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Arizona Administrative REGISTER

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Vol. 25, Issue 50 **~ Administrative Register Contents ~** **December 13, 2019**

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE *REGISTER*?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative Register

Vol. 25 Issue 50

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Administrative Register
This publication is available online for free at www.azsos.gov.

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

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

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

Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

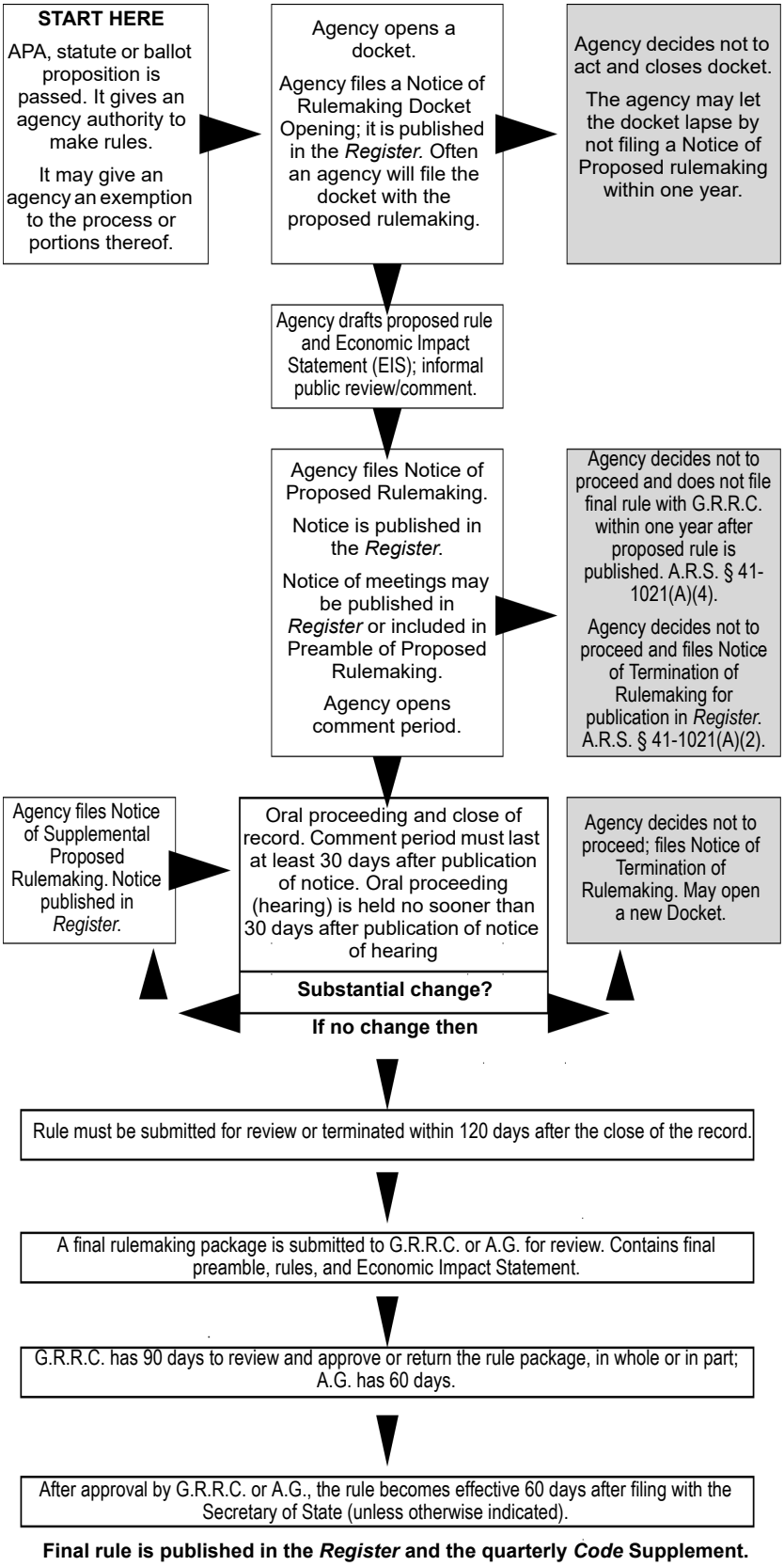
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied 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 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-254]

PREAMBLE

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

R2-20-702 — 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. §§ 16-956(A)(6), Id. and 16-956(A)(7)

Implementing statute: A.R.S. § 16-948(C)

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. 3578, December 13, 2019 (*in this issue*)

Notice of Rulemaking Docket Opening: 25 A.A.R. 1457, June 14, 2019

Notice of Proposed Rulemaking: 25 A.A.R. 1414, June 14, 2019

Notice of Final Rulemaking: 25 A.A.R. 2120, August 23, 2019

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

Name:	Thomas M. Collins
Address:	Citizens Clean Elections Commission 1616 W. Adams, Suite 110 Phoenix, AZ 85007
Telephone:	(602) 364-3477
E-mail:	ccec@azcleanelections.gov
Web site:	www.azcleaneletions.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:

A.A.C. R2-20-702: Conforms Commission rules to statutory changes enacted by 2018's Proposition 306. Additionally, at its meeting on November 4 2019, the Governor's Regulatory Review Council "returned" the amendment to the Commission. Although GRRC does not issue reasoned decisions like a Court, one apparent reason for the "return" vote was based on Council Member Sundt's expressed confusion on retaining the remainder of R2-20-702(B), despite the Commission's efforts to remove any language that could conceivably be read as conflicting with Prop. 306.

In an effort to ensure the Commission's rules align with the statute, the Commission approved the following rules for public comment, subject to its reservation of rights under The Clean Elections Act (A.R.S. §§ 16-940 to -961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.

In addition to removing provisions of the R2-20-702(B) that conflict with A.R.S. § 16-948, the proposed amendment also removes language permitting certain spending of clean funding that the Council members believed were confusing, specifically language that expressly permitted certain activities under the Clean Elections Act.

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:

These changes do not diminish a previous grant of authority to a political subdivision of this state.

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

As indicated in our filing with the Council, the Commission believes there is little consumer, economic, or small business impact. The rule amendment may deprive voters of some candidates who might have run with Clean Funding, but additionally, benefits those voters who do not want candidates to be able to make purchases from political parties. There is an impact on candidates who may have preferred to run with clean funding, and, with the further amendment, may have preferred certainty as to what is permitted by the Clean Elections There is no economic or consumer or small business impact.

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

Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleanelections.gov
Web site: www.azcleaneletions.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:

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, e-mail, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1 of the year following their enactment. A.R.S. § 16-956(C), (D).

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:

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-702. Use of Campaign Funds

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-702. Use of Campaign Funds

A. No change

~~**B.** A participating candidate may: make a payment from the candidate's campaign bank account:~~

~~1. To a political committee or civic organization or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.~~

~~2. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.~~

~~3. Of not more than $200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.~~

~~2. Only make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto-dialers, telephone town halls, electronic communications and other advertising purchases and other campaign~~

~~services if an itemized invoice identifying the value of the service is provided directly to the participating candidate at the time of the advanced payment.~~

~~a. Payment in the absence of an itemized invoice or advanced payment for such services shall be deemed a contribution to the political party.~~

~~b. Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.~~

~~c. Payment may be advanced for advertising that customarily requires prepayment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.~~

~~d. A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.~~

~~e. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.~~

~~C.~~**B.** No change

1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
      i. No change
      ii. No change
   e. No change
   f. No change
   g. No change
   h. No change
4. No change

~~D.~~**C.** No change

~~E.~~**D.** No change

1. No change
2. No change

~~F.~~**E.** No change

1. No change
2. No change

~~G.~~**F.** No change

1. No change
2. No change
   a. No change
   b. No change
3. No change
   a. No change
   b. No change
4. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R19-256]

PREAMBLE

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

R4-23-407 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. §§ 32-1904(A)(1) and 36-2521

Implementing statute: A.R.S. § 36-2525

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. 3578, December 13, 2019 (*in this issue*)

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

Name: Kamlesh Gandhi

Address: Board of Pharmacy

1616 W. Adams St., Suite 120
Phoenix, AZ 85007
Telephone: (602) 771-2740
Fax: (602) 771-2749
E-mail: kgandhi@azpharmacy.gov
Website: www.azpharmacy.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:

Under Laws 2019, Chapter 4, the legislature amended A.R.S. § 36-2525, dealing with the Uniform Controlled Substances Act. The amendment indicates that beginning January 1, 2020, a schedule II controlled substance that is an opioid may be dispensed only with an electronic prescription order as prescribed by federal law or regulation. The statutory amendment authorizes the Board to establish exceptions to electronic prescribing requirements for pharmacists and medical practitioners. This rulemaking establishes the authorized exceptions. An exemption from EO2019-01 was provided by Emily Rajakovich, in the Governor's Office, by an e-mail dated November 4, 2019.

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

The Board does not intend to review or rely on any study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The Board expects the economic impact of the rulemaking to be minimal. It is federal and state law that requires a schedule II controlled substance to be dispensed only with an electronic prescription order. The rulemaking establishes minor exceptions to this requirement to benefit both pharmacists and medical practitioners.

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

Name: Kamlesh Gandhi
Address: Board of Pharmacy
1616 W. Adams St., Suite 120
Phoenix, AZ 85007
Telephone: (602) 771-2740
Fax: (602) 771-2749
E-mail: kgandhi@azpharmacy.gov
Website: www.azpharmacy.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: Tuesday, January 14, 2020
Time: 9:00 a.m.
Location: Board of Pharmacy
1616 W. Adams St.
Phoenix, AZ 85007

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:

Under A.R.S. § 36-2525(Q), the Board was required to consult with the Computerized Central Database Tracking System task force to establish the exceptions in this rulemaking. The Board consulted with the task force at a meeting on July 17, 2019.

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:

No rule in the rulemaking requires 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 rule is not more stringent than federal law. A.R.S. § 36-2525(D) indicates that beginning January 1, 2020, a schedule II controlled substance that is an opioid may be dispensed only with an electronic prescription order as prescribed by federal law or regulation. The applicable federal law is at 21 CFR, Chapter II, Part 1311.

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:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section
R4-23-407. Prescription Requirements

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-407. Prescription Requirements

A. No change
1. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change
   i. No change
   j. No change
   k. No change
   l. No change
2. No change
3. No change
4. No change

B. No change
1. No change
2. No change
3. No change
4. No change

C. No change
   1. No change
   2. No change
   3. No change
   4. No change

D. No change

E. No change
1. No change
2. No change
3. No change
4. No change
   a. No change
      i. No change
         (1) No change
         (2) No change
         (3) No change
      ii. No change
         (1) No change
         (2) No change
      iii. No change
         (1) No change
         (2) No change
         (3) No change
         (4) No change
         (5) No change
         (6) No change
         (7) No change
         (8) No change
   b. The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the following conditions:
      i. No change

ii. No change
(1) No change
(2) No change
iii. No change
(1) No change
(2) No change
(3) No change
(4) No change
(5) No change
(6) No change
(7) No change
(8) No change
5. No change
a. No change
b. No change
6. No change
a. No change
b. No change
c. No change
d. No change
i. No change
(1) No change
(2) No change
(3) No change
(4) No change
ii. No change
(1) No change
(2) No change
(3) No change
(4) No change
(5) No change
(6) No change
(7) No change
(8) No change
e. No change
i. No change
(1) No change
(2) No change
(3) No change
(4) No change
(5) No change
ii. No change
f. No change

F. No change
1. No change
a. No change
b. No change
i. No change
ii. No change
c. No change
i. No change
ii. No change
iii. No change
2. No change
3. No change
4. No change
5. No change

G. No change
1. No change
2. For electronic transmission of a Schedule II, III, IV, or V controlled substance prescription order, the medical practitioner and pharmacy shall ensure ~~that~~ the transmission complies with any security or other requirements of federal law.
3. The medical practitioner and pharmacy shall ensure ~~that~~ all electronic transmissions comply with all the security requirements of state or federal law related to the privacy of protected health information.
4. In addition to the information required to be included on a prescription order as specified in A.R.S. § 32-1968, a medical practitioner shall ensure an electronically transmitted prescription order ~~shall include~~ includes:
a. No change

b. No change
5. No change
6. No change

H. Exceptions under A.R.S. § 36-2525 regarding electronic prescribing requirements:
1. Medical practitioner exceptions. A medical practitioner who is authorized to prescribe a controlled substance may furnish a written prescription order in accordance with R4-23-407 rather than an electronically transmitted prescription order if the prescription order is written:
   a. In this state to be filled in a jurisdiction outside this state;
   b. For a medication that requires compounding two or more ingredients;
   c. For a medication that is not in the E-prescribing database; or
   d. Under A.R.S. § 36-2525(N) or (O); and
2. Pharmacist exceptions. A pharmacist may dispense a controlled substance from a written rather than electronically transmitted prescription order if the prescription order:
   a. Is written by a medical practitioner who is not licensed in this state but rather, is licensed in a jurisdiction outside this state. The pharmacist is not required to verify whether the medical practitioner is licensed;
   b. Is written for a medication that requires compounding two or more ingredients;
   c. Is written for a medication that is not in the E-prescribing database; or
   d. Is received under A.R.S. § 36-2525(D).

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 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY CRIMINAL IDENTIFICATION SECTION

[R19-257]

PREAMBLE

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

R13-1-401	Amend
R13-1-402	Amend

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

Authorizing statute: A.R.S. § 41-1713(A)(3)

Implementing statute: A.R.S. § 41-1750(H), (J), (P) and (R)

3. The effective date of the rules:

January 18, 2020

a. If the agency selected a date earlier than the 60 days 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 days 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 earlier effective date as provided in A.R.S. § 41-1032(A)(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 24 A.A.R. 3338, November 30, 2018

Notice of Proposed Rulemaking: 25 A.A.R. 1483, June 21, 2019

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

Name: Ana Velarde, Administrative Manager, Licensing and Regulatory Bureau
Address: Department of Public Safety
PO Box 6638, Mail Drop 3230
Phoenix, AZ 85005-6638
Telephone: (602) 223-2624
E-mail: avelarde@azdps.gov

Name: Paul Swietek, Police Planner, Research and Planning Unit
Address: Department of Public Safety
PO Box 6638, Mail Drop 1205
Phoenix, AZ 85005-6638
Telephone: (602) 223-2049
E-mail: pswietek@azdps.gov

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

This rulemaking is related to Executive Order 2015-01, *Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies.* Pursuant to the Executive Order, the Department provided a report to the Governor's Office outlining areas where electronic reporting and payment are not implemented and provided a plan on how the Department will implement those services. Additionally, this rulemaking is related to a five-year review report, pursuant to A.R.S.

§ 41-1056, that outlined the intended amendments and was approved by the Governor's Regulatory Review Council in 2018. In an effort to provide more efficient and modern services to the public and meet the Governor's expectations of increased online services, the rules require amendment to update payment methods and systems; specifically including an allowance for electronic payment via credit card on the new web-based portal under development. R13-1-401 amends Paragraph B(1) and (2) to provide for the currently in-use name of the state action transfer and deposit form and allows for credit cards. R13-1-401(B)(6) is a process internal to the Department and not required in rulemaking. R13-1-402 is amended to allow for credit cards.

The Department was granted exceptions to the rulemaking moratorium contained in Executive Order 2018-02 in an e-mail from Mr. Tim Roemer, Governor's Public Safety Policy Advisor dated October 31, 2018.

7. 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:

The Department did not rely on any study in its evaluation of or justification for the rule.

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

Not applicable

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

The Department expects significant positive economic impact to its customers through improved efficiency. With electronic payment through an online portal, customers will no longer have to drive to a bank or business to obtain a cashier's check or money order and will no longer have to drive to a post office to mail in the payment and documents or appear at the Department in person to deliver the documents and payment. Online, electronic payment will improve the Department's ability to more quickly process payments without incoming mail delays and more quickly deliver completed fingerprint criminal history backgrounds to employers; in turn, promoting employment within Arizona.

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

There are no changes between the proposed rulemaking and final rulemaking.

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

An oral proceeding was held on August 7, 2019, pursuant to the *Notice of Proposed Rulemaking.* No public or stakeholders attended the oral proceeding. The Department did not receive any public or stakeholder comments in response to the proposed rulemaking.

12. All agency's 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 rule does not require a permit.

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

There is no corresponding federal law. The Department only collects a fee for the federal portion of the background check conducted by the Federal Bureau of Investigation.

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 has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

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

Not applicable

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY CRIMINAL IDENTIFICATION SECTION

ARTICLE 4. APPLICANT FINGERPRINT PROCESSING

Section
R13-1-401. Non-criminal Justice Fingerprint Processing Charges
R13-1-402. Refusal of Service

ARTICLE 4. APPLICANT FINGERPRINT PROCESSING

R13-1-401. Non-criminal Justice Fingerprint Processing Charges

A. For an applicant for non-criminal justice employment, fingerprint processing charges are:
1. For a state criminal records check, $5; and
2. If a federal criminal record check by the FBI is requested by the applicant, the Department shall collect an additional charge to cover the cost billed to the Department by the FBI for the federal criminal records check.

B. For a state criminal records check, an individual or government agency shall submit payment by:
1. ~~State companion action transfer~~; Credit card;
2. ~~State direct deposit form~~ Cashier's check;
3. ~~Cashier's check~~ Money order;
4. ~~Money order~~ For government agencies a transfer of funds through the State's accounting system; or
5. Check drawn on a government agency account~~; or~~.
6. ~~For Department sections submitting applicant fingerprint cards, via a Department funds transmittal form.~~

C. All charges are non-refundable.

R13-1-402. Refusal of Service

A. If any form of payment is not accepted by the Department's banking facility, the Department shall send the state agency, company, or individual that submitted the payment a notice of nonpayment.

B. The notice of nonpayment informs the state agency, company, or individual that the Department will not accept non-criminal justice fingerprint submissions from the agency, company, or individual until past due payment is made.

C. At the Department's discretion, the Department may require the delinquent party to submit all future payments in the form of a cashier's check, credit card or money order.

NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

[R19-270]

PREAMBLE

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

R9-7-705	Amend
R9-7-707	Amend
R9-7-710	Amend
R9-7-711	Amend
R9-7-719	Amend
R9-7-720	Amend
R9-7-721	Amend
R9-7-722	Amend
R9-7-723	Amend
R9-7-724	Amend
R9-7-727	Amend
R9-7-728	Amend
R9-7-731	Amend
R9-7-744	Amend

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

Authorizing statutes: A.R.S. §§ 30-654(B)(5) and 36-136(G)

Implementing statutes: A.R.S. §§ 30-654, 30-656, 30-657, 30-671 through 30-672.01, 30-681 through 30-689, and 30-721

3. The effective date of the rules:

December 3, 2019

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 2442, September 20, 2019

Notice of Proposed Expedited Rulemaking: 25 A.A.R. 2995, October 11, 2019

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

Name: Colby Bower, Assistant Director
Address: Department of Health Services
Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007
Telephone: (602) 542-6383
Fax: (602) 364-4808
E-mail: Colby.Bower@azdhs.gov

or

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

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

Arizona Revised Statutes (A.R.S.) § 30-654(B)(5) requires the Arizona Department of Health Services (Department) to make rules deemed necessary to administer A.R.S. Title 30, Chapter 4, Control of Ionizing Radiation. The Department has adopted these rules in A.A.C. Title 9, Chapter 7. Arizona is an Agreement State by the Document negotiated between the U.S. Atomic Energy Commission (now U.S. Nuclear Regulatory Commission) and the Governor of Arizona in March 1967 under A.R.S. § 30-656. In order to remain in compliance with the Agreement, Arizona must adopt regulations related to the control of radioactive material in a manner that is consistent with federal regulations. The U.S. Nuclear Regulatory Commission periodically issues changes, denoted as Regulation Toolbox: Review Summary Sheets for Regulation Amendments (RATS IDs), that are required to be incorporated by Agreement States. Several RATS IDs have not yet been incorporated into Arizona's rules related to the medical uses of radioactive material. The Department has revised the rules in A.A.C. Title 9, Chapter 7, Article 7, by expedited rulemaking to make changes to conform to the RATS IDs under 10 CFR Chapter I. The Department has also made other changes to reduce the administrative burden of the rules by clarifying existing language in the rules, correcting cross-references, and making the rules easier to understand. The Department believes that these changes are consistent with the purpose for A.R.S. § 41-1027 in that this rulemaking does not increase the cost of regulatory compliance, does not increase a fee, or reduce a procedural right of regulated persons, and either adopts or incorporates by reference, without material change, federal statutes and regulations, or clarifies language of a rule without changing its effect.

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

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

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

Not applicable

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

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

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

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

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

The Department received no written or oral comments about the 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:

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:

According to A.R.S. Title 30, Chapter 4, Article 2, as amended by Laws 2017, Ch. 313, the Department is authorized to issue licenses and registrations for sources of ionizing radiation and those persons using these sources. This licensing and registration must be compatible with requirements in the Agreement. The rules refer to permits both general and specific. The general permit applies to certain levels of radioactive material, and specific permits are issued by rule for quantities and uses that are specific to the user and their training or scope of practice.

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 rules are not more stringent than federal law. Applicable federal law includes:

10 CFR 30.34(g), 10 CFR 32.72, 10 CFR 35.2, 10 CFR 35.12, 10 CFR 35.13, 10 CFR 35.14, 10 CFR 35.15, 10 CFR 35.24, 10 CFR 35.40, 10 CFR 35.41, 10 CFR 35.50, 10 CFR 35.51, 10 CFR 35.55, 10 CFR 35.57, 10 CFR 35.190, 10 CFR 35.204, 10 CFR 35.290, 10 CFR 35.300, 10 CFR 35.390, 10 CFR 35.392, 10 CFR 35.394, 10 CFR 35.396, 10 CFR 35.400, 10 CFR 35.433, 10 CFR 35.490, 10 CFR 35.491, 10 CFR 35.500, 10 CFR 35.590, 10 CFR 35.600, 10 CFR 35.610, 10 CFR 35.655, 10 CFR 35.690, 10 CFR 35.2024, 10 CFR 35.2310, 10 CFR 35.2655, 10 CFR 35.3045, 10 CFR 35.3204, 10 CFR 37.7(a), 10 CFR 37.77, 10 CFR 37.81(g), 10 CFR 40.23, 10 CFR 40.64, 10 CFR 40.66, 10 CFR 40.67, 10 CFR 70.5, 10 CFR 70.20(b), 10 CFR 70.32, and 10 CFR 71.97.

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

No such analysis was submitted.

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

In the rules being revised as part of this rulemaking, there are three incorporations by reference in R9-7-723 that are not being changed. These are listed below:

10 CFR 35.392, January 1, 2013
10 CFR 35.394, January 1, 2013
10 CFR 35.396, January 1, 2013

There is also one incorporation by reference in R9-7-727, listed below, that is being removed as it is no longer unnecessary:

10 CFR 35.491, January 1, 2013

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

The rule was not previously made as an emergency rule.

15. The full text of the rule follows:

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

Section

R9-7-705. Authority and Responsibilities for the Radiation Protection Program
R9-7-707. Written Directives
R9-7-710. Radiation Safety Officer and Associate Radiation Safety Officer Training
R9-7-711. Authorized Medical Physicist Training
R9-7-719. Training for Uptake, Dilution, and Excretion Studies
R9-7-720. Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations
R9-7-721. Training for Imaging and Localization Studies Not Requiring a Written Directive
R9-7-722. Safety Instruction and Precautions for Use of Unsealed Radioactive Material Requiring a Written Directive
R9-7-723. Training for Use of Unsealed Radioactive Material Requiring a Written Directive, Including Treatment of Hyperthyroidism, and Treatment of Thyroid Carcinoma
R9-7-724. Surveys after Brachytherapy Source Implant and Removal; Accountability
R9-7-727. Training for Use of Manual Brachytherapy Sources and Training for the Use of Strontium-90 Sources for Treatment of Ophthalmic Disease
R9-7-728. Training for Use of Sealed Sources for Diagnosis
R9-7-731. Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units
R9-7-744. Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

R9-7-705. Authority and Responsibilities for the Radiation Protection Program

A. A licensee's management shall appoint in writing a ~~radiation safety officer~~ Radiation Safety Officer, who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the ~~RSO~~ Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements. A licensee's management may appoint, in writing, one or more Associate Radiation Safety Officers to support the Radiation Safety Officer. The Radiation Safety Officer, with written agreement of the licensee's management, must assign the specific duties and tasks to each Associate Radiation Safety Officer. These duties and tasks are restricted to the types of use for which the Associate Radiation Safety Officer is listed on a license. The Radiation Safety Officer may delegate duties and tasks to the Associate Radiation Safety Officer but shall not delegate the authority or responsibilities for implementing the radiation protection program. Each time the ~~RSO~~ Radiation Safety Officer is changed, the licensee shall provide to the Department within 30 days an amendment request and a copy of the correspondence between the licensee's management and the candidate, accepting the position of ~~RSO~~ Radiation Safety Officer.

B. Licensees that are authorized for two or more different types of uses of radioactive material listed in Groups 300, 400, 600, and 1,000, or two or more types of units under group 600 or 1,000, shall establish a Radiation Safety Committee (RSC) to oversee all uses of radioactive material permitted by the license. At a minimum, the RSC shall include an authorized user of each type of use permitted by the license, the ~~RSO~~ Radiation Safety Officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a ~~RSO~~ Radiation Safety Officer.

C. If a licensee or applicant is not a health care institution and is unable to meet the RSC membership requirements in subsection (B), the licensee or applicant may request an exemption in accordance with A.R.S. § 30-654(B)(13). The request for exemption shall be made to the Department in writing and list the reasons why the health care institution is unable to meet the requirements.

D. A licensee shall ensure that the RSC meets, at a minimum, on an annual basis and maintain the RSC meeting minutes for Department review for three years after the date of the RSC meeting.

E. A licensee shall notify the Department no later than 30 days after:

1. An authorized user, an authorized nuclear pharmacist, a Radiation Safety Officer, an Associate Radiation Safety Officer, an authorized medical physicist, or ophthalmic physicist permanently discontinues performance of duties under the license or has a name change;
2. The licensee permits an individual qualified to be a Radiation Safety Officer under R9-7-710 to function as a temporary Radiation Safety Officer and to perform the functions of a Radiation Safety Officer;
3. The licensee's mailing address changes;
4. The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in R9-7-313(B);

5. The licensee has added to or changed the areas of use identified in the application or on the license where byproduct material is used in accordance with R9-7-301, if the change does not include addition or relocation of either an area where PET radionuclides are produced or a PET radioactive drug delivery line from the PET radionuclide/PET radioactive drug production area; or
6. The licensee obtains a sealed source for use in manual brachytherapy from a different manufacturer or with a different model number than authorized by its license for which it did not require a license amendment as provided in R9-7-701. The notification must include the manufacturer and model number of the sealed source, the isotope, and the quantity per sealed source.

R9-7-707. Written Directives

A. A licensee shall ensure that a written directive is dated and signed by an authorized user before the administration of I-131 sodium iodide greater than 1.11 MBq (30 microcuries (µCi)), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive shall be documented as soon as possible in writing in the patient's record. A written directive shall be prepared within 48 hours of the oral directive.

B. A written directive shall contain the patient or human research subject's name and the following information:
1. For any administration of quantities greater than 1.11 MBq (30 µCi) of sodium iodide I-131: the dosage;
2. For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131: the radiopharmaceutical, dosage, and route of administration;
3. For gamma stereotactic radiosurgery: the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site;
4. For teletherapy: the total dose, dose per fraction, number of fractions, and treatment site;
5. For high dose-rate remote afterloading brachytherapy: the radionuclide, treatment site, dose per fraction, number of fractions, and total dose; ~~or~~
6. For permanent implant brachytherapy:
   a. Before implantation: the treatment site, radionuclide, and total strength; and
   b. After implantation but before the patient leaves the post-treatment recovery area: the treatment site, number of sources implanted, total source strength implanted, and date; or

~~6.~~7. For all other brachytherapy, including low, medium, and pulsed dose rate remote afterloaders:
   a. Before implantation: the treatment site, ~~the~~ radionuclide, and dose; and
   b. After implantation but before completion of the procedure: the radionuclide, treatment site, number of sources, ~~and~~ total source strength and exposure time (or the total dose), and date.

C. The licensee shall retain a copy of the written directive for three years after creation of the record.

R9-7-710. Radiation Safety Officer and Associate Radiation Safety Officer Training

A. A licensee shall require an individual fulfilling the responsibilities of the ~~radiation safety officer~~ Radiation Safety Officer, described in R9-7-705, to be an individual who:
1. Is certified by a specialty board whose certification process includes all of the requirements in subsection ~~(A)(2)~~ (A)(2)(a) and (B) and whose certification has been recognized by the Department, the NRC, or an Agreement State. To have its certification process recognized, a specialty board shall require all candidates for certification to:
   a. Meet the following minimum requirements:
      i. Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;
      ii. Have five or more years of professional experience in health physics (graduate training may be substituted for no more than two years of the required experience) including at least three years in applied health physics; and
      iii. Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or
   b. Meet the following minimum requirements:
      i. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
      ii. Have two years of full-time practical training and/or supervised experience in medical physics;
         (1) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the ~~Commission or an~~ the Department, the NRC, or another Agreement State; or
         (2) In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users qualified under subsection (B), R9-7-721, or R9-7-723; and
      iii. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; ~~or~~
2. Has:
   a. ~~completed~~ Completed a structured educational program consisting of both:
      ~~a.~~i. 200 hours of didactic and laboratory training in the following areas:
         ~~i.~~(1) Radiation physics and instrumentation;
         ~~ii.~~(2)Radiation protection;
         ~~iii.~~(3)Mathematics pertaining to the use and measurement of radioactivity;
         ~~iv.~~(4)Radiation biology; and
         ~~v.~~(5) Radiation dosimetry; and

~~b.~~ii. One year of full-time radiation safety experience under the supervision of the individual identified as the ~~radiation safety officer~~ Radiation Safety Officer on a Department, a NRC, or an Agreement State license or permit issued by a NRC master material licensee that authorizes similar type(s) of use(s) of radioactive material involving the following:
~~i.~~(1) Shipping, receiving, and performing related radiation surveys;
~~ii.~~(2) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and instruments used to measure radionuclides;
~~iii.~~(3) Securing and controlling radioactive material;
~~iv.~~(4) Using administrative controls to avoid mistakes in the administration of radioactive material;
~~v.~~(5) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
~~vi.~~(6) Using emergency procedures to control radioactive material; and
~~vii.~~(7) Disposing of radioactive material; ~~or~~ and

~~c.~~b. ~~Has obtained~~ Obtained written certification, signed by a preceptor ~~radiation safety officer~~ Radiation Safety Officer or Associate Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsection (A)(2)(a) ~~and (A)(2)(b)~~ and has achieved a level of radiation safety knowledge sufficient to function independently as a ~~radiation safety officer~~ Radiation Safety Officer or as an Associate Radiation Safety Officer for a medical use licensee; ~~or~~

3. Is:
   a. A medical physicist who has been certified by a specialty board whose certification process has been recognized by the Department, the NRC, or another Agreement State under R9-7-711(A) or equivalent, has experience with radiation safety aspects of similar types of use of radioactive material for which the licensee seeks the approval of the individual as Radiation Safety Officer or an Associate Radiation Safety Officer, and meets the requirements in subsection (B); or
   b. ~~an~~ An authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has ~~radiation safety officer~~ Radiation Safety Officer responsibilities~~.~~; or
4. Has experience with the radiation safety aspects of the types of use of radioactive material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical license and meets the requirements in subsection (B).

B. A licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer to have training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which the licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, an Associate Radiation Safety Officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the type(s) of use for which the licensee is seeking approval.

~~**B.**~~**C.** Exceptions.
1. An individual identified as a ~~radiation safety officer~~ Radiation Safety Officer or as an Associate Radiation Safety Officer on a Department, a NRC, or ~~an~~ another Agreement State license or a permit issued by the NRC or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope ~~before the effective date of these rules~~ May 5, 2007 need not comply with the training requirements in subsections (A)(1) through ~~(A)(3)~~ (4).
2. A physician, dentist, or podiatrist identified as an authorized user for the medical use of radioactive material on a license issued by the Department, the NRC, or an Agreement State, a permit issued by a NRC master material licensee, a permit issued by the Department, the NRC, or an Agreement State broad scope licensee, or a permit issued by a NRC master material license broad scope permittee ~~before the effective date of these rules~~ May 5, 2007 need not comply with the training requirements in this Article.

~~**C.**~~**D.** The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

~~**D.**~~**E.** Individuals who, under subsection ~~(B)~~ (C), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

F. Records Retention.
1. The licensee shall retain both a copy of the authority, duties, and responsibilities of the Radiation Safety Officer, as required by this Section, and a signed copy of each Radiation Safety Officer's agreement to be responsible for implementing the radiation safety program for the duration of the license. The records must include the signature of the Radiation Safety Officer and licensee management.
2. For each Associate Radiation Safety Officer appointed under this Section, the licensee shall retain, for five years after the Associate Radiation Safety Officer is removed from the license, a copy of the written document appointing the Associate Radiation Safety Officer, signed by the licensee's management.

R9-7-711. Authorized Medical Physicist Training

A. A licensee shall require an authorized medical physicist to be an individual who:
1. Is certified by a specialty board whose certification process includes all of the training and experience requirements in ~~subsection (A)(3)(b) and (A)(3)(c)~~ subsections (A)(2)(a) and (B) and whose certification has been recognized by the Department, the NRC, or an Agreement State~~;~~. ~~or~~ To have its certification process recognized, a specialty board shall require all candidates for certification to:

~~2. Training requirements.~~
   a. Hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;
   b. Have two years of full-time practical training and/or supervised experience in medical physics:

i. Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the NRC or an Agreement State; or
ii. In clinical radiation facilities providing high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in R9-7-710, R9-7-719, R9-7-721, R9-7-723, R9-7-727, R9-7-728, or R9-7-744; and

c. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy, and stereotactic radiosurgery; or

~~3.~~2. ~~Training requirements alternative.~~ Meets the following alternative training requirements:

a. Holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university; and has completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the type(s) of use for which the individual is seeking authorization. This training and work experience must be conducted in clinical radiation facilities that provide high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services and must include:
i. Performing sealed source leak tests and inventories;
ii. Performing decay corrections;
iii. Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and
iv. Conducting radiation surveys around external beam treatment units, stereotactic radiosurgery units, and remote afterloading units as applicable; and

b. Has obtained written attestation that the individual has satisfactorily completed the requirements in both subsections ~~(A)(2) and (A)(3)(c), or in both subsections (A)(3)(a) and (A)(3)(c)~~ (A)(2)(a) and (B); and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in ~~section~~ this Section, or equivalent Agreement State or NRC requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status~~;~~. ~~and~~

~~c.~~**B.** ~~Has~~ A licensee shall require an authorized medical physicist to be an individual who has training for the type(s) of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use, and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by the vendor or by training supervised by an authorized medical physicist authorized for the type(s) of use for which the individual is seeking authorization.

~~B.~~**C.** Exceptions. An individual identified as a teletherapy or medical physicist on a Department, a NRC, or ~~an~~ another Agreement State license or a permit issued by the NRC or ~~an~~ another Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope before ~~the effective date of these rules~~ May 5, 2007 need not comply with the training requirements in subsection (A).

~~C.~~**D.** The training and experience required in this Section shall be obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

~~D.~~**E.** Individuals who, under subsection ~~(B)~~ (C), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

R9-7-719. Training for Uptake, Dilution, and Excretion Studies

A. Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 100 in Exhibit A of this Article to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State, as specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov, and who meets the requirements in subsection (A)(3). To have its certification process recognized, a specialty board shall require all candidates for certification to:
   a. Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies as described in subsection (A)(3); and
   b. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; ~~or~~
2. Is an authorized user under R9-7-721, R9-7-723, the NRC, or equivalent Agreement State requirements; or
3. Has:
   a. ~~completed~~ Completed 60 hours of training and experience, including a minimum of eight hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies. The training and experience must include:
      ~~a.~~i. Classroom and laboratory training in the following areas:
         ~~i.~~(1) Radiation physics and instrumentation;
         ~~ii.~~(2)Radiation protection;
         ~~iii.~~(3)Mathematics pertaining to the use and measurement of radioactivity;
         ~~iv.~~(4)Chemistry of radioactive material for medical use; and
         ~~v.~~(5) Radiation biology; and

~~b.~~ii. Work experience, under the supervision of an authorized user who meets the requirements in this Article, NRC, or equivalent Agreement State requirements, involving:

~~i.~~(1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

~~ii.~~(2)Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;

~~iii.~~(3)Calculating, measuring, and safely preparing patient or human research subject dosages;

~~iv.~~(4)Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;

~~v.~~(5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

~~vi.~~(6)Administering dosages of radioactive drugs to patients or human research subjects; and

~~c.~~b. ~~Has obtained~~ Obtained written attestation~~, signed by a preceptor authorized user who meets the requirements of R9-7-719, R9-7-721, or R9-7-723, the NRC, or equivalent Agreement State requirements;~~ that the individual has satisfactorily completed the requirements in subsection (A)(1) or ~~(A)(3)~~ subsection (A)(3)(a) and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Exhibit A of this Article. The attestation must be obtained from either:

i. A preceptor authorized user who meets the requirements in this Section, R9-7-721, or R9-7-723, the NRC, or equivalent Agreement State requirements; or

ii. A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, R9-7-721, or R9-7-723, the NRC, or equivalent Agreement State requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subsection (A)(3)(a).

B. The training and experience in subsections (A)(1)(a) or (3)(a) shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

C. Individuals who, under R9-7-710(B), need not comply with training requirements described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Department licenses for the same uses for which these individuals are authorized.

R9-7-720. Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations

A. A licensee may not administer to humans a radiopharmaceutical that contains more than 0.15 kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m (0.15 microcurie of molybdenum-99 per millicurie of technetium-99m) or, more than 0.02 kilobecquerel of strontium-82 per megabecquerel of rubidium-82 chloride injection (0.02 microcurie of strontium-82 per millicurie of rubidium-82 chloride); or more than 0.2 kilobecquerel of strontium-85 per megabecquerel of rubidium-82 chloride injection (0.2 microcurie of strontium-85 per millicurie of rubidium-82).

B. A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the molybdenum-99 concentration of the first eluate after receipt of a generator to demonstrate compliance with subsection (A).

C. A licensee that uses a strontium-82/rubidium-82 generator for preparing a rubidium-82 radiopharmaceutical shall, before the first patient use of the day, measure the concentration of radionuclides strontium-82 and strontium-85 to demonstrate compliance with subsection (A).

D. A licensee shall maintain a record of each molybdenum-99 concentration measurement or strontium-82 and strontium-85 concentrations measurements for three years following completion of the measurement.

E. A licensee shall notify by telephone the NRC Operations Center and the distributor of the generator within seven calendar days after discovery that an eluate exceeded the permissible concentration listed in subsection (A) at the time of generator elution. The telephone report to the NRC must include the manufacturer, model number, and serial number (or lot number) of the generator; the results of the measurement; the date of the measurement; whether dosages were administered to patients or human research subjects; when the distributor was notified; and the action taken.

R9-7-721. Training for Imaging and Localization Studies Not Requiring a Written Directive

Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 200 in Exhibit A of this Article to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State, as specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov, and who meets the requirements in subsection (3). To have its certification process recognized, a specialty board shall require all candidates for certification to:
   a. Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies as described in subsection (3); and
   b. Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in radiation safety, radionuclide handling, and quality control; ~~or~~
2. Is an authorized user under R9-7-723, the NRC, or equivalent Agreement State requirements; or
3. Has:
   a. ~~completed~~ Completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience must include:
      ~~a.~~i. Classroom and laboratory training in the following areas:
      ~~i.~~(1) Radiation physics and instrumentation;
      ~~ii.~~(2)Radiation protection;

~~iii.~~(3)Mathematics pertaining to the use and measurement of radioactivity;
~~iv.~~(4)Chemistry of radioactive material for medical use; and
~~v.~~(5) Radiation biology; and

~~b.~~ii. Work experience, under the supervision of an authorized user who meets the requirements in this Section, R9-7-710, ~~R9-7-721,~~ or R9-7-723 and in subsection (3)(b)(vii); the requirements of the NRC; or equivalent Agreement State requirements~~, involving:~~. An authorized nuclear pharmacist who meets the requirements in R9-7-712 may provide the supervised work experience for subsection (3)(a)(ii)(7). Work experience must involve:
~~i.~~(1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
~~ii.~~(2)Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
~~iii.~~(3)Calculating, measuring, and safely preparing patient or human research subject dosages;
~~iv.~~(4)Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
~~v.~~(5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; ~~and~~
~~vi.~~(6)Administering dosages of radioactive drugs to patients or human research subjects; and
~~vii.~~(7)Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the elate for radionuclide purity, and processing the elate with reagent kits to prepare labeled radioactive drugs; and

~~c.~~b. ~~Has obtained~~ Obtained written attestation~~, signed by a preceptor authorized user who meets the requirements as an authorized user for Exhibit A group 200 nuclides, NRC, or equivalent Agreement State requirements,~~ that the individual has satisfactorily completed the requirements in subsection ~~(1) or (3)~~ (3)(a) and ~~has achieved a level of competency sufficient to function independently~~ is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under ~~Exhibit A of this Article~~ Group 200 in Exhibit A of this Article. The attestation must be obtained from either:
i. A preceptor authorized user who meets the requirements in this Section, R9-7-710, or R9-7-723; NRC requirements; or equivalent Agreement State requirements; or
ii. A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, R9-7-710, or R9-7-723; NRC requirements; or equivalent Agreement State requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subsection (3)(a).

R9-7-722. Safety Instruction and Precautions for Use of Unsealed Radioactive Material Requiring a Written Directive

A. A licensee shall provide radiation safety instruction, initially and at least annually, for all personnel caring for the patient or human research subject receiving radiopharmaceutical therapy and hospitalized for compliance with R9-7-717. To satisfy this requirement, the instruction shall describe the licensee's procedures for:
1. Patient or human research subject control~~;~~.
2. Visitor control~~;~~,
3. Contamination control~~;~~, and
4. Waste control~~; and~~.

B. For each patient or human research subject who cannot be released under R9-7-717, a licensee shall:
1. Quarter the patient or the human research subject in a private room with a private sanitary facility;
2. Visibly post the patient's or the human research subject's room with a "Radioactive Materials" sign~~.~~;
3. Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or the human research subject's room; and
4. Monitor material and items removed from the patient's or the human research subject's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle the material and items as radioactive waste.

C. A licensee shall notify the ~~radiation safety officer~~ Radiation Safety Officer, or his or her designee, and the authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.

D. A licensee may use any unsealed byproduct material identified in R9-7-723(A)(2)(b)(vi) prepared for medical use and for which a written directive is required that is:
1. Obtained from:
   a. A manufacturer or preparer licensed under R9-7-311 or equivalent Agreement State requirements, or
   b. A PET radioactive drug producer licensed under R9-7-311 or equivalent Agreement State requirements;
2. Excluding production of PET radionuclides, prepared by:
   a. An authorized nuclear pharmacist;
   b. A physician who is an authorized user and who meets the requirements specified R-7-723; or
   c. An individual under the supervision, as specified in R9-7-712, of the authorized nuclear pharmacist in subsection (D)(2)(a) or the physician who is an authorized user in subsection (D)(2)(b);
3. Obtained from and prepared by an NRC or Agreement State licensee for use in research in accordance with an Investigational New Drug (IND) protocol accepted by FDA; or
4. Prepared by the licensee for use in research in accordance with an Investigational New Drug (IND) protocol accepted by FDA.

~~D.~~E. A licensee shall retain records of instruction and safety procedures performed under this rule for three years from the date of the activity.

R9-7-723. Training for Use of Unsealed Radioactive Material Requiring a Written Directive, Including Treatment of Hyperthyroidism, and Treatment of Thyroid Carcinoma

A. Except as provided in R9-7-710, the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under Group 300 in Exhibit A of this Article to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State, as specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov, and who meets the requirements in subsection (A)(2). To have its certification process recognized, a specialty board shall require all candidates for certification to:
   a. Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in (A)(2) subsection (A)(2)(a). Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on Post-Graduate Training of the American Osteopathic Association; and
   b. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, and quality assurance, and clinical use of unsealed radioactive material for which a written directive is required; or
2. Has:
   a. ~~completed~~ Completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience must include:
      ~~a.~~i. Classroom and laboratory training in the following areas:
         ~~i.~~(1) Radiation physics and instrumentation;
         ~~ii.~~(2)Radiation protection;
         ~~iii.~~(3)Mathematics pertaining to the use and measurement of radioactivity;
         ~~iv.~~(4)Chemistry of radioactive material for medical use; and
         ~~v.~~(5) Radiation biology; and
      ~~b.~~ii. Work experience, under the supervision of an authorized user who meets the requirements in this Article, NRC, or equivalent Agreement State requirements, involving:
         ~~i.~~(1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
         ~~ii.~~(2)Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
         ~~iii.~~(3)Calculating, measuring, and safely preparing patient or human research subject dosages;
         ~~iv.~~(4)Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
         ~~v.~~(5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
         ~~vi.~~(6)Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

   ~~(1)~~(a)Oral administration of less than or equal to 1.22 gigabecquerels (33 millicuries) of sodium iodide I-131, for which a written directive is required (Experience with at least three cases in the Category specified in subsection ~~(A)(2)(b)(vi)(2)~~ (A)(2)(a)(ii)(6)(b) also satisfies this requirement);

   ~~(2)~~(b)Oral administration of greater than 1.22 gigabecquerels (33 millicuries) of sodium iodide I-131;

   ~~(3)~~(c)Parenteral administration of any beta emitter, or a photon-emitting radionuclide with a photon energy less than 150 keV, for which a written directive is required; and/or

   ~~(4)~~(d)Parenteral administration of any other radionuclide, for which a written directive is required; and

   ~~c.~~b. ~~Has obtained~~ Obtained written attestation~~, signed by a preceptor authorized user who meets the requirements as an authorized user for Exhibit A group 300 nuclides, NRC, or equivalent Agreement State requirements~~, that the individual has satisfactorily completed the requirements in subsection ~~(A)(1) or (A)(2)~~ (A)(2)(a) and ~~has achieved a level of competency sufficient to function independently~~ is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Group 300 in Exhibit A of this Article for which the individual is requesting authorized user status. The ~~written~~ attestation must be ~~signed by a preceptor authorized user who meets the requirements in this Section, NRC, or equivalent Agreement State requirements. The preceptor authorized user, who meets the requirements in subsection (B) must have experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status.~~ obtained from either:
      i. A preceptor authorized user who meets the requirements in this Section or equivalent Agreement State or NRC requirements and has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status; or
      ii. A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section or equivalent Agreement State or NRC requirements, has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subsection (A)(2)(a).

B. Except as provided in R9-7-710, a licensee shall require an authorized user of iodine-131 for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries) to be a physician who has completed the training requirements in 10 CFR 35.392, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

C. Except as provided in R9-7-710, a licensee shall require an authorized user of iodine-131 for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries) to be a physician who has completed the training requirements in 10 CFR 35.394, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

D. Except as provided in R9-7-710, a licensee shall require an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive to be a physician who has completed the training requirements in 10 CFR 35.396, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.

E. The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

R9-7-724. Surveys after Brachytherapy Source Implant and Removal; Accountability

A. A licensee shall make a survey to locate and account for all sources that have not been implanted immediately after implanting sources in a patient or a human research subject.

B. A licensee shall make a survey of the patient or the human research subject with a radiation detection survey instrument immediately after removing the last temporary implant source to confirm that all sources have been removed.

C. A licensee shall maintain accountability at all times for all sources in storage or use.

D. A licensee shall return brachytherapy sources to a secure storage area as soon as possible after removing sources from a patient or a human research subject.

E. A licensee shall record the procedures performed in subsections (A) through (D) and retain the records for three years following completion of the record.

F. A licensee must use only brachytherapy sources:

1. Approved in the Sealed Source and Device Registry for manual brachytherapy medical use. The manual brachytherapy sources may be used for manual brachytherapy uses that are not explicitly listed in the Sealed Source and Device Registry, but must be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry; or
2. In research to deliver therapeutic doses for medical use in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration, provided the requirements of R9-7-450(A) are met.

R9-7-727. Training for Use of Manual Brachytherapy Sources and Training for the Use of Strontium-90 Sources for Treatment of Ophthalmic Disease

A. Except as provided in R9-7-710, the licensee shall require an authorized user of a manual brachytherapy source for the uses authorized under this Article to be a physician who:

1. Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (A)(2). The names of board certifications that have been recognized by the NRC or an Agreement State are specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov. To have its certification process recognized, a specialty board shall require all candidates for certification to:
   a. Successfully complete a minimum of three years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and
   b. Pass an examination, administered by diplomates of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of manual brachytherapy; or
2. Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:
   a. 200 hours of classroom and laboratory training in the following areas:
      i. Radiation physics and instrumentation;
      ii. Radiation protection;
      iii. Mathematics pertaining to the use and measurement of radioactivity;
      iv. Radiation biology; ~~and~~
   b. 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this Section, or equivalent NRC or Agreement State requirements at a medical institution, involving:
      i. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
      ii. Checking survey meters for proper operation;
      iii. Preparing, implanting, and removing brachytherapy sources;
      iv. Maintaining running inventories of material on hand;
      v. Using administrative controls to prevent a medical event involving the use of radioactive material;
      vi. Using emergency procedures to control radioactive material; ~~and~~
   c. ~~Has completed~~ Completing three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in this Section, or equivalent Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (A)(2)(b); and

d. ~~Has obtained~~ Obtaining written attestation~~, signed by a preceptor authorized user who meets the requirements in this Section, NRC, or equivalent Agreement State requirements,~~ that the individual has satisfactorily completed the requirements in ~~subsection (A)(1) or (A)(2)~~ subsections (A)(2)(a) through (c) and ~~has achieved a level of competency sufficient to function independently~~ is able to independently fulfill the radiation safety-related duties as an authorized user of manual brachytherapy sources for the medical uses authorized under Exhibit A of this Article. The attestation must be obtained from either:

i. A preceptor authorized user who meets the requirements in this Section or equivalent Agreement State or NRC requirements; or

ii. A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section or equivalent Agreement State or NRC requirements, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subsection (A)(2)(a) and (b).

~~**B.** Except as provided in R9-7-710, a licensee shall require an authorized user of strontium-90 for ophthalmic radiotherapy to be a physician who has completed the training requirements in 10 CFR 35.491, January 1, 2013, incorporated by reference, and available under R9-7-101. This incorporated material contains no future editions or amendments.~~

B. A licensee who uses strontium-90 for ophthalmic treatments must ensure that certain activities as specified in subsection (C) are performed by either:

1. An authorized medical physicist; or
2. An individual who:
   a. Is identified as an ophthalmic physicist on a:
      i. Specific medical use license issued by the Department, the NRC, or another Agreement State,
      ii. Permit issued by an NRC or other Agreement State broad scope medical use licensee,
      iii. Medical use permit issued by an NRC master material licensee, or
      iv. Permit issued by an NRC master material licensee broad scope medical use permittee;
   b. Holds a master's or doctor's degree in physics, medical physics, other physical sciences, engineering, or applied mathematics from an accredited college or university;
   c. Has successfully completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of a medical physicist; and
   d. Has documented training in:
      i. The creation, modification, and completion of written directives;
      ii. Procedures for administrations requiring a written directive; and
      iii. Performing the calibration measurements of brachytherapy sources as detailed in R9-7-726.

C. The individuals who are identified in subsection (B)(1) or (2) shall:

1. Calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under R9-7-726; and
2. Assist the licensee in developing, implementing, and maintaining written procedures to provide high confidence that the administration is in accordance with the written directive. These procedures must include the frequencies that the individual meeting the requirements in paragraph (a) of this section will observe treatments, review the treatment methodology, calculate treatment time for the prescribed dose, and review records to verify that the administrations were in accordance with the written directives.

D. Licensees shall retain a record of the activity of each strontium-90 source in accordance with R9-7-313.

~~**C.**~~**E.** The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

R9-7-728. Training for Use of Sealed Sources for Diagnosis

A. Except as provided in R9-7-710, the licensee shall require the authorized user of a diagnostic sealed source for use in a device authorized under Group 500 in Exhibit A of this Article to be a physician, dentist, or podiatrist who:

1. ~~is~~ Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in subsections ~~(A)(1) and (2)~~ (A)(3) and (B) and whose certification has been recognized by the Department, the NRC, or another Agreement State as specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov; ~~or~~
2. Is an authorized user for uses listed in Group 200 of Exhibit A of this Article or equivalent NRC or Agreement State requirements; or

~~1.~~3. Has completed eight hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training must include:
   a. Radiation physics and instrumentation;
   b. Radiation protection;
   c. Mathematics pertaining to the use and measurement of radioactivity;
   d. Radiation biology~~;~~. ~~and~~

~~2.~~**B.** ~~Has~~ A licensee shall require the authorized user of a diagnostic sealed source for use in a device authorized under Group 500 in Exhibit A of this Article to have completed training in the use of the device for the uses requested.

~~**B.**~~**C.** The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

R9-7-731. Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

A. A licensee shall:
1. Secure the unit, the console, the console keys, and the treatment room when not in use or unattended;
2. Permit only individuals approved by the authorized user, ~~radiation safety officer~~ Radiation Safety Officer, or authorized medical physicist to be present in the treatment room during treatment with a source;
3. Prevent dual operation of more than one radiation producing device in a treatment room if applicable; and
4. Develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place a source in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures shall include:
   a. Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;
   b. The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and
   c. The names and telephone numbers of the authorized users, the authorized medical physicist, and the ~~radiation safety officer~~ Radiation Safety Officer to be contacted if the unit or console operates abnormally.

B. A licensee shall post instructions at the unit console to inform the operator of:
1. The location of the procedures required by subsection (A)(4); and
2. The names and telephone numbers of the authorized users, the authorized medical physicist, and the ~~radiation safety officer~~ Radiation Safety Officer to be contacted if the unit or console operates abnormally.

C. A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:
1. The procedures identified in subsection (A)(4); and
2. The operating procedures for the unit.

D. A licensee shall ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures, initially and at least annually.

E. A licensee shall retain a record of individuals receiving instruction required by subsection (C) for three years from the date of the instruction.

F. A licensee shall maintain a copy of the procedures required by subsections (A)(4) and (C)(2) for Department review. The copy shall be maintained for three years beyond the termination date of the activities for which the procedures were written.

G. Prior to the first use for patient treatment of a new unit or an existing unit with a manufacturer upgrade that affects the operation and safety of the unit, a licensee shall ensure that vendor operational and safety training is provided to all individuals who will operate the unit. The vendor operational and safety training must be provided by the device manufacturer or by an individual certified by the device manufacturer to provide the operational and safety training.

H. A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during each source replacement to assure proper functioning of the source exposure mechanism and other safety components. The interval between each full-inspection servicing shall not exceed five years for each teletherapy unit and shall not exceed seven years for each gamma stereotactic radiosurgery unit.

I. A licensee shall:
1. Ensure that inspection and servicing are performed only by persons specifically licensed to do so by the Department, the NRC or another Agreement State, and
2. Keep a record of the inspection and servicing for three years after termination.

J. A licensee shall maintain a record of safety instruction required by R9-7-722, R9-7-725 and this Section and the operational and safety instructions for three years after the date of the instruction. The record must include a list of the topics covered, the date of the instruction, the name(s) of the attendee(s), and the name(s) of the individual(s) who provided the instruction.

R9-7-744. Training for Use of Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units

A. Except as provided in R9-7-710, a licensee shall require an authorized user of a sealed source for a use authorized under Group 600 in Exhibit A of this Article to be a physician who:
1. Is certified by a medical specialty board whose certification process has been recognized by the Department, the NRC or another Agreement State and who meets the requirements in subsection (A)(2)(e). The names of board certifications that have been recognized by the Department, the NRC or another Agreement State are specified in the NRC's Medical Uses Licensee Toolkit available through https://www.nrc.gov. To have its certification process recognized, a specialty board shall require all candidates to:
   a. Successfully complete a minimum of three years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and
   b. Pass an examination, administered by diplomates of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or
2. Has completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:
   a. 200 hours of classroom and laboratory training in the following areas:
      i. Radiation physics and instrumentation;
      ii. Radiation protection;
      iii. Mathematics pertaining to the use and measurement of radioactivity;
      iv. Chemistry of radioactive material for medical use; and
      v. Radiation biology; ~~and~~

b. 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements at a medical institution, involving:
   i. Reviewing full calibration measurements and periodic spot-checks;
   ii. Preparing treatment plans and calculating treatment doses and times;
   iii. Using administrative controls to prevent a medical event involving the use of radioactive material;
   iv. Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
   v. Checking and using survey meters; and
   vi. Selecting the proper dose and how it is to be administered; ~~and~~

c. ~~Has completed~~ Completing three years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (A)(2)(b); and

d. ~~Has obtained~~ Obtaining written attestation that the individual has satisfactorily completed the requirements in ~~subsection (A)(1) or (A)(2)~~ subsections (A)(2)(a) through (c) and (B), and ~~has achieved a level of competency sufficient to function independently~~ is able to independently fulfill the radiation safety-related duties as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be ~~signed by a preceptor authorized user who meets the requirements in this Section, or equivalent Agreement State or NRC requirements for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; and~~ obtained from either:
   i. A preceptor authorized user who meets the requirements in this Section, NRC requirements, or equivalent Agreement State requirements for the type(s) of therapeutic medical unit for which the individual is requesting authorized user status; or
   ii. A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, NRC requirements, or equivalent Agreement State requirements, for the type(s) of therapeutic medical unit for which the individual is requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subsection (A)(2)(a) through (c).

~~c.~~**B.** ~~Has received~~ A licensee shall require an authorized user of a sealed source for a use authorized under Group 600 in Exhibit A of this Article to receive training in device operation, safety procedures, and clinical use for the type(s) of use for which authorization is sought. This training requirement may be satisfied by satisfactory completion of a training program provided by the vendor for new users or by receiving training supervised by an authorized user or authorized medical physicist, as appropriate, who is authorized for the type(s) of use for which the individual is seeking authorization.

~~B.~~**C.** The training and experience shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 8. DEPARTMENT OF TRANSPORTATION FUEL TAXES

[R19-271]

PREAMBLE

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

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R17-8-401	Amend
R17-8-403	Amend
R17-8-404	Amend
R17-8-501	Amend
R17-8-502	Amend
R17-8-504	Amend

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

Authorizing statutes: A.R.S. §§ 28-366, 28-374, and 28-5930

Implementing statutes: A.R.S. §§ 28-5618, 28-5619, 28-5620, and 28-5625

3. The effective date of the rule:

December 3, 2019

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 2130, August 23, 2019

Notice of Proposed Expedited Rulemaking: 25 A.A.R. 2125, August 23, 2019

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

Name: Candace Olson, Rules Analyst
Address: Rules and Policy Development
Department of Transportation
206 S. 17th Ave., Mail Drop 180A
Phoenix, AZ 85007
Telephone: (602) 712-4534
E-mail: COlson2@azdot.gov
Web site: https://azdot.gov/about/government-relations

6. An agency's explanation why the expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):

Pursuant to A.R.S. § 41-1027(A)(7), the Department is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's five-year review report on 17 A.A.C. Chapter 8, Articles 4 and 5, which was approved by the Governor's Regulatory Review Council on May 7, 2019. The Department determined that these rules should be updated and improved for clarity and for a better reflection of the Department's process and needs. This rulemaking includes updates and clarification to the definitions and the removal of old and inconsistent information, including the allowance of a paper form in R17-8-502(D) since the Department no longer allows for this. Also, the Department is:

• Clarifying the electronic funds declaration requirements by changing the "fee or tax" verbiage to "payment" to more accurately classify the data needed from the licensee,

• Requiring additional information from the contact person to ensure the Department has the appropriate information and method of being able to contact the licensee, and

• Adding a requirement for a signature of a person authorized to sign for the licensee as the signature attests to the licensee's declaration of the use of either credit or debit to make fuel tax payments to the Department.

Additional changes include making minor technical changes to ensure conformity to the rulemaking format and style requirements of the Arizona Administrative Procedure Act and the Office of the Secretary of State.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2):

The Department is exempt from an economic, small business, and consumer impact statement for these rules.

10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:

In R17-8-401, to the definition of "Cash Concentration or Disbursement", replaced "CCD Plus" with "CCD+" in order to be more consistent with its usage in industry.

In R17-8-404(C), replaced "CCD-Plus" with "CCD+" in order to be more consistent to its usage in industry and to maintain consistency with its usage in R17-8-401.

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

The Department did not receive any public or stakeholder comments regarding 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:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:

These rules concern the requirements of filing electronic fuel tax reports and remitting payments by licensees and applicants for licensure under A.R.S. Title 28, Chapter 16, Article 1. The license for these entities would be considered a general permit since for each license type the facilities, activities, or practices in the class are substantially similar in nature.

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

There are no federal laws directly applicable to these rules.

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

No analysis was submitted to the Department.

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

This rulemaking incorporates no materials by reference.

14. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 8. DEPARTMENT OF TRANSPORTATION FUEL TAXES

ARTICLE 4. ELECTRONIC FUNDS TRANSFERS

Section
R17-8-401. Definitions
R17-8-403. Electronic Funds Transfer Declaration
R17-8-404. Procedures for Payment

ARTICLE 5. ELECTRONIC FUEL TAX REPORTING

Section
R17-8-501. Definitions
R17-8-502. Applicability; General Provisions
R17-8-504. Data Elements and Format

ARTICLE 4. ELECTRONIC FUNDS TRANSFERS

R17-8-401. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101 and 28-5601, the following terms apply to this Article:

~~"Automated Clearing House," or "ACH," means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions.~~

"ACH credit" means an electronic funds transfer:

Generated by a licensee, and

Cleared through an ACH for deposit to the Department account.

"ACH debit" means an electronic funds transfer ~~of funds~~ from a licensee's account:

Authorized by a licensee-signed authorization agreement,

Generated at a licensee's instruction, and

Cleared through an ACH for deposit to the Department account.

"ADOT account number" means a confidential number assigned by the Department that identifies a licensee.

"Authorized representative" means the owner, officer, or managing person of the licensee.

"Automated Clearing House," or "ACH," means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions.

"Cash Concentration or Disbursement Plus," or "~~CCD Plus~~ CCD+," means the standardized data format approved by ~~NACHA~~ Nacha for remitting tax payments electronically.

"Electronic Fuel Tax Program" means the Department program for the electronic filing of fuel tax reports and payment of fuel taxes.

"Electronic fuel tax report" means the monthly fuel tax report required under A.R.S. Title 28, Chapter 16, Article 1, filed pursuant to the Electronic Fuel Tax Program.

"Electronic funds transfer" means a transmission of funds by electronic means to order, instruct, or authorize a financial institution to debit or credit an account pursuant to the Electronic Fuel Tax Program.

"Financial institution" means a licensed bank, savings and loan association, mutual savings bank or credit union.

"Licensee" means a person licensed under A.R.S. Title 28, Chapter 16, Article 1.

~~"MVD account number" means a confidential number assigned by the Department that identifies a licensee.~~

"~~NACHA~~ Nacha" ~~means NACHA - The Electronic Payments Association, which~~ is a not-for-profit association that oversees the ~~Automated Clearing House~~ ACH network.

"Payment information" means data the Department requires of a licensee when making an electronic funds transfer.

"State servicing bank" means the financial institution contracted to perform banking functions on behalf of the state.

R17-8-403. Electronic Funds Transfer Declaration

A. Prior to remitting an initial payment by electronic funds transfer, and within 30 days prior to any change in the method of payment transfer, a licensee shall file with the Department an electronic funds transfer declaration.

B. The electronic funds transfer declaration shall be made on a form approved by the Department and shall contain the following:

1. Licensee name~~,~~;

2. Licensee Employer Identification Number (EIN)~~,~~;
3. Business address~~,~~;
4. ~~MVD~~ ADOT account number~~,~~;
5. ~~Fee or tax~~ Payment type~~,~~;
6. Either ACH credit or ACH debit payment method~~,~~;
7. Name, title, email address, and phone number of contact person~~, and~~;
8. Signature of the authorized representative of the licensee; and
~~8.~~9. Any other information required by the Director.

R17-8-404. Procedures for Payment

A. All electronic funds transfers shall be in compliance with the ~~NACHA~~ Nacha Operating Rules and Guidelines.
B. A licensee may remit payments by either ACH credit or ACH debit.
C. A licensee using the ACH credit method shall ensure that all ACH credit transfers are in the ~~CCD-Plus~~ CCD+ addenda format and contain all information required by the Department and the licensee's financial institution to process the transfer.
D. A licensee using the ACH debit method shall electronically communicate the following payment information to the state servicing bank:
1. ~~MVD~~ ADOT account number,
2. Payment amount, and
3. Any other information required by the Director.

ARTICLE 5. ELECTRONIC FUEL TAX REPORTING

R17-8-501. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101 and 28-5601, the following terms apply to this Article:

"Applicant" means a person applying for licensure under A.R.S. Title 28, Chapter 16, Article 1.

"Electronic Fuel Tax Program" ~~means the Department program for the electronic filing of fuel tax reports and payment of fuel taxes~~ has the same meaning as defined in R17-8-401.

~~"Electronic Fuel Tax Reporting Agreement" means the contract between the Department and each licensee pertaining to filing electronic fuel tax reporting requirements in the form and containing such terms and conditions as established by the Director from time to time.~~

~~"Electronic funds transfer" has the same meaning as provided under R17-8-401.~~

"Electronic ~~Fuel Tax Report~~ fuel tax report" ~~means the monthly fuel tax report required under A.R.S. Title 28, Chapter 16, Article 1, filed pursuant to the Electronic Fuel Tax Program~~ has the same meaning as defined in R17-8-401.

"Electronic Fuel Tax Reporting Agreement" means the contract between the Department and each licensee pertaining to filing electronic fuel tax reporting requirements in the form and containing such terms and conditions as established by the Director from time to time.

"Electronic funds transfer" has the same meaning as defined in R17-8-401.

"Fuel Tax Suite" means the secure ~~web-site~~ website provided by the Department for filing fuel tax reports and accessing a licensee's fuel tax account.

"Licensee" ~~means a person licensed under A.R.S. Title 28, Chapter 16, Article 1~~ has the same meaning as defined in R17-8-401.

"Secure Access Gateway" means the Department's secure network application that allows a remote user to connect to the Fuel Tax Suite.

~~"ServiceArizona Access Request and Agreement" means the contract documenting terms and conditions for access to the Secure Access Gateway and Fuel Tax Suite established by the Director from time to time.~~

R17-8-502. Applicability; General Provisions

A. For the purpose of administering the reporting requirements under A.R.S. Title 28, Chapter 16, Articles 1 and 5, a licensee shall participate in the Electronic Fuel Tax ~~Reporting~~ Program as provided under this Article.
B. Each applicant and licensee shall apply for Department authorization to submit electronic fuel tax reports as required by the Department.
C. Each applicant and licensee shall enter into an Electronic Fuel Tax Reporting Agreement as a condition of licensure.
~~**D.** A licensee shall submit monthly fuel tax reports required under A.R.S. Title 28, Chapter 16, Article 1, using paper forms provided by the Department until authorized by the Department to file electronic fuel tax reports.~~
~~**E.**~~**D.** A licensee authorized by the Department to file electronic fuel tax reports shall complete monthly fuel tax reports only by means of the Electronic Fuel Tax Program and shall not submit such reports in paper form.
~~**F.**~~**E.** A licensee authorized by the Department to file electronic fuel tax reports shall submit fuel tax payments by electronic funds transfer as provided under Article 4. The licensee shall ensure that the fuel tax payments are deposited to the Department account as prescribed under A.R.S. Title 28, Chapter 16, Articles 1 and 5.

R17-8-504. Data Elements and Format

Electronic ~~Fuel Tax Reports~~ fuel tax reports shall include the following:
1. Identification of the licensee,
2. Detailed load-by-load receipts information that establishes the amount of fuel received,
3. Detailed load-by-load disbursement information that establishes the amount of fuel delivered,

4. Diesel differential information that establishes the basis for the differential adjustment, and
5. Other information required by the Director.

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
CITIZENS CLEAN ELECTIONS COMMISSION

[R19-258]

1. Title and its heading: 2, Administration

Chapter and its heading: 20, Citizens Clean Elections Commission

Article and its heading: 7, Use of Funds and Repayment

Section numbers: R2-20-702

2. The subject matter of the proposed rule:

Updates to existing rules for clarity and to update regarding certain legislation, and to address concerns raised by members of the Governor's Regulatory Review Council.

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

Notice of Proposed Rulemaking: 25 A.A.R. 3551, December 13, 2019 (*in this issue*)
Notice of Rulemaking Docket Opening: 25 A.A.R. 1457, June 14, 2019
Notice of Proposed Rulemaking: 25 A.A.R. 1414, June 14, 2019
Notice of Final Rulemaking: 25 A.A.R. 2120, August 23, 2019

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

Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 E. Adams, Suite 110
Phoenix, 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleanelections.gov

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

If approved for public comment, comments will be accepted up to and including the date of the oral proceedings. Pursuant to A.R.S. § 16-956, the Commission shall adopt rules after at least 60 days for public comment. The Commission voted to circulate the rules for public comment November 14, 2019.

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

Goal is to seek approval and immediate effective date as soon as possible after 60-day period has elapsed, depending on circumstances and comment.

NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF PHARMACY

[R19-259]

1. Title and its heading: 4, Professions and Occupations

Chapter and its heading: 23, Board of Pharmacy

Article and its heading: 4, Professional Practices

Section numbers: R4-23-407 (*Additional Sections may be made, amended, or deleted as necessary*).

2. The subject matter of the proposed rule:

Under Laws 2019, Chapter 4, the legislature amended A.R.S. § 36-2525, dealing with the Uniform Controlled Substances Act. The amendment indicates that beginning January 1, 2020, a schedule II controlled substance that is an opioid may be dispensed only with an electronic prescription order as prescribed by federal law or regulation. The statutory amendment authorizes the Board to establish exceptions to electronic prescribing requirements for pharmacists and medical practitioners. This rulemaking establishes the authorized exceptions. An exemption from EO2019-01 was provided by Emily Rajakovich, in the Governor's Office, by an e-

mail dated November 4, 2019.

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

Notice of Proposed Rulemaking: 25 A.A.R. 3553, December 13, 2019 (*in this issue*)

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

Name:	Kamlesh Gandhi
Address:	Board of Pharmacy 1616 W. Adams St., Suite 120 Phoenix, AZ 85007
Telephone:	(602) 771-2740
Fax:	(602) 771-2749
E-mail:	kgandhi@azpharmacy.gov
Website:	www.azpharmacy.gov

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking in this issue (see page 3553).

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

To be determined

NOTICES OF PUBLIC INFORMATION

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

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

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF HEALTH SERVICES

[M19-107]

1. Titles of the substantive policy statements and the substantive policy statement numbers by which the documents are referenced:

SP-022-PHL-CCL: Interpretation of "Residential Facility" in Definition of "Child Care Group Home"

SP-023-PHL-CCL: Determining whether an individual providing childcare services in a residential setting is required to be certified as a child care group home

SP-029-PHL-CCL: Clarification on Whether a Child Care Facility May Require a Release of Liability as a Condition of Enrollment or for Participation in an Activity, Including a Field Trip

SP-030-PHL-CCL: Clarification on Whether a Child Care Group Home May Require a Release of Liability as a Condition of Enrollment or for Participation in an Activity, Including a Field Trip

SP-031-PHL-CCL: Interpretation of the Term "Tutoring Provided by Public Schools Solely to Improve School Performance" in A.R.S. § 36-884(5)

SP-038-PHL-CCL: Clarification of the Requirements in 9 A.A.C.5, Article 6, for Children with Special Needs Who May Require Diapering

SP-040-PHL-CCL: Clarification of the child care facility rules in 9 A.A.C. 5

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

The Arizona Department of Health Services (Department) is revising the substantive policy statements specified in paragraph 1, effective November 20, 2019, to revise minor typographical errors and update the reviewed dates on each substantive policy statement. This notice of public information provides the public with notice of the changes. Copies of the substantive policy statements are available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: https://www.azdhs.gov/director/administrative-counsel-rules/rules/index.php#sps-licensing.

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

Name: Lourdes Ochoa, Bureau Chief
Address: Department of Health Services
Bureau of Child Care Licensing
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007
Telephone: (602) 364-2539
Fax: (602) 364-4768
E-mail: Lourdes.Ochoa@azdhs.gov

or

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

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF HEALTH SERVICES

[M19-108]

1. Titles of the substantive policy statements and the substantive policy statement numbers by which the documents are referenced:

SP-083-PHS-EMS: Interpretation of A.R.S. § 36-2220(A) through (D), as Related to Disclosures by ADHS

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

Substantive policy statement, #SP-083-PHS-EMS, clarified the Arizona Department of Health Services' (Department's) interpretation of A.R.S. § 36-2220, as it applies to the functions of the Department. Since it was adopted in 2007, the need for the substantive policy statement has lessened to the point where the document is no longer needed. Therefore, the Department is rescinding this substantive policy statement, effective December 1, 2019. This notice of public information provides the public with notice of the rescission.

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

Name: Terry Mullins, Bureau Chief
Address: Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248
Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: Terry.Mullins@azdhs.gov

or

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

NOTICES OF SUBSTANTIVE POLICY STATEMENT

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

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

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT

BOARD OF NURSING

[M19-109]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Revised Guidelines and Criteria for Executive Director or Designee Closing Of Complaints Resolved Through Settlement

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

November 19, 2009; rev May 21, 2013; rev January 31, 2014, rev July 26, 2019, November 2019

3. Summary of the contents of the substantive policy statement:

Intent is to promote more efficient resolutions that are resolved through settlement that is consistent with prior Board decisions and actions.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-1667. Violations; classification

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

Revision to revised policy dated July 26, 2019

6. The name, address, and telephone number of the person to whom questions and comments about the policy statement may be directed:

Name: Joey Ridenour, Executive Director, MN, RN, FAAN

Address: Board of Nursing
1740 W. Adams St., Suite 2000
Phoenix, AZ 85007-2607

Telephone: (602) 771-7801

E-mail: jridenour@azbn.gov

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

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above or on the Board website: www.azbn.gov/laws-and-rules. Hard copies may be obtained by contacting the person listed above for $0.25 per page.

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

SUMMARY RULEMAKING
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SUPPLEMENTAL EXPEDITED
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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
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XR = Exempt repealed Section
X# = Exempt renumbered Section
EXEMPT PROPOSED
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PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
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TERMINATION OF RULES
TN = Terminated proposed new Sections
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T# = Terminated proposed renumbered Section

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EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

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R6-10-107. P#-1365; PN-1365; F#-3235; FN-3235
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R6-10-110. P#-1365; PM-1365; F#-3235; FM-3235
R6-10-111. P#-1365; PM-1365; F#-3235; FM-3235
R6-10-112. P#-1365; PM-1365; F#-3235; FM-3235
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R6-10-115. P#-1365; PM-1365; F#-3235; FM-3235
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R7-2-321.	FXN-3399
R7-2-604.03.	FXM-965
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R18-12-261.02.	PM-1485;
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R18-9-103. PEM-1293; FEM-3060

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Health Services, Department of - Medical Marijuana Program

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R9-17-402.	XN-2421
R9-17-403.	XN-2421
R9-17-404.	XN-2421
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Health Services, Department of - Noncommunicable Diseases

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Health Services, Department of - Occupational Licensing

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Health Services, Department of - Radiation Control

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Health Services, Department of - Sober Living Homes

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Information Technology Agency, Government

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Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners for

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Optometry, Board of

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Osteopathic Examiners in Medicine and Surgery, Board of

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Peace Officer Standards and Training Board, Arizona

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Public Safety, Department of - Alcohol Testing

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R13-10-107. PM-3224
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Public Safety, Department of - Criminal Identification Section

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Radiation Regulatory Agency - Medical Radiologic Technology Board of Examiners

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R12-2-108. EXP-3078
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Real Estate Department, State

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Retirement System Board, State

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Revenue, Department of - General Administration

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R15-10-503. PM-1183; FM-3057
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Revenue, Department of - Transaction Privilege and Use Tax Section

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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	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	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	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	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
Tuesday January 22, 2019	*Tuesday* February 19, 2019	*Tuesday* February 26, 2019	*Tuesday* March 5, 2019
Tuesday February 19, 2019	*Tuesday* March 19, 2019	*Tuesday* March 26, 2019	*Tuesday* April 2, 2019
Tuesday March 19, 2019	*Tuesday* April 23, 2019	*Tuesday* April 30, 2019	*Tuesday* May 7, 2019
Tuesday April 23, 2019	*Tuesday* May 21, 2019	***Wednesday*** May 29, 2019	*Tuesday* June 4, 2019
Tuesday May 21, 2019	*Tuesday* June 18, 2019	*Tuesday* June 25, 2019	*Tuesday* July 2, 2019
Tuesday June 18, 2019	*Tuesday* July 23, 2019	*Tuesday* July 30, 2019	*Tuesday* August 6, 2019
Tuesday July 23, 2019	*Tuesday* August 20, 2019	*Tuesday* August 27, 2019	***Wednesday*** September 4, 2019
Tuesday August 20, 2019	*Tuesday* September 17, 2019	*Tuesday* September 24, 2019	*Tuesday* October 1, 2019
Tuesday September 17, 2019	*Tuesday* October 22, 2019	*Tuesday* October 29, 2019	*Tuesday* November 5, 2019
Tuesday October 22, 2019	*Tuesday* November 19, 2019	*Tuesday* November 26, 2019	*Tuesday* December 3, 2019
Tuesday November 19, 2019	*Tuesday* December 24, 2019	*Tuesday* January 7, 2020	*Tuesday* January 14, 2020
Tuesday December 24, 2019	*Tuesday* January 21, 2020	*Tuesday* January 28, 2020	*Tuesday* 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.

GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE DECEMBER 3, 2019 MEETING

[M19-114]

1. CONSENT AGENDA ITEMS:

1. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS (R19-1201)
Title 4, Chapter 33, Article 2, Nursing Care Institution Administrator Licensing and Article 4, Assisted Living Facility Manager Certification

Amend: R4-33-202, R4-33-203, R4-33-204, R4-33-206, R4-33-401, R4-33-402, R4-33-403, R4-33-405

2. DEPARTMENT OF TRANSPORTATION (Expedited Rulemaking) (R19-1202)
Title 17, Chapter 8, Fuel Taxes, Articles 4 and 5

Amend: R17-8-401, R17-8-403, R17-8-404, R17-8-501, R17-8-502, R17-8-504

3. DEPARTMENT OF ENVIRONMENTAL QUALITY (R19-1204)
Title 18, Chapter 2, Air Pollution Control, Articles 1, 3, and 4

Amend: R18-2-101, R18-2-301, R18-2-302.01, R18-2-304, R18-2-334, R18-2-406

4. DEPARTMENT OF HEALTH SERVICES (Expedited Rulemaking) (R19-1205)
Title 9, Chapter 7, Article 7, Medical Uses of Radioactive Material

Amend: R9-7-705, R9-7-707, R9-7-710, R9-7-711, R9-7-719, R9-7-720, R9-7-721, R9-7-722, R9-7-723, R9-7-724, R9-7-727, R9-7-728, R9-7-731, R9-7-744

5. DEPARTMENT OF HEALTH SERVICES (R19-1207)
Title 9, Chapter 6, Article 4, AIDS Drug Assistance Program

Amend: R9-6-401, R9-6-403, R9-6-404, R9-6-405, R9-6-406, R9-6-407, R9-6-408, R9-6-409

6. MEDICAL BOARD (R19-1206)
Title 4, Chapter 16, Article 1, General Provisions and Article 5, Executive Director Duties

Amend: R4-16-101, R4-16-501, R4-16-502, R4-16-503, R4-16-504, R4-16-505, R4-16-506, R4-16-507, R4-16-508, R4-16-509, R4-16-510

7. DEPARTMENT OF ECONOMIC SECURITY (R19-1101)
Title 6, Chapter 7, Child Support Enforcement, Article 1, General Provisions

Amend: R6-7-103

Five-Year Review Reports:

8. STATE BOARD OF ACCOUNTANCY (F19-1101)
Title 4, Chapter 1, Board of Accountancy, All Articles

9. DEPARTMENT OF AGRICULTURE (F19-1106)
Title 3, Chapter 1, Department of Agriculture - Administration, Articles 1-3

10. STATE VETERINARY MEDICAL EXAMINING BOARD (F19-1201)
Title 3, Chapter 11, Veterinary Medical Examining Board, Articles 1-10

11. DEPARTMENT OF HEALTH SERVICES (F19-1202)

Title 9, Chapter 3, Child Care Group Homes, All Articles

One-Year Review Reports:

12. **DEPARTMENT OF GAMING (O19-1101)**
    Title 19, Chapter 2, Arizona Racing Commission, Article 5, Pari-Mutuel Wagering

COUNCIL ACTION: CONSENT AGENDA APPROVED

2. CONSIDERATION AND DISCUSSION OF RULES:

1. **CITIZENS CLEAN ELECTIONS COMMISSION (R19-1108)**
   Title 2, Chapter 20, Article 1, General Provisions and Article 7, Use of Funds and Repayment

   Amend: R2-20-113, R2-20-704

COUNCIL ACTION: NONE

3. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:

1. **DEPARTMENT OF ECONOMIC SECURITY (F19-1102)**
   Title 6, Chapter 7, Child Support Enforcement

2. **BOARD OF PHYSICAL THERAPY (F19-1204)**
   Title 4, Chapter 24, Board of Physical Therapy, Articles 1-5

COUNCIL ACTION: APPROVED

4. CONSIDERATION AND DISCUSSION OF PETITION SUBMITTED PURSUANT TO A.R.S. § 41-1033(G)

COUNCIL ACTION: COUNCIL VOTED TO HEAR PETITION