



Arizona Administrative REGISTER

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DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
Secretary of State
KATIE HOBBS

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

ADMINISTRATIVE RULES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

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

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

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

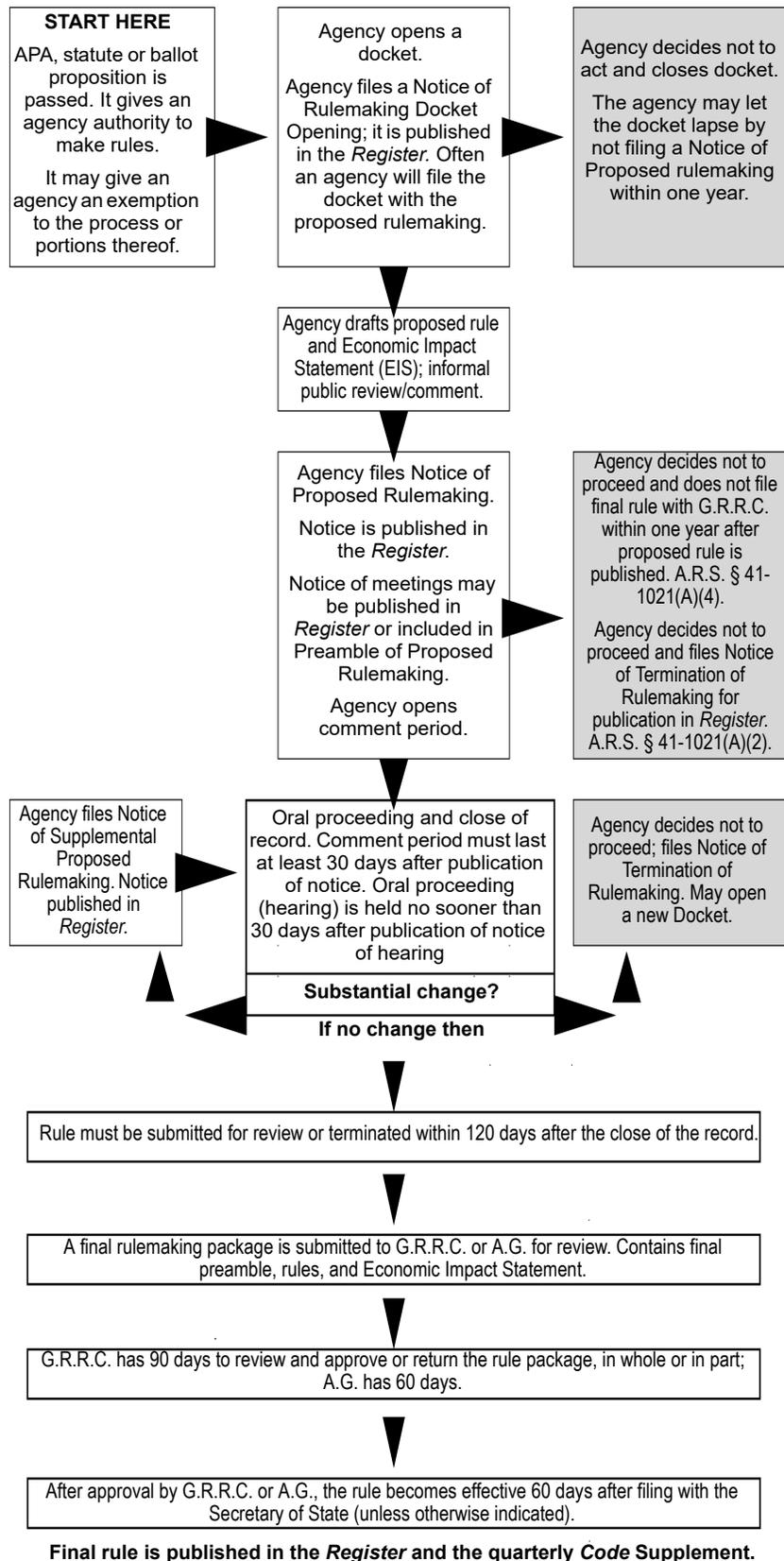
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed 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 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 1. BOARD OF ACCOUNTANCY**

[R19-234]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R4-1-101 | Amend |
| R4-1-104 | Amend |
| R4-1-115.03 | Amend |
| R4-1-226.01 | Amend |
| R4-1-228 | Repeal |
| R4-1-228 | New Section |
| R4-1-229 | Amend |
| R4-1-341 | Amend |
| R4-1-344 | Amend |
| R4-1-345 | Amend |
| R4-1-346 | Amend |
| R4-1-453 | Amend |
| R4-1-454 | Amend |
| R4-1-455 | Amend |
| R4-1-455.01 | Amend |
| R4-1-456 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 32-703(B)(7) and (13)
 Implementing statute: A.R.S. § 32-703(B)(8)
- 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. 3259, November 1, 2019 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Monica L. Petersen, Executive Director
 Address: Board of Accountancy
 100 N. 15th Ave., Suite 165
 Phoenix, AZ 85007
 Telephone: (602) 364-0870
 Fax: (602) 364-0903
 E-mail: mpetersen@azaccountancy.gov
 Website: www.azaccountancy.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 R4-1-101. This rule is amended to omit the definition of “Compilation services” as it is no longer needed in rule because it was placed in statute by Laws 2018, Ch. 268 (SB 1443) under Arizona Revised Statutes (A.R.S.) § 32-701(8).



R4-1-104. This rule is amended to omit the term “public accountant” as it was eliminated in Laws 2018, Ch. 268 (SB 1443).

R4-1-115.03. This rule related to the duties of the Peer Review Oversight Advisory Committee (PROAC) is amended to: 1) conform it to Laws 2018, Ch. 268 (SB 1443) which provided the Board the power to delegate to its Executive Director the authority to approve compliance with peer review requirements, 2) conform it with rules effective January 1, 2018 which eliminated educational enhancement reviews and 3) clarify that the committee has the advisory responsibility to make a recommendation to the Board for initial analysis, wherein the Board can act on the committee’s recommendation under its authority provided in A.R.S. § 32-742.01.

R4-1-226.01. This rule is amended to make clarifying changes, remove an unnecessary procedural provision, and conform the rule with existing business processes which currently provide an applicant notice of their right to an appeal of the Board’s decision.

R4-1-228. This rule is repealed because it is not regulatory in nature; and, a new rule is added to provide appeal rights for applicants whose application for examination is denied. Examination applicants are already afforded appeal rights through Title 41, Chapter 6, Article 10, and the Board’s existing business processes. The addition of this rule codifies these rights, similar to Arizona Administrative Code (A.A.C.) R4-1-344 as it relates to certification denials.

R4-1-229. By June 2020, the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) want to provide “continuous testing” of the Uniform Certified Public Accountant Examination (Exam), which allows applicants to retake a test section of the Exam once their grade for any previous attempt of the same test section during that window has been released. This change is pro-applicant as it provides greater flexibility to complete the Exam. This rule is amended to allow for continuous testing.

R4-1-341. A.A.C. R4-1-341 and R4-1-343 enumerate specific documents that applicants are required to submit with their application for certification. One such document is a signed and dated letter of recommendation, which is meant to highlight the applicant’s overall character and fitness qualifications. Pursuant to A.A.C. R4-1-341(A)(2)(c), currently, the letter of recommendation must be signed by a certified public accountant (CPA). Another document that applicants are required to submit are certificates of experience (COE), which verifies whether the applicant has met the experience hours required in statute. Pursuant to A.A.C. R4-1-343, the COE must be signed by a CPA or an individual who, “...has accounting education and experience similar to that of a certified public accountant.” This allows applicants an opportunity to demonstrate experience, even if they do not know or work with a CPA. In order to allow more flexibility for applicants, this rule is amended to allow the letter of recommendation to be completed by either a CPA or an individual who has accounting education and experience similar to that of a CPA. This change will be beneficial for applicants and will allow the letter of recommendation to be consistent with the COE requirement.

While A.A.C. R4-1-341 currently outlines the process for certification of an individual’s certificate and provides accountability time frames within the process, the same does not exist for CPA firm registration. A.R.S. § 32-731 enumerates the requirements for firm registration but the absence of rules leads to confusion for firm applicants who want to know the process and requirements to become a registered CPA firm. Further, the Board’s rules do not comply with time frame requirements, as specified in Title 41, Chapter 6, Article 7.1. Accordingly, this rule is also amended to establish a firm registration process and registration time frame.

Lastly, this rule is further amended to reduce the licensing time frames associated with individual certification from 180 to 150-days and modify language for greater clarity and compliance with the requirements specified in Title 41, Chapter 6, Article 7.1.

R4-1-344. This rule is amended to clarify that applicants may appeal the denial of not only certification, but also firm registration and reinstatement, pursuant to Title 41, Chapter 6, Article 10.

R4-1-345. This rule makes clarifying changes and is amended to institute a temporary registration fee reduction from \$300 to \$275 for registrations due during the period from July 1, 2020 to June 30, 2022.

R4-1-346. This rule is amended to eliminate an unnecessary regulatory requirement.

R4-1-453. This rule is amended to make technical and clarifying changes.

R4-1-454. The Board’s peer review rule conflicts with the incorporated Standards for Performing and Reporting on Peer Reviews. This rule is amended, in large measure, to eliminate those conflicts and eliminate archaic language. The changes will bring greater clarity to the rules, reduce confusion for CPA firms that are subject to peer review, better support firms in their effort to maintain compliance and streamline the Board’s administrative procedures.

R4-1-455. This rule is amended to update the incorporation by reference of the AICPA’s Code of Professional Conduct.

R4-1-455.01. This rule is amended to conform with Laws 2018, Ch. 268 (SB 1443) which omitted the term “practice of public accounting”.

R4-1-456. This rule is amended to make technical and clarifying changes.

Additional technical and conforming changes are also made to the rules.

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. 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:**

Amendments to R4-1-229 allow for continuous testing of the Uniform CPA Exam (Exam) which will benefit applicants wishing to sit for the Exam. Once implemented by NASBA, continuous testing will allow applicants to retake an exam section once their grade from their previous attempt during that window has been released. This will provide applicants additional testing opportunities which in turn provides a better chance to complete all four sections of the Exam within the required 18-month period.

Amendments to R4-1-341 will benefit applicants in the following ways:

- Broadens the criteria of who can submit a letter of recommendation on behalf of a certification applicant from a CPA to include an individual who has accounting education and experience similar to that of a CPA. This will benefit certification applicants who may not know or who have not gained their work experience under the supervision of a CPA.
- Eliminates the requirement for a certification applicant applying by substantial equivalency to provide verification that they have passed the Exam. Applicants are required to provide a license verification from each jurisdiction in which the applicant has ever been issued a certificate as a CPA. All jurisdictions require the passage of the Exam as a requirement to be certified as a CPA. As such, the license verification provides enough evidence to demonstrate that the applicant has passed the exam.
- Codifies the Board's existing procedures regarding CPA firm registration or reinstatement requirements in rule which are required to implement A.R.S. § 32-731. It is expected to provide a benefit to firm applicants as the process will be enumerated in rule.
- Improves compliance with administrative timeframes enumerated in Title 41, Chapter 6, Article 7.1. The updating of time frames for certification and the establishment of time frames for firm registration will benefit both the Board and its applicants. Certification applicants will receive improved customer service through reduced administrative timeframes. The establishment of administrative timeframes for CPA firms will establish expectations for both the Board and its applicants and ensure compliance with Title 41.

Amendments to R4-1-345 to implement a temporary registration fee reduction of \$25 will benefit registrants submitting biennial renewals and have a cost to the Board in reduced revenues and costs to implement. No additional FTE's will be necessary to implement this rule but there will be opportunity costs in that human resources will be tasked with the implementation of this rule rather than other Board projects. The temporary fee reduction will have a biennial fiscal impact through reduced biennial registration revenue in the amount of approximately \$260,000 fiscal years 2021 and 2022.

Amendments to R4-1-454 will benefit both the Board and CPA firms subject to peer review. The amendments eliminate a myriad of conflicts between the rule and the language of the incorporated Standards for Performing and Reporting on Peer Reviews. The result is that CPA firms will follow a single peer review administration process which will assist firms with staying in compliance with peer review requirements. The Board will benefit from more streamlined administrative procedures.

Amendments to R4-1-101, R4-1-104, R4-1-115.03, R4-1-226.01, R4-1-344, R4-1-346, R4-1-453, R4-1-455, R4-1-455.01, R4-1-456, and the repeal and assignment of a new section to R4-1-228 are not expected to have any economic, small business or consumer impact. Most changes to these rules are technical, conforming, or clarifying in nature, or remove unnecessary regulatory requirements. Members of the public, the regulated community, and the Board will benefit from increased clarity in the rules. The regulated community will benefit from the removal of unnecessary regulatory requirements.

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

Name: Monica L. Petersen, Executive Director
Address: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007
Telephone: (602) 364-0870
Fax: (602) 364-0903
E-mail: mpetersen@azaccountancy.gov
Website: www.azaccountancy.gov

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:

An oral proceeding regarding the proposed rules will be held as follows:

Date: December 2, 2019
Time: 9:00 a.m.
Location: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007

The rulemaking record will close on Monday, December 2, 2019, at 5:00 p.m.

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:



There is no federal law regarding CPAs or any other subjects of the rules.

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

No analysis was submitted.

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

R-1-454(A) – Standards for Performing and Reporting on Peer Reviews <https://www.aicpa.org/content/dam/aicpa/research/standards/peerreview/downloadabledocuments/peerreviewstandards.pdf>

R4-1-455(A) – Code of Professional Conduct <https://pub.aicpa.org/codeofconduct/ethicsresources/et-cod.pdf>

13. The full text of the rules follows:

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

ARTICLE 1. GENERAL

- Section
- R4-1-101. Definitions
- R4-1-104. Board Records; Public Access; Copying Fees
- R4-1-115.03. Peer Review Oversight Advisory Committee

ARTICLE 2. CPA EXAMINATION

- Section
- R4-1-226.01. Applications; Examination – Computer-based
- R4-1-228. ~~Examination Scores; Review and Appeal of Scores~~ Denial of Examination
- R4-1-229. Conditioned Credit

ARTICLE 3. CERTIFICATION AND REGISTRATION

- Section
- R4-1-341. CPA Certificates; Firm Registration; Reinstatement
- R4-1-344. Denial of Certification, Firm Registration, or Reinstatement
- R4-1-345. Registration; Fees
- R4-1-346. Notice of Change of Address

ARTICLE 4. REGULATION

- Section
- R4-1-453. Continuing Professional Education
- R4-1-454. Peer Review
- R4-1-455. Professional Conduct and Standards
- R4-1-455.01. Professional Conduct: Definitions; Interpretations
- R4-1-456. Reporting Practice Suspensions and Violations

ARTICLE 1. GENERAL

R4-1-101. Definitions

- A. The definitions in A.R.S. § 32-701 apply to this chapter.
- B. In this chapter, unless the context otherwise requires:
 - 1. ~~“Compilation services” means services, the objective of which is defined in Section 80.04 of the Statement on Standards for Accounting and Review Services No. 21, issued October 2014 and published June 1, 2017 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775, which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. The incorporated material is available for inspection and copying at the Board’s office.~~
 - 21. “Contested case” means any proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by any agency after an opportunity for hearing.
 - 32. “CPE” or “continuing professional education” means attending classes, writing articles, conducting or teaching courses, and taking self-study courses if the activities contribute to maintaining and improving of professional competence in accounting.
 - 43. “Facilitated State Board Access (FSBA)” means the sponsoring organization’s process for providing the Board access to peer review results via a secured website.
 - 54. “Party” means each person or agency named or admitted as a party, or properly seeking and entitled, as of right, to be admitted as a party.
 - 65. “Peer review” means an assessment, conducted according to R4-1-454(~~IA~~), of one or more aspects of the professional work of a firm.
 - 76. “Peer review program” means the sponsoring organization’s entire peer review process, including but not limited to the standards for administering, performing and reporting on peer reviews, oversight procedures, training, and related guidance materials.



87. "Person" may include any individual, and any form of corporation, partnership, or professional limited liability company.
98. "Sponsoring organization" means a Board-approved professional society, or other organization approved by the Board responsible for the facilitation and administration of peer reviews through use of its peer review program and peer review standards.
109. "Upper level course" means a course taken beyond the basic level, after any required prerequisite or introductory accounting course and does not include principals of accounting or similar introductory accounting courses.

R4-1-104. Board Records; Public Access; Copying Fees

- A. The Board shall maintain all records, subject to A.R.S. Title 39, Chapter 1, reasonably necessary or appropriate to maintain an accurate knowledge of the Board's official activities including, but not limited to:
1. Applications for C.P.A. ~~and P.A.~~ certificates and supporting documentation and correspondence;
 2. Applications to take the Uniform Certified Public Accountant Examination;
 3. Registration for registrants;
 4. Documents, transcripts, and pleadings relating to disciplinary proceedings and to hearings on the denial of a certificate; and;
 5. Investigative reports; staff memoranda; and general correspondence between any person and the Board, members of the Board, or staff members.
- B. Except as provided in R4-1-105, all records of the Board are available for public inspection and copying as provided in this Section.
- C. Any person desiring to inspect or obtain copies of records of the Board available to the public under this section shall make a request to the Board's Executive Director or the Director's designee. The Executive Director or the director's designee shall, as soon as possible within a reasonable time, advise the person making the request whether the records sought can be made available, or, if the Executive Director or the director's designee is unsure whether a record may be made available for public inspection and copying, the Executive Director or the director's designee shall refer the matter to the Board for final determination.
- D. A person shall not remove original records of the Board from the office of the Board unless the records are in the custody and control of a board member, a member of the Board's committees or staff, or the Board's attorney. The Executive Director or the director's designee may designate a staff member to observe and monitor any examination of Board records.
- E. The Board shall provide copies of all records available for public inspection and copying shall be provided according to the procedures described in A.R.S. Title 39, Chapter 1, Article 2.
- F. Any person aggrieved by a decision of the Executive Director or the director's designee denying access to records of the Board may request a hearing before the Board to review the action of the Executive Director or the director's designee by filing a written request for hearing. Within 60 days of receipt of the request, the Board shall conduct a hearing on the matter. If the person requires immediate access to Board records, the person may request and may be granted an earlier hearing, if the person sets forth sufficient grounds for immediate access.

R4-1-115.03. Peer Review Oversight Advisory Committee

- A. The Board may appoint an advisory committee to monitor and conduct the peer review program. Upon appointment the committee shall:
1. Advise the Board on matters relating to the peer review program;
 2. Report to the Board on effectiveness of the peer review program;
 3. ~~Provide the Board with a list of firms that have met the peer review requirements; Make a recommendation to the Board to direct an authorized committee to conduct an initial analysis.~~
 4. ~~Update the Board on the status of participating firms' noncompliance with the requirements of R4-1-454-~~
 5. ~~Maintain documents in a manner that preserves the confidentiality of persons, including information pertaining to a specific business organization which may be disclosed to the committee during the course of its business; and-~~
 6. ~~Report to the Board and obtain approval of any modification to the peer review program-~~
- B. The Board may accept, reject, or modify recommendations of the Peer Review Oversight Advisory Committee.

ARTICLE 2. CPA EXAMINATION

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

- A. A person desiring to take the Uniform Certified Public Accountant Examination who is qualified under A.R.S. § 32-723 may apply by submitting an initial application. A person whose initial application has already been approved by the Board to sit for the Uniform CPA Examination may apply by submitting an application for re-examination.
1. The requirements for initial application for examination are:
 - a. A completed application for initial examination,
 - b. A \$100 initial application fee if:
 - i. The applicant has not previously filed an application for initial examination in Arizona, or
 - ii. The Board administratively closed a previously submitted application, or
 - iii. The applicant has been previously denied by the Board.
 - c. University or college transcripts to verify that the applicant meets the educational requirements and if necessary for education taken outside the United States an additional course-by-course evaluation from the National Association of State Boards of Accountancy International Evaluation Services (NIES).
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
 2. The requirements for application for re-examination are:
 - a. A completed application for re-examination, and
 - b. A \$50 re-examination application fee.
- B. Within 30 days of receiving an initial application, ~~the board~~ Board staff shall ~~provide written notify notice to~~ the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing. The applicant has 30 days from the date of the Board's letter to respond to the Board's request for additional information or the Board



or its designee may administratively close the file. An applicant whose file is administratively closed and who later wishes to apply shall reapply under subsection (A)(1).

- C. The Board's certification advisory committee (CAC) shall evaluate the applicant's file and make a recommendation to the Board to approve or deny the application. The CAC may defer a decision on the applicant's file to a subsequent CAC meeting to provide the applicant opportunity to submit any information requested by written notice by the CAC that the CAC believes is relevant to make a recommendation to the Board. The applicant has 30 days from the date of the Board's letter to respond to the CAC's request for additional information or the Board or its designee may administratively close the file. ~~If the CAC recommends approval, the application shall be put on a future board meeting agenda for consent. If the CAC recommends denial, the application will be put on a future board meeting agenda and the CAC shall provide the Board with the reasons for the recommendation of denial.~~
- D. If the Board approves the application, the Board shall notify the applicant in writing and send an authorization to test (ATT) to the National Association of State Boards of Accountancy (NASBA) to permit the applicant to take the specified section or sections of the examination for which the applicant applied. If the Board denies the application, the Board shall ~~notify the applicant in writing of the reasons the application was denied~~ send the applicant written notice explaining:
 1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time periods for appealing the denial.
- E. If the applicant does not timely pay to the NASBA the fees owed for the examination section or sections for which the applicant applied, the ATT expires. An applicant that still wishes to take a section or sections of the Uniform CPA Examination shall submit an application for re-examination under subsection (A)(2).
- F. After an applicant has paid NASBA, NASBA shall issue a notice to schedule (NTS) to the applicant. A NTS enables an applicant to schedule testing at an approved examination center. The NTS is effective on the date of issuance and expires when the applicant sits for all sections listed on the NTS or six months from the date of issuance, whichever occurs first. Upon written request to the Board and showing good cause that prevents the applicant from appearing for the examination, an applicant may be granted by the Board a one-testing-window extension to a current NTS.
- G. The Board shall send the applicant any written notice required by this section in accordance with R4-1-117(E)(1) or (2).

R4-1-228. Examination Scores; Review and Appeal of Scores~~Denial of Examination~~

~~A. The National Association of State Boards of Accountancy (NASBA) shall mail or email examination scores to each applicant based upon the applicant's contact preference.~~

~~B. Examination scores-~~

- ~~1. An applicant may request a score review by submitting NASBA'S CPA Examination Score Review form to NASBA.~~
- ~~2. An applicant may appeal an exam score by submitting NASBA's CPA Examination Score Appeal form to NASBA.~~

An applicant whose application for examination is denied by the Board is entitled to a hearing before the Board or an ALJ.

1. Written application. The applicant shall file a notice of appeal under A.R.S. § 41-1092.03 within 30 days after receipt of the notice of denial.
2. Hearing notice. The Board shall provide the applicant with notice of the hearing in the manner prescribed by A.R.S. § 41-1092.05.
3. Conduct of hearing. The Board or the ALJ shall conduct the hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10 and applicable rules governing hearings.
4. Burden of persuasion. At the hearing, the applicant is the moving party and has the burden of persuasion.
5. Matters limited. At the hearing, the Board or ALJ shall limit the issues to those originally presented to the Board.

R4-1-229. Conditioned Credit

- A. An applicant is allowed to sit for each section individually and in any order.
 1. An applicant is given conditioned credit for each section of the examination passed. A conditioned credit is valid for 18 months from the date of the examination.
 2. ~~The applicant shall not retake a failed section in the same examination window. An examination window is the three-month period in which the applicant has an opportunity to take an examination section or sections.~~
- B. Transfer of conditioned credit. The Board shall give an applicant credit for all sections of an examination passed in another jurisdiction if the credit has been conditioned. If an applicant transfers conditioned credit from another jurisdiction, the applicant shall pass the remaining sections of the examination within the 18-month period from the date that the first section was passed. An applicant who fails to pass all sections of the Uniform CPA Examination within 18 months shall retake previously passed sections of the Uniform CPA Examination to ensure passage of all sections within an 18-month period.

ARTICLE 3. CERTIFICATION AND REGISTRATION

R4-1-341. CPA Certificates; Firm Registration; Reinstatement

- A. An applicant may apply for a certificate of certified public accountant or for reinstatement of a certificate by submitting:
 1. An application fee of \$100; and
 2. For an applicant applying for certification under A.R.S. § 32-721(A) and (B), a completed application including:
 - a. Verification that the applicant passed the Uniform CPA Examination,
 - b. Verification that the applicant meets the education and experience requirements specified in R4-1-343,
 - c. One signed and dated letter of recommendation by a CPA or an individual who has accounting education and experience similar to that of a CPA,
 - d. Proof of a score of at least 90% on the American Institute of Certified Public Accountants (AICPA) examination in professional ethics taken within the two years immediately before the application is submitted,
 - e. Evidence of lawful presence in the United States, and
 - f. Other information or documents requested by the Board to determine compliance with eligibility requirements.



3. For an applicant applying for certification under A.R.S. § 32-721(A) and (C), a completed application including:
 - a. Verification that the applicant ~~has passed the Uniform CPA Examination or~~ the International Qualification Examination (IQEX),
 - b. License verification from each jurisdiction in which the applicant has ever been issued a certificate as a certified public accountant of which at least one must be an active certification from a jurisdiction with requirements determined by the Board to be substantially equivalent to the requirements in A.R.S. § 32-721(B) or verification that the applicant meets the education and experience requirements specified in R4-1-343,
 - c. Evidence of lawful presence in the United States, and
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
4. For an applicant applying for certification under A.R.S. § 32-721(A) and (D) for mutual recognition agreements adopted by the Board a completed application including:
 - a. Verification that the applicant has passed the International Qualification Examination (IQEX),
 - b. License verification from the applicant's country which has a mutual recognition agreement with the National Association of State Boards of Accountancy that has been adopted by the Board,
 - c. Evidence of lawful presence in the United States, and
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
5. For an applicant applying for reinstatement from cancelled ~~or expired~~ status under A.R.S. §§ ~~32-730.02 or 32-730.03~~ respectively § 32-732(B) a completed application including:
 - a. CPE that meets the requirements of R4-1-453(C)(~~68~~) and (E), and
 - b. Evidence of lawful presence in the United States.
6. For an applicant applying for reinstatement from ~~expired, relinquished, or revoked or relinquished~~ status under ~~A.R.S. §§ 32-741.03 or 32-741.04~~ respectively A.R.S. § 32-732(C), a completed application including:
 - a. CPE that meets the requirements of R4-1-453(C)(~~68~~) and (E),
 - b. Evidence of lawful presence in the United States,
 - c. If not waived by the Board as part of a disciplinary order, evidence from an accredited institution or a college or university that maintains standards comparable to those of an accredited institution that the individual has completed at least one hundred fifty semester hours of education as follows:
 - i. At least 36 semester hours are accounting courses of which at least 30 semester hours are upper level courses.
 - ii. At least 30 semester hours are related courses.
 - d. If prescribed by the Board as part of a disciplinary order, evidence that the individual has retaken and passed the Uniform Certified Public Accountant Examination.

B. An applicant may apply for a certified public accountant firm registration or for reinstatement of a registration by submitting:

1. For an applicant applying for a new firm under A.R.S. § 32-731, a completed application including:
 - a. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - b. If applicable, peer review results as prescribed by R4-1-454(A); and
 - c. Other information or documents requested by the Board to determine compliance with eligibility requirements.
2. For an applicant applying for reinstatement from cancelled under A.R.S. § 32-732(E) a completed application including:
 - a. An application fee of \$100;
 - b. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - c. If applicable, peer review results as prescribed by R4-1-454(A); and
 - d. Other information or documents requested by the Board to determine compliance with eligibility requirements.
3. For an applicant applying for reinstatement from expired, relinquished, or revoked status under A.R.S. § 32-732(F) a completed application including:
 - a. An application fee of \$100;
 - b. Approved Articles of Incorporation for professional corporations, approved Articles of Organization for limited liability companies or professional limited liability companies, confirmation of business name on the Secretary of State's website for partnerships, limited liability partnerships, or an individual or sole proprietorship with a trademark name;
 - c. If applicable, peer review results as prescribed by R4-1-454(A);
 - d. If applicable, substantial evidence that the applicant has been completely rehabilitated with respect to the conduct that was the basis of the expiration, relinquishment or revocation of the firm's registration; and
 - e. Other information or documents requested by the Board to determine compliance with eligibility requirements.

BC. Within 30 days of receiving an application, the Pursuant to Title 41, Chapter 6, Article 7.1, the Board's licensing time frames are as follows:

1. Certification
 - a. Administrative Completeness Review Time Frame. The Board shall notify the applicant within 30 days from the receipt of the application that the application is either complete or incomplete.
 - i. If the application is incomplete, the an incomplete notice shall specify what information is missing.
 - ii. The Board shall make service of written notice regarding an incomplete application in accordance with R4-1-417(E)(1) or (2). If the Board issues an incomplete notice, the administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Board receives the missing information from the applicant.



- ii. The applicant has 30 days from the date of the incomplete notice to respond in writing to the Board's notice and provide all the missing information or the Board may administratively close the file. An applicant whose file is administratively closed and who later wishes to become certified shall reapply under subsection (A).
 - 2. Within 60 days of receipt of all the missing information, the Board shall notify the applicant that the application is complete.
 - 3. The Board shall issue a certification decision no later than 150 days after receipt of a completed application.
 - 4b. Substantive Review Time Frame. The Board has 60 days to complete its substantive review.
 - i. If the Board finds deficiencies during the substantive review of the application, the Board may issue a one comprehensive written request to the applicant for additional information.
 - 5. The 150 day time frame in subsection (B)(3) for a substantive review for the issuance of a certificate is suspended from the date of the written request for additional information made under subsection (B)(4) until the date that all information is received. The Board shall serve a written request under subsection (B)(4) in accordance with R4-1-117(E)(1) or (2). The applicant has 30 days to respond to the Board's request for additional information. If the applicant fails to timely respond to the Board's request, the Board shall finish its substantive review based upon the information the applicant has presented. If the Board issues a comprehensive written request, or a supplemental request by mutual agreement, the substantive review time frame and the overall time frame are suspended from the date the request is issued until the date the Board receives the additional information from the applicant.
 - ii. The applicant has 30 days from the date of the written request to respond in writing and provide all the additional information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (A).
 - c. Overall Time Frame. The Board has 150 days to issue a written notice to an applicant approving or denying an application.
 - 2. Firm Registration
 - a. Administrative Completeness Review Time Frame. The Board shall notify the applicant within 10 days from the receipt of the application that the application is complete.
 - i. If the application is incomplete, an incomplete notice shall specify what information is missing. If the Board issues an incomplete notice, the administrative completeness review time frame and the overall time frame are suspended from the date the notice is issued until the date the Board receives the missing information from the applicant.
 - ii. The applicant has 30 days from the date of the incomplete notice to respond in writing and provide all the missing information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (B).
 - b. Substantive Review Time Frame. The Board has 60 days to complete its substantive review.
 - i. If the Board finds deficiencies during the substantive review of the application, the Board may issue one comprehensive written request to the applicant for additional information. If the Board issues a comprehensive written request, or a supplemental request by mutual agreement, the substantive review time frame and the overall time frame are suspended from the date the request is issued until the date the Board receives the additional information from the applicant.
 - ii. The applicant has 30 days from the date of the written request to respond in writing and provide all the additional information or the Board may administratively close the file. An applicant whose file is administratively closed shall reapply under subsection (B).
 - c. Overall Time Frame. The Board has 90 days to issue a written notice to an applicant approving or denying an application.
 - 6. When the applicant and the Board mutually agree in writing, the substantive review time frame specified in subsection (B)(3) may be extended in accordance with A.R.S. § 41-1075.
- CD.** If the Board denies an applicant's request for certification under this section, the Board shall send the applicant written notice explaining:
- 1. The reason for denial, with citations to supporting statutes or rules;
 - 2. The applicant's right to seek a fair hearing to challenge the denial; and
 - 3. The time periods for appealing the denial.
- D.** The Board establishes the following licensing time frames for the purpose of A.R.S. § 41-1073:
- 1. Administrative completeness review time frame: 30 days;
 - 2. Substantive review time frame: 150 days; and
 - 3. Overall time frame: 180 days.
- E.** The Board shall send the applicant any written notice required by this section in accordance with R4-1-117(E)(1) or (2).

R4-1-344. Denial of Certification, Firm Registration, or Reinstatement

An applicant ~~who is denied~~ whose application for certification, or firm registration, or reinstatement of a certificate or registration is denied by the Board is entitled to a hearing before the Board or an ALJ.

- 1. Written application. The applicant shall file a notice of appeal under A.R.S. § 41-1092.03 within 30 days after receipt of the notice of denial.
- 2. Hearing notice. The Board shall provide the applicant with notice of the hearing in the manner prescribed by A.R.S. § 41-1092.05.
- 3. Conduct of hearing. The Board or the ALJ shall conduct the hearing in accordance with A.R.S. Title 41, Chapter 6, Article 10 and applicable rules governing hearings.
- 4. Burden of persuasion. At the hearing, the applicant is the moving party and has the burden of persuasion.
- 5. Matters limited. At the hearing, the Board or ALJ shall limit the issues to those originally presented to the Board.

R4-1-345. Registration; Fees

A. Initial registration: After the Board approves an applicant's request for certification or firm registration, the applicant registrant shall file an application for initial a registration in a format prescribed by the Board and pay a registration fee under subsection (C).



- B.** Renewal registration: A registrant shall file an application for renewal registration in a format prescribed by the Board no later than 5:00 p.m. on the last business day of the month. A renewal registration is deemed filed on the date and time received in the Board office. The Board shall record the date and time either by electronic date stamp in Arizona time or on physical receipt in the board's office. The Board shall not accept a postmark as evidence of timely filing. It is the sole responsibility of the registrant to complete the renewal registration requirements at the following times:
1. Individual registrant: An individual registrant shall renew registration at the following times:
 - a. A registrant born in an even-numbered year shall renew registration during the month of birth in each even-numbered year.
 - b. A registrant born in an odd-numbered year shall renew registration during the month of birth in each odd-numbered year.
 2. Firm registrant: A firm shall renew registration at the following times:
 - a. A business organization firm that initially registered with the Board in an even-numbered year shall renew registration during the board-approved month of the initial registration in each even-numbered year.
 - b. A business organization firm that initially registered with the Board in an odd-numbered year shall renew registration during the board-approved month of the initial registration in each odd-numbered year.
 - c. An individual or a sole proprietorship firm shall renew its registration pursuant to subsection (B)(1).
- C.** Registration fees: ~~The biennial registration fee is:~~
1. Initial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50 for each certified public accountant and, each public accountant. For a certified public accountant or public accountant, the
 - b. The registration fee shall be prorated by month for an initial registration period of less than two years.
 2. Biennial Registration Fee –
 - a. Certification – \$300 and, if applicable, a late fee of \$50.
 - i. For registrations due during the period from July 1, 2020 to June 30, 2022, the biennial registration fee will be reduced temporarily to \$275.00.
 - ii. For registrations due beginning July 1, 2022, the biennial registration fee will revert to \$300.
 - b. Firm Registration – \$300 and, if applicable, a late fee of \$50 for a firm. Under A.R.S. § 32-729, the Board shall not charge a fee for the registration of additional offices of the same firm or for the registration of a sole practitioner.

R4-1-346. Notice of Change of Address

- ~~**A.** Within 30 days of any business, mailing, or residential change of address, a registrant shall notify the Board of the new address by filling out the change of address form prescribed by the Board.~~
- ~~**B.** Within 30 days of the opening of any new or additional office, or the closing of any existing office, a registrant shall notify the Board in a letter signed by the registrant.~~

ARTICLE 4. REGULATION

R4-1-453. Continuing Professional Education

- A.** Measurement Standards. The Board shall use the following standards to measure the hours of credit given for CPE programs completed by an individual registrant.
1. CPE credit shall be given in one-fifth or one-half increments for periods of not less than one class hour except as noted in paragraph 8. The computation of CPE credit shall be measured as follows:
 - a. A class hour shall consist of a minimum of 50 continuous minutes of instruction
 - b. A half-class hour shall consist of a minimum of 25 continuous minutes of instruction
 - c. A one-fifth class hour shall consist of a minimum of 10 continuous minutes of instruction.
 2. Courses taken at colleges and universities apply toward the CPE requirement as follows:
 - a. Each semester - system credit hour is worth 15 CPE credit hours,
 - b. Each quarter - system credit hour is worth 10 CPE credit hours, and
 - c. Each noncredit class hour is worth one CPE credit hour.
 3. Each correspondence program hour is worth one CPE credit hour.
 4. Acting as a lecturer or discussion leader in a CPE program, including college courses, may be counted as CPE credit. The Board shall determine the amount of credit on the basis of actual presentation hours, and shall allow CPE credit for preparation time that is less than or equal to the presentation hours. A registrant may only claim as much preparation time as is actually spent for a presentation. Total credit earned under this subsection for service as a lecturer or discussion leader, including preparation time may not exceed 40 credit hours of the renewal period's requirement. Credit is limited to only one presentation of any seminar or course with no credit for repeat teaching of that course.
 5. Writing and publishing articles or books that contribute to the accounting profession may be counted for a maximum of 20 hours of CPE credit during each renewal period.
 - a. Credit may be earned for writing accounting material not used in conjunction with a seminar if the material addresses an audience of certified public accountants, is at least 3,000 words in length, and is published by a recognized third-party publisher of accounting material or a sponsor.
 - b. For each 3,000 words of original material written, the author may earn two credit hours. Multiple authors may share credit for material written.
 6. A registrant may earn a combined maximum of 40 hours of CPE credit under subsections (A)(4) and (5) above during each renewal period.
 7. A registrant may earn a maximum of 20 hours of CPE during each renewal period by completing introductory computer-related courses. Computer-related courses may qualify as consulting services pursuant to subsection (C).
 8. A registrant may earn a maximum of 4 hours of CPE during each renewal period by completing nano-learning courses. A nano-learning program is a tutorial program designed to permit a participant to learn a given subject in a ten-minute time-frame through the use of electronic media and without interaction with a real time instructor.



9. CPE credit shall be given in one-fifth or one-half hour increments if the CPE is a segment of a continuing series related to a specific subject as long as the segments are connected by an overarching course that is a minimum of one hour and taken within the same CPE reporting period.
 10. Credit shall not be allowed for repeat participation in any seminar or course during the registration period.
- B. Programs that Qualify.** CPE credit may be given for a program that provides a formal course of learning at a professional level and contributes directly to the professional competence of participants.
1. The Board shall accept a CPE course as qualified if it:
 - a. Is developed by persons knowledgeable and experienced in the subject matter,
 - b. Provides written outlines or full text,
 - c. Is administered by an instructor or organization knowledgeable in the program, and
 - d. Uses teaching methods consistent with the study program.
 2. The Board shall accept a correspondence program which includes online or computer-based programs if the sponsors maintain written records of each student's participation and records of the program outline for three years following the conclusion of the program.
 3. An ethics program taught or developed by an employer or co-worker of a registrant does not qualify for the ethics requirements of subsection (C)(4).
- C. Hour Requirement.** As a prerequisite to registration pursuant to A.R.S. § 32-730(C) or to reactivate from inactive status pursuant to A.R.S. § ~~32-730.04~~ 32-732(A), a registrant shall complete the CPE requirements during the two-year period immediately before registration or application respectively as specified under subsections (C)(1) through (C)(5). For registration periods of less than two years CPE may be prorated by quarter, with the exception of ethics.
1. A registrant whose last registration period was for two years shall complete 80 hours of CPE.
 2. A registrant shall complete a minimum of ~~50 percent of the required~~ 40 hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 16 hours in the subject areas of accounting, auditing, or taxation.
 3. A registrant shall complete a minimum of 16 of the required hours:
 - a. In a classroom setting,
 - b. Through an interactive live webinar, or
 - c. By acting as a lecturer or discussion leader in a CPE program, including college courses
 4. A registrant shall complete four hours of CPE in the subject area of ethics. The four hours required by this subsection shall include a minimum of one hour of each of the following subjects:
 - a. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants, and
 - b. Board statutes and administrative rules.
 5. A registrant shall report, at a minimum, the CPE hours required for the registration period.
 6. Hours that exceed the number required for the current registration period may not be carried forward to a subsequent registration period.
 7. Any CPE hours completed to vacate a suspension for nonregistration or for noncompliance with CPE requirements may not be used to meet CPE requirements for the registration period.
 8. As a prerequisite to reactivate from retired status or reinstate from cancelled, expired, relinquished or revoked status, a registrant or an applicant shall complete up to 160 hours of CPE during the four-year period immediately before application to reactivate or reinstate. For periods of less than four years CPE may be prorated by quarter, with the exception of ethics.
 - a. A registrant or an applicant shall complete a minimum of ~~50 percent of the required~~ 80 hours in the subject areas of accounting, auditing, taxation, business law, or consulting services with a minimum of 32 hours in the subject areas of accounting, auditing or taxation.
 - b. A registrant or an applicant shall complete a minimum of 32 hours of the required hours:
 - i. In a classroom setting,
 - ii. Through an interactive live webinar, or
 - iii. By acting as a lecturer or discussion leader in a CPE program, including college courses.
 - c. A registrant or an applicant shall complete CPE in the subject area of ethics. Four hours of ethics CPE shall be required if 1 – 24 months have passed since the last registration due date for which CPE was completed. Eight hours of ethics CPE shall be required if 25 – 48 months have passed since the last registration due date for which CPE was completed. The hours required by this subsection shall include a minimum of one hour of each of the following subjects. The following subjects shall be completed during the two-year period immediately preceding application for reactivation or reinstatement:
 - i. Ethics related to the practice of accounting including the Code of Professional Conduct of the American Institute of Certified Public Accountants; and
 - ii. Board statutes and administrative rules.
- D. Reporting:** A registrant or an applicant for reactivation or reinstatement, a registrant who is subject to an audit, or a registrant completing their registration must report the following details about their completed CPE:
1. Sponsoring organization_s,
 2. Number of CPE credit hours_s,
 3. Title of program or description of content_s, ~~and~~
 4. Dates attended_s,
 5. Subject, and
 6. Method.
- E.** In addition to the information required under subsection (D), a registrant or an applicant for reactivation or reinstatement from cancelled, expired, relinquished or revoked status, or a registrant subject to a CPE audit pursuant to subsection (G) shall provide the



Board the following CPE records at its request: copies of transcripts, course outlines, and certificates of completion that include registrant's name, course provider or sponsor, course title, credit hours, and date of completion.

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

R4-1-454. Peer Review

- ~~A. Each firm that performs attest services or compilation services shall have a peer review performed and reported on within the three years immediately preceding the firm's registration date. Each firm, review team, and member of a review team shall comply with the Standards for Performing and Reporting on Peer Reviews, issued April 2019 and published June 1, 2019 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775 (www.aicpa.org), which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. The incorporated material is available for inspection and copying at the Board's office.~~
- ~~1B. Firms shall submit a copy of the results of their most recently accepted peer review pursuant to R4-1-345 or by a Board approved extension date to the Board which includes the following documents A firm must allow the sponsoring organization to make the following documents accessible to the Board via the FSBA process:

 - a. Peer review report which has been accepted by the sponsoring organization,
 - b. Firm's letter of response accepted by the sponsoring organization, if applicable,
 - c. Completion letter from the sponsoring organization,
 - d. Letter(s) accepting the documents signed by the firm with the understanding that the firm agrees to take any actions required by the sponsoring organization, if applicable, and
 - e. Letter signed by the sponsoring organization notifying the firm that required actions have been appropriately completed, if applicable.~~
- ~~2. For firms whose peer reviews are scheduled before January 1, 2018, the firm shall submit the peer review documents pursuant to R4-1-454(A)(1) to the Board prior to its next firm registration renewal via mail, electronic transmission or, if available, the AICPA Facilitated State Board Access (FSBA).~~
- ~~3. For firms whose peer reviews are scheduled after January 1, 2018, the firm must allow the sponsoring organization to make the documents pursuant to R4-1-454(A)(1) accessible to the Board via the FSBA process.~~
- ~~4. The Board may grant, upon written request and demonstration of good cause, excluding financial hardship pursuant to A.R.S. §32-701(15)(E), an extension of time for completing the peer review or submitting the peer review documents to the Board.~~
- ~~B. Only a peer reviewer or a review team approved by the sponsoring organization may conduct a peer review. In approving a peer reviewer or a review team, the sponsoring organization shall ensure that each peer reviewer or member of a review team holds a certificate or license in good standing to practice public accounting, and is not affiliated with the firm under review.~~
- ~~C. The Peer Review Oversight Advisory Committee (PROAC) shall review the peer review results to determine whether the firm is complying with the standards in subsection (J). If the results of peer review indicate that a firm is complying with the standards in subsection (J), PROAC shall recommend to the Board that it accept the firm's peer review and that the firm be notified of its compliance with this Section.~~
- ~~D. If the results of the peer review indicate that a firm is not complying with the standards in subsection (J), the Board may take disciplinary action.~~
- ~~E. If the results of the peer review suggest one or more violations of A.R.S. Title 32 Chapter 6 or Board rules, the Board may conduct or direct an authorized committee to conduct an initial analysis and take other action as authorized by A.R.S. §32-742.01.~~
- ~~FC. Information discovered solely as a result of a peer review is not grounds for suspension or revocation of a certificate.~~
- ~~G. Failure of a firm to complete a peer review under this Section may constitute grounds for disciplinary action.~~
- ~~H. A firm is exempt from the requirements of this Section if the firm submits to the Board a written statement that it meets at least one of the following grounds for exemption:

 1. The firm has not previously practiced public accounting in this state, any other state, or a foreign country and the firm shall enroll in a Board approved peer review program with a peer review due date, in compliance with the peer review standards referenced in R4-1-454(J) of 18 months from the year end of the first engagement performed.
 2. The firm submits to the Board an affidavit, on a form prescribed by the Board, that states that all of the following apply:
 - a. Within the previous three years, the firm did not perform any attest services or compilation services; and
 - b. The firm agrees to notify the Board within 90 days after accepting an attest services or compilation services engagement and shall enroll in a Board approved peer review program with a due date, in compliance with the peer review standards referenced in R4-1-454(J) of 18 months from the year end of the initial engagement accepted.~~



- ~~1D.~~ Firms that reorganize a current firm, rename a firm, or create a new firm, within which at least one of the prior CPA owners remains an owner or employee, shall remain subject to the provisions of this Section. If a firm is merged, combined, dissolved, or separated, the sponsoring organization shall determine which resultant firm shall be considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.
- ~~J.~~ Each firm, review team, and member of a review team shall comply with the Standards for Performing and Reporting on Peer Reviews, issued January 2009 and published June 1, 2017 in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775 (www.aicpa.org), which is incorporated by reference. This incorporation by reference does not include any later amendments or editions. The incorporated material is available for inspection and copying at the Board's office.
- ~~K.~~ Peer review record retention. A firm shall maintain for five years, and provide the Board upon request, the documents referenced in R4-1-454(A)(1), if applicable and however denominated, for the peer reviews required by this Section.

R4-1-455. Professional Conduct and Standards

- A. It is the Board's policy that the rules governing registrants be consistent with the rules governing the accounting profession generally. Except as otherwise set forth in these regulations, registrants shall conform their conduct to the Code of Professional Conduct, published June 1, 2017 ~~2019~~ in the AICPA Professional Standards by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775 (www.aicpa.org), available from the AICPA.
- B. The AICPA Code of Professional Conduct, and any interpretations and ethical rulings by the issuing body, shall apply to all registrants, including those who are not members of the AICPA. The version specified above, including any interpretations and ethical rulings in effect shall apply. Any later amendments, additions, interpretations, or ethical rulings shall not apply.

R4-1-455.01. Professional Conduct: Definitions; Interpretations

Interpretation of definitions: All terms defined in A.R.S. § 32-701 et seq. shall be construed, to the extent possible, to be consistent with corresponding definitions in the professional standards adopted in R4-1-455. The foregoing notwithstanding, for purposes of R4-1-455 and the professional standards adopted therein:

- ~~1. The term "practice of public accounting" shall be defined as set forth in A.R.S. § 32-701; and~~
- ~~2. References references to "member" shall be to "registrant" as defined in A.R.S. § 32-701.~~

R4-1-456. Reporting Practice Suspensions and Violations

- A. A registrant, ~~individual, or firm~~ shall report to the Board:
 - 1. Any suspension or revocation of the right to practice accounting before the federal Securities and Exchange Commission, the Internal Revenue Service, or any other state or federal agency;
 - 2. Any final judgment in a civil action or administrative proceeding in which the court or public agency makes findings of violations, by the registrant, of any fraud provisions of the laws of this state or of federal securities laws;
 - 3. Any final judgment in a civil action in which the court makes findings of accounting violations, dishonesty, fraud, misrepresentation, or breach of fiduciary duty by the registrant;
 - 4. Any final judgment in a civil action involving negligence in the practice of public accounting by the registrant; and
 - 5. All convictions of the registrant of any felony, or any crime involving accounting or tax violations, dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, or breach of fiduciary duty.
- B. A registrant, ~~individual, or firm~~ required to report under subsection (A) shall make the report in the form of a written letter and ensure that the report is received by the Board within 30 days after the entry of any judgment or suspension or revocation of the registrant's right to practice before any agency. The registrant, ~~individual, or firm~~ shall ensure that the letter contains the following information:
 - 1. Description of the registrant's activities that resulted in a suspension or revocation;
 - 2. Final judgment or conviction;
 - 3. Name of the state or federal agency that restricted the registrant's right to practice;
 - 4. Effective date and length of any practice restriction;
 - 5. Case file number of any court action, civil or criminal;
 - 6. Name and location of the court rendering the final judgment or conviction; and
 - 7. Entry date of the final judgment or conviction.

NOTICE OF PROPOSED RULEMAKING
TITLE 13. PUBLIC SAFETY
CHAPTER 10. DEPARTMENT OF PUBLIC SAFETY
ALCOHOL TESTING

[R19-225]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R13-10-101	Amend
R13-10-103	Amend
R13-10-104	Amend
R13-10-107	Amend
Exhibit A	Amend
Exhibit B	Amend
Exhibit C	Amend
Exhibit D	Amend



Exhibit I-1
Exhibit I-2

New Section
New Section

2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 17-1713(A)(4)
Implementing statute: A.R.S. §§ 28-1322(C), 28-1323, 28-1324, 28-1325, 28-1326(A)

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. 3080, October 18, 2019

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

Name: Jennifer Kochanski
Address: Arizona Department of Public Safety
Scientific Analysis Bureau, Crime Laboratory Manager
PO Box 6638, MD1150
Phoenix, AZ 85005-6638
Telephone: (602) 223-2795
E-mail: jenniferkochanski@azdps.gov

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

Article 10 is being amended to adopt the new Intoxilyzer Model 9000 which appears on the National Traffic Safety Administration's Conforming Products List of Evidential Breath Measurement Devices. The adoption of this scientific testing device will allow law enforcement officers in Arizona to continue to conduct investigations and tests on persons suspected of driving under the influence of alcohol furthering public safety. This rulemaking additionally makes changes to the definitions to reflect the new device; to procedures to reflect new and current in use devices; and, removes references to sections expired in 2016 pursuant to A.R.S. § 41-1056. This rulemaking removes time restrictions on permit renewals giving permit holders more time and flexibility to renew their permits.

This rulemaking is related to a five-year review report pursuant to A.R.S. § 41-1056 and approved by the Governor's Regulatory Review Council in 2016.

The Department received a rulemaking moratorium waiver pursuant to Executive Order 2019-01 from Ms. Jennifer Thomsen, Public Safety Advisor to the Governor's Office on September 17, 2019.

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

Under R13-10-103, the Scientific Analysis Bureau conducted tests on the Intoxilyzer Model 9000 for compliance with scientific standards related to breath-alcohol testing. The test data is included as an attachment to this rulemaking and can also be obtained by contacting the individual listed in item #4.

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:

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

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

The Department expects minimal economic impact to law enforcement agencies. The Department is adopting the new Intoxilyzer 9000 and is retaining older evidentiary breath-alcohol testing models giving agencies choice. As a scientific testing device, agencies are aware of costs associated with purchase and maintenance in order for the device to meet scientific standards and scrutiny in court proceedings. The Department does not expect itself or other agencies to hire FTEs to administer this rulemaking. Small businesses will be unaffected. Permit holders will benefit by having more time to renew a permit. The public will benefit through reduced negative personal and economic impact caused when an impaired driver causes a collision.

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

Name: Jennifer Kochanski
Address: Arizona Department of Public Safety
Scientific Analysis Bureau, Crime Laboratory Manager
PO Box 6638, MD1150
Phoenix, AZ 85005-6638
Telephone: (602) 223-2795
E-mail: jenniferkochanski@azdps.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:

Date: Tuesday December 17, 2019
Time: 9:00 a.m. MST
Location: Arizona Department of Public Safety
Public Services Center
2222 W. Encanto Blvd.



Phoenix, AZ 85009

Close of record: Wednesday, December 18, 2019, at 5:00 p.m. MST

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 reason why a general permit is not used:

The rules require a permit. Evidentiary breath-testing devices are scientific devices that must meet standards recognized by the scientific community for court proceedings. The operators and maintainers of these devices are required to testify in a court of law on their training, skills, techniques and procedures to operate or maintain these devices. Given the legal aspect that has an impact on the State’s or defendant’s case, a general permit cannot be issued.

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

There is no applicable federal law. The Federal Register does not give specifics on accuracy requirements as that varies from state to state depending on court rulings and legislative requirements.

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:

The Department did not receive an analysis.

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

R13-10-103(F) – The Department is incorporating by reference the National Highway Traffic Safety Administration’s Conforming Products List of Evidential Breath Measurement Devices in 82 FR 50940-50944, (November 2, 2017).

13. The full text of the rules follows:

**TITLE 13. PUBLIC SAFETY
CHAPTER 10. DEPARTMENT OF PUBLIC SAFETY
ALCOHOL TESTING**

ARTICLE 1. DETERMINATION OF ALCOHOL CONCENTRATION

Section

- R13-10-101. Definitions
- R13-10-103. Breath-testing Devices
- R13-10-104. Testing Procedures
- R13-10-107. Application Processes
- Exhibit A. Application for Blood Alcohol Analyst Permit
- Exhibit B. Application for Breath Alcohol Operator Permit
- Exhibit C. Application for Breath Alcohol Quality Assurance Specialist Permit
- Exhibit D. Application for Breath Testing Instructor
- Exhibit I-1. Operational Checklist Standard Operating Procedures Arizona Department of Public Safety Intoxilyzer Model 9000 Duplicate Breath Test
- Exhibit I-2. Arizona Department of Public Safety Intoxilyzer Model 9000 Periodic Maintenance Standard Calibration Check and Standard Quality Assurance Procedure

ARTICLE 1. DETERMINATION OF ALCOHOL CONCENTRATION

R13-10-101. Definitions

In this Article, unless the context otherwise requires:

1. “Alcohol concentration” or “AC” means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
2. “Analyst” means an individual who has been issued an analyst permit by the Department to use approved methods to make alcohol concentration determinations from blood or other bodily substances.
3. “Analyst permit” means a document issued by the Department indicating the permit holder has been found qualified to utilize an approved method in the determination of alcohol concentrations.
4. “Analytical procedure” means a series of operations utilized by an analyst when employing an approved method in the determination of alcohol concentration.
5. “Calibration Check” means an operation utilizing a standard alcohol concentration solution to determine whether a device is accurately measuring alcohol concentrations that is performed as a Standard Calibration Check Procedure by a Quality Assurance Specialist at least every 31 days or performed as Concurrent Calibration Check Procedures by an Operator within a successfully completed test sequence bracketing a duplicate breath test.
6. “Concurrent Calibration Check Procedure” means an operation performed by an Operator, utilizing a standard alcohol concentration solution, within a successfully completed test sequence to determine whether a device is accurately measuring alcohol concentration during a duplicate breath test.
7. “Concurrent Quality Assurance Procedure” means operations performed by an Operator, including a Concurrent Calibration Check Procedure and diagnostic checks, within a successfully completed test sequence to determine whether a device is accurately and properly measuring alcohol concentration during a duplicate breath test.



8. “Deprivation period” means at least a 15-minute period immediately prior to a duplicate breath test during which period the subject has not ingested any alcoholic beverages or other fluids, eaten, vomited, smoked or placed any foreign object in the mouth.
9. “Determination” means an analysis of a specimen of blood, breath, or other bodily substance and expressing the results of the analysis in terms of alcohol concentration.
10. “Device” means a breath testing instrument.
11. “Duplicate breath test” means two consecutive breath tests that immediately follow a deprivation period, agree within 0.020 AC of each other, and are conducted at least five and no more than 10 minutes apart.
12. “Instructor” means a person approved by the Department to provide breath test training to prospective Operators and Quality Assurance Specialists on a specific approved device.
13. “Method” means an analytical technique utilized by an analyst or a device to make an alcohol concentration determination (e.g. gas chromatography, infrared spectrophotometry, or specific fuel cell detection.)
14. “Operator” means a person who has been issued an Operator permit from the Department to operate a specific approved device for the purpose of determining an alcohol concentration from a specimen of breath and to perform the Concurrent Quality Assurance Procedures, Concurrent Calibration Check Procedures, and diagnostic checks to determine whether a device is operating accurately and properly.
15. “Operator Permit” means a document issued by the Department indicating that the permit holder has been found qualified to operate and perform the associated Quality Assurance Procedures on a specific approved device.
16. “Periodic Maintenance” means a Quality Assurance Procedure consisting of either of the following, which determines whether a device is operating accurately and properly:
 - a. Standard Calibration Check Procedure and Standard Quality Assurance Procedure (these checks and procedures may be performed concurrently), or
 - b. Concurrent Calibration Check Procedures and Concurrent Quality Assurance Procedures performed within a successfully completed test sequence bracketing a duplicate breath test.
17. “Preliminary breath test” means a pre-arrest breath test.
18. “Preliminary breath tester” or “PBT” means any approved device used prior to an arrest for the purpose of obtaining a determination of alcohol concentration from a specimen of breath and includes any device included on the National Highway Traffic Safety Administration’s Conforming Products List of Evidential Breath Measurement Devices as incorporated by reference in R13-10-103(F).
19. “Procedure” means a series of operations used by an Operator or a Quality Assurance Specialist when employing an approved device in the determination of alcohol concentration or performing associated quality assurance testing.
20. “Quality Assurance Procedure” means Periodic Maintenance consisting of either of the following, which determines whether a device is operating accurately and properly:
 - a. Standard Calibration Check Procedure and Standard Quality Assurance Procedure (these checks and procedures may be performed concurrently), or
 - b. Concurrent Calibration Check Procedures and Concurrent Quality Assurance Procedures performed within a successfully completed test sequence bracketing a duplicate breath test.
21. “Quality Assurance Specialist” means a person who has been issued a Quality Assurance Specialist permit from the Department to perform the Standard Calibration Check Procedure and the Standard Quality Assurance Procedure to determine the accurate and proper operation of a specific approved device.
22. “Quality Assurance Specialist permit” means a document issued by the Department indicating that the permit holder has been found qualified to perform the Standard Calibration Check Procedure and the Standard Quality Assurance Procedure on a specific approved device.
23. “Standard Calibration Check Procedure” means operations performed by a Quality Assurance Specialist, at least every 31 days, to determine whether a device is accurately measuring alcohol concentration.
24. “Standard Operational Procedure” means operations performed by an Operator for the purpose of determining an alcohol concentration from a specimen of breath.
25. “Standard Quality Assurance Procedure” means operations performed by a Quality Assurance Specialist, at least every 90 days.

R13-10-103. Breath-testing Devices

- A. The Director may approve devices used to determine alcohol concentration from breath after the Department successfully tests a typical model of the device for compliance with the standards in subsection (B).
- B. A device shall meet the following standards of performance:
 1. Breath specimens tested shall be alveolar in composition.
 2. The device shall be capable of analysis of a solution of known alcohol concentration with an accuracy limit of a systematic error of no more than ± 0.005 grams per 210 liters of breath or ± 5 percent, whichever is greater, and a precision limit of an average standard deviation of no more than 0.0042 grams per 210 liters of breath. The accuracy and precision of the device being evaluated shall be determined on the basis of 10 consecutive measurements at 4 alcohol vapor concentrations that are between 0.020 and 0.350 grams per 210 liters of breath, to include at least one value < 0.100 and one value > 0.250 .
 3. The device shall be capable of testing a breath sample that results in alcohol concentrations of less than 0.01 grams per 210 liters of breath when alcohol-free subjects are tested.
- C. The Department, upon specific findings that a device, method, or breath test procedure is inaccurate, unreliable, or is an unacceptable test for determining alcohol concentration or that its use has been discontinued in the state, shall disapprove in writing further use of the device, method, or procedure.
- D. The methods approved by the Director for use by a device to determine alcohol concentration are infrared spectrophotometry and specific fuel cell detection.
- E. The following devices are approved by the Director:



Device/Model	Manufacturer
Intoxilyzer Model 5000 with or without Vapor Recirculation and with or without Keyboard	CMI, Inc.
Intoxilyzer Model 5000EN	CMI, Inc.
Intoxilyzer Model 8000	CMI, Inc.
<u>Intoxilyzer Model 9000</u>	<u>CMI, Inc.</u>
RBT AZ (Alco Sensor AZ/RBT AZ)	Intoximeter, Inc.

- F. Products included on the National Highway Traffic Safety Administration’s Conforming Products List of Evidential Breath Measurement Devices set forth in ~~69 FR 42237-42239 (July 14, 2004)~~ 82 FR 50940-50944 (November 2, 2017) are approved by the Director as preliminary breath testers to determine alcohol concentration. This document is incorporated by reference and does not include any later amendments or editions. A copy of this document is available from the Department and may be obtained from the National Highway Traffic Safety Administration’s web site (www.nhtsa.gov) or by contacting the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401.
- G. Devices listed in subsection (E) may be used to administer preliminary breath tests.
- H. Except when a device is used as a PBT or for other non-evidential testing purposes, an Operator permit and Standard Operational Procedure are required for the operation of devices listed in subsection (E).
- I. In addition to the devices approved in subsection (E), the Director may approve, in writing, a device and related Standard Operational and Quality Assurance Procedures after the device has been successfully tested for compliance with the standards in subsection (B) for use prior to and pending the device being added to subsection (E). The approval shall expire three years after its effective date unless subsection (E) is amended to include the approved device.
- J. In addition to devices approved as preliminary breath testers in subsection (F), the Director may approve in writing as a PBT a new device placed on subsequent National Highway Traffic Safety Administration’s Conforming Products Lists of Evidential Breath Measurement Devices for use pending the new Conforming Products List being added to subsection (F).

R13-10-104. Testing Procedures

- A. Law enforcement agencies or individuals acting independently of law enforcement agencies who conduct alcohol concentration determinations by means of devices shall utilize a quality assurance program that is conducted by Quality Assurance Specialists or Operators and generate records of periodic maintenance. This quality assurance program shall include:
 1. Criteria for ensuring the accurate and proper operation of devices by the regular performance of Calibration Checks and Quality Assurance Procedures as referenced in subsections (A)(2) and (A)(3);
 2. Calibration Checks of devices that are performed within 31 days of each other as Standard Calibration Check Procedures and recorded according to the requirements of the appropriate Quality Assurance Procedures set forth in Exhibits ~~E-2, E-3, F-2, F-3,~~ G-2, G-3, G-6, ~~and~~ H-2 ~~and~~ I-2 or as approved by the Director according to R13-10-103(I). These checks shall indicate that the device is capable of determining the value of a standard alcohol concentration solution with an accuracy limit of ± 0.01 grams per 210 liters of breath or ± 10 percent, whichever is greater;
 3. Quality Assurance Procedure checks of devices that are performed within 90 days of each other as Standard Quality Assurance Procedures or during a test sequence bracketing a duplicate breath test as Concurrent Quality Assurance Procedures, and recorded according to the requirements of the appropriate Quality Assurance Procedures set forth in Exhibits ~~E-4, E-5, F-4, F-5,~~ G-4, G-5, G-6, H-3, ~~and~~ H-4 ~~and~~ I-2 or as approved by the Director according to R13-10-103(I). These checks shall indicate that the device is capable of proper operation and is functioning as required by the Quality Assurance Procedures for the device;
 4. Standard alcohol concentration solutions, either liquid or gas, that are National Institute of Standards and Technology (NIST) traceable; and
 5. Records of Calibration Checks, Quality Assurance Procedures and maintenance or repairs for each device in use.
- B. An Operator shall utilize the Standard Operational Procedure approved by the Department for the device being operated in performing tests for the determination of alcohol concentration, as contained in Exhibits ~~E-1, E-6, F-1,~~ G-1, G-6, ~~and~~ H-1 ~~and~~ I-1 or as approved by the Director according to R13-10-103(I).
- C. Duplicate breath tests shall be administered at intervals of not less than five minutes nor more than 10 minutes. The results of both tests shall be within 0.020 alcohol concentration of each other. If the second test is not within 0.020 alcohol concentration of the first test, additional tests shall be administered until the results of two consecutive tests are within 0.020 alcohol concentration.

R13-10-107. Application Processes

- A. An applicant for an initial Analyst permit or the renewal of an existing Analyst permit shall complete the form shown as Exhibit A and submit it to the Department. ~~An application for renewal of an Analyst permit shall be submitted no later than 30 days prior to the date the current permit expires. If the applicant makes a written or verbal request and shows good cause, the Department shall extend this deadline.~~
- B. An applicant for an initial Operator permit or the renewal of an existing Operator permit shall complete the form shown as Exhibit B and submitted to the Department. ~~An application for renewal of an Operator permit shall be submitted no later than 30 days prior to the date the current permit expires. If the applicant makes a written or verbal request and shows good cause, the Department shall extend this deadline.~~



- C. An applicant for an initial Quality Assurance Specialist permit or the renewal of an existing Quality Assurance Specialist permit shall complete the form shown as Exhibit C and submitted to the Department. ~~An application for renewal of a Quality Assurance Specialist permit shall be submitted no later than 30 days prior to the date the current permit expires. If the applicant makes a written or verbal request and shows good cause, the Department shall extend this deadline.~~
- D. An applicant for an initial Instructor approval or the renewal of an existing Instructor approval shall complete the form shown as Exhibit D and submitted to the Department. ~~An application for renewal of an Instructor shall be submitted no later than 30 days prior to the date the current certificate expires. If the applicant makes a written or verbal request and shows good cause, the Department shall extend this deadline.~~

Exhibit A. Application for Blood Alcohol Analyst Permit

**APPLICATION FOR BLOOD ALCOHOL ANALYST PERMIT
ARIZONA DEPARTMENT OF PUBLIC SAFETY**

Scientific Analysis Bureau
2102 W Encanto Blvd
Phoenix, Arizona 85009
(602) 223-2394

Application for Analyst permit to perform analysis of blood or other bodily substances for alcohol concentration determinations.

TO BE COMPLETED BY APPLICANT - PLEASE PRINT CLEARLY
(ALL ITEMS MUST BE COMPLETED OR APPLICATION WILL NOT BE ACCEPTED)

IS THIS APPLICATION FOR? INITIAL PERMIT _____ RENEWAL _____ PERMIT NUMBER _____

1. Name: _____
(Full legal name) (Last First) (First Middle) (Middle Last) (Maiden)

Name: _____
(As you would like it to appear on permit) (Last) (First) (Middle optional)

2. Date of Birth: _____
(Month) (Day) (Year)

3. Employer: _____
(Name)

(Address)

(Phone) (Fax)

4. Email address: _____

5. Education: I have earned a degree from an accredited college or university with 15 or more semester credits or the equivalent of college chemistry, including at least 3 credits in organic chemistry. Yes _____ No _____
College(s) attended _____
(City & State) (Year Graduated) (Degree)

(City & State) (Year Graduated) (Degree)

6. Check the analytical method(s) for which you require an Analyst permit:
Gas Chromatography _____ Other: _____



I hereby certify that the information submitted in this application is true and correct.

(Signature of Applicant)

(Date)

DPS Form Exh A (Rev 0519-1)

Exhibit B. Application for Breath Alcohol Operator Permit

APPLICATION FOR BREATH ALCOHOL OPERATOR PERMIT
ARIZONA DEPARTMENT OF PUBLIC SAFETY

Scientific Analysis Bureau
2102 W Encanto Blvd
Phoenix, Arizona 85009
(602) 223-2394

Application for an Operator permit to perform alcohol concentration determinations and associated quality assurance procedures on an approved device.

TO BE COMPLETED BY APPLICANT - PLEASE PRINT CLEARLY
(ALL ITEMS MUST BE COMPLETED OR APPLICATION WILL NOT BE ACCEPTED)

IS THIS APPLICATION FOR? INITIAL PERMIT RENEWAL

DO YOU HAVE AN OPERATOR PERMIT(S)? YES NO

OPERATOR DEVICE(S) / PERMIT NUMBER(S)

1. Name: (Full Legal Name) (Last First) (First Middle) (Middle Last) (Maiden)

Name: (As you want it to appear on permit) (Last) (First) (Middle optional)

2. Employer: (Name) (Address) (Phone) (Fax)

3. Email address:

4. Operator permit requested for what device(s):

I hereby certify that the information submitted in this application is true and correct.

(Signature of Applicant)

Badge #

(Date)

TO BE COMPLETED BY INSTRUCTOR

1. Agency Conducting Training:

2. Date and Location of Training: (Date) (Location)

3. Arizona Department of Public Safety course approval number:

4. Did applicant successfully complete the course? Pass Fail



(Signature of Instructor)

(Print Name)

(Date)

DPS Form Exh B (Rev 0519-1)

Exhibit C. Application for Breath Alcohol Quality Assurance Specialist Permit

APPLICATION FOR BREATH ALCOHOL QUALITY ASSURANCE SPECIALIST PERMIT

ARIZONA DEPARTMENT OF PUBLIC SAFETY

Scientific Analysis Bureau
2102 W Encanto Blvd
Phoenix, Arizona 85009
(602) 223-2394

Application for a QAS permit to perform quality assurance procedures on an approved device.

TO BE COMPLETED BY APPLICANT - PLEASE PRINT CLEARLY

(ALL ITEMS MUST BE COMPLETED OR APPLICATION WILL NOT BE ACCEPTED)

IS THIS APPLICATION FOR? INITIAL PERMIT RENEWAL

DO YOU HAVE AN OPERATOR PERMIT(S)? YES NO

OPERATOR DEVICE(S) / PERMIT NUMBER(S)

1. Name: (Full Legal Name) (Last First) (First Middle) (Middle Last) (Maiden)

Name: (As you want it to appear on permit) (Last) (First) (Middle optional)

2. Employer: (Name)

(Address)

(Phone) (Fax)

3. Email address:

4. QAS permit requested for what device(s):

I hereby certify that the information submitted in this application is true and correct.

(Signature of Applicant)

Badge #

(Date)

TO BE COMPLETED BY INSTRUCTOR

1. Agency Conducting Training:

2. Date and Location of Training: (Date) (Location)

3. Arizona Department of Public Safety course approval number:

4. Did applicant successfully complete the course? Pass Fail

(Signature of Instructor)

(Print Name)

(Date)

DPS Form Exh C (Rev 0519-1)

Exhibit D. Application for Breath Testing Instructor

**APPLICATION FOR BREATH TESTING INSTRUCTOR
ARIZONA DEPARTMENT OF PUBLIC SAFETY**

Scientific Analysis Bureau
2102 W Encanto Blvd
Phoenix, Arizona 85009
(602) 223-2394

Application for an Instructor certificate to provide Operator and QAS training on an approved device.

TO BE COMPLETED BY APPLICANT - PLEASE PRINT CLEARLY
(ALL ITEMS MUST BE COMPLETED OR APPLICATION WILL NOT BE ACCEPTED)

IS THIS APPLICATION FOR? INITIAL APPROVAL _____ RENEWAL _____

DO YOU HAVE AN OPERATOR PERMIT(S)? YES _____ NO _____

OPERATOR DEVICE(S) / PERMIT NUMBER(S)? _____

DO YOU HAVE QAS PERMIT(S)? YES _____ NO _____

QAS DEVICE(S) / PERMIT NUMBER(S) _____

1. Name: _____
(Full Legal Name) (Last First) (First Middle) (Middle Last) (Maiden)

Name: _____
(As you want it to appear on certificate) (Last) (First) (Middle optional)

2. Employer: _____
(Name)

(Address)

(Phone) (Fax)

3. Email address: _____

4. Instructor certificate requested for what device: _____

I hereby certify that the information submitted in this application is true and correct.

(Signature of Applicant)

(Date)

TO BE COMPLETED BY REGULATOR

1. Arizona Department of Public Safety examination approval number: _____

2. Did applicant successfully attain Instructor approval? Pass _____ Fail _____

(Signature of Regulator)

(Print Name)

(Date)

DPS Form Exh D (Rev 0519-1)



**EXHIBIT I-1
OPERATIONAL CHECKLIST
STANDARD OPERATIONAL PROCEDURE**

**ARIZONA DEPARTMENT OF PUBLIC SAFETY
INTOXILYZER MODEL 9000**

DUPLICATE BREATH TEST

SUBJECT NAME _____ DATE _____

AGENCY _____ OPERATOR & BADGE _____
INTOXILYZER SERIAL # _____ DEPRIVATION BY _____

- 1. Ensure proper deprivation period
- 2. Push the start button on the screen
- 3. Follow automated prompts on the instrument display

Note: Duplicate breath tests shall be administered at intervals of not less than 5 minutes nor more than 10 minutes apart and the two consecutive tests shall agree within 0.020 alcohol concentration.

COMMENTS:

SIGNATURE _____

DPS Form Exh I-1 (Iss 19-01)

**EXHIBIT I-2
THIS REPORT PREPARED PURSUANT TO DUTY IMPOSED BY A.A.C. R13-10-104(A)**

**ARIZONA DEPARTMENT OF PUBLIC SAFETY
INTOXILYZER MODEL 9000**

**PERIODIC MAINTENANCE, STANDARD CALIBRATION CHECK AND
STANDARD QUALITY ASSURANCE PROCEDURE**

QA SPECIALIST _____ AGENCY _____
DATE _____ TIME _____
INTOXILYZER SERIAL # _____

- 1. Ensure that gas tank is attached and contains a standard alcohol concentration _____ AC.

DIAGNOSTIC TESTS

- 1. Clock time check
- 2. Date check

OPERATIONAL TESTS

- 1. Deficient Subject Test (Proper Sample Recognition):
Deficient Sample printed



- 2. Alcohol-free Subject Test (Proper Sample Recognition):
0. _____ AC
- 3. Mouth Alcohol Subject Test (Proper Sample Recognition):
Invalid Sample – Begin new deprivation period printed
- 4. Radio Frequency Interference Test (Error Recognition):
RFI Detect printed
- 5. Standard Calibration Check:
0. _____ AC
- 6. Air Blanks Completed
- 7. Timer Reset

Not a Successfully Completed Test Sequence will be printed.

Instrument is operating properly and accurately. YES _____ NO _____

COMMENTS:

SIGNATURE _____

DPS Form Exh I-2 (Iss 19-01)



NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

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

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

**NOTICE OF FINAL RULEMAKING
TITLE 6. ECONOMIC SECURITY
CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM**

[R19-226]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 1	Amend
R6-10-101	Amend
R6-10-101.1	Amend
R6-10-102	Amend
R6-10-103	Renumber
R6-10-103	New Section
R6-10-104	Renumber
R6-10-104	Amend
R6-10-105	Repeal
R6-10-105	Renumber
R6-10-105	Amend
R6-10-106	Renumber
R6-10-106	New Section
R6-10-107	Renumber
R6-10-107	New Section
R6-10-108	Renumber
R6-10-108	Amend
R6-10-109	Renumber
R6-10-109	Amend
R6-10-110	Renumber
R6-10-110	Amend
R6-10-111	Renumber
R6-10-111	Amend
R6-10-112	Renumber
R6-10-112	Amend
R6-10-113	Renumber
R6-10-113	Amend
R6-10-114	Renumber
R6-10-114	Amend
R6-10-115	Renumber
R6-10-115	Amend
R6-10-116	Renumber
R6-10-116	Amend
R6-10-117	Renumber
R6-10-117	Amend
R6-10-118	Renumber
R6-10-118	Amend
R6-10-119	Renumber
R6-10-119	Amend
R6-10-120	Renumber



R6-10-120	Amend
R6-10-121	Renumber
R6-10-121	New Section
R6-10-122	Repeal
R6-10-122	Renumber
R6-10-122	Amend
R6-10-123	Renumber
R6-10-123	Amend
R6-10-124	Renumber
R6-10-124	Amend
R6-10-125	Renumber
R6-10-125	Amend
R6-10-126	New Section
Article 3	Amend
R6-10-301	Amend
R6-10-302	Amend
R6-10-303	Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 41-1954 (A)(3)
Implementing statute: A.R.S. § 46-299, as amended by Laws 2017, Chapter 323, § 8
A.R.S. § 46-300, as amended by Laws 2017, Chapter 323, § 9

3. The effective date of the rules:

December 7, 2019

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable

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

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 1389, June 7, 2019
Notice of Proposed Rulemaking: 25 A.A.R. 1365, June 7, 2019

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

Name: Nicole Tolton
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
Or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: ntolton@azdes.gov

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

This rulemaking will:

- Amend the rules to comply with 45 CFR 261, which:
 - Defines countable federal work activities,
 - Explains the federal work participation requirement and revised caseload reduction credits, and
 - Defines who is included and excluded from the federal work requirement;
- Add rules to allow unmarried custodial parents to attend educational activities as an alternative to the federal work participation requirement to comply with A.R.S. § 46-299;
- Amend the sanction process rules to comply with A.R.S. § 46-300;
- Add rules to extend case management and employment services through the Jobs Program to eligible families transitioning off Temporary Assistance for Needy Families (TANF) Cash Assistance due to the time limit benefits, pursuant to A.R.S. § 46-299;
- Add rules to grant extensions to two-parent households to comply with A.R.S. § 41-1954(F);



- Add reporting requirements to comply with A.R.S. § 46-300.07;
- Amend language regarding persons with disabilities to comply with A.R.S. § 41-5201; and
- Amend rules to reflect current practice.

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

The Department did not review or rely on any study relevant to the rules.

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

Not applicable

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

Arizona's Jobs Program is charged with ensuring that participants receive services to help them avoid long-term welfare dependence. The Jobs Program provides work eligible individuals living in households that receive TANF Cash Assistance the opportunity to become economically independent through employment. The Jobs Program helps remove barriers to employment by providing a variety of services that make a positive difference in participants' lives. The Jobs Program also determines whether a cash assistance grant must be reduced or sanctioned if a participant does not comply with Jobs Program work requirements.

This rulemaking will amend Arizona Administrative Code Title 6, Chapter 10 to comply with A.R.S. § 46-299 (B) and A.R.S. § 46-300 (D). The Department does not anticipate that this rulemaking will have an economic impact on any person because the rulemaking will bring the rules up to date to reflect current practice in conformance with federal and state statutory requirements.

Jobs Program funding comes through the federal TANF Block Grant and state Maintenance of Effort (MOE) funds. The State Fiscal Year (SFY) 2018 annual cost of operating the Jobs Program was \$10,640,211.38 and cost for participant services was \$3,443,615.93. Approximately 9,005 TANF Cash Assistance recipients were served by the Jobs Program in SFY 2018 with a monthly average of 4,117 clients enrolled in the Jobs Program.

The Jobs Program serves all of Arizona, except the tribal areas served by the Native Employment Works (NEW) Program, and the Tribal TANF Program.

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

The Department has made minor clarifying or technical non-substantive changes between the proposed rulemaking and the final rulemaking:

1. Added the word "Repealed" after R6-10-122 to clarify the original rule is being repealed and renumbered, receiving R6-10-120, which is also being amended;
2. Removed "A.A.C" prior to referring to a Section of the rules within this Chapter, pursuant to the Arizona Rulemaking Manual;
3. Added the word "Program" after Jobs in R6-10-117; and
4. Added the word "Department" in R6-10-303(B) to clarify the Office of Appeals refers to the Department of Economic Security's Office of Appeals.

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

The Department received no comments on this rulemaking.

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:

No other matters are prescribed.

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:

The Social Security Act 42 U.S.C. § 604 and Social Security Act 42 U.S.C. §§ 607- 608 are applicable to the subject of this rulemaking. The Department has determined that the proposed rules are not more stringent than the corresponding federal law.

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

No analysis was submitted.

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

None

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

Not applicable

15. The full text of the rules follows:



TITLE 6. ECONOMIC SECURITY
CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM

ARTICLE 1. THE JOBS PROGRAM: GENERAL PROVISIONS

Section

- R6-10-101. Definitions
R6-10-101.01. Applicability
R6-10-102. Work Requirement
R6-10-103. Preliminary Orientation
R6-10-103R6-10-104. Tribal Welfare to Work Program
R6-10-105. Jobs Introduction Meeting Repealed
R6-10-104R6-10-105. Selection for Participation in the Jobs Program
R6-10-106. Initial Case Management Appointment
R6-10-107. Work Requirement Exclusion
R6-10-106R6-10-108. Temporary Deferrals
R6-10-107R6-10-109. Participant Assessment; Referral
R6-10-108R6-10-110. Employment and Career Development Plan
R6-10-109R6-10-111. Primary Core Activities
R6-10-110R6-10-112. Participation that Meets the Work Requirement
R6-10-111R6-10-113. Secondary Non-Core Activities
R6-10-112R6-10-114. Job Search and Job Readiness Assistance
R6-10-113R6-10-115. On-the-job Training (OJT)
R6-10-114R6-10-116. Work Experience
R6-10-115R6-10-117. Community Service Programs
R6-10-118. Expired
R6-10-116R6-10-118. Vocational Educational Training
R6-10-117R6-10-119. High School, GED Preparation, and Education Directly Related to Employment
R6-10-119R6-10-120. Support Services
R6-10-121. Transitional Support Services
R6-10-122. Services to Address Barriers to Participation Repealed
R6-10-120R6-10-122. Participant Complaint Resolution
R6-10-121R6-10-123. Failure to participate Participate; Good Cause Reasons; Verification; Establishment of Good Cause
R6-10-123R6-10-124. All Families Assistance Units, Except TPEP Families Assistance Units; Sanction Process
R6-10-125. Expired
R6-10-124R6-10-125. TPEP: Failure to Participate; Withholding
R6-10-126. Expired Jobs Program Eligibility After the TANF Cash Assistance Time Limit

ARTICLE 3. JOB DISPLACEMENT GRIEVANCE PROCEDURES

Section

- R6-10-301. Definitions
R6-10-302. Job Displacement
R6-10-303. Grievance Process

ARTICLE 1. THE JOBS PROGRAM: GENERAL PROVISIONS

R6-10-101. Definitions

The definitions in A.R.S. § 46-101 and the following definitions apply to this Chapter, unless the context otherwise requires:

- 1. "Acceptable medical source" means the same as A.A.C. R6-12-101 and includes a vocational rehabilitation specialist, licensed naturopathic doctor, licensed chiropractor, and other personnel authorized to act on a physician's behalf.
2. "AHCCCS" means the Arizona Health Care Cost Containment System.
3. "Assessment" means the evaluation of a participant by a case manager, with the assistance of the participant, to determine employment potential, as well as services necessary to remove barriers to employment. The case manager will shall use the assessment to develop the participant's employment plan as a guide for employment and career development planning.
3. "At risk" means an individual who is either expecting a child or has a dependent child and is vulnerable to becoming TANF dependent based on one or more of the following factors. The individual:
a. Has reading or math skills that are at or below ninth grade level;
b. Has dropped out of school;
c. Has a criminal record;
d. Is homeless or a run-away youth;
e. Has a mental or physical disability;



- f. Is pregnant;
 - g. Is a victim of domestic violence;
 - h. Has received services from a domestic violence shelter;
 - i. Is income eligible for TANF;
 - j. Has a WIA service delivery area designated barrier;
 - k. Is a displaced homemaker;
 - l. Is eligible for WIA programs
 - m. Is attending school; or
 - n. Other similar factors that place the family at risk.
4. “Assistance unit” means the same as A.R.S. § 46-101.
- 4.5. “Barrier” means a circumstance that, if not addressed, may prevent or delay participation in work activities. A barrier includes one or more of the following circumstances, or any similar circumstance:
- a. A temporary physical or mental condition, including behavioral health issues of the participant or the participant’s family member for whom the participant is the primary caregiver;
 - b. ~~A physical or mental disability of the participant or the participant’s family member for whom the participant is the primary caregiver;~~
 - e-b. A lack of transportation;
 - d-c. A lack of child care;
 - e-d. Limited English proficiency;
 - f-e. A threat of domestic violence toward the participant, the participant’s family member, or the caregiver for a minor child, if the threat interferes with the participant’s ability to participate in work activities;
 - g-f. Illiteracy; insufficient education; lack of vocational skills; or
 - h-g. An ongoing family crisis that interferes with the participant’s ability to participate in work activities.
 - h. Other similar circumstances that prevent or delay participation in work activities.
5. ~~“Calendar week” means seven consecutive days beginning on Saturday.~~
6. ~~“Calendar year” means a 12-month period beginning January 1 and ending December 31.~~
6. “Caretaker relative” means the same as A.A.C. R6-12-101(19).
7. “Case management” means the process through which the Jobs Program determines the needs of the participant requesting or receiving services through the Jobs Program. Appropriate services or benefits for participants are identified, planned, obtained, provided, recorded, monitored, and terminated, and follow-up is provided, as necessary and subject to budgetary constraints, in accordance with A.R.S. § 46-299.
- 7.8. “Case manager” means the Jobs employee Program staff who determines the needs of an individual requesting or receiving services through the Jobs Program.
8. ~~“Case Management” means the process through which Jobs determines the needs of the participant requesting or receiving services through Jobs. Appropriate services or benefits for participants are identified, planned, obtained, provided, recorded, monitored, and terminated, and follow-up is provided, as necessary and subject to budgetary constraints, in accordance with A.R.S. § 46-299.~~
9. “Cash assistance program” means the state Temporary Assistance for Needy Families program established by 42 U.S.C. § 601 et seq.
- 10.9. ~~“Community resource” means a community, faith-based, or non-profit an organization that provides services to the general public at no cost to the participant or the Jobs Program.~~
- 11.10. ~~“Community service program” means an unpaid work activity that provides a service to the community or an organization the same as 45 CFR 261.2(h).~~
- 12.11. “Complaint” means a formal accusation or charge expressing dissatisfaction or a grievance with a service provider, an agency, or a Jobs Program action or decision.
12. “Core activity” means a work activity that counts toward the work requirement, pursuant to 45 CFR 261.33 through 261.35.
13. “Day” means a calendar day, unless otherwise specified. If, under rule or statute, a deadline falls on a weekend day or a holiday, the Jobs Program shall consider the deadline to fall on the next business day.
14. “Deferral” means the same as A.R.S. § 46-299(A).
15. “Demonstrate compliance” means attending appointments to prevent sanctions, developing an employment and career development plan, and includes beginning and continuing participation in work activities in accordance with the employment and career development plan.
- 14.16. “Department” means the Arizona Department of Economic Security.
17. “Dependent child” means the same as A.R.S. § 46-101(8).
18. “Disability means a physical or mental impairment that substantially limits one or more major life activities and includes being mentally, physically, or functionally incapable of participating in work activities.
- 15.19. ~~“Education directly related to employment” means remedial education, classes leading to a GED or high school diploma, and English for Speakers of Other Languages (ESOL)- the same as 45 CFR 261.2(k).~~
- 16.20. “Employment and career development plan” means the document described in R6-10-108 R6-10-110, prepared by the participant and the Jobs Program case manager, which and lists the steps activities required of the participant a participant is required to complete, the services to be provided by the Jobs Program, and the referrals made to address barriers to participation to transition the participant to economic independence to employment.



- 17. “Employment services” means vocational educational training, education directly related to employment, job skills training, and other similar training or education provided by a service provider or community resource to assist a participant in obtaining employment.
- ~~18-21.~~ “FAA” means the Family Assistance Administration, an administrative unit within the Department’s Division of Benefits and Medical Eligibility responsible for providing ~~cash assistance~~ TANF Cash Assistance to eligible persons.
- ~~19-22.~~ “Fails to participate;” or “failure to participate;” means ~~that a participant has not done one or more of the following, absent good cause:~~
 - ~~a. Participated in job readiness activities;~~
 - ~~b. Complied with the requirements in the participant’s employment plan, or~~
 - ~~c. Participated in work activities, the same as R6-10-123(A).~~
- 20. “Full time employment” means employment that is 40 hours per week or, if less, is regarded as full time for a specific industry.
- 21. “Functionally incapable” means a person who suffers a continuing inability to function in daily life activities due to life circumstances, including past physical or sexual abuse, insufficient education, nonexistent vocational skills, episodic depression, or emotional dysfunction.
- 23. “Family member” means any person who lives in a home with a participant and is related to the participant by blood, marriage, or adoption.
- ~~22-24.~~ “GED” means general equivalency degree education development, which is a certificate awarded upon completion of includes a series of five tests that, when passed, demonstrate high school skills equivalency.
- ~~23-25.~~ “Good cause” means one or more of the circumstances listed in ~~R6-10-121(B)~~ at R6-10-123(F).
- 24. “Health care professional” means a licensed physician, registered nurse, or a licensed physician’s assistant.
- 25. “Immediate threat of domestic violence” means a domestic violence situation that, in the perception of the participant, is physically, mentally, or emotionally dangerous or harmful to the participant or any child living with the participant.
- 26. “High school equivalency” or “HSE” means equivalent to high school.
- ~~26-27.~~ “Job search readiness assistance” means all activities, involving the Department and the participant, that prepare a participant for work. These activities include: completion of an assessment, any additional assessments under R6-10-107(E), and an employment plan; attendance at the Jobs Introduction Meeting; participation in an employment preparation program, which includes life skills, employment, and job retention skills training; and any other Program requirement under this Article or a statute pertaining to assisting a participant in preparing for and obtaining employment. the same as 45 CFR 261.2(g).
- 28. Job skills training directly related to employment” means the same as 45 CFR 261.2(j).
- ~~27-29.~~ “Jobs Program” means the administrative unit within the Department’s Division of Employment and Rehabilitation Services that is responsible for administration of the Jobs Program, including providers under contract with the Department that provide Jobs case management and employment services, employment and training program for work-eligible individuals in an assistance unit receiving TANF Cash Assistance authorized by A.R.S. § 46-299. The Jobs Program is also available to program participants who lose eligibility for TANF Cash Assistance and meet the conditions of R6-10-121 or R6-10-126.
- 28. “Job search” means a structured activity in which participants are required to actively seek employment by identifying employment opportunities, applying for employment, and participating in employment interviews.
- 29. “Job skills training means training that enables a participant to become proficient in an occupation or skill necessary to meet the participant’s employment goal.
- 30. “Jobs Program services” means ongoing case management services offered to participants by Jobs.
- 31. “JOBSTART” means the Department’s subsidized employment work activity in the public and private sectors.
- 32. “JOBSTART employment” means the subsidized employment work activity for which participants are hired.
- 33. “Licensed physician” means:
 - a. Medical doctors;
 - b. Doctors of osteopathy;
 - c. Doctors of naturopathic medicine;
 - d. Chiropractors;
 - e. Psychiatrists;
 - f. Board-certified psychologists; or
 - g. Other personnel authorized to act on the physician’s behalf.
- 34. “Mailing date” means one day after the date printed on the notice.
- 30. “Non-core activity” means a work activity that counts toward the work requirement only after the participant completes the required number of hours in core activities at 45 CFR 261.31 through 261.35.
- ~~35-31.~~ “On-the-job training” or “OJT” means on the job training, which is a paid training opportunity generally provided at a worksite for a specified period. the same as 45 CFR 261.2(f).
- ~~36-32.~~ “Participant” ~~has the meaning in A.R.S. § 46-101(15), and includes any recipient~~ means a work-eligible individual selected to participate in the Jobs Program.
- 37. “Primary activity” means a work activity that counts toward the work requirement.
- 38. “Program” means the Jobs Program, as authorized by A.R.S. § 46-299.
- 33. “Permanent disability” means a physical or mental impairment that substantially limits one or more major life activities and includes being mentally, physically, or functionally incapable of participating in work activities that is expected to last for the life of the individual.
- ~~39-34.~~ “Program Administrator” means the Program Administrator Department employee of the Employment Administration, who administers the Jobs Program.



40. "Recipient" has the meaning in A.R.S. § 46-101(17), and includes an individual who received assistance or services but is no longer eligible for cash assistance because of statutory time limits.
41. "Regular employee" means an unsubsidized individual currently employed by an employer.
- 42-35. "Sanction" means a reduction or termination of cash assistance TANF Cash Assistance consistent with A.R.S. § 46-300, for all families, except TPEP families, who fail to participate in the Jobs Program without good cause or demonstrate compliance.
- 43-36. "Satisfactory attendance in high school or GED activities equivalent" means ~~that a participant who has not completed high school or received a GED is attending high school or participating in GED activities and meeting attendance requirements established by the school or GED program. the same as 45 CFR 261.2(l) and A.R.S. § 46-299(C)(1).~~
44. "Satisfactorily participates in education directly related to employment" or "satisfactory progress" means that a participant is meeting, on a periodic basis, a consistent level of progress, based upon standards established by the educational institution or program and approved by Jobs, in which the participant is enrolled for educational or training activities.
45. "Secondary activity" means a work activity that counts toward the work requirement only after the participant obtains the required number of hours of primary activity.
- 46-37. "Services" means Jobs Program services, community resources, employment services, support services, or any other available service, subject to budgetary constraints. the same as A.R.S. § 46-101(21).
- 47-38. "Service provider" means an entity that is responsible for providing services to ~~clients~~ participants. This includes Jobs Program staff, an agency or organization, public or nonprofit, or a person awarded a grant or contract by the Jobs Program to provide services to ~~clients~~ participants.
39. "Single custodial parent" means an unmarried custodial parent.
40. "Specialized assessments" means a medical assessment or a psycho-social assessment to determine a participant's functioning level and ability to participate in work activities.
- 48-41. "Subsidized employment" means ~~employment in a public or private sector organization that receives a JOBSTART subsidy to offset the cost of wages (and possibly other employer-paid benefits) of an employee. paid employment in the public or private sector or any other organization that receives a subsidy from TANF Cash Assistance or other public funds to offset the cost of wages and benefits paid by the employer, as described at 45 CFR 261.2(c) and (d).~~
- 49-42. "Supplemental payment" means an amount paid ~~by the Department~~ to a participant ~~whose net wages are less than the combined benefit amount of cash assistance and food stamps for which the participant is eligible. when the individual engages in work activities, subject to the Fair Labor Standards Act (FLSA), for more hours than the monthly TANF Cash Assistance benefit amount, plus the monthly Nutrition Assistance allotment, divided by the federal or state minimum wage, whichever is higher. Work experience and community service activities are generally subject to the FLSA.~~
- 50-43. "Support services" means ~~services provided to a Jobs participant that facilitate the participant's ability to participate in work activities, accept and maintain employment, and successfully make the transition to employment. Examples of support services include child care and transportation-specific services and goods paid with TANF-funded program dollars to help the Jobs Program engage participants in work activities, accept and maintain employment, and successfully make the transition from welfare dependence to financial independence through working.~~
44. "TANF Cash Assistance" means the state Temporary Assistance for Needy Families program established by 42 U.S.C. § 601 et. seq.
51. "Temporary Assistance for Needy Families" or "TANF" has the meaning in A.R.S. § 46-101(22).
- 52-45. "Teen custodial parent" means a parent age 13 through 19 years, who is caring for that parent's own child.
46. "Temporary disability" means a physical or mental impairment that substantially limits one or more major life activities and includes being mentally, physically, or functionally incapable of participating in work activities that is not expected to last for the life of the individual.
- 53-47. "TPEP" means the Two-Parent Employment Program as defined at A.A.C. R6-12-101(93), ~~that provides cash assistance for a two-parent family if:~~
- a. The parents have at least one child in common;
 - b. Neither parent is permanently disabled; and
 - e. The primary wage earning parent is unemployed or underemployed.
54. "Transportation related expenses" means travel costs that a participant will incur because of participation in the Jobs Program.
55. "Unaffordable child care" means that child care is not affordable to a family because the cost of care is more than the Department will pay.
- 56-48. "Unavailable child care" means that:
- a. The location of a child care provider is at a distance that requires a one-way travel time by vehicular transportation equal to or greater than one hour, measured from the participant's residence to the child care provider and then to work, or if walking, a distance that requires a one-way travel time equal to or greater than 1/2 hour, measured in the same manner;
 - b. Child care providers do not have available slots or vacancies;
 - c. Child care providers cannot provide services to a child with a disability who has special needs;
 - d. Child care providers related to the child are unavailable or unwilling to provide care;
 - e. Child care is available through a non-relative provider, but the provider is unwilling to apply for DES certification; or
 - f. A child age 13 or older requires adult supervision:
 - i. Due to a disability, which includes mental health or other health-related issues;
 - ii. Because the child would be harmful to himself, herself, or others if left alone; or
 - iii. Because the child is on court-ordered probation that requires the child to remain in the home or under house arrest.



- 57-49. “Unsubsidized employment” means all paid employment in the public or private sector except JOBSTART or OJT, full- or part-time employment with wages that meet FLSA requirements and meet or exceed the state minimum wage requirements, with the exception of self-employment, in the public or private sector that is not subsidized by TANF Cash Assistance or other public programs, as described at 45 CFR 261.2(b).
- 58-50. “Unsuitable child care” means that child care is available through a provider, but the participant declares in writing that the provider is unsuitable based on factors, such as the following. The provider:
 - a. Has a history of child neglect or abuse;
 - b. Is experiencing domestic violence;
 - c. Has a history of serious crime;
 - d. ~~Is a drug abuser;~~ Has a history of substance abuse;
 - e. Has an emotional, mental, or physical condition that prevents the provider from providing safe care;
 - f. Resides in a home that is unsafe for children; or
 - g. Possesses similar attributes that render the provider unsuitable to furnish child care services.
- 59-51. “Verification” means any documentation that substantiates an individual’s claim.
- 60-52. “Vocational educational training” means training that is intended to result in a degree, certificate, or license. Vocational educational training includes hours spent studying for vocational coursework, as provided in R6-10-116(E). Examples of vocational educational training include postsecondary education, as limited by A.R.S. § 46-299(B), and training in such professions as carpentry, auto mechanics, nursing, or certified public accountancy, the same as 45 CFR 261.2(i).
- 53. “Volunteer” means an individual who is excluded from work requirements under R6-10-107 or temporarily deferred from work requirements under R6-10-108 and chooses to participate in the Jobs Program.
- 61. “WIA” means the federal Workforce Investment Act of 1998.
- 62. “WIA local workforce investment area designated barrier” means that a participant has a barrier to employment as determined by a WIA service provider.
- 54. “Wages” means hourly pay for employment, including tips, and meets or exceeds the state minimum wage.
- 63-55. “Withholding” means retention of semi-monthly TPEP ~~cash assistance~~ Cash Assistance payments for TPEP parents who participate in TPEP and who fail to participate or comply with Jobs Program requirements without good cause.
- 56. “Work-eligible individual” means an adult or minor child head of household receiving TANF Cash Assistance, or a non-recipient parent living with a child who receives TANF Cash Assistance, unless the individual is:
 - a. A minor parent and not the head of household or spouse of the head of household;
 - b. An individual who is ineligible to receive assistance due to the individual's immigration status;
 - c. A recipient of Supplemental Security Income, unless the recipient is employed and meeting the federal work participation rate; or
 - d. A parent otherwise mandated to participate in work activities who is providing care for a family member with a disability living in the home if the need for such care is supported by medical documentation.
- 64-57. “Work activities” means activities that are countable toward the federal work participation rate as prescribed in 42 U.S.C. 607:
 - (a) Unsubsidized employment;
 - (b) Subsidized private or public sector employment;
 - (c) Work experience;
 - (d) On-the-job training;
 - (e) Job search and job readiness assistance;
 - (f) Community service programs;
 - (g) Vocational educational training;
 - (h) Job skills training directly related to employment;
 - (i) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - (j) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate, as described in A.R.S. § 46-101(24)(j), the same as A.R.S. § 46-101(27).
- 65. “Workday” means Monday through Friday, excluding Arizona state holidays.
- 66-58. “Work experience” means unpaid work in the public or private sector that helps a participant establish a good work record and develop good work habits and skills, and provides opportunities for the participant to transition into paid employment, the same as 45 CFR 261.2(e).
- 67-59. “Work requirement” means the minimum number of hours required for a Jobs Program participant to participate in work activities as a condition of eligibility for ~~cash assistance.~~ TANF Cash Assistance pursuant to 45 CFR 261.31 through 261.35.

R6-10-101.01. Applicability

The rules in this Chapter apply to all Jobs service Program providers and participants.

R6-10-102. Work Requirement

- A. ~~To remain eligible for cash assistance, a recipient shall participate in work activities unless the recipient is governed by subsection (B).~~ A Jobs Program participant shall participate in work activities in order for an assistance unit to remain eligible for TANF Cash Assistance.
- B.** Jobs shall not require a recipient of cash assistance or a participant in the Jobs Program to participate in work activities if either is:
 - 1. Already complying with the work requirement;



2. A dependent child less than age 16 or is age 16 through 18 and attending school;
 3. Temporarily deferred from the work requirement, as prescribed in R6-10-106; or
 4. Temporarily excused from participating in a work activity, under R6-10-121(B).
- C.** Jobs shall assign all participants, other than those listed in subsection (B), to work activities for 35 hours per week or more as required to meet the federal work rate.
- D.** Jobs may require a participant who has not been temporarily deferred to participate in work activities for up to five hours more per week than the minimum number of hours required to meet the work requirement, if required by an employer.
- E.** The Department shall impose a sanction, as provided in R6-10-123, or a withholding, as provided in R6-10-124, if a participant who is required to participate in work activities fails to do so without good cause, as defined in R6-10-121.
- F.** Jobs shall permit a recipient who is already complying with the work requirement to voluntarily participate in the Jobs Program, under the following conditions:
1. Jobs shall provide Jobs Program services on a first-come, first-served basis, to the extent that resources permit, except that Jobs shall give priority to volunteers who are nearest to reaching the 60-month lifetime limit for cash assistance.
 2. Jobs shall not sanction a volunteer who fails to participate in work activities without good cause. However, the volunteer shall lose Jobs Program priority status for participation in the Program. For the purpose of this subsection, "good cause" means one of the circumstances described in R6-10-121(B).
- B.** The Jobs Program shall assign a participant to work activities that meet the federal work participation requirement, unless a participant is:
1. Excluded under R6-10-107;
 2. Temporarily deferred under R6-10-108; or
 3. Has unresolved barriers.
- C.** A single custodial parent may participate in educational activities on a full-time basis as an alternative to the federal work participation requirements if the state is meeting the federal work participation rate pursuant to 45 CFR 261.21 and 45 CFR 231.23. Allowable education activities include high school equivalency programs, career and technical education programs, and postsecondary education programs. Full-time status, as defined by the educational program, shall be verified by the Jobs Program. Verification sources include:
1. A statement from the provider;
 2. A documented phone call with the provider;
 3. Information from the provider's website; or
 4. Any other information from the educational activity provider that substantiates the participant's full-time status.
- D.** The Jobs Program shall assign all participants, other than those listed at R6-10-102(B), to no more than 40 hours of work activities per week, as required to meet the federal work participation rate, as described at 42 U.S.C. 607(a).
- E.** The Department shall impose a sanction under R6-10-124, or a withholding under R6-10-125, if a participant who is required to participate in work activities fails to do so without good cause, pursuant to R6-10-123(F).
- F.** The Jobs Program shall permit an individual who is excluded or temporarily deferred to voluntarily participate in the Jobs Program.
- G.** The Jobs Program shall not sanction a volunteer who fails to participate in work activities if the volunteer meets the requirements for an exclusion or temporary deferral.
- H.** TPEP participants shall participate with the Jobs Program for a minimum of three consecutive business days before the Department authorizes issuance of the initial TANF Cash Assistance payment.

R6-10-103. Preliminary Orientation

- A.** A work eligible applicant shall receive a preliminary orientation as part of the TANF Cash Assistance eligibility requirement. This requirement does not apply to a TPEP assistance unit.
- B.** The preliminary orientation information shall be provided to a work eligible applicant prior to the approval of TANF Cash Assistance by the FAA.
- C.** The preliminary orientation shall provide a work eligible applicant with a general overview of the Jobs Program, its purpose, and its relationship to the receipt of TANF Cash Assistance and continued eligibility for the Jobs Program under R6-10-126 regarding TANF Cash Assistance case closure due to the time limit.

~~R6-10-103~~R6-10-104. Tribal Welfare to Work Program

The Jobs Program shall not serve an individual who is eligible to receive assistance through a tribal cash assistance program or services through a ~~Tribal tribal~~ program similar to the Jobs Program.

~~R6-10-105. Jobs Introduction Meeting Repealed~~

- A.** Jobs shall notify in writing a recipient selected to participate in Jobs of the requirement to attend a Jobs Introduction Meeting. The notice shall include:
1. The date and time of the Jobs Introduction Meeting and the address of the Jobs local office where the Jobs Introduction Meeting will be held;
 2. Information regarding transportation, translation, and child care assistance that may be available for the Jobs Introduction Meeting if requested, and the contact information necessary to obtain available services;
 3. A provision explaining that if the recipient needs transportation, translation, or child care services to attend the Jobs Introduction Meeting, and the services are not available, the recipient has good cause for not attending the Jobs Introduction Meeting under R6-10-121(B);
 4. The procedure for rescheduling the Jobs Introduction Meeting, under R6-10-105(C); and
 5. A statement that the consequence of failing, without good cause, to attend the Jobs Introduction Meeting is progressive sanctioning under A.R.S. § 46-300.



- B.** A recipient selected under subsection (A) becomes a participant in the Jobs Program and shall attend a Jobs Introduction Meeting provided by Jobs. Upon request, the Department shall provide the participant with transportation, translation, and child care assistance, if services are available, to enable the participant to attend the Jobs Introduction Meeting. If a participant is unable to attend the Jobs Introduction Meeting because requested services are not available, the participant shall be granted good cause under R6-10-121(B).
- C.** At the Jobs Introduction Meeting, Jobs shall:
 1. Register the participant in the Program;
 2. Explain to the participant the rights and responsibilities of the participant, Jobs, and the Department's child care program, including:
 - a. A statement that the consequence of non-compliance with the Program requirements, without good cause, is progressive sanctioning under A.R.S. § 46-300;
 - b. The contents and meaning of the Program sanction or withholding notices; and
 - c. The deferral and good cause procedures;
 3. Complete privately, with the participant's assistance, an assessment of the participant;
 4. Complete privately, with the participant, an employment plan that takes into account the participant's background and skills, any barriers to employment, and any available services that will assist in the removal of barriers to employment.
- D.** Jobs shall explain the procedures for rescheduling the Jobs Introduction Meeting, and the consequences of failure to complete the Jobs Introduction meeting:
 1. If a participant does not attend a Jobs Introduction Meeting as required by the Jobs Program, the case manager shall send the participant a Jobs Introduction Meeting Rescheduled Notice to allow the participant to reschedule attendance at the meeting. The Jobs case manager shall also attempt to contact the participant by telephone, inquire as to whether other administrations have had contact with the participant, or use any other reasonable method of making contact with the participant.
 2. If the participant fails to attend the rescheduled meeting or contact the case manager by the close of business 10 calendar days after the date of the original meeting, the case manager shall initiate the good cause process described in R6-10-121. The case manager shall count the day following the date of the original meeting as day 1.

R6-10-104 R6-10-105. Selection for Participation in the Jobs Program

- A.** In selecting recipients to participate in the Jobs Program, Jobs shall give priority to recipients who are:
 1. At risk of losing cash assistance due to time limits, or
 2. At risk of becoming long term welfare dependents.
- B.** Jobs shall consider the following factors when determining selection priorities:
 1. The number of months a recipient has received cash assistance;
 2. Whether the recipient is a teen custodial parent, and
 3. Sanction status.
- C.** Jobs shall begin Jobs Program services for a TPEP individual at the time the parent individual reports to a Jobs local office.
- A.** The FAA approves an assistance unit for TANF Cash Assistance and shall refer a work eligible individual to the Jobs Program.
- B.** The Jobs Program shall begin Jobs Program services for a TPEP individual at the time the individual reports to a Jobs Program local office.

R6-10-106. Initial Case Management Appointment

- A.** The Jobs Program shall notify a work-eligible individual of the initial Jobs Program case management appointment in writing when the work-eligible individual is selected to participate in the Jobs Program. The notice shall include:
 1. The date and time of the initial Jobs Program case management appointment and the address of the Jobs Program local office where the initial Jobs Program case management appointment shall be held;
 2. Information regarding transportation, translation, and child care assistance that may be available for the initial Jobs Program case management appointment and the contact information necessary to obtain available services;
 3. A provision explaining that if the participant needs transportation, translation, or child care services to attend the appointment, and the services are not available, the recipient has good cause for not attending the initial Jobs Program case management appointment under R6-10-123(F).
 4. The Jobs Program contact information to reschedule the initial Jobs Program case management appointment; and
 5. A statement that the consequence of failing, without good cause or a demonstration of compliance, to attend the initial Jobs Program case management appointment is subject to:
 - a. Progressive sanctioning pursuant to A.R.S. § 46-300; and
 - b. Ineligibility for TANF Cash Assistance beyond the lifetime limit, pursuant to A.R.S. § 46-294(G)(1).
- B.** The work-eligible individual shall contact the Jobs Program before the appointment date if the participant is unable to attend the scheduled appointment. The Jobs Program shall reschedule the appointment.
- C.** The work-eligible individual shall contact the Jobs Program before the appointment date if the work-eligible individual needs transportation, translation, or child care services to attend the appointment. The Jobs Program shall arrange such services. If services are not available, the provisions under R6-10-106(D) apply.
- D.** A work-eligible individual selected under R6-10-106(A) shall become a participant in the Jobs Program and shall attend an initial Jobs Program case management appointment provided by the Jobs Program. The Jobs Program shall provide the participant with transportation, translation, and child care assistance, if services are available, to enable the participant to attend the initial Jobs Program case management appointment. If a participant is unable to attend the initial Jobs Program case management appointment because services are not available, the participant shall be granted good cause under R6-10-123(F).
- E.** The Jobs Program, during the initial Jobs Program case management appointment, shall:
 1. Explain the rights and responsibilities of the participant, the Jobs Program, and the Department's child care program to the participant, including:



- a. A statement that the consequence of non-compliance with the Jobs Program requirements, without good cause or a demonstration of compliance, is that the participant may be subject to progressive sanctioning, pursuant to A.R.S. § 46-300; and
- b. The deferral and exclusion procedures, as well as good cause reasons;
2. Complete an assessment with the participant; and
3. Complete an employment and career development plan with the participant that takes into account the participant's background and skills, any barriers to employment, and any available services that may assist in the removal of barriers to employment.

R6-10-107. Work Requirement Exclusion

- A.** A participant who is providing care for a family member with a disability, may request an exclusion from the work requirement. If the request for an exclusion from the work requirement is approved, the participant shall be considered non-work eligible and shall not be required to participate in work activities.
- B.** A participant who requests an exclusion from the work requirement shall provide medical documentation to substantiate the need to provide care for a family member with a disability. Medical documentation shall:
1. Be obtained from an acceptable medical source;
 2. State that the participant is required to provide care for the family member; and
 3. Include all of the following information:
 - a. The name of the person for whom care is to be provided;
 - b. The time period of the disability;
 - c. A statement that the participant is needed to provide full-time care for the family member; and
 - d. A prognosis of the family member's recovery or the date of the reexamination.

~~R6-10-106~~R6-10-108. Temporary Deferrals

- A.** ~~Jobs shall determine whether to temporarily defer a participant from engaging in work activities under A.R.S. § 46-299(A) and this Section.~~
- B.** ~~Jobs shall defer a participant with a temporary or permanent disability. A participant with a temporary or permanent disability may opt to participate and receive reasonable accommodation to facilitate participation, and Jobs shall not impose a sanction if the participant is then subsequently unable to participate due to the disability.~~
- C.** ~~For the purposes of this Section:~~
1. ~~“Disability” means a physical or mental impairment that substantially limits one or more major life activities, and includes being mentally, physically, or functionally incapable of participating in work activities.~~
 2. ~~“Permanent disability” means a disability under subsection (1) that is expected to last for the life of the individual.~~
 3. ~~“Temporary disability” means a disability under subsection (1) that is not expected to last for the life of the individual.~~
- D.** ~~Jobs shall obtain verification of a temporary or permanent disability from a participant according to the terms of subsection (J) from any of the following:~~
1. ~~A health care professional;~~
 2. ~~A vocational rehabilitation specialist; or~~
 3. ~~The district medical consultant.~~
- E.** ~~Jobs shall temporarily defer a participant from work activities if the participant or the participant's child is a victim of domestic violence.~~
1. ~~Jobs shall grant a temporary deferral for domestic violence if:~~
 - a. ~~Participation in Jobs threatens the safety of or, in the perception of the participant, causes an immediate threat of physical, mental, or emotional harm to the participant, the participant's child, or any child living with the participant; or~~
 - b. ~~Due to domestic violence, the participant has been physically or emotionally harmed to such an extent that the participant is incapable of participation in Jobs.~~
 2. ~~Jobs shall provide a participant who is a victim of domestic violence with:~~
 - a. ~~A deferral from Program requirements, under A.R.S. § 46-244 and R6-10-121, for a period of time that will enable the participant to safely participate in work activities. The maximum deferral period is 6 months. Jobs may grant additional deferrals consistent with A.R.S. § 46-299; and~~
 - b. ~~A referral to appropriate and available services.~~
- F.** ~~Jobs shall temporarily defer a participant who needs to be present to care for a dependent who has a disability if no other member of the household is available or suitable to provide the care. The participant shall provide a statement, obtained from an individual listed in subsection (D), regarding the dependent's disability within 15 days of the date on the deferral request. The Department may grant an extension if the participant has requested a statement from a health care professional and is unable to obtain the statement within 15 days.~~
- G.** ~~Jobs shall temporarily defer a participant who is an unmarried custodial parent less than age 18 and personally caring for a child less than 12 weeks of age.~~
- H.** ~~Jobs shall temporarily defer a participant who is a parent, relative, or caretaker personally caring for a child less than one year of age, for no more than 12 months in the participant's lifetime, unless the participant is a teenaged custodial parent who does not have a high school diploma or GED.~~
- I.** ~~Jobs shall temporarily defer only one parent at a time in a TPEP family. Jobs shall temporarily defer a TPEP parent, if the TPEP parent:~~
1. ~~Is personally caring for the TPEP parent's child who is less than one year of age, unless the TPEP parent is a teenaged custodial parent who does not have a high school diploma or GED;~~
 2. ~~Is an unmarried teen custodial parent less than 18 years of age who is personally caring for a child less than 12 weeks of age;~~
 3. ~~Is personally caring for a member of the family, who is not the other TPEP parent, who has a disability, as verified by a health care professional, and no other member of the household is available or suitable to provide the care; or~~
 4. ~~Has an illness that is expected to last less than 30 days, as verified by a health care professional.~~



- ~~J.~~ Jobs shall request that a participant substantiate the participant's claim of inability to participate in work activities due to a circumstance established under this Section, and shall assist the participant as necessary to obtain the verification. Unless otherwise stated, the following are examples of acceptable verification:
 - 1. Physician or other health care professional statement;
 - 2. Vocational Rehabilitation (VR) consultation report, if a physician or health care professional statement does not contain conclusive information and the participant claims a disability;
 - 3. Police report;
 - 4. Court or medical records;
 - 5. Newspaper article, or similar evidence of public knowledge;
 - 6. Statement from crisis shelter staff or witness to domestic violence;
 - 7. Statement from DES Child Protective Services;
 - 8. Statement from a third party; or
 - 9. Statement signed by the participant if no other verification is available.
- ~~K.~~ Jobs shall determine the length of time that a participant is temporarily deferred based on the information provided under this Section.
- ~~A.~~ The Jobs Program shall determine whether to temporarily defer a participant from engaging in work activities under A.R.S. § 46-299(A) and this Section.
 - 1. The Jobs Program shall determine the length of time that a participant is temporarily deferred based on the information in this Section.
 - 2. The Jobs Program shall obtain verification that certifies that the participant is mentally or physically incapable of engaging in work activities or employment due to a circumstance established under this Section.
- ~~B.~~ The Jobs Program shall defer a participant with a temporary or permanent disability. A participant with a temporary or permanent disability may opt to participate and receive a reasonable accommodation to facilitate participation. The Jobs Program shall not request a sanction under R6-10-124 if the participant is then subsequently unable to participate due to the disability.
- ~~C.~~ The Jobs Program shall accept verification of a temporary or permanent disability from a participant that has been provided by an acceptable medical source. The Jobs Program shall assist the participant in obtaining verification of a temporary or permanent disability when a participant is experiencing difficulty with obtaining such verification. A medical statement shall include:
 - 1. Employment limitations, including the extent and duration of any limitation;
 - 2. A specified period of disability;
 - 3. A prognosis of disability;
 - 4. A statement of any reasonable accommodation that may enable a participant to work or participate; and
 - 5. The date by which reexamination or reevaluation is recommended.
- ~~D.~~ The Jobs Program shall temporarily defer a participant from work activities if the participant or the participant's child is a victim of domestic violence.
 - 1. The Jobs Program shall grant a temporary deferral for domestic violence if:
 - a. Participation in the Jobs Program threatens the safety of or, in the perception of the participant, causes an immediate threat of physical, mental, or emotional harm to the participant, the participant's child, or any child living with the participant; or
 - b. Due to domestic violence, the participant has been physically or emotionally harmed to such an extent that the participant is incapable of participation in the Jobs Program.
 - 2. The Jobs Program shall provide a participant who is a victim of domestic violence with:
 - a. A deferral from Program requirements, under A.R.S. § 46-244 and this rule, for a period of time that will enable the participant to safely participate in work activities. The maximum deferral period is six months. The Jobs Program may grant additional deferrals consistent with A.R.S. § 46-299; and
 - b. A referral to appropriate and available services.
 - 3. A participant who requests a deferral due to domestic violence shall provide the Jobs Program with verification of domestic violence. The Jobs Program shall accept the following as verification of domestic violence:
 - a. A written statement from the participant;
 - b. Police reports;
 - c. Court records;
 - d. Medical records indicating the presence of domestic violence;
 - e. Physical evidence of domestic violence;
 - f. Documentation from a domestic violence shelter staff, an attorney, clergy, medical or other professional from whom the participant has sought assistance regarding domestic violence;
 - g. A statement from the Arizona Department of Child Safety that substantiates domestic violence exists within the participant's home;
 - h. Other documentation, such as news stories from television, newspaper, or radio; or
 - i. Other corroborating evidence, such as a statement from another individual with knowledge of the circumstances that provide the basis for the claim.
- ~~E.~~ The Jobs Program shall temporarily defer a participant who is a single custodial parent less than age 18 and personally caring for a child less than 12 weeks of age.
- ~~F.~~ The Jobs Program shall temporarily defer a participant who is a single custodial parent or a caretaker relative personally caring for a child less than one year of age, for no more than 12 months in the participant's lifetime, unless the participant is a teenaged custodial parent who does not have a high school diploma or HSE diploma.
- ~~G.~~ The Jobs Program shall temporarily defer a TPEP parent if the parent has a temporary disability or illness that is expected to last less than 30 days, as verified by an acceptable medical source. If the disability is expected to last more than 30 days, the family is not a



TPEP family and shall have eligibility for TANF Cash Assistance determined as an assistance unit with deprivation due to the parent having a disability.

~~R6-10-107~~R6-10-109. Participant Assessment; Referral

- A.** ~~At or following the Jobs Introduction Meeting, the case manager shall, with the assistance of the participant, complete an assessment, using a standard form, to identify any possible barriers to employability or participation in the Jobs Program. The participant shall provide, either verbally or in writing, all personal information necessary to accurately complete the assessment form. The assessment form shall include questions to determine whether the participant needs services to address:~~
- ~~1. Past or ongoing domestic violence;~~
 - ~~2. Chemical dependency;~~
 - ~~3. Psychological or psychiatric needs;~~
 - ~~4. Education or training insufficient to obtain or sustain employment;~~
 - ~~5. Mental, physical, or functional incapacity or disability;~~
 - ~~6. Issues regarding retaining or maintaining employment;~~
 - ~~7. Inadequate housing;~~
 - ~~8. Inadequate child care, or~~
 - ~~9. Inadequate transportation;~~
 - ~~10. Other family issues that affect the individual's ability to participate in work activities.~~
- B.** ~~Using the information from the assessment, Jobs shall refer a participant who is identified as in need of services to available Jobs Program services or community resources. Jobs shall give priority to any service provider that furnishes services at no cost to the participant. Jobs shall refer the participant to any available community resource that provides the service, or a contracted provider, if available to address the needed service. If, after researching available options, the case manager determines that a needed service is not available through Jobs Program services or community resources, Jobs shall not make a referral and shall grant the participant good cause for not engaging in work activities under R6-10-121.~~
- C.** ~~If a participant does not cooperate with the assessment process, Jobs is not required to provide the participant with referrals to service providers.~~
- D.** ~~Jobs shall use the information provided by the participant during the assessment to develop the employment plan described in R6-10-108.~~
- E.** ~~Based on the initial assessment and available resources, Jobs may determine that a participant may benefit from a more in depth employment focused assessment. The case manager shall determine whether such an assessment can be provided by an outside provider.~~
- A.** The Jobs Program case manager and the participant shall complete assessments during the initial Jobs Program case management appointment, and as needed thereafter, to identify any possible barriers to employability or participation in the Jobs Program. The participant shall provide, either orally or in writing, all personal information necessary to accurately complete the assessments. In-depth barrier assessments shall include questions to determine whether the participant needs services to address:
1. Past or ongoing domestic violence;
 2. Substance abuse or chemical dependency;
 3. Psychological or psychiatric needs;
 4. Education or training insufficient to obtain or sustain employment;
 5. Mental, physical, or functional incapacity or disability, including a learning disability;
 6. Issues regarding retaining or maintaining employment;
 7. Inadequate housing;
 8. Inadequate child care;
 9. Inadequate transportation;
 10. Criminal background and involvement with the criminal justice system; or
 11. Other issues that affect an individual's ability to participate in work activities.
- B.** The Jobs Program shall provide appropriate services or community resources to a participant who is identified as in need of services using the information from the assessments. When the Jobs Program is unable to provide services, the Jobs Program shall refer a participant to appropriate services or community resources. If the Jobs Program case manager determines that a needed service is not available through the Jobs Program services or community resources after researching available options, the Jobs Program shall not make a referral and shall grant the participant good cause for not engaging in work activities under R6-10-123.
- C.** If a participant does not provide all personal information necessary to complete the assessments, either orally or in writing, the Jobs Program is not required to provide the participant with support services or referrals to service providers.
- D.** The Jobs Program shall use the information provided by the participant during the assessments to develop the employment and career development plan described in R6-10-110. Additional information from previous employers, educational providers, medical providers, and others may be gathered to help determine planned activities and services.
- E.** Based on the initial assessments or if a participant experiences difficulty implementing the employment and career development plan, the Jobs Program may determine that a participant may benefit from further specialized assessments. A licensed professional or licensed agency shall administer all specialized assessments.

~~R6-10-108~~R6-10-110. Employment and Career Development Plan

- A.** ~~Jobs and the participant shall complete an employment plan for the participant that takes into consideration barriers to employment and incorporates work activities and agreed upon services offered, so that the participant can meet work requirements and move into unsubsidized employment at the earliest opportunity. Jobs shall include the following in the employment plan:~~
- ~~1. Employment goals;~~
 - ~~2. Work activities;~~
 - ~~3. Dates for beginning and ending activities;~~



- 4. Available services offered by Jobs Program or community resources;
 - 5. A list of referrals made as a result of the participant assessment;
 - 6. Signatures of the participant and the case manager assigned to oversee provision of services to the participant. Jobs shall not sanction a participant solely for refusing to sign the employment plan.
- B.** The case manager, in consultation with the participant, may revise the employment plan as necessary to ensure the participant continues to advance toward the employment goal. The case manager shall revise an employment plan:
- 1. To address any barriers to participation identified by the case manager or the participant;
 - 2. To reflect any change in services needed by the participant, if the participant has expressed an intent to participate with the Jobs Program, as provided at R6-10-123; and
 - 3. At any time a participant's circumstances require a change in work activities or services.
- A.** The Jobs Program and the participant shall complete an employment and career development plan for the participant that takes into consideration barriers to employment and incorporates work activities and agreed upon services. The employment and career development plan shall include:
- 1. Employment goals;
 - 2. Work activities;
 - 3. Locations for each assigned activity;
 - 4. Dates for beginning and ending activities;
 - 5. Available services offered by the Jobs Program or community resources;
 - 6. A list of referrals made as a result of the participant's assessments; and
 - 7. Signatures of the participant and the case manager assigned to oversee provision of services to the participant. The Jobs Program shall not sanction a participant solely for refusing to sign the employment and career development plan.
- B.** The Jobs Program case manager, in consultation with the participant, may revise the employment and career development plan as necessary to ensure the participant continues to advance toward the employment goal. The case manager shall revise an employment plan when:
- 1. A change in services needs to address newly identified barriers to participation by the Jobs Program case manager or the participant; or
 - 2. When a participant's circumstances require a change in work activities or services.

R6-10-109R6-10-111. Primary Core Activities

- A.** Jobs shall assign a participant, unless temporarily deferred under R6-10-106, to no less than 30 hours per week of primary activities, based on the participant's employment plan described in R6-10-108. For the 10 remaining required work activity hours, Jobs shall assign the participant to any primary activity or any secondary activity as described in R6-10-111.
- B.** Unsubsidized employment is the first priority for a participant. Whenever possible, Jobs shall assign a participant to unsubsidized employment as the participant's primary activity.
- C.** The following are primary activities:
- 1. Unsubsidized employment;
 - 2. Job search and job readiness assistance, described in R6-10-112, for up to six weeks per federal fiscal year;
 - 3. Subsidized employment such as JOBSTART, described in R6-10-125;
 - 4. OJT, described in R6-10-113;
 - 5. Work experience, described in R6-10-114;
 - 6. Community service programs, described in R6-10-115;
 - 7. Vocational educational training, described in R6-10-116:
 - a. If the participant is an unmarried custodial parent, provided that the state continues to meet the federally required work participation rates referenced in A.R.S. § 46-299(B);
 - b. For up to 12 months, for all other participants;
 - 8. Satisfactory attendance in high school or GED preparation classes, described in R6-10-117, for any single teen custodial parent who is a head of household and has not obtained a high school diploma or GED;
 - 9. Education directly related to employment, described in R6-10-117, for any teen custodial parent who is a head of household and has not obtained a high school diploma or GED.
- D.** TPEP parents shall participate for a minimum of three consecutive work days in work activities before the Department authorizes issuance of the initial TPEP cash assistance payment.

The following are core activities:

- 1. Unsubsidized employment;
- 2. Job search and job readiness assistance, as described in R6-10-114;
- 3. Subsidized employment, as described in R6-10-115;
- 4. OJT, as described in R6-10-115;
- 5. Work experience, as described in R6-10-116;
- 6. Community service programs, as described in R6-10-117;
- 7. Vocational educational training, as described in R6-10-118; and
- 8. Satisfactory attendance in high school or GED preparation classes or education directly related to employment, as described in R6-10-119, for a participant who is a head of household and has not obtained a high school diploma or HSE diploma for any parent under 20 years of age who is
 - a. A single teen custodial parent; or
 - b. A married teen parent.

R6-10-110R6-10-112. Participation that Meets the Work Requirement

- A.** The following participants meet the work requirement:



1. A parent who is participating in work activities for at least the minimum average number of hours per week under R6-10-102(C).
 2. A parent with a child less than age 6, who participates for at least 20 hours per week in primary activities, except that only one parent in a TPEP family can meet the federal work requirement in this manner.
 3. A single, teen custodial parent less than age 20 who:
 - a. Is a head of household;
 - b. Has not obtained a high school diploma or GED; and either
 - i. Maintains satisfactory attendance in high school or GED activities; or
 - ii. Satisfactorily participates in education directly related to employment for at least an average of 20 hours per week during the month.
- B.** A participant who falls in one of the categories listed in subsection (A), who is deemed to be meeting the work requirement, may participate in additional work activities beyond those that meet the work requirement.
- A.** The following participants meet the work requirement:
1. A participant who is participating in work activities for at least the minimum average number of hours per week under 45 CFR 261.31 and 45 CFR 261.32.
 2. A single custodial parent or caretaker relative with a child less than age six, who participates for the minimum hours required per week under 45 CFR 261.35.
 3. A single or married head of household less than age 20 who participates under 45 CFR 261.33(b).
 4. A single custodial parent who is participating in educational activities, as described at R6-10-119 and R6-10-102(C).
- B.** A participant who falls into one of the categories listed in R6-10-112(A), who is meeting the work requirement, may participate in additional work activities beyond those that meet the work requirement.

~~R6-10-114~~R6-10-113. Secondary Non-Core Activities

- A.** ~~Jobs may assign a participant to secondary activities based on information obtained through the assessment or contained in the participant's employment plan only after the participant meets required participation in primary activity hours under R6-10-109.~~
- B.** ~~The following are secondary activities:~~
1. ~~Job search and job readiness assistance that exceeds the maximum of six weeks per federal fiscal year allowable as a primary activity;~~
 2. ~~Job skills training directly related to employment;~~
 3. ~~High school or GED preparation for a participant (other than a single, teen custodial parent who is a head of household) who has not attained a high school diploma or GED certificate; and~~
 4. ~~Education directly related to employment for a participant (other than a single, teen custodial parent who is a head of household) who has not attained a high school diploma or GED certificate.~~
- A.** The Jobs Program may assign a participant to non-core activities based on information obtained through assessments or contained in the participant's employment and career development plan only after the participant meets required participation in primary core activity hours under R6-10-111.
- B.** The following are non-core activities:
1. Job skills training directly related to employment;
 2. High school or GED preparation for a participant, other than a single, teen custodial parent who is a head of household, who has not obtained a high school diploma or HSE diploma; and
 3. Education directly related to employment for a participant, other than a single, teen custodial parent who is a head of household, who has not obtained a high school diploma or HSE diploma.

~~R6-10-112~~R6-10-114. Job Search and Job Readiness Assistance

- A.** ~~Based on information obtained through assessment or contained in a participant's employment plan, Jobs may assign a participant to job search and job readiness assistance as a primary activity in accordance with 42 U.S.C. § 607.~~
- B.** ~~A participant assigned to job search and job readiness assistance as a primary activity shall participate in job search and job readiness assistance for at least the minimum number of hours required under R6-10-102.~~
- C.** ~~On not more than one occasion per participant, Jobs shall permit three or four days of job search and job readiness assistance, and Jobs shall count this as a full week of participation.~~
- A.** Based on information obtained through assessments or contained in a participant's employment and career development plan, the Jobs Program may assign a participant to job search and job readiness assistance as a core activity, according to 45 CFR 261.34.
- B.** A participant assigned to job search and job readiness assistance as a core activity shall participate in job search and job readiness assistance for at least the minimum number of hours identified in the participant's employment and career development plan.

~~R6-10-113~~R6-10-115. On-the-job Training (OJT)

- A.** ~~Based on information obtained through the assessment assessments or contained in a participant's employment and career development plan, the Jobs Program may assign a participant to OJT, if other work activities have not resulted in employment and OJT is consistent with the participant's employment plan.~~
- B.** The Jobs Program shall approve OJT worksites and assignments that:
1. Are designed to improve the participant's chances for employment, and
 2. Provide compensation in accordance with applicable wage laws.
- C.** OJT activities shall include a written training plan that contains:
1. A job description that lists the skills to be learned;
 2. General employment competencies and occupation-specific skills;
 3. An evaluation of the participant's progress; and



- 4. A schedule that indicates the estimated date of acquisition of each skill.

~~R6-10-114~~R6-10-116. Work Experience

- ~~A.~~ Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a participant to work experience to improve the participant's employability, or meet work participation requirements.
- ~~B.~~ When assigning work experience, Jobs shall select work experience that is consistent with the participant's employment plan and consider the participant's prior training and experience.
- ~~A.~~ Based on information obtained through assessments or contained in a participant's employment and career development plan, the Jobs Program may assign a participant to work experience to improve the participant's employability, or meet work participation requirements. The Jobs Program staff shall evaluate a participant's entitlement to a supplemental payment each month following the conclusion of participation in work experience.
- ~~B.~~ When assigning work experience, the Jobs Program shall select work experience that is consistent with the participant's employment and career development plan and consider the participant's prior training and experience.

~~R6-10-115~~R6-10-117. Community Service Programs

Based on information obtained through ~~the assessment~~ assessments or contained in a participant's employment and career development plan, the Jobs Program may assign a participant to community service ~~programs~~ program activities to establish good work habits if the participant is unlikely to meet work participation requirements by participating in other primary activities. The Jobs Program staff shall evaluate a participant's entitlement to supplemental payment each month following the conclusion of participation in community service activities and process payments, if owed, by the seventh day of the following month after participation concludes.

~~R6-10-118. Expired~~

~~R6-10-116~~R6-10-118. Vocational Educational Training

- ~~A.~~ Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a participant to vocational educational training, for any period of time up to the maximum of 12 months, if other work activities have not resulted in employment and vocational educational training is consistent with the participant's employment plan.
- ~~B.~~ In addition to criteria in subsection (A), Jobs shall use the following criteria to determine whether a participant should be assigned to, or remain in, vocational educational training:
 - ~~1.~~ The participant:
 - ~~a.~~ Lacks a self-supporting skill for available jobs in the participant's geographical area;
 - ~~b.~~ Will attend at least half time, as defined by the institution, an educational or training facility that is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment; and
 - ~~c.~~ Remains in good standing with the educational or training institution and makes satisfactory progress as defined by the institution.
 - ~~2.~~ The participant seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions.
- ~~C.~~ Jobs may approve, as vocational educational training, the educational or training activities of an individual who is already enrolled in educational, vocational, or technical training at the time the individual is selected for the Program.
- ~~D.~~ Jobs shall use the following criteria to determine whether the educational or training activities of an individual already enrolled in education or training is approved:
 - ~~1.~~ The individual is:
 - ~~a.~~ Attending at least half time, as defined by the institution, an educational or training facility that is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment; and
 - ~~b.~~ In good standing with the educational or training institution and is making satisfactory progress, as defined by the institution;
 - ~~2.~~ The individual seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions.
- ~~E.~~ Jobs shall allow time spent studying for vocational education training coursework to count toward the work participation requirement at a rate of one hour of study time for every two hours of scheduled classroom time.
- ~~A.~~ Based on information obtained through the assessment or contained in a participant's employment and career development plan, the Jobs Program may assign a participant to vocational educational training as a core activity, for any period of time up to the maximum of 12 months if other work activities have not resulted in employment and vocational educational training that is consistent with the participant's employment plan, according to 45 CFR 261.33(a).
- ~~B.~~ In addition to criteria in R6-10-118(A), the Jobs Program shall use the following criteria to determine whether a participant should shall be assigned to, or remain in, vocational educational training:
 - ~~1.~~ The participant:
 - ~~a.~~ Lacks a self-supporting skill for available jobs in the participant's geographical area; and
 - ~~b.~~ Remains in good standing with the educational or training institution and maintains satisfactory attendance, as defined by the institution.
 - ~~2.~~ The participant seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions.
- ~~C.~~ The Jobs Program may approve, as vocational educational training, the educational or training activities of an individual who is already enrolled in educational, vocational, or technical training at the time the individual is selected for the Jobs Program.
- ~~D.~~ The Jobs Program shall use the following criteria to determine whether the educational or training activities of an individual already enrolled in education or training is approved:
 - ~~1.~~ The individual is:



- a. Attending an educational or training facility that is legally authorized, accredited, or recognized in the United States as providing a program to prepare students for gainful employment; and
- b. In good standing with the educational or training institution and is maintaining satisfactory attendance, as defined by the institution.
- 2. The individual seeks the education or training activities to attain skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions.
- E. The Jobs Program shall allow homework time under 45 CFR 261.60(e).

~~R6-10-117~~R6-10-119. High School, GED Preparation, and Education Directly Related to Employment

- ~~A.~~ ~~Based on information obtained through the assessment or contained in a participant's employment plan, Jobs may assign a teen custodial parent who has not obtained a high school diploma or GED to education directly related to employment.~~
- ~~B.~~ ~~Jobs may assign a single, teen custodial parent, who is head of household and has not obtained a high school diploma or GED, to education directly related to employment.~~
- ~~C.~~ ~~Jobs may only assign an adult participant, who does not have a high school diploma or GED, to education directly related to employment as a secondary activity.~~
- A. Based on information obtained through assessments or contained in a participant's employment and career development plan, the Jobs Program may assign a teen custodial parent who has not obtained a high school diploma or HSE diploma to education directly related to employment.
- B. The Jobs Program may assign a single, teen custodial parent, who is head of household and has not obtained a high school diploma or HSE diploma to education directly related to employment.
- C. The Jobs Program may assign an adult participant, who does not have a high school diploma or HSE diploma, to education directly related to employment as a non-core activity.
- D. The Jobs Program shall allow homework time, as described in 45 CFR 261.60(e).

~~R6-10-119~~R6-10-120. Support Services

- ~~A.~~ ~~As budget permits, Jobs may provide a participant with support services to enable participation in the Program. Jobs shall give a participant a list of available support services. Support services may include:~~
 - ~~1.~~ ~~Transportation services to assist a participant with transportation expenses that may be incurred as a result of Jobs participation. Services may include:~~
 - ~~a.~~ ~~Transportation related expenses (TRE);~~
 - ~~b.~~ ~~Bus tickets or passes;~~
 - ~~e.~~ ~~Vehicle repair;~~
 - ~~d.~~ ~~Vehicle general maintenance;~~
 - ~~e.~~ ~~Liability insurance; or~~
 - ~~f.~~ ~~Contracted transportation services.~~
 - ~~2.~~ ~~Health related services not covered by AHCCCS but necessary to enable a participant to become employed or to make a determination of employability. The following are examples:~~
 - ~~a.~~ ~~Medical examinations and tests;~~
 - ~~b.~~ ~~Eyeglasses and other optical services;~~
 - ~~e.~~ ~~Dental services; or~~
 - ~~d.~~ ~~Mental health counseling.~~
 - ~~3.~~ ~~The following are examples of other optional support services:~~
 - ~~a.~~ ~~Clothing;~~
 - ~~b.~~ ~~Tools, equipment, or specialized garments used in specific occupations such as uniforms, hard hats, or other similar attire;~~
 - ~~e.~~ ~~Licenses;~~
 - ~~d.~~ ~~GED testing;~~
 - ~~e.~~ ~~Relocation; or~~
 - ~~f.~~ ~~Shelter or utility assistance.~~
- ~~B.~~ ~~As budget permits, the Department shall provide a participant with subsidized child care and other child care related expenses to enable participation in the Jobs Program. The following are examples of other child care related expenses:~~
 - ~~1.~~ ~~Transportation to and from child care centers and to and from school;~~
 - ~~2.~~ ~~Child care registration fees; and~~
 - ~~3.~~ ~~Participants' co-pay obligations.~~
- ~~C.~~ ~~As budget permits, Jobs may provide post-employment support services to participants whose TANF case is closed due to employment. The following are examples of post-employment support services:~~
 - ~~1.~~ ~~Transportation services;~~
 - ~~2.~~ ~~Child care and related expenses;~~
 - ~~3.~~ ~~Health related expenses;~~
 - ~~4.~~ ~~Clothing;~~
 - ~~5.~~ ~~Tools, equipment, or specialized garments;~~
 - ~~6.~~ ~~Licenses;~~
 - ~~7.~~ ~~GED testing;~~
 - ~~8.~~ ~~Relocation;~~
 - ~~9.~~ ~~Shelter or utility assistance; or~~
 - ~~10.~~ ~~Post-employment education.~~
- A. The Jobs Program may provide a participant with support services as the Department budget for state TANF Cash Assistance permits to enable participation in the Jobs Program. Support services may include:



1. Transportation services to assist a participant with transportation expenses that may be incurred as a result of participation in the Jobs Program, which may include:
 - a. Transportation-related expenses.
 - b. Bus tickets or passes.
 - c. Vehicle repair.
 - d. Vehicle general maintenance.
 - e. Liability insurance, or
 - f. Contracted transportation services.
 2. Health-related services not covered by AHCCCS or other medical insurance, but necessary to enable a participant to become employed or to make a determination of employability, including:
 - a. Medical examinations and tests.
 - b. Eyeglasses and other optical services.
 - c. Dental services, or
 - d. Mental health counseling.
 3. Other support services, including:
 - a. Clothing.
 - b. Tools, equipment, or specialized garments used in specific occupations such as uniforms, hard hats, or other similar attire.
 - c. Licenses.
 - d. Educational testing fees.
 - e. Relocation, or
 - f. Shelter or utility assistance.
- B.** The Department shall provide a participant with subsidized child care pursuant to A.A.C., Chapter 5, Article 49. Other child care related expenses include:
1. Transportation to and from child care centers and to and from school.
 2. Child care registration fees, and
 3. Participants' co-pay obligations.

R6-10-121. Transitional Support Services

Participants who have entered unsubsidized employment and subsequently become ineligible for TANF Cash Assistance may be eligible to receive transitional support services, as Department budget permits, for up to 180 days from the first day of the month following the month of the TANF Cash Assistance case closure when it has been verified by the Jobs Program that the participant was employed in unsubsidized employment at the time of TANF Cash Assistance case closure. Transitional support services include those identified in R6-10-120 and:

1. Post-employment case management; and
2. Post-employment education and training opportunities.

~~R6-10-122. Services to Address Barriers to Participation~~ Repealed

~~A.~~ Identification of Barriers to Participation and Referral to Available Services.

1. ~~A participant shall notify the participant's case manager of any barrier to participation in the Jobs Program.~~
2. ~~Upon notification or personal observation that a participant has a barrier to participation, the case manager shall document the barrier, and determine whether revising the participant's employment plan would address the identified barrier. If so, the case manager shall revise the employment plan as necessary.~~
3. ~~If revising the employment plan does not address the identified barrier, the case manager shall refer the participant to available community resources.~~
4. ~~If no community resources are available to address the identified barrier, the case manager shall refer the participant to available Jobs Program services.~~
5. ~~If no services are available, the case manager shall grant the participant good cause for not participating and re-evaluate the situation in 30 days to determine whether the barrier has been resolved or services have become available.~~

~~B.~~ A participant shall participate in a referred service until identified barriers have been resolved, or the service is no longer available.

1. ~~If the participant's barriers have been resolved, the participant shall participate in work activities. If the participant does not participate in work activities after the participant's barriers have been resolved, the case manager shall initiate the good cause process under R6-10-121.~~
2. ~~If the participant does not participate in referred services and does not participate in work activities, the case manager shall initiate the good cause process under R6-10-121.~~

~~R6-10-120~~R6-10-122. Participant Complaint Resolution

~~A.~~ This Section applies to participant complaints about the Jobs Program, including complaints about service providers.

~~B.~~ Each service provider shall establish a written complaint resolution procedure that shall be posted and given to participants. The complaint resolution procedure shall include an opportunity for an informal dispute resolution meeting between the participant and the service provider, and inform the participant of the right to elevate the complaint to the Program Administrator if the participant is not satisfied with the service provider decision.

~~C.~~ A participant shall continue to participate in the Program while the complaint resolution is pending, unless the participant has established a good cause reason for not participating. If a participant fails to participate, JOBS shall initiate the sanction process as provided in R6-10-123 or withholding as provided in R6-10-124.

~~D.~~ A participant shall use all applicable steps of the following process to seek a resolution of a complaint:



1. The participant shall attempt to informally resolve a complaint at the lowest management level. However, if a participant believes that a complaint to the service provider would be futile, the participant may complain directly to the Program Administrator under subsection (D)(4).
 2. The participant shall submit the complaint orally or in writing to the participant's service provider. If requested, the service provider shall assist the participant with writing the complaint.
 3. Upon receipt of the participant's complaint, the service provider shall respond in writing within seven days of the date the complaint was filed. The response shall provide the reason for the decision, and mention the participant's right to complain to the Program Administrator.
 4. If the service provider takes no action to resolve the complaint or the participant perceives the complaint is unsatisfactorily resolved, the participant shall submit a complaint orally or in writing to the Program Administrator.
 5. The Program Administrator shall issue a written decision within 30 days after the date the complaint is filed. The Program Administrator shall consider the participant's employment plan, applicable statutes, rules, and policy and, if applicable, the terms of the service provider's contract, in reaching a decision.
- A.** This Section applies to participant complaints about the Jobs Program, including complaints about service providers.
- B.** Each service provider shall establish a written complaint resolution procedure that shall be posted and given to participants. The complaint resolution procedure shall include an opportunity for an informal dispute resolution meeting between the participant and the service provider and inform the participant of the right to elevate the complaint to the Program Administrator if the participant is not satisfied with the service provider decision.
- C.** A participant shall continue to participate in the Jobs Program while the complaint resolution is pending, unless the participant has established a good cause reason for not participating. If a participant fails to participate, the Jobs Program shall initiate the sanction process as provided in R6-10-124 or withholding as provided in R6-10-125.
- D.** A participant shall use all applicable steps of the following process to seek a resolution of a complaint:
1. The participant shall attempt to informally resolve a complaint at the lowest management level. However, if a participant believes that a complaint to the service provider would be futile, the participant may complain directly to the Program Administrator under R6-10-122(D)(4).
 2. The participant shall submit the complaint orally or in writing to the participant's service provider. The service provider shall assist the participant with writing the complaint upon request of the participant.
 3. Upon receipt of the participant's complaint, the service provider shall respond in writing within seven days of the date the complaint was received. The response shall provide the reason for the decision and identify any action taken by the provider to remedy the complaint. The response shall explain the participant's right to elevate the complaint for review to the Program Administrator or designee if the participant does not agree with the decision.
 4. If the service provider takes no action to resolve the complaint or the participant is not satisfied with the action, the participant may submit a complaint orally or in writing to the Program Administrator or designee.
 5. The Program Administrator or designee shall issue a written decision within 30 days after the date the complaint is received. The Program Administrator or designee shall consider the participant's employment and career development plan, applicable statutes, rules, and policy, and, if applicable, the terms of the service provider's contract in reaching a decision.
- R6-10-124 R6-10-123. Failure to Participate; Good Cause Reasons; Verification; Establishment of Good Cause**
- A.** Failure to participate. If a participant does not participate in work activities, including attendance at the Jobs Introduction Meeting, the case manager shall determine whether a barrier to participation has been identified through discussions with the participant, or information provided by the participant, and if so, whether services have been provided to address the barrier.
1. If services have not been provided to address an identified barrier, the case manager shall refer the participant to available Jobs Program services or community resources.
 2. If services have been provided to address all identified barriers, or no barrier has been identified, the case manager shall send the participant a Request for Good Cause Information to determine whether a good cause reason exists for the participant not to participate.
- B.** Good cause reasons. Good cause reasons that prevent a participant from engaging in work activities under R6-10-102, include:
1. The participant has a barrier to participation for which services are not available, or the participant is participating in referred services to address a barrier;
 2. The participant has an illness;
 3. The participant is required to care for an ill or disabled family member;
 4. Either the participant or a dependent child has an appointment that cannot be rescheduled, such as a court-ordered appearance, medical appointment, or another comparable appointment;
 5. The participant has a family emergency;
 6. The participant has a temporary lack of transportation with no reasonable alternate means of transportation;
 7. Extreme weather makes walking to childcare or work activities unreasonable for a participant who has no other form of transportation;
 8. The participant is prevented from participating due to inclement weather;
 9. The participant is unable to obtain child care for a child who is less than 13 years old because the child care is unavailable, unaffordable, or unsuitable;
 10. Child care is unavailable for a child age 13 or over who requires adult supervision:
 - a. Due to a disability, which includes mental health or other health-related issues;
 - b. Because the child would be harmful to himself, herself, or others if left alone; or
 - c. Because the child is on court-ordered probation that requires the child to remain in the home or under house arrest.
 11. The participant needs translation services that are not available or not provided.
 12. The participant is not capable of performing the work activity due to:
 - a. Unsafe worksite conditions;



- b. Physical demands of the job;
- e. Lack of skills, aptitude, or knowledge for the position;
- d. Strike, lockout, or other bona fide labor dispute; or
- e. Conditions of the participant's membership in a union representing employees in the occupation.
- 13. The participant is a victim or perceives himself or herself to be a victim of domestic violence whose current situation:
 - a. Threatens the safety of the participant or any child living with the participant; or
 - b. Causes physical, mental, or emotional harm to the participant or any child living with the participant.
- 14. The Department fails to provide the participant with services agreed upon in the employment plan; or
- 15. Other comparable circumstances beyond the participant's control, including an error by the Department.
- C.** Verification. A participant subject to subsection (A) shall provide documentation that verifies good cause within 10 calendar days of the mailing date on the Request for Good Cause Information. The case manager may obtain verification directly from the reporting source. The case manager shall, upon request, assist the participant in obtaining the documentation that verifies good cause. Verification includes the following:
 - 1. Physician or other health care professional statement;
 - 2. Appointment notice from a court, FAA, or other comparable entity;
 - 3. Death certificate;
 - 4. Newspaper article, or other similar evidence of public knowledge;
 - 5. Document or statement from the DES Child Care Administration;
 - 6. Police report;
 - 7. Statement from crisis shelter staff or a witness to the domestic violence;
 - 8. Statement from a third party; or
 - 9. Signed participant statement explaining the circumstances that establish good cause if no other verification is possible.
- D.** Notice.
 - 1. If the participant establishes a good cause reason for failing to participate within 10 calendar days of the mailing date on the Request for Good Cause Information, the case manager shall not sanction the participant, and shall send the participant a notice indicating that good cause has been established. If, based on the information received from the participant, the case manager determines that a barrier exists that prevents the participant from participating, the case manager shall refer the participant to available Jobs Program services or community resources.
 - 2. If the participant does not establish good cause within 10 calendar days of the mailing date on the Request for Good Cause Information, the case manager shall send the participant a notice indicating that good cause has not been established and begin the sanction process described in R6-10-123.
- A.** Failure to participate includes:
 - 1. Failure to appear for a scheduled appointment with a Jobs Program case manager;
 - 2. Failure to attend a scheduled work activity, assessment, or appointment that is documented in the employment and career development plan;
 - 3. Refusing to submit a completed application for employment, when required;
 - 4. Refusing to accept suitable employment, voluntarily reducing employment hours, or voluntarily quitting employment without good cause, as described at R6-10-123(F);
 - 5. Providing false or inaccurate information to a Jobs Program case manager;
 - 6. Behaving in a manner that constitutes a threat or hazard to agency staff or others; or
 - 7. Intentionally disrupting an activity or the orderly administration of the overall program, such as:
 - a. Attending, but refusing to participate in a class, workshop, or other assigned activity; or
 - b. Disruptive behavior that makes it difficult to conduct an activity.
- B.** If a participant does not actively engage with the Jobs Program, the Jobs Program case manager shall determine if a barrier to participation exists, and if so, whether services have been offered or provided to address the barrier.
 - 1. If services have not been offered or provided to address an identified barrier, the Jobs Program case manager shall refer the participant to Jobs Program support services or community resources to address a barrier.
 - 2. If services have been offered or provided to address all identified barriers, the Jobs Program case manager shall send the participant a Good Cause/Last Chance to Stop the Sanction Appointment notice. The participant shall provide verification of good cause or attend a Last Chance to Stop the Sanction Appointment within ten days of the date the notice is mailed. The deadline shall be stated in the notice.
 - 3. If there are no services available to address an identified barrier, the Jobs Program Case Manager shall grant a participant good cause for not participating, as described in R6-10-123(F) and shall reevaluate the situation every 30 days from the date the employment and career development plan is revised to determine whether the barrier has been resolved or services have become available.
- C.** If the participant timely submits verification of good cause, the Jobs Program shall determine if good cause exists, as described at R6-10-123(F).
 - 1. If verification meets the requirements of acceptable verification under R6-10-123(G) and establishes good cause, the Jobs Program shall notify the participant and state that good cause has been established and the Department shall not impose a sanction.
 - 2. If verification does not meet the requirement of acceptable verification at R6-10-123(G) and does not establish good cause, the Jobs Program shall notify the participant and state that good cause was not established and shall allow the participant an additional ten days from the date the notice is mailed to attend a Last Chance to Stop the Sanction Appointment.
- D.** If the participant fails to provide any verification but attended the Last Chance to Stop the Sanction Appointment and demonstrates compliance, the Jobs Program shall notify the participant and state that the Department shall not impose a sanction.
- E.** If the participant does not timely establish good cause under R6-10-123(F), attend the Last Chance to Stop the Sanction Appointment, or demonstrate compliance, the Jobs Program shall notify the participant and state that the participant did not establish good cause



and did not attend the Last Chance to Stop the Sanction Appointment. The Jobs Program shall initiate the sanction process under R6-10-125.

- E.** Good cause is subject to verification under R6-10-123(G). Circumstances that prevent a participant from engaging in work activities under R6-10-102 constitute good cause, including when:
1. The participant has a barrier to participation for which services are not available;
 2. The participant is participating in referred services to address a barrier to participation;
 3. The participant has an illness;
 4. The participant is required to care for a family member with an illness or a disability;
 5. Either the participant or a dependent child has an appointment that cannot be rescheduled, such as a court-ordered appearance, medical appointment, or another comparable appointment;
 6. The participant has a family emergency;
 7. The participant lacks transportation with no reasonable alternate means of transportation;
 8. The participant is prevented from participating due to inclement weather;
 9. The participant is unable to obtain child care for a child who is less than 13 years old because the child care is unavailable, unaffordable, or unsuitable;
 10. Child care is unavailable for a child age 13 or over who requires adult supervision because the child:
 - a. Has a disability, including mental health or other health-related issues;
 - b. Would be harmful to himself, herself, or others if left alone; or
 - c. Is on court-ordered probation that requires the child to remain in the home or is under house arrest.
 11. The participant needs translation services that are not available or not provided.
 12. The participant is incapable of performing the work activity due to:
 - a. Unsafe worksite conditions;
 - b. Physical demands of the job;
 - c. Lack of skills, aptitude, or knowledge for the position;
 - d. Strike, lockout, or other bona fide labor dispute; or
 - e. Conditions of the participant's membership in a union representing employees in the occupation.
 13. The participant is a victim or perceives himself or herself to be a victim of domestic violence whose current situation:
 - a. Threatens the safety of the participant or any child living with the participant; or
 - b. Causes physical, mental, or emotional harm to the participant or any child living with the participant.
 14. The Department fails to provide the participant with services agreed upon in the employment and career development plan; or
 15. Other comparable circumstances beyond the participant's control, including an error by the Department.
- G.** Verification. Acceptable verification that establishes a participant's good cause, as described in R6-10-123(F), includes:
1. A statement from an acceptable medical source;
 2. An appointment notice from a court, FAA, or other comparable entity;
 3. Death certificate;
 4. Newspaper article, or other similar evidence of public knowledge;
 5. Document or statement from the DES Child Care Administration, FAA, a court, or other comparable entity;
 6. Police report;
 7. Statement from crisis shelter staff or a witness to the domestic violence;
 8. Statement from a third party; or
 9. Signed participant statement explaining the circumstances that establish good cause if no other verification is possible.

~~R6-10-123~~R6-10-124. All Families Assistance Units, Except TPEP Families Assistance Units: Sanction Process

If a participant fails to participate in work activities without good cause under R6-10-121, the case manager shall initiate the sanction process:

1. **Case review.** Before requesting a sanction, the case manager shall review the case to determine whether all necessary steps have been taken, including barrier identification, available service referrals, and an opportunity to establish good cause. After reviewing the case and determining that a sanction is appropriate, the case manager shall submit the case to a Jobs supervisor for review. The Jobs supervisor shall review the case to determine whether all necessary steps have been taken before imposing a sanction, and shall approve or deny the sanction based on this review.
 - a. If the Jobs supervisor approves the sanction, the case manager shall sanction the participant under A.R.S. § 46-300, as provided in subsection (4).
 - b. If the Jobs supervisor does not approve the sanction, the case manager shall review the case record and take all necessary corrective action on the case.
2. **Notice.** If a sanction is approved, at each sanction level the case manager shall send the participant written notice of the Department's intent to sanction. The adverse action notice shall be timely and shall adequately explain:
 - a. The date and the location of the alleged failure to comply;
 - b. How or why the case manager believes the participant failed to comply;
 - c. The month in which the Department shall impose the sanction;
 - d. The length of time that the sanction will be imposed;
 - e. How the participant can stop the proposed sanction or re-comply if it is too late to stop the proposed sanction;
 - f. The name and telephone number of a specific contact person who will provide more information to the participant about the sanction level;
 - g. The percentage of the sanction;
 - h. The benefit amount, after the sanction is imposed;
 - i. The fact that the participant is required to contact a case manager by the due date listed on the notice and either participate in work activities or express an intent to participate in work activities to avoid the imposition of a sanction; and



- j. Information regarding the right to request a hearing, and how to do so.
- 3. How a participant can avoid a sanction or have benefits restored after a sanction is imposed.
 - a. A participant who has received a notice that the Jobs Program intends to impose a sanction may avoid the sanction by participating in work activities, expressing an intent to participate, or identifying a barrier to participation within 10 calendar days from the mailing date on the notice.
 - i. The participant may express an intent to participate in work activities by contacting the participant's case manager by telephone or appearing in person. If a barrier is identified, the case manager shall follow the process in R6-10-122.
 - ii. If the participant requests a fair hearing within 10 calendar days from the mailing date of the notice, Jobs shall not reduce the cash grant due to a sanction, pending the results of the fair hearing.
 - b. If the participant does not respond within 10 calendar days of the mailing date of the notice, the sanction is imposed. If the participant responds after the sanction is imposed, and resumes participation, expresses an intent to participate, or identifies a barrier to participation, the Jobs Program shall restore benefits after one month of sanction. The participant may express an intent to participate or identify a barrier by contacting the case manager by telephone or in person. If a barrier is identified, the case manager shall follow the process in R6-10-122. The Jobs Program shall not require a participant to begin work activities before the program takes action to restore benefits.
 - e. Upon recompliance with the Jobs Program following a sanction, the participant shall attend a Jobs Introduction Meeting if the participant has not attended a Jobs Introduction meeting in the prior six months.
 - d. If a participant has been sanctioned 100% and the participant's Jobs case has been closed, the participant shall reapply for cash assistance to resume the Jobs Program services and work activities.
- 4. Sanction levels. The Department shall impose a sanction, which is a percentage of the original cash assistance amount, in accordance with A.R.S. § 46-300 as follows:
 - a. For the first instance of noncompliance, the department shall reduce the household's cash assistance grant by twenty five per cent for one month.
 - b. For a second instance of noncompliance that occurs in a month other than the month in which the first noncompliance occurred, the department shall reduce the household's cash assistance grant by fifty per cent for one month.
 - e. For a third instance of noncompliance that occurs in a month other than the month in which the second noncompliance occurred and any instance of noncompliance thereafter, the department shall terminate the household's cash assistance grant for at least one month or until the household complies. The Jobs Program shall close the participant's case at this sanction level, and upon subsequent sanctions. The former participant shall reapply for cash assistance to resume the Jobs Program services and work activities.
- 5. Monitoring sanctioned participants.
 - a. A case manager shall keep a record listing each sanctioned participant, the participant's sanction date, sanction level, benefit month, and revised benefit amount, and shall review the record each month, in addition to the participant's case record, to determine whether the next sanction level should be imposed. A Jobs supervisor shall review the case record before the initiation of any sanction action by a case manager.
 - b. Before imposing the 100% sanction, the case manager shall use the following methods in an attempt to contact the participant and determine whether good cause exists under R6-10-121:
 - i. A telephone call, if the participant has a telephone;
 - ii. Notice by first class mail;
 - iii. Consultation with other programs within the Department to determine whether they have had contact with the non-compliant participant or have a current address or telephone number for the participant;
 - iv. Any other reasonable method for contacting the participant.
- 6. A participant is entitled to a fair hearing, to contest a Department sanction.
- 7. A participant who wishes to appeal a sanction shall file a written request with the Department, following the procedures in A.A.C. R6-12-1002.

If a participant fails to participate in work activities without good cause under R6-10-123, the case manager shall initiate the sanction process.

- 1. Case review. Before requesting a sanction, the case manager shall review the case to determine whether all necessary steps have been taken, including barrier identification, available service referrals, and an opportunity to establish good cause.
- 2. Notice. If a sanction is approved by a Jobs Program supervisor, the Jobs Program case manager shall send the participant a written Notice of Adverse Action under A.A.C. R6-12-907.
- 3. Preventing sanction progression. The Jobs Program shall send additional written notification to a participant within five days of mailing the Notice of Adverse Action for a 50 percent sanction and state that the participant may attend a Last Chance to Stop the Sanction Appointment in order to prevent the sanction from progressing to termination of the assistant unit's Cash Assistance grant, pursuant to A.R.S. § 46-300(D). The Jobs Program shall schedule an appointment ten days from the date on the notice. A participant may attend the appointment, develop an employment and career development plan, and begin and continue to participate in the established work activity to continue to demonstrate compliance. If a barrier is identified, the Jobs Program case manager shall follow the process in R6-10-123(B).
- 4. Sanction levels. The Department shall impose a sanction, which is a percentage of the original cash assistance amount, in accordance with A.R.S. § 46-300.
- 5. A participant who wishes to appeal a sanction may request an appeals hearing under A.A.C. R6-12-1002.

R6-10-125: Expired

R6-10-124R6-10-125. TPEP: Failure to Participate; Withholding

- A. If a TPEP parent who is a participant fails to participate with Jobs Program requirements, Jobs shall determine whether good cause exists under R6-10-121.



- B.** If Jobs determines that the TPEP parent failed to participate without good cause, the Department shall withhold TPEP cash assistance.
- C.** Jobs shall send the participant a timely adverse action notice that adequately explains:
1. The date and location of the alleged failure to participate;
 2. How or why the case manager believes the participant failed to participate;
 3. The pay period in which the Department shall impose the withholding; and
 4. The length of time that the withholding will be imposed;
 5. How the participant can stop the proposed withholding or resume participation if it is too late to stop the proposed withholding;
 6. The name and telephone number of a specific contact person who will provide more information to the participant about the withholding;
- D.** At the third withholding, Jobs shall close the participant's Jobs case.
- E.** A participant is entitled to a fair hearing to contest a Department withholding of cash assistance.
- F.** A participant who wishes to appeal a withholding of cash assistance shall file a written request with the Department, following the procedures in A.A.C. R6-12-1002.
- A.** If one parent of a TPEP assistance unit fails to comply with Jobs Program requirements, the Jobs Program shall determine whether good cause exists under R6-10-123(F).
- B.** If the Jobs Program determines that the TPEP parent failed to participate without good cause, the Department shall withhold TANF Cash Assistance.
- C.** TANF Cash Assistance shall be withheld until a participant complies with Jobs Program requirements and demonstrates compliance. The Jobs Program shall send the participant a Notice of Adverse Action notice at least ten days before the change in TANF Cash Assistance takes effect. This notice shall include:
1. The date and location of the alleged failure to participate;
 2. How or why the participant failed to participate;
 3. The month in which the Department intends to impose the withholding;
 4. The length of time that the withholding will be imposed;
 5. How the participant can stop the proposed withholding or resume participation; and
 6. Department contact information where a participant may request more information regarding the withholding of the participant's TANF Cash Assistance.
- D.** The Department may grant a TPEP assistance unit a three-month extension to the six-month limit if:
1. A parent is enrolled in a vocational education training activity;
 2. A parent has an offer of unsubsidized employment that will begin within the three-month extension period;
 3. The TPEP work requirements were not met and good cause was established for one or more months during the six-month period; or
 4. The Jobs Program shall determine if an assistance unit meets the criteria for a three-month extension prior to expiration of the TPEP benefits and notify the FAA when the criteria is met.
- E.** The Jobs Program shall close the TANF Cash Assistance when three TPEP payments are withheld in any six-month period.
- F.** A participant who wishes to appeal a withholding may request a fair hearing under A.A.C. R6-12-1002.
- R6-10-126. Expired Jobs Program Eligibility After the TANF Cash Assistance Time Limit**
- A.** The Jobs Program case management and employment services shall continue for up to 12 months after:
1. A participant's TANF Cash Assistance closed due to the time limit in A.R.S. § 46-294(G);
 2. The Jobs Program case is active at the time the TANF Cash Assistance case is closed; and
 3. The participant does not have a Jobs Program sanction imposed in the month of case closure.
- B.** The Jobs Program shall provide written notification to the participant of the participant's continued eligibility for the Jobs Program when the Jobs Program is informed of the participant's TANF Cash Assistance case closure. The notification shall inform the participant about how the participant may receive employment and case management services.
- C.** Continued eligibility for the Jobs Program stops when the participant's mail is returned to the Jobs Program with no forwarding address and the Jobs Program is unable to obtain the current address through other means. The Jobs Program shall close the Jobs Program case within 20 calendar days of receiving the returned mail.
- D.** Support services, as described at R6-10-120, may be provided with the exception of subsidized child care, pursuant to A.A.C., Chapter 5, Article 49.

ARTICLE 3. JOB DISPLACEMENT GRIEVANCE PROCEDURES

R6-10-301. Definitions

The definitions in R6-10-101 apply to this Article. In addition to the definitions in R6-10-101, the following definitions apply to Article 3, unless the context otherwise requires:

1. "Displacement" means assignment of a participant to a position that:
 - a. Results in the termination or reassignment of a regular employee;
 - b. Results in the reduction of non-overtime work, wages, or benefits for a regular employee;
 - c. Fills the position of a regular employee on layoff status; or
 - d. Creates a new position for the participant that has substantially the same job functions as the position held by a regular employee who is on layoff or subsequently terminated;
2. "Regular employee" means an unsubsidized individual currently employed by an employer.

R6-10-302. Job Displacement

Regular employees of employers with whom Jobs participants are placed in unpaid or subsidized jobs may file a grievance regarding displacement as prescribed in this Article. As used in this Section, "displacement" means assignment of a participant to a position which:

1. Results in the termination or reassignment of a regular employee;



- 2. Results in the reduction of non-overtime work, wages, or benefits for a regular employee;
- 3. Impairs an existing contract for service or a collective bargaining agreement;
- 4. Fills the position of a regular employee on layoff status;
- 5. Creates a new position for the participant that has substantially the same job functions as the position held by a regular employee who is on layoff or subsequently terminated;
- 6. Infringes upon the promotional opportunities of a regular employee; or
- 7. Fills any established, unfilled position that can be filled by a qualified, regular employee who has applied for the position.

An employee who has been displaced by a Jobs Program participant may file a grievance, as prescribed in this Article.

R6-10-303. Grievance Process

- A. ~~Upon request, The Jobs Program~~ shall provide information to regular employees and JOBSTART employers regarding ~~their the regular employee's~~ right to file a grievance and the procedure for doing so.
- B. An aggrieved party may seek to informally resolve a grievance ~~at the regional level with the Jobs Regional Program manager~~ Department, ~~or that person's designee~~, or may request ~~a fair an appeals hearing with the Department's Office of Appeals.~~
- C. To pursue informal resolution, an aggrieved party shall file a ~~Departmental grievance form~~ within 20 days of the alleged displacement with the ~~Jobs Regional Program Manager or designee~~ Department. The ~~form grievance~~ shall contain the following information:
 - 1. Aggrieved party's name, address, ~~and telephone number~~, and email address, if available;
 - 2. Date of ~~the~~ grievance;
 - 3. Contact person, if other than the aggrieved party;
 - 4. ~~Regional Program Manager or designee~~, address, ~~telephone number~~ Department contact information, address, telephone number, and email address, if available;
 - 5. A description of the action that is the subject of the grievance and the date of the action; and
 - 6. The proposed resolution.
- D. If the aggrieved party requests an informal resolution, the ~~Department~~ Jobs Program shall hold an informal resolution meeting with the aggrieved party, within 15 ~~working business~~ days from the date the Department receives the grievance.
- E. If a grievance is not resolved at the informal meeting, the aggrieved party may request ~~a fair an appeals hearing with the Department of Economic Security, Department's Office of Appeals, within 30 20 days from the date of the informal meeting, by sending a written submitting a request for a fair an appeals hearing to the Jobs Program local office.~~
- F. If the aggrieved party does not choose to seek an informal resolution ~~as prescribed in subsections (C) and (D) under R6-10-303(C) and (D)~~, the aggrieved party may request ~~a fair an appeals hearing by filing a written request with the local Jobs Program office within 20 days of the alleged displacement. An employer who requests a fair hearing shall file a written request within 30 calendar days of the date of the adverse action notice as described in A.A.C. R6-12-1002.~~ Upon request, the Jobs Program shall assist the aggrieved party in preparing the hearing request. Assistance shall include ~~an explanation of the aggrieved party's right to fair hearing the fair hearing procedures, and the process: a party's right to an appeals hearing and the appeals hearing process and procedures.~~
- ~~G.~~ A request for a hearing is deemed filed on the date specified in A.A.C. R6-12-1002.
- ~~H-G.~~ The Jobs Program local office shall prepare a request for an appeals hearing, if requested by the aggrieved party, and forward the request for an appeals hearing to the Department's Office of Appeals. The request for an appeals hearing forwarded by the Jobs Program office shall include:
 - 1. The information submitted under subsection ~~(C) R6-10-303(C)~~;
 - 2. The decision reached at the informal resolution meeting, if any; and
 - 3. Any decision, notice, or other documents relating to the hearing request.
- ~~H-H.~~ Upon receipt of a request for ~~a fair an appeals hearing~~, the Office of Appeals shall conduct the hearing in accordance with ~~under~~ A.A.C. R6-12-1005 through A.A.C. R6-12-1007 and A.A.C. R6-12-1009 through A.A.C. R6-12-1013(A), except that references to "FAA" are replaced by "Jobs Program."



NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF ACCOUNTANCY**

[R19-235]

- 1. **Title and its heading:**
- Chapter and its heading:**
- Article and its heading:**

- 4, Professions and Occupations
- 1, Board of Accountancy
- 1, General
- 2, CPA Examination
- 3, Certification and Registration
- 4, Regulation

Section numbers:

- R4-1-101, R4-1-104, R4-1-115.03, R4-1-226.01, R4-1-228, R4-1-229, R4-1-341, R4-1-344, R4-1-345, R4-1-346, R4-1-453, R4-1-454, R4-1-455, R4-1-455.01, R4-1-456

2. **The subject matter of the proposed rule:**

R4-1-101. This rule is amended to omit the definition of “Compilation services” as it is no longer needed in rule because it was placed in statute by Laws 2018, Ch. 268 (SB 1443) under Arizona Revised Statutes (A.R.S.) § 32-701(8).

R4-1-104. This rule is amended to omit the term “public accountant” as it was eliminated in Laws 2018, Ch. 268 (SB 1443).

R4-1-115.03. This rule related to the duties of the Peer Review Oversight Advisory Committee (PROAC) is amended to: 1) conform it to Laws 2018, Ch. 268 (SB 1443) which provided the Board the power to delegate to its Executive Director the authority to approve compliance with peer review requirements, 2) conform it with rules effective January 1, 2018 which eliminated educational enhancement reviews and 3) clarify that the committee has the advisory responsibility to make a recommendation to the Board for initial analysis, wherein the Board can act on the committee’s recommendation under its authority provided in A.R.S. § 32-742.01.

R4-1-226.01. This rule is amended to make clarifying changes, remove an unnecessary procedural provision, and conform the rule with existing business processes which currently provide an applicant notice of their right to an appeal of the Board’s decision.

R4-1-228. This rule is repealed because it is not regulatory in nature; and, a new rule is added to provide appeal rights for applicants whose application for examination is denied. Examination applicants are already afforded appeal rights through Title 41, Chapter 6, Article 10, and the Board’s existing business processes. The addition of this rule codifies these rights, similar to Arizona Administrative Code (A.A.C.) R4-1-344 as it relates to certification denials.

R4-1-229. By June 2020, the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA) want to provide “continuous testing” of the Uniform Certified Public Accountant Examination (Exam), which allows applicants to retake a test section of the Exam once their grade for any previous attempt of the same test section during that window has been released. This change is pro-applicant as it provides greater flexibility to complete the Exam. This rule is amended to allow for continuous testing.

R4-1-341. A.A.C. R4-1-341 and R4-1-343 enumerate specific documents that applicants are required to submit with their application for certification. One such document is a signed and dated letter of recommendation, which is meant to highlight the applicant’s overall character and fitness qualifications. Pursuant to A.A.C. R4-1-341(A)(2)(c), currently, the letter of recommendation must be signed by a certified public accountant (CPA). Another document that applicants are required to submit are certificates of experience (COE), which verifies whether the applicant has met the experience hours required in statute. Pursuant to A.A.C. R4-1-343, the COE must be signed by a CPA or an individual who, “...has accounting education and experience similar to that of a certified public accountant.” This allows applicants an opportunity to demonstrate experience, even if they do not know or work with a CPA. In order to allow more flexibility for applicants, this rule is amended to allow the letter of recommendation to be completed by either a CPA or an individual who has accounting education and experience similar to that of a CPA. This change will be beneficial for applicants and will allow the letter of recommendation to be consistent with the COE requirement.

While A.A.C. R4-1-341 currently outlines the process for certification of an individual’s certificate and provides accountability time frames within the process, the same does not exist for CPA firm registration. A.R.S. § 32-731 enumerates the requirements for firm registration but the absence of rules leads to confusion for firm applicants who want to know the process and requirements to



become a registered CPA firm. Further, the Board's rules do not comply with time frame requirements, as specified in Title 41, Chapter 6, Article 7.1. Accordingly, this rule is also amended to establish a firm registration process and registration time frame.

Lastly, this rule is further amended to reduce the licensing time frames associated with individual certification from 180 to 150-days and modify language for greater clarity and compliance with the requirements specified in Title 41, Chapter 6, Article 7.1.

R4-1-344. This rule is amended to clarify that applicants may appeal the denial of not only certification, but also firm registration and reinstatement, pursuant to Title 41, Chapter 6, Article 10.

R4-1-345. This rule makes clarifying changes and is amended to institute a temporary registration fee reduction from \$300 to \$275 for registrations due during the period from July 1, 2020 to June 30, 2022.

R4-1-346. This rule is amended to eliminate an unnecessary regulatory requirement.

R4-1-453. This rule is amended to make technical and clarifying changes.

R4-1-454. The Board's peer review rule conflicts with the incorporated Standards for Performing and Reporting on Peer Reviews. This rule is amended, in large measure, to eliminate those conflicts and eliminate archaic language. The changes will bring greater clarity to the rules, reduce confusion for CPA firms that are subject to peer review, better support firms in their effort to maintain compliance and streamline the Board's administrative procedures.

R4-1-455. This rule is amended to update the incorporation by reference of the AICPA's Code of Professional Conduct.

R4-1-455.01. This rule is amended to conform with Laws 2018, Ch. 268 (SB 1443) which omitted the term "practice of public accounting".

R4-1-456. This rule is amended to make technical and clarifying changes.

Additional technical and conforming changes are also made to the rules.

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

Notice of Proposed Rulemaking: 25 A.A.R. 3213, November 1, 2019 (*in this issue*)

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

Name: Monica L. Petersen, Executive Director
Address: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007
Telephone: (602) 364-0870
Fax: (602) 364-0903
E-mail: mpetersen@azaccountancy.gov
Website: www.azaccountancy.gov

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

An oral proceeding regarding the proposed rules will be held as follows:

Date: December 2, 2019
Time: 9:00 a.m.
Location: Board of Accountancy
100 N. 15th Ave., Suite 165
Phoenix, AZ 85007

The rulemaking record will close on Monday, December 2, 2019 at 5:00 p.m.

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

A timetable is not known at this time.



GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2019-01**Moratorium on Rulemaking to Promote Job Creation and Customer-Service-Oriented Agencies; Protecting Consumers Against Fraudulent Activities**

[M19-04]

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

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

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

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order and renewed the moratorium in 2016, 2017 and 2018; and

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

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

WHEREAS, approximately 283,300 private sector jobs have been added to Arizona since January 2015; and

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

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

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

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

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

1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
3. A State agency subject to this Order and which issues occupational or professional licenses shall review the agency's rules and practices related to receiving and acting on substantive complaints about unlicensed individuals who are allegedly holding them-



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

4. For the purposes of this Order, the term “State agencies” includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this ninth day of January in the Year Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.

ATTEST:
Katie Hobbs
SECRETARY OF STATE

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING**PROPOSED SUMMARY**

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING**EXEMPT**

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

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

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

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TERMINATION OF RULES

TN = Terminated proposed new Sections
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T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

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RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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
November 8, 2019	November 29, 2019	December 30, 2019
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019

[M19-05]

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

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.