upgrade to the Customer’s electrical service or the Generating Facility is configured never to inject onto the feeder power that exceeds the capacity of the electrical service.
- J.** If a proposed Generating Facility is non-inverter based, the Generating Facility must comply with the Protective Function requirements and any additional Utility Interconnection requirements, which shall be specified by the Utility in its Interconnection Manual.

**R14-2-2616. Pre-Application Report**

- A.** An Applicant requesting a Pre-Application Report shall submit to a Utility:
  - 1. The Applicant’s contact information (name, address, phone, and email);
  - 2. A proposed Point of Interconnection, sufficiently identified by latitude and longitude, site map, street address, meter number, account number, or some combination of those sufficient to identify the location of the Point of Interconnection;
  - 3. A description of the proposed generation technology and fuel source; and
  - 4. A non-refundable processing fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- B.** An Applicant requesting a Pre-Application Report shall understand that:



1. The existence of “available capacity” does not mean that the Interconnection of a Generating Facility with a nameplate capacity that is equivalent to the available capacity may be completed without impacts, because the Pre-Application Report does not address all of the variables studied as part of the Interconnection review process;
  2. The Distribution System is dynamic and subject to change; and
  3. Data provided in the Pre-Application Report may become outdated and may not be useful at the time an Application is submitted.
- C.** Within 21 calendar days of receipt of a completed Pre-Application Report request, a Utility shall provide a Pre-Application Report, which shall include the following information, as available:
1. The total capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  2. The allocated capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  3. The queued capacity (MW) of the substation/area bus or bank and circuit likely to serve the proposed site;
  4. The available capacity (MW) of the substation/area bus or bank and circuit most likely to serve the proposed site;
  5. Whether the proposed Generating Facility is located on an area, spot, or radial network;
  6. The substation nominal distribution voltage or nominal transmission voltage, if applicable;
  7. The nominal distribution circuit voltage at the proposed site;
  8. The approximate circuit distance between the proposed site and the substation;
  9. The peak load estimate and minimum load data of each relevant line section, when available;
  10. The number of protective devices and voltage regulating devices between the proposed site and the substation/area;
  11. Whether three-phase power is available at the site and, if not, the distance of the site from three-phase service;
  12. The limiting conductor rating from the proposed Point of Interconnection to the distribution substation; and
  13. Based on the proposed Point of Interconnection, any existing or known constraints, such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.
- D.** A Utility shall not be required to generate data for a Pre-Application Report and may include only pre-existing data. An Applicant request for a Pre-Application Report does not obligate the Utility to conduct a study or other analysis of the proposed project in the event that pre-existing data is not available. If a Utility cannot complete all or some of a Pre-Application Report due to lack of available data, the Utility shall provide the Applicant a Pre-Application Report that includes the information that is available and identifies the information that is unavailable. Notwithstanding any provisions of this Section, a Utility shall, in good faith, provide Pre-Application Report data that represents the best available information at the time of reporting.
- E.** A Utility may charge a fee for a Pre-Application Report if a tariff containing such a fee is approved for the Utility by the Commission.

**R14-2-2617. Level 1 Super Fast Track**

- A.** A Customer interconnecting an inverter-based Generating Facility with a Maximum Capacity of 20 kW or less, which only uses Certified Equipment, shall apply for Interconnection under the Level 1 Super Fast Track Application process.
- B.** To qualify for Level 1 Super Fast Track, the Generating Facility shall comply with R14-2-2615(A), (E), and (F).
- C.** The Level 1 Super Fast Track shall proceed as follows:
1. Within 14 calendar days following provision of notice under R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility design satisfies R14-2-2615(A), (E), and (F) and meets all Interconnection requirements and the Application is therefore deemed complete and approved for Interconnection; or
    - b. The Generating Facility design does not satisfy one or more of the requirements listed in R14-2-2615(A), (E), or (F) or does not meet one or more of the Utility’s Interconnection requirements, which shall be specified, and the Application is therefore deemed incomplete and not approved for Interconnection.
  2. If the Utility’s determination falls under subsection (C)(1)(b), the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
    - a. Except as provided in subsection (D), if the Applicant does not provide notice within 30 calendar days that it wishes to proceed with the Interconnection, the Application may be considered withdrawn.
    - b. If the Applicant wishes to proceed with the Interconnection, the Applicant shall submit to the Utility, within 30 calendar days, any Utility-specified additional information or modifications to the Generating Facility, along with one of the following:
      - i. A request that the Utility continue to process the Application under this section; or
      - ii. A request that the Utility process the Application in accordance with R14-2-2620.
  3. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.
- D.** An Applicant may, within 30 calendar days after receiving notice under subsection (C)(1)(b), submit a request for an extension of the 30-day period allowed for submissions under subsection (C)(2)(b).
- E.** After receiving a submission under subsection (C)(2)(b), a Utility shall again follow the process of subsection (C).
- F.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- G.** A Customer shall be responsible for any costs of Utility facilities and equipment modifications necessary to accommodate the Customer’s Interconnection.
- H.** If the Generating Facility’s operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility’s operating characteristics to reduce facility costs.

**R14-2-2618. Level 2 Fast Track**

- A.** A Customer interconnecting a Generating Facility with a Maximum Capacity of less than 2 MW, excluding a Generating Facility processed in accordance with R14-2-2617, shall apply for Interconnection under the Level 2 Fast Track Application process.



- B.** To qualify for the Level 2 Fast Track, the Generating Facility shall comply with R14-2-2615(A) through (J).
- C.** The Level 2 Fast Track shall proceed as follows:
1. Within 21 calendar days following provision of notice under R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility design satisfies R14-2-2615(A) through (J) and meets all Interconnection requirements and the Application is therefore deemed complete and approved for Interconnection; or
    - b. The Generating Facility design does not satisfy one or more of the requirements listed in subsections R14-2-2615(A) through (J) or does not meet one or more of the Utility's Interconnection requirements, which shall be specified, and the Application is therefore deemed incomplete and not approved for Interconnection.
  2. If the Utility's determination falls under subsection (C)(1)(b), the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
    - a. Except as provided in subsection (D), if the Applicant does not provide notice within 30 calendar days that it wishes to proceed with the Interconnection, the Application may be considered withdrawn.
    - b. If the Applicant wishes to proceed with the Interconnection, the Applicant shall submit to the Utility, within 30 calendar days, any Utility-specified additional information or modifications to the Generating Facility, along with one of the following:
      - i. A request that the Utility continue to process the Application under this section;
      - ii. A request that the Utility process the Application in accordance with R14-2-2619; or
      - iii. A request that the Utility process the Application in accordance with R14-2-2620.
  3. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.
- D.** An Applicant may, within 30 calendar days after receiving notice under subsection (C)(1)(b), submit a request for an extension of the 30-day period allowed for submissions under subsection (C)(2)(b).
- E.** After receiving a submission under subsection (C)(2)(b), a Utility shall again follow the process under subsection (C).
- F.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- G.** A Customer shall be responsible for any costs of Utility facilities and equipment modifications necessary to accommodate the Interconnection.
- H.** If the Generating Facility's operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility's operating characteristics to reduce facility costs.

#### **R14-2-2619. Level 3 Study Track**

- A.** A Customer interconnecting a Generating Facility with a Maximum Capacity of 2 MW or greater, or a Generating Facility that does not meet the screening requirements for Level 1 Super Fast Track, Level 2 Fast Track, or Supplemental Review, shall apply for Interconnection under the Level 3 Study Track Application process.
- B.** An Applicant may request a pre-application meeting with the Utility to discuss the proposed design, installation, and operation of the Generating Facility prior to submission of an Application.
- C.** The Level 3 Study Track shall proceed as follows:
1. Within 14 calendar days after transfer from Level 1 Super Fast Track, transfer from Level 2 Fast Track, or transfer from Supplemental Review, a Utility shall review the Application and provide the Applicant notice:
    - a. That the Application satisfies all requirements under R14-2-2614(B); or
    - b. That the Application does not satisfy one or more requirements under R14-2-2614(B), in which case:
      - i. The Utility shall specify the additional information or documents required;
      - ii. The Applicant shall submit the specified information or documents; and
      - iii. The Application may be deemed withdrawn if the Applicant does not submit the required information or documents within 30 calendar days.
  2. Within 30 calendar days following provision of notice under (C)(1)(a) or R14-2-2614(D)(1), the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility design appears to meet all of the applicable Interconnection requirements; no further studies, special protective requirements, or system modifications are required; and the Application is deemed complete and approved for Interconnection; or
    - b. The Generating Facility does not meet one or more of the Utility's Interconnection requirements, which shall be specified, and cannot be interconnected without further information, data, engineering studies, or modifications to the Distribution System or Generating Facility; the Interconnection shall proceed according to a meeting and study process deemed necessary by the Utility; itemized costs and timelines for the studies will be disclosed and agreed upon by the Utility and Applicant prior to the start of each one; and all studies will be made available to the Applicant.
  3. Within 21 calendar days after notice is provided under subsection (C)(2)(b), a Scoping Meeting may be conducted to discuss which studies are needed, and the Utility shall provide to the Customer at the Scoping Meeting an acknowledgement letter describing the project scope and including a good faith estimate of the cost.
  4. If requested by the Customer, the Utility shall undertake a Feasibility Study. The Utility shall provide the Customer, within 14 calendar days after the Scoping Meeting, a Feasibility Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the Feasibility Study after the Customer executes the Feasibility Study agreement, provides all requested information necessary to complete the Feasibility Study, and pays the estimated costs.
    - a. The Feasibility Study shall be completed within 45 calendar days.
    - b. The Feasibility Study:



- i. Shall include review of short circuit currents, including contribution from the proposed generator, as well as coordination of and potential overloading of distribution circuit protection devices;
- ii. Shall provide initial details and ideas on the complexity and likely costs to interconnect prior to commitment of costly engineering review; and
- iii. May be used to focus or eliminate some or all of the more intensive System Impact Study.
- 5. If deemed necessary by the Customer or the Utility, the Utility shall undertake a System Impact Study. The Utility shall provide the Customer, within 14 calendar days after completing the previous study or meeting, a System Impact Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the System Impact Study after the Customer executes the System Impact Study agreement, provides all requested Customer information necessary to complete the System Impact Study, and pays any required deposit of the estimated costs.
  - a. The System Impact Study shall be completed within 45 calendar days.
  - b. The System Impact Study shall reveal all areas where the Distribution System would need to be upgraded to allow the Generating Facility to be built and interconnected as designed and may include discussions with the Customer about potential alterations to generator design, including downsizing to limit grid impacts, as well as operational limits that would limit grid impacts if implemented.
  - c. If the Utility determines, in accordance with Good Utility Practice, that the Distribution System modifications required to accommodate the proposed Interconnection are not substantial, the System Impact Study shall identify the scope and detailed cost of the modifications.
  - d. If the Utility determines, in accordance with Good Utility Practice, that the system modifications to the Distribution System are substantial, a Facilities Study shall be performed.
  - e. Each Utility shall include in its Interconnection Manual a description of the various elements of a System Impact Study it would typically undertake pursuant to this Section, including:
    - i. Load flow study;
    - ii. Short-circuit study;
    - iii. Circuit protection and coordination study;
    - iv. Impact on system operation;
    - v. Stability study, and the conditions justifying inclusion; and
    - vi. Voltage collapse study, and the conditions justifying inclusion.
- 6. The Utility shall undertake a Facilities Study if needed based on the outcome of the System Impact Study. The Utility shall provide the Customer, within 14 calendar days after completing the previous study or meeting, a Facilities Study agreement including an outline of the scope of the study and a non-binding, good faith estimate of the cost of the materials and labor needed to perform the study. The Utility shall conduct the Facilities Study after the Customer executes the Facilities Study agreement, provides all requested Customer information necessary to complete the study, and pays the estimated costs.
  - a. The Facilities Study shall be completed within 45 calendar days.
  - b. The Facilities Study shall delineate the detailed costs of construction and milestones. Construction may include new circuit breakers, relocation of reclosers, new Utility grid extensions, reconductoring lines, new transformers, protection requirements, and interaction.
- 7. If the Generating Facility meets all of the applicable Interconnection requirements, all items identified in any meeting or study have been resolved and agreed to, and the Utility has received the final design drawings, then:
  - a. The Utility shall send to the Customer, within seven calendar days, an executable Interconnection Agreement, which shall include as an exhibit the cost for any required Distribution System modifications;
  - b. The Customer shall review, sign, and return the Interconnection Agreement and any balance due for Interconnection studies or required deposit for facilities; and
  - c. The Customer shall then complete installation of the Generating Facility, and the Utility shall complete any Distribution System modifications, according to the requirements set forth in the Interconnection Agreement. The Utility shall employ best reasonable efforts to complete such system upgrades in the shortest time practical.
- 8. Once an Application is approved, the Generating Facility shall be subject to R14-2-2621.
- D.** A Utility may not charge a fee for an additional review under subsection (C), unless a tariff containing such a fee is approved for the Utility by the Commission.
- E.** A Customer shall have the responsibility for any costs of Utility facilities and equipment modifications necessary to accommodate the Customer's Interconnection.
- F.** If the Generating Facility's operating characteristics can be modified such that improvements to the Distribution System are reduced or not required, and both the Utility and Customer agree on the operating characteristics, the Customer shall have the opportunity to modify the Generating Facility's operating characteristics to reduce facility costs.

**R14-2-2620. Supplemental Review**

- A.** If a Utility determines that an Application for Interconnection cannot be approved without conducting a Supplemental Review, or if requested by the Applicant:
  - 1. The Utility shall, within seven calendar days of making the determination or receiving the request, provide the Applicant a good faith estimate of the cost of the Supplemental Review and a written agreement setting forth the terms of the Supplemental Review; and
  - 2. If the Customer desires to proceed with the Application, the Customer shall, within 14 calendar days of receipt of the good faith estimate and written agreement, sign the written agreement and submit to the Utility a deposit for the full estimated cost of the Supplemental Review.
- B.** The Applicant may specify the order in which the Utility will complete the screens in subsection (E).



- C.** The Applicant shall be responsible for the Utility's actual costs for conducting a Supplemental Review and must pay any review costs exceeding the deposit amount within 30 calendar days of receipt of an invoice for the balance, or resolution of any dispute as to those costs. If the deposit amount exceeds the actual costs of the Supplemental Review, the Utility shall return such excess to the Customer, without interest, within 30 calendar days of completing the Supplemental Review.
- D.** Within 21 calendar days following receipt of the deposit for a Supplemental Review, the Utility shall:
1. Perform a Supplemental Review by determining compliance with the screens in subsections (E)(1), (2), and (3);
  2. Unless the Applicant has previously provided instructions for how to respond to the Generating Facility's failure to meet any of the Supplemental Review screens:
    - a. Notify the Applicant following the failure of any of the screens; and
    - b. If the Utility is unable to determine compliance with the screen in subsection (E)(1), notify the Applicant within two calendar days of making such determination and request the Applicant's permission to:
      - i. Continue evaluating the Interconnection under subsection (E);
      - ii. Terminate the Supplemental Review and continue evaluating the Generating Facility under R14-2-2619; or
      - iii. Terminate the Supplemental Review upon withdrawal of the Interconnection request by the Applicant; and
  3. Notify the Applicant of the results of the Supplemental Review along with copies of the analysis and data underlying the Utility's determinations of compliance with the screens.
- E.** A Utility shall apply the following screens in its Supplemental Review:
1. A minimum load screen:
    - a. If 12 months of line section minimum load data (including onsite load but not station service load served by the Generating Facility) are available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate Generating Facility Maximum Capacity on the line section shall be less than 100% of the minimum load for all line sections bounded by automatic sectionalizing devices upstream of the Generating Facility.
    - b. If 12 months of line section minimum load data are not available, or cannot be calculated, estimated, or determined, the Utility shall include in its Supplemental Review results notification under subsection (D) each reason that it is unable to calculate, estimate, or determine minimum load.
    - c. In making its determination of compliance with subsections (E)(1)(a) and (b), the Utility shall:
      - i. Consider the type of generation used by the Generating Facility when calculating, estimating, or determining the circuit or line section minimum load, using daytime minimum load for solar photovoltaic generation systems with no battery storage (i.e., 10 a.m. to 4 p.m. for fixed panel systems and 8 a.m. to 6 p.m. for solar photovoltaic generation systems utilizing tracking systems), and using absolute minimum load for all other generation;
      - ii. For a Generating Facility that serves some station service load, consider only the net injection into the Utility's electric system as part of the aggregate generation; and
      - iii. Not consider as part of the aggregate generation Generating Facility capacity known to be reflected already in the minimum load data.
  2. A voltage and power quality screen: In aggregate with existing Maximum Capacity on the line section:
    - a. Voltage regulation on the line section shall be maintained in compliance with relevant requirements under all system conditions;
    - b. Voltage fluctuation shall be within acceptable limits as defined by IEEE 1453, IEEE Recommended Practice for the Analysis of Fluctuating Installations on Power Systems (October 30, 2015), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>; and
    - c. Harmonic levels shall meet IEEE 519 limits, IEEE Recommended Practice and Requirements for Harmonic Control in Electric Power Systems (June 11, 2014), with no future editions or amendments, which is incorporated by reference; on file with the Commission; and published by and available from IEEE, 3 Park Avenue, 17th Floor, New York, New York 10016, and through <http://ieeexplore.ieee.org>.
  3. A safety and reliability screen: The location of the Generating Facility and the aggregate Maximum Capacity on the line section shall not create impacts to safety or reliability that cannot be adequately addressed without application of the Interconnection Study process. In making this determination regarding potential impacts to safety and reliability, the Utility shall give due consideration to the following, and any other relevant factors:
    - a. Whether the line section has significant minimum loading levels dominated by a small number of customers (e.g., several large commercial customers);
    - b. Whether the loading along the line section is uniform or even;
    - c. Whether the Generating Facility is located in close proximity to the substation (i.e., within less than 2.5 electrical circuit miles);
    - d. Whether the line section from the substation to the Point of Interconnection is a main feeder line section rated for normal and emergency ampacity;
    - e. Whether the Generating Facility incorporates a time delay function to prevent reconnection of the generator to the system until system voltage and frequency are within normal limits for a prescribed time;
    - f. Whether operational flexibility is reduced by the Generating Facility, such that transfer of the line section(s) of the Generating Facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues; and
    - g. Whether the Generating Facility employs equipment or systems certified by a recognized standards organization to address technical issues such as, but not limited to, Islanding, reverse power flow, or voltage quality.
- F.** If the Interconnection satisfies subsection (E), the Application shall be approved for Interconnection, and the Utility shall provide the Applicant notice of the Supplemental Review results.
- G.** If Interconnection Facilities or minor modifications to the Utility's system are required for the Interconnection to meet the screens in subsection (E), the Utility shall notify the Applicant and request for the Applicant to pay for the modifications. If the Applicant agrees



to pay for the modifications to the Utility's electric system, the Utility shall provide an Interconnection Agreement, along with a non-binding good faith estimate of the cost for the Interconnection Facilities and minor modifications, to the Applicant within seven calendar days after the Applicant agrees to pay for the modifications.

- H.** If more than Interconnection Facilities or minor modifications to the Utility's system would be required for the Interconnection to meet the screens in subsection (E), the Utility shall notify the Applicant, at the same time it notifies the Applicant of the Supplemental Review results, that the Interconnection request shall be evaluated under R14-2-2619, unless the Applicant withdraws its Application.
- I.** If the Interconnection fails any of the screens in subsection (E), and the Applicant does not withdraw its Application, the Utility shall continue to evaluate the Application under R14-2-2619.

**R14-2-2621. Utility Site Inspection; Approval for Parallel Operation**

- A.** Once an Application is approved for Interconnection:
- If the Utility has not received an executed Interconnection Agreement, the Utility shall send to the Customer, within seven calendar days after the notice of Application approval, the appropriate Interconnection Agreement for review and signature;
  - If required, the Customer shall submit to the Utility a copy of the final electrical clearance for the Generating Facility issued by the authority having jurisdiction;
  - The Customer shall submit all necessary supplemental documents as specified by the Utility; and
  - A site inspection shall be performed if deemed necessary by the Utility or requested by the Customer.
- B.** Within seven calendar days after a site inspection is deemed necessary by the Utility, or requested by the Customer, the Utility shall perform a site inspection for which it may charge a fee, if a tariff containing such a fee is approved for the Utility by the Commission. During a site inspection, the Utility shall verify at least the following:
- The Generating Facility is in compliance with all applicable Interconnection and code requirements;
  - All Generating Facility equipment is properly labeled;
  - The Generating Facility system layout is in accordance with the plant location and site plans submitted to the Utility;
  - The inverter nameplate ratings are consistent with the information submitted to the Utility;
  - The Utility has unrestricted 24-hour access to the Utility-owned production meter and Disconnect Switch, and the Disconnect Switch meets all applicable requirements;
  - The inverter shuts down as required upon simulated loss of Utility voltage; and
  - To the extent visible, the Generating Facility appears to be wired in accordance with the electrical diagrams submitted to the Utility.
- C.** The Utility shall install appropriate metering equipment, if required. The Utility may require the Customer to pay for the metering equipment, if a tariff containing such a fee is approved for the Utility by the Commission.
- D.** Within three calendar days of the completion of the site inspection and the receipt of all final applicable signed Interconnection documents, the Utility shall determine whether the Generating Facility meets all applicable requirements and shall notify the Customer that:
- The Generating Facility is approved for Parallel Operation with the Distribution System per the agreed terms and conditions; or
  - The Generating Facility has failed the site inspection because it does not meet one or more of the applicable requirements, which shall be specified; the Generating Facility is not approved for Parallel Operation; and specified actions must be taken by the Customer to resolve the issue and to obtain approval for Parallel Operation.
- E.** If the Generating Facility fails the initial Utility site inspection:
- The Applicant shall, within 30 calendar days of the initial site inspection, correct any outstanding issues and notify the Utility that all corrections have been made, or the Application may be deemed withdrawn unless alternative arrangements have been made by the Customer with the Utility; and
  - The Utility shall, within 14 calendar days of the Applicant notice of correction, perform a repeat inspection of the Generating Facility, for which the Utility may charge a fee, if a tariff containing such a fee is approved for the Utility by the Commission.
- F.** A Utility may take any reasonable actions, including locking open a Disconnect Switch, to prevent Parallel Operation for:
- A Generating Facility that fails a site inspection; or
  - A Customer who operates a Generating Facility in parallel without Utility approval.
- G.** If a Customer does not interconnect a Generating Facility within 180 calendar days after Application approval, the Customer's Application may be considered withdrawn.

**R14-2-2622. Interconnection to a Secondary Spot Network System**

- A.** A Secondary Spot Network System is a system that:
- Simultaneously serves a Customer from three-phase, four-wire, low-voltage (typically 480V) circuits supplied by two or more network transformers which have low-voltage terminals that are connected to the low-voltage circuits through network protectors without ties to adjacent or nearby secondary network systems;
  - Has two or more high-voltage primary feeders that are either dedicated network feeders that serve only other network transformers, or non-dedicated network feeders that serve radial transformers in addition to the network transformers, depending on network size and design; and
  - Has automatic protective devices and fuses intended to isolate faulted primary feeders, network transformers, or low-voltage cable sections while maintaining uninterrupted service to the consumers served from the low-voltage circuits.
- B.** Because interconnecting a Generating Facility to a Secondary Spot Network System implicates technical requirements that are particular to the design and operational aspects of network protectors that are not required on radial systems, the Utility shall determine the process for interconnecting to a Secondary Spot Network System, subject to the following:
- A Generating Facility shall not be interconnected to the load side of spot network protectors unless the Generating Facility uses an inverter-based equipment package and, together with the aggregated other inverter-based generation, does not exceed the smaller of 5% of the Secondary Spot Network System's maximum load or 50 kW; and



2. Interconnection of a Generating Facility shall not result in a Backfeed of a Secondary Spot Network System or cause unnecessary operation of any Secondary Spot Network System protectors.

**R14-2-2623. Expedited Interconnection Process**

- A.** A Customer interconnecting a Non-Exporting inverter-based energy storage Generating Facility or an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less may apply for Interconnection under the Expedited Interconnection Process. In order to qualify for the Expedited Interconnection Process, the Customer's Generating Facility must meet the applicable conditions specified in subsections (B) and (C).
- B.** For a Customer interconnecting a Non-Exporting Generating Facility:
1. The Generating Facility shall utilize only UL 1741- and UL 1741SA-listed equipment;
  2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
  3. The Generating Facility shall comply with Utility Interconnection and contractual requirements;
  4. The Generating Facility shall be a Non-Exporting inverter-based energy storage device with an aggregate maximum nameplate rating no greater than 500 kW;
  5. No other Generating Facilities, other than isolated back-up Generating Facilities, may be at the same Point of Interconnection as the Generating Facility;
  6. The Generating Facility shall comply with R14-2-2615(F); and
  7. The Generating Facility shall comply with one of the following:
    - a. The system capacity shall be less than 25% of the electrical service entrance ampere rating, and less than 50% of the service transformer rating; or
    - b. The system output rating shall be less than 50% of the verifiable Customer minimum load as measured over the past 12 months.
- C.** For a Customer interconnecting an Inadvertent Export Generating Facility with a Maximum Capacity of 20 kW or less:
1. The Generating Facility shall utilize only UL 1741- and UL 1741SA-listed equipment;
  2. The Generating Facility shall meet all applicable codes and standards required by this Article and referenced in the Utility Interconnection Manual;
  3. The Generating Facility shall comply with Utility Interconnection and contractual requirements;
  4. The Generating Facility shall comply with R14-2-2603(E)(1) and (E)(4) through (7);
  5. No other Generating Facilities, other than isolated back-up Generating Facilities or Generating Facilities that are already subject to an executed Interconnection Agreement, may be at the same Point of Interconnection as the Generating Facility; and
  6. The Generating Facility shall comply with R14-2-2615(E) and (F).
- D.** The Expedited Interconnection Process shall proceed as follows:
1. An Applicant shall complete an Application provided by the Utility and submit the Application to the Utility along with all required supplemental information and documents, which shall be noted on the Application, as well as an executed Interconnection Agreement, if required by the Utility, and with an initial application fee or processing fee only if a tariff containing such a fee is approved for the Utility by the Commission.
  2. Within seven calendar days of receipt of the Application, the Utility shall notify the Applicant whether the Application is complete or incomplete.
    - a. When the Utility notifies the Applicant that an Application is incomplete, the Utility shall specify what additional information or documentation is necessary to complete the Application.
    - b. Within 30 calendar days after receipt of notification that an Application is incomplete, an Applicant shall withdraw the Application or submit the required information or documentation. If an Applicant does not submit the required information or documentation within 30 calendar days, the Application may be considered withdrawn.
  3. Within seven calendar days following the receipt of a complete Application, the Utility shall review the Application and notify the Applicant of one of the following determinations:
    - a. The Generating Facility meets the requirements of subsections (B) and (C), and the Application is approved as submitted;  
or
    - b. The Generating Facility does not meet the requirements of subsections (B) and (C), in a manner specified by the Utility; the Application is no longer eligible for processing under the Expedited Interconnection Process; and the Applicant has the option to select Application processing in accordance with R14-2-2620.
  4. If the Application is not accepted as submitted, the Applicant shall notify the Utility within 30 calendar days whether it wishes to proceed with the Interconnection.
    - a. If the Applicant does not wish to proceed with the Interconnection, or the Utility is not notified within the specified time-frame, the Application may be considered withdrawn.
    - b. If the Applicant wishes to proceed with the Interconnection, the Utility shall begin processing the Application in accordance with R14-2-2620.
  5. Once an Application is approved:
    - a. If the Utility has not received an executed Interconnection Agreement, the Utility shall send to the Customer, within three calendar days after the notice of Application approval, the appropriate Interconnection Agreement for review and signature; and
    - b. Within three calendar days of the receipt of all final applicable signed Interconnection documents, the Utility shall notify the Customer that the Generating Facility is approved for Parallel Operation.



**R14-2-2624. Disconnect Switch Requirements**

- A.** If required by a Utility, a Customer shall install and maintain a visual-open, manually operated, load break Disconnect Switch that completely opens and isolates all ungrounded conductors of the Generating Facility from the Distribution System. For multi-phase systems, the Disconnect Switch shall be gang-operated.
- B.** A Utility may impose additional requirements for a Disconnect Switch in its Interconnection Manual.

**R14-2-2625. Advanced Inverter Requirements**

- A.** If interconnected after the effective date of this Article, a Generating Facility utilizing inverter-based technology shall be interconnected via advanced inverter(s) that are capable of, at minimum, the advanced grid support features specified in subsection (B).
- B.** At a minimum, an advanced inverter shall be capable of the following grid support features:
  1. Volt/VAR Mode – Provide voltage/VAR control through dynamic reactive power injection through autonomous responses to local voltage measurement;
  2. Volt/Watt Mode – Provide voltage/watt control through dynamic active power injection through autonomous responses to local voltage measurement;
  3. Fixed Power Factor – Provide reactive power by a fixed power factor;
  4. Anti-Islanding – Support anti-Islanding to trip off under extended anomalous conditions;
  5. Low/High Voltage Ride-through (L/HVRT) – Provide ride-through of low/high voltage excursions beyond normal limits;
  6. Low/High Frequency ride-through (L/HFRT) – Provide ride-through of low/high frequency excursions beyond normal limits;
  7. Soft-Start Reconnection – Reconnect after grid power is restored; and
  8. Frequency/Watt Mode – Provide Frequency/Watt control to counteract frequency excursions beyond normal limits by decreasing or increasing real power.
- C.** The grid support features listed in subsections (B)(1), (2), (3), (7), and (8) shall only be activated upon mutual consent between the Customer and the Utility.
- D.** The grid support features listed in subsections (B)(4), (5), and (6) shall always be operational.
- E.** Advanced inverters shall meet the shutdown protective functions (under/over voltage, under/over frequency, and anti-Islanding) specified in IEEE 1547-2018, which is incorporated by reference in R14-2-2614(E)(1).

**R14-2-2626. Utility Reporting Requirements**

- A.** Each Utility shall maintain records concerning each received Application for Interconnection and shall include in its records:
  1. The date the Application was received;
  2. Any documents generated in the course of processing the Application;
  3. Any correspondence regarding the Application;
  4. The final disposition of the Application; and
  5. The final disposition date.
- B.** By March 30 of each year, each Utility shall file with the Commission a Distributed Generation Interconnection Report, with data for the preceding calendar year that shall include:
  1. The number of complete Applications denied by track level, including the reasons for denial;
  2. A list of special contracts, approved by the Commission during the reporting period, that provide discounted rates to Customers as an alternative to self-generation;
  3. Pre-Application Report:
    - a. Total number of reports requested;
    - b. Total number of reports issued;
    - c. Total number of requests withdrawn; and
    - d. Maximum, mean, and median processing times from receipt of request to issuance of report;
  4. Interconnection Application:
    - a. Total number received, broken down by:
      - i. Primary fuel type (e.g., solar, wind, biogas, etc.); and
      - ii. System size (<20 kW, 20 kW-2 MW, >2MW);
    - b. Expedited Interconnection Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - c. Level 1 Super Fast Track Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - d. Level 2 Fast Track Process:
      - i. Total number of applications approved;
      - ii. Total number of applications denied;
      - iii. Total number of applications withdrawn; and
      - iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement;
    - e. Supplemental Review;



- i. Total number of applications approved;
- ii. Total number of applications denied;
- iii. Total number of applications withdrawn; and
- iv. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement; and
- f. Level 3 Study Process:
  - i. Total number of System Impact Studies completed;
  - ii. Maximum, mean, and median processing times from receipt of signed System Impact Study agreement to provision of study results;
  - iii. Total number of Facilities Studies completed;
  - iv. Maximum, mean, and median processing times from receipt of signed Facility Study agreement to provision of study results;
  - v. Maximum, mean, and median processing times from receipt of complete Application to execution of Interconnection Agreement.

**R14-2-2627. Electric Cooperatives**

- A. Upon Commission approval of an Electric Cooperative's Interconnection Manual, its provisions shall substitute for the timeline requirements set forth in R14-2-2614 and R14-2-2616 through R14-2-2623 for the Electric Cooperative and its Customers.
- B. Each Electric Cooperative shall employ best reasonable efforts to comply with the deadlines set forth in the applicable provisions of this Article or, if unable to meet those deadlines, shall process all Applications and conduct all inspections and tests in the shortest time practical.

**R14-2-2628. Interconnection Manuals**

- A. No later than 90 calendar days after the effective date of this Article, each Utility shall file with Docket Control, for Commission review and approval, an Interconnection Manual that:
  - 1. Contains detailed technical, safety, and protection requirements necessary to interconnect a Generating Facility to the Distribution System in compliance with this Article and Good Utility Practice; and
  - 2. Specifies by date, either within its main text or in an appendix, the version of each standard, code, or guideline with which an Applicant's Generating Facility must comply to be eligible for Interconnection and Parallel Operation.
- B. A Utility shall revise its Interconnection Manual as necessary to ensure compliance with Good Utility Practice.
- C. A Utility shall file each revision to its Interconnection Manual with Docket Control, for Commission review and approval, at least 60 calendar days prior to the proposed effective date of the revision.
- D. A revision to an Interconnection Manual that a Utility has determined is necessary to enhance health or safety shall become effective immediately, subject to subsequent review and approval by the Commission.
- E. The Commission's Utilities Division may contest a Utility's proposed revision to its Interconnection Manual and may seek a suspension of the effective date of the revision to allow for further review.
- F. A Utility shall file with Docket Control, within 10 calendar days after the effective date of a decision approving any revisions to its Interconnection Manual, an updated Interconnection Manual conforming to the Commission's decision.
- G. A Utility shall make its Interconnection Manual available on the Utility's website.
- H. A Utility shall implement and ensure compliance with its Commission-approved Interconnection Manual.

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## NOTICE OF AGENCY GUIDANCE DOCUMENTS

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The Administrative Procedure Act requires the publication of guidance documents and substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

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

Substantive policy statements and agency guidance documents do not include internal procedural documents which may only affect the internal procedures of the agency and do not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

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### NOTICE OF AGENCY GUIDANCE DOCUMENT DEPARTMENT OF HEALTH SERVICES

[M19-77]

- 1. Title of the guidance document and the guidance document number by which the document is referenced:**  
GD-117-PHS-EDC: Guidance on Clinical Laboratory Submission of Isolates or Specimens
- 2. Date of the publication of the guidance document and the effective date of the document if different from the publication:**  
Effective date: July 17, 2019
- 3. Summary of the contents of the guidance document:**  
This guidance document provides guidance to clinical laboratories and the public about the submission of isolates or specimens under A.A.C. R9-6-204 and Table 2.3 to the Arizona Department of Health Services after a clinical laboratory obtains a positive test result for specified organisms.
- 4. Statement as to whether the guidance document is a new document or a revision:**  
The guidance document is a new document.
- 5. The agency contact person who can answer questions and comments about the agency guidance document:**  
Name: Ken Komatsu, State Epidemiologist  
Address: Department of Health Services  
Bureau of Epidemiology and Disease Control  
150 N. 18th Ave., Suite 100  
Phoenix, AZ 85007-3248  
Telephone: (602) 364-3587  
Fax: (602) 364-3199  
E-mail: Ken.Komatsu@azdhs.gov  
or  
Name: Robert Lane, Chief  
Address: 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
- 6. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document:**

A copy of the guidance document is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <https://azdhs.gov/director/administrative-counsel-rules/rules/index.php#guidance-edc>. A copy of the guidance document may also be obtained from the Arizona Department of Health Services, Bureau of Epidemiology and Disease Control, 150 N. 18th Ave., Suite 100, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.




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## NOTICES OF PROPOSED DELEGATION AGREEMENTS

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

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the *Register*. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the *Register*, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

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### NOTICE OF PROPOSED DELEGATION AGREEMENT DEPARTMENT OF ENVIRONMENTAL QUALITY

[M19-78]

- 1. Name of the agency proposing the delegation agreement:**  
Department of Environmental Quality
- 2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:**  
Tonto Basin Fire District, 373 Old Highway 188, Tonto Basin, AZ 85553
- 3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:**  
 Name: Balaji Vaidyanathan  
 Manager, Facilities Emissions Control Section  
 Address: Department of Environmental Quality, Air Quality Division  
 1110 W. Washington St.  
 Phoenix, AZ 85007  
 Telephone: (602) 771-4527  
 E-mail: [bv1@azdeq.gov](mailto:bv1@azdeq.gov)
- 4. A summary of the delegation agreement and the subjects and issues involved:**  
 Pursuant to A.R.S. §§ 49-107 and 49-501(D), the Arizona Department of Environmental Quality proposes to delegate authority to Tonto Basin Fire District, the Local Agency ("LA"), the program elements listed below, subject to certain conditions and limitations described in the delegation agreement. The proposed delegated program elements include:  
 The Functions and Duties delegated to the LA by this Agreement are identified by A.R.S. § 49-501 and A.A.C. R18-2-602 pertaining to issuing permits for open burning.
- 5. Copies of the proposed delegation agreement may be obtained from the agency as follows:**  
 A copy of the proposed Agreements may be obtained by request to the ADEQ Central Office for public records pertaining to the delegation of the issuance of open burn permits.  
 Or contact: Edwin Slade III, Administrative Counsel  
 Department of Environmental Quality  
 Office of Administrative Counsel  
 1110 W. Washington  
 Phoenix, AZ 85007  
 Telephone: (602) 771-2242  
 E-mail: [slade.edwin@azdeq.gov](mailto:slade.edwin@azdeq.gov)
- 6. The schedule of public hearings on the proposed delegation agreement:**  
 Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.  
 ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.  
 After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.  
 ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: 7-1-1 for TDD; (602) 771-2215 for Disability Accessibility; or Ian Bingham, Title VI Nondiscrimination Coordinator at (602) 771-4322 or [idb@azdeq.gov](mailto:idb@azdeq.gov).



ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o [idb@azdeq.gov](mailto:idb@azdeq.gov)



**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  
DEPARTMENT OF HEALTH SERVICES**

[M19-80]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 17, Department of Health Services - Medical Marijuana Program  
**Articles and their headings:** 1, General  
 2, Qualifying Patients and Designated Caregivers  
 3, Dispensaries and Dispensary Agents  
 4, Laboratories and Laboratory Agents  
**Section numbers:** R9-17-101 through R9-17-103, R9-17-107, Table 1.1, R9-17-108, R9-17-109; R9-17-205; R9-17-308, R9-17-310, R9-17-316, R9-17-318, R9-17-322 and R9-17-323; R9-17-401 through R9-17-411  
*(The Department may add, delete, or modify other Sections, as necessary.)*

- 2. The subject matter of the proposed rules:**  
 Arizona Revised Statutes (“A.R.S.”) Title 36, Chapter 28.1, which will be amended by Laws 2019, Ch. 318, requires the Arizona Department of Health Services (“Department”) to adopt rules to certify and regulate independent third-party laboratories (“laboratories”) and independent third party laboratory agents (“laboratory agents”) that analyze cultivated marijuana. The rules in Arizona Administrative Code (“A.A.C.”) Title 9, Chapter 17, specify the requirements for the Medical Marijuana Program.

In this rulemaking, the Department plans to revise the rules in 9 A.A.C. 17 to comply with Laws 2019, Ch. 318. This rulemaking will include, but is not limited to the following: establishing application and renewal fees for laboratories and laboratory agents; adopting rules to certify and regulate laboratories; adopting rules to register and regulate laboratory agents; codifying in rule the requirement that, beginning November 1, 2020, nonprofit medical marijuana dispensaries, before selling or dispensing marijuana, test the marijuana using a Department-certified laboratory; and codifying in rule the change to the validity of registration identification cards and registration certificates from one year to two years after the date of issuance. This Notice of Public Information provides notice that the Department has posted draft rules at <https://azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-medical-marijuana> and is soliciting comments from interested persons.

Pursuant to Laws 2019, Ch. 318, the Department is exempt from the rulemaking requirements of A.R.S. Title 41, Chapters 6 and 6.1 for eighteen months.

The Department may add, delete, or modify other Sections, as necessary.

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

Name: Thomas Salow, Branch Chief  
 Address: Department of Health Services  
 Public Health Licensing Services  
 150 N. 18th Ave., Suite 400  
 Phoenix, AZ 85007

Telephone: (602) 364-1935  
 Fax: (602) 364-3808  
 E-mail: Thomas.Salow@azdhs.gov  
 or

Name: Robert Lane, Office Chief  
 Address: 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



- 4. **The website where persons may obtain information about the rulemaking:**  
<https://azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-medical-marijuana>

**NOTICE OF PUBLIC INFORMATION  
DEPARTMENT OF HEALTH SERVICES**

[M19-79]

- 1. **Title of the guidance document and the guidance document number by which the guidance document is referenced:**  
GD-113-PHS-EDC: Guidelines for Submission of Isolates for *Shigella spp.* and *Streptococcus pneumoniae*

- 2. **The public information relating to the substantive policy statements:**  
The Arizona Department of Health Services (Department) is rescinding the guidance document specified in paragraph 1, effective July 17, 2019, because the guidance document is no longer needed. Rule changes made in 23 A.A.R. 2605, effective January 1, 2018, make the information in the guidance document obsolete.

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

Name: Ken Komatsu, State Epidemiologist  
Address: Department of Health Services  
Bureau of Epidemiology and Disease Control  
150 N. 18th Ave., Suite 100  
Phoenix, AZ 85007-3248  
Telephone: (602) 364-3587  
Fax: (602) 364-3199  
E-mail: Ken.Komatsu@azdhs.gov  
or  
Name: Robert Lane, Chief  
Address: 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



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**GOVERNOR EXECUTIVE ORDER**

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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.

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**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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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
June 7, 2019	June 28, 2019	July 29, 2019
June 14, 2019	July 5, 2019	August 5, 2019
June 21, 2019	July 12, 2019	August 12, 2019
June 28, 2019	July 19, 2019	August 19, 2019
July 5, 2019	July 26, 2019	August 26, 2019
July 12, 2019	August 2, 2019	September 3, 2019
July 19, 2019	August 9, 2019	September 9, 2019
July 26, 2019	August 16, 2019	September 16, 2019
August 2, 2019	August 23, 2019	September 23, 2019
August 9, 2019	August 30, 2019	September 30, 2019
August 16, 2019	September 6, 2019	October 7, 2019
August 23, 2019	September 13, 2019	October 15, 2019
August 30, 2019	September 20, 2019	October 21, 2019
September 6, 2019	September 27, 2019	October 28, 2019
September 13, 2019	October 4, 2019	November 4, 2019
September 20, 2019	October 11, 2019	November 12, 2019
September 27, 2019	October 18, 2019	November 18, 2019
October 4, 2019	October 25, 2019	November 25, 2019
October 11, 2019	November 1, 2019	December 2, 2019
October 18, 2019	November 8, 2019	December 9, 2019
October 25, 2019	November 15, 2019	December 16, 2019
November 1, 2019	November 22, 2019	December 23, 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	<b>Wednesday</b> 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	<b>Wednesday</b> 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.