



Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 25, Issue 52

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December 27, 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 52

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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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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

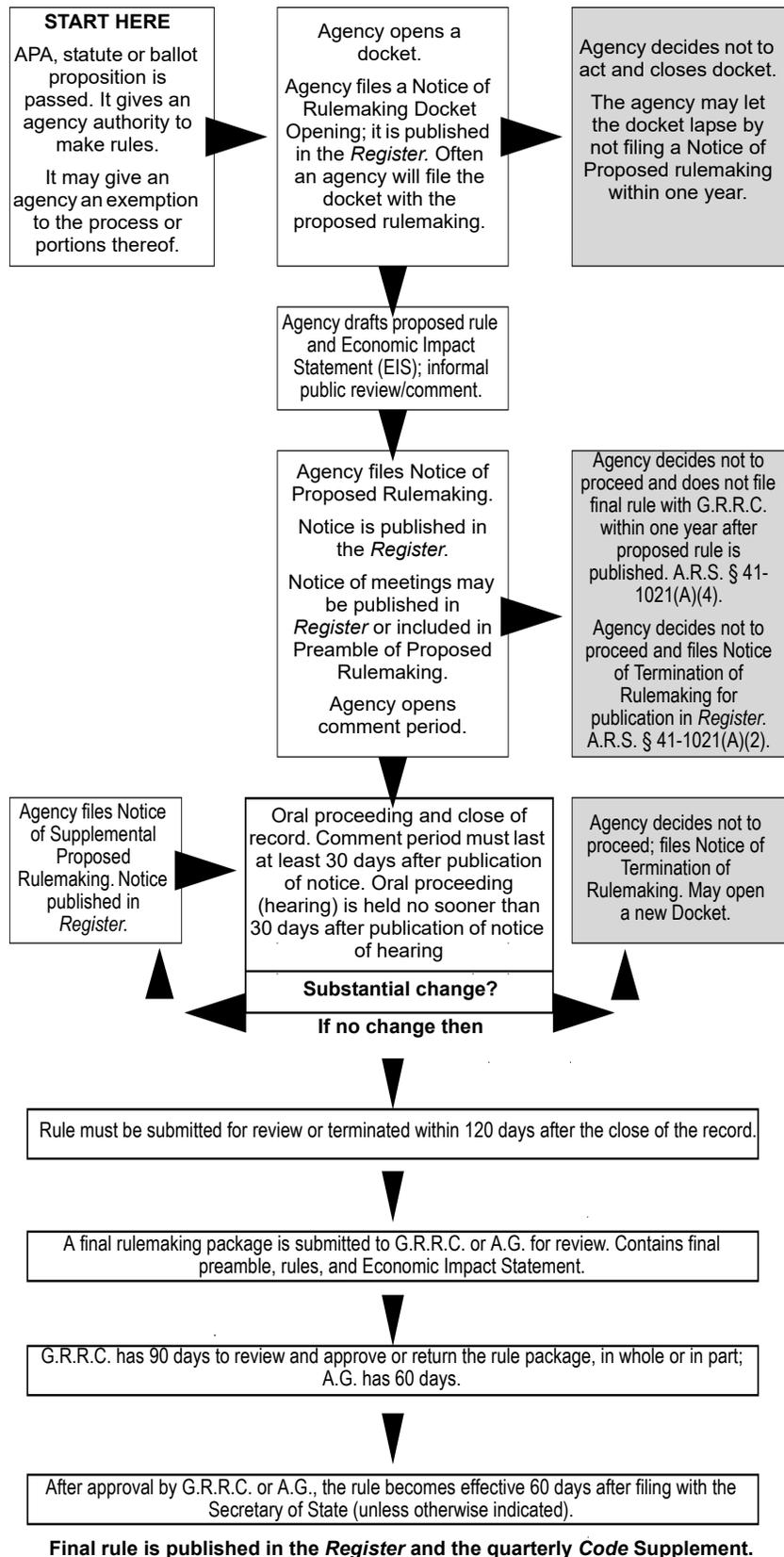
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

[R19-265]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R17-5-601 | Amend |
| R17-5-603 | Amend |
| R17-5-604 | Amend |
| R17-5-606 | Amend |
| R17-5-609 | Amend |
| R17-5-610 | Amend |
| R17-5-612 | Amend |
| R17-5-614 | Repeal |
| R17-5-614 | New Section |
| R17-5-616 | Amend |
| R17-5-621 | Amend |
- 2. Citations to the agency’s rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. §§ 28-366, 28-1462, and 28-1465
 Implementing statute: A.R.S. §§ 28-1301, 28-1461 through 28-1469
- 3. Citations to all related notices published in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Docket Opening: 25 A.A.R. 3293, November 8, 2019
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Jane McVay, Senior Rules Analyst
 Address: Department of Transportation
 Rules and Policy Development
 206 S. 17th Ave., MD 180A
 Phoenix, AZ 85007
 Telephone: (602) 712-4279
 E-mail: jmcvay@azdot.gov
 Website: Please visit the ADOT website to track progress of this rule and any other agency rulemaking matters at <http://azdot.gov/about/government-relations/contact-us-government-relations>.
- 5. A agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 The Department received approval to initiate this rulemaking from Ben Blink in the Governor’s Office on September 20, 2019. The Department is proposing changes to the ignition interlock rules to implement rule changes recommended in a One-Year Rule Review Report approved by the Governor’s Regulatory Review Council on August 6, 2019, that improve, clarify, and update the ignition interlock program. The Department filed exempt rules with the Office of the Secretary of State that became effective on July 1, 2018, to implement legislative changes relating to the operation of the ignition interlock program contained in Chapter 105, Laws 2018 and Chapter 331, Laws 2017. These rules included establishing an ignition interlock device installation fee that is payable by an ignition interlock user when an ignition interlock device is installed on a user’s vehicle. In order to comply with A.R.S.



§ 41-1008(E), the Department is required to go through the regular rulemaking process to continue charging this fee. The 2018 rules provided that for ignition interlock users who had an ignition interlock device installed after July 1, 2018, the device must be capable of wireless transmission, have a camera, and meet additional requirements. These rules require those ignition interlock device users with ignition interlock devices previously installed, that do not meet these requirements, to promptly return to an ignition interlock service provider to obtain a device that meets these requirements. The rules also clarify the time period when a manufacturer must submit an ignition interlock installation report to the Department, distinguish device accuracy from calibration, correct a citation error, and make other program improvements.

6. A reference to any study that the agency reviewed and proposes to either rely on or not to rely on in its evaluation of or justification for the rules, 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 studies for this rulemaking.

7. A showing of good cause why the rule 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

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

Clarification of the improper reporting definition and the requirement for an ignition interlock service provider to send the Department notification of a device installation within 24 hours, are expected to result in more accurate and timely reporting of individual ignition interlock activity, which benefits ignition interlock users.

In 2018 the rules established an ignition interlock device installation fee of \$20 payable by an ignition interlock user beginning July 1, 2018, when a device was installed on a user’s vehicle. This fee will be paid to a user’s ignition interlock service provider by approximately 20,000 Arizona drivers annually, who have an ignition interlock requirement. The fee is transmitted monthly to the Department and is estimated to generate approximately \$400,000 annually, which funds the administrative costs of the ignition interlock program. The ignition interlock device installation fee is the only fee that an ignition interlock user pays to the Department. The fee was established to impose the least cost possible to fully support the ignition interlock program. Beginning July 1, 2018, for any new installation of an ignition interlock device or device replacement, an ignition interlock service provider must install a device that has global positioning system software, has wireless capability, and contains a camera. Users whose device was installed before July 1, 2018 were not required to have a new device installed as long as a user’s device operated properly and met federal requirements. The proposed rules require that those users must obtain a new device from the user’s ignition interlock service provider that meets all the rule requirements. Those ignition interlock users that obtain a new device are subject to the ignition interlock device installation fee of \$20 established in an exempt rulemaking in 2018. Due to extensive changes in the Department’s information and payment processing system, ignition interlock service providers are directed to electronically remit installation fees in the manner determined by the Department.

The rules also make other clarifying changes to improve the rules and comply with the legislative changes. The Department anticipates that there will be an economic impact on ignition interlock businesses. Although the number of old ignition interlock devices will continue to drop as those users come to the end of their ignition interlock period, over 2,100 participants had an old device as of September 2019. The number of old devices ranged from 12 for one manufacturer to 588 for another manufacturer. Ignition interlock device manufacturers will need to make available an adequate number of ignition interlock devices to ignition interlock service providers that meet the device requirements in the rules to replace old devices. Ignition interlock service providers will incur costs to purchase and install the new devices on user vehicles. The manufacturer will bear the cost of the new devices, including production, purchasing, and distribution costs. A manufacturer will also be required to include information in the reference guide for new users about how to properly take a valid rolling retest. The rules clarify that a manufacturer must submit reportable activity and device installation records to the Department in real-time within 24 hours. The rules expand the early recall provisions for persons with four reportable violations between accuracy appointments, requiring those persons to return to an ignition interlock provider’s service center to reset the ignition interlock device. It is expected that a service provider will charge a user for a violation reset as an indirect impact of the rule changes. Manufacturers will also incur increased costs to reprogram ignition interlock devices to expand the early recall. The rules expand improper reporting to include failure of a manufacturer to validate any ignition interlock period extension within 10 days.

The Department has 9 manufacturers that have certified an ignition interlock device and 8 ignition interlock service providers. Most of the ignition interlock service providers are large businesses that design, construct, and produce an ignition interlock device. Many of these service providers offer ignition interlock services to users in numerous states, however, several providers may fall under the definition of a small business.

The rules implement legislative changes and changes recommended in the One-Year Rule Review Report approved by GRRC. Implementing the ignition interlock device installation fee for users with old devices requires payment of the installation fee that supports the program. With this change, both new and continuing users pay the same fee, which supports the ignition interlock program. The fee was set to impose the least cost and burden on ignition interlock users. In addition, requiring all users to have a similar device is expected to allow more accurate oversight of ignition interlock use. Ignition interlock businesses that have contracted with the Department will incur costs to provide an adequate number of new ignition interlock devices to replace old devices and may have an increase in service calls due to early recalls. In summary, the Department believes that the rule changes benefit ignition interlock users and the general public, and that the program changes and public safety benefits greatly outweigh the cost to ignition interlock users.

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

Written comments about the economic, small business, and consumer impact statement may be submitted to the agency representative listed in item 4, and should be submitted by the close of record at 5 p.m. on February 4, 2020.



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

The Department has scheduled the following oral proceeding to obtain public comments:

- Date: February 4, 2020
- Time: 1:30 p.m.
- Location: Department of Transportation
206 S. 17th Ave., MD 180A
Phoenix, AZ 85007
- Nature: Oral Proceeding

Written comments to the rules may be mailed or e-mailed to the agency representative listed in item 4 and may be submitted for 30 days after the publication of the proposed rules until the close of record, which will be at 5:00 p.m. on February 4, 2020. Oral comments may be made to the Department at the oral proceeding.

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability or limited English proficiency. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptación razonable por habilidad limitada en Inglés o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-8946 or civilrightsoffice@azdot.gov. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

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:

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, whether a general permit is used and if not, the reasons why a general permit is not used:

A.R.S. § 28-1468 for the Director of the Department to issue an authorization for an ignition interlock service provider. The ignition interlock rules in 17 A.A.C. 5, Article 6 also contain a process for certifying a manufacturer’s ignition interlock device. The rules do not require a general permit, but authorization and certification are general permits because the activities or practices in the class are substantially similar in nature for all ignition interlock service providers and manufacturers to perform authorized activities.

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:

A federal law is not specifically applicable to the rules. The rules in 17 A.A.C. 5, Article 6 incorporate by reference the 2013 NHTSA Model Specifications for Breath Alcohol Devices (BAIIDs) and the 2015 NHTSA technical corrections to these specifications. A.R.S. § 28-1462(C)(4) provides that the Motor Vehicle Division shall not certify an ignition interlock device unless the device meets or exceeds the 2013 NHTSA standards.

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

The Department did not receive a business competitive analysis.

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

R17-5-604(C)(3)(a) incorporates by reference the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

**ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK
SERVICE PROVIDERS**

Section	
R17-5-601.	Definitions
R17-5-603.	Device Requirements, Technical Specifications, and Standards for Setup and Calibration
R17-5-604.	Ignition Interlock Device Certification; Application Requirements
R17-5-606.	Application Completeness; Denial of Ignition Interlock Device Certification; Hearing
R17-5-609.	IISP and Manufacturer Responsibilities
R17-5-610.	Reporting; Reportable Activity
R17-5-612.	Records Retention; Submission of Copies and Quarterly Reports
R17-5-614.	Ignition Interlock Device Installation Fee; Financial Records Ignition Interlock Device Installation Fee; Financial Records
R17-5-616.	Civil Penalties; Hearing
R17-5-621.	Service Center Application



ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

R17-5-601. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101 and 41-1072, in this Article, unless the context otherwise requires, the following terms apply:

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Authorization agreement” or “agreement” means an agreement authorized by the Director that an IISP enters into with the Department to provide ignition interlock services under A.R.S. § 28-1468.

“Breath alcohol test” means analysis of a sample of the person’s expired alveolar breath to determine alcohol concentration.

“Bump starting” means a method of starting a motor vehicle with an internal combustion engine by engaging the manual transmission while the vehicle is in motion.

“Business day” means a day other than a Saturday, Sunday, or state holiday.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.

“Cancellation” means the termination of a manufacturer’s ignition interlock device certification for ignition interlock device installation.

“Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer to offer an ignition interlock device for installation.

“Certified ignition interlock device,” “CIID,” or “device” means a device that is based on alcohol specific electrochemical fuel sensor technology that meets the NHTSA specifications; that connects a breath analyzer to a motor vehicle’s ignition system; that is constantly available to monitor the alcohol concentration in the breath of any person attempting to start the motor vehicle by using its ignition system; that deters starting the vehicle by use of its ignition system unless the person attempting to start the motor vehicle provides an appropriate breath sample for the device; and determines whether the alcohol concentration in the person’s breath is below a preset level.

“Circumvent” or “circumvention” means an attempted or successful bypass of the proper functioning of a certified ignition interlock device and includes all of the following:

- The bump start of a motor vehicle with a certified ignition interlock device;
- The introduction of a false sample other than a deep-lung breath sample from the person driving the motor vehicle;
- The introduction of an intentionally contaminated or a filtered breath sample;
- The intentional disruption or blocking of a digital image identification device;
- The continued operation of the motor vehicle after the certified ignition interlock device detects breath alcohol exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) or, if the person is under 21 years of age, any attempt to operate the motor vehicle with any spirituous liquor in the person’s body;
- Operating a motor vehicle without a properly functioning certified ignition interlock device and;
- When a person, who is required to maintain a functioning certified ignition interlock device is starting or operating the motor vehicle, permits another individual to breathe into the certified ignition interlock device for the purpose of providing a breath alcohol sample to start the motor vehicle or for the rolling retest.

“Corrective action” means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a person’s driving privilege and the usage or discontinuation of usage of a CIID.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data logger” means the electronic record of all ignition interlock device activity during the period when the device is installed.

“Data storage system” means a computerized recording of all events monitored by an ignition interlock device, which may be reproduced in the form of specific reports.

“Defective ignition interlock device” means an ignition interlock device that:

1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.



“Drive cycle” means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

“Early recall” means that a person’s ignition interlock device recorded one tampering or circumvention event, ~~or~~ any ignition interlock malfunction, or any four valid reportable violations between accuracy check appointments, that requires a person to return to a service center within 72 hours.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the person informs the IISP or IISP-certified technician that the person’s vehicle needs to be moved to comply with the law, or the person has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:

Approved by the Department;

Located in Arizona;

Not used as a residence; and

Where an IISP or its agent or subcontractor provides authorized ignition interlock services.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the person.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Free restart” means a function of a CIID that will allow a person to restart the vehicle, under the conditions provided in R17-5-615, without completing another breath alcohol test.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Ignition interlock device installation fee” means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person’s vehicle.

“Ignition interlock period” means the period in which a person is required to use a CIID that is installed on a vehicle.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:

Failure of a manufacturer to report any violations to the Department within 24 hours as required in R17-5-610(D)(1), or failure to send a person’s ignition interlock reporting records, including records relating to a violation, to the Department as required in R17-5-612(C);

Failure of a manufacturer to submit to the Department valid and substantiated proof or evidence of a reportable activity related to a violation, including a summary report and relevant data loggers as required in R17-5-610(D)(2), within 10 days after the Department’s request;

Failure of a manufacturer to electronically send each Certified Ignition Interlock Summarized Reporting Record to the Department within 24 hours, after performing a calibration check, that results in the Department mailing a driver license suspension to a person;

Failure of a manufacturer to electronically send a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after installing a CIID;

Electronic reporting by a manufacturer to the Department, of data that is an exact duplicate of a single violation that occurs on a particular day and time and is reported multiple times;

Knowingly reporting a violation that occurs when a participant’s vehicle has high or low voltage;

Reporting an incident that occurs when a person has a free restart test to start the person’s vehicle;

Reporting an incident that occurs in which a manufacturer downloads data from the device during a calibration check and tampers with the data or a CIID; ~~or~~

Failure of a manufacturer to validate any person’s ignition interlock period extension within 10 days; or

~~An~~ Reporting an incident that occurs after the person’s vehicle is turned off.

“Independent laboratory” means a testing facility, not owned or operated by a manufacturer, that can test an ignition interlock device according to the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.



“Manufacturer” means a person or an organization that is located in the United States, that is responsible for the design, construction, and production of an ignition interlock device and that is certified by the Department to offer ignition interlock devices for installation in motor vehicles in this state.

“Material modification” means a change to a CIID that affects the functionality of the device.

“Missed rolling retest” means the person refused or failed to provide a valid and substantiated breath sample in response to a requested rolling retest within the time period prescribed in R17-5-615(E).

“Mobile services” means ignition interlock services provided by an IISP or its agents or subcontractors at a publicly accessible location other than the IISP’s service center, that meet the requirements of R17-5-618.

“NHTSA” means the United States Department of Transportation’s National Highway Traffic Safety Administration.

“NHTSA specifications” means the specifications for breath alcohol ignition interlock devices published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.

“Permanent lock-out” means a feature of the CIID in which a motor vehicle will not start until the CIID is reset by an IISP or an IISP-certified technician.

“Person” means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning CIID, and who becomes a customer of an IISP for installation and servicing of the CIID.

“Positive result” means a test result indicating that the alcohol concentration meets or exceeds the set point value.

“Principal place of business” means the administrative headquarters of a manufacturer or an IISP that is located in Arizona, is zoned for commercial, and is not used as a residence.

“Purge” means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

“Real-time” or “real-time reporting” means the instant transmission of unfiltered ignition interlock violations as defined in R17-5-601, and data as prescribed in R17-5-610, including ~~photographs~~ digital images, to the manufacturer’s website for viewing by the Department without delay, as electronic or digital service permits.

“Reference sample device” means a device containing a sample of known alcohol concentration.

“Reference value” means an alcohol reference solution prepared and tested in a laboratory with a reference value and used to perform an accuracy check of the calibration of a CIID.

“Retest set point” has the same meaning as set point.

“Rolling retest” means a breath alcohol test that is required of a person at random intervals after the motor vehicle is started and that is in addition to the initial test required to start the motor vehicle.

“Service center” means an established place of business approved by the Department from which an IISP or its agents or subcontractors provide ignition interlock services to persons from one or more counties.

“Set point” means an alcohol concentration of 0.020 g/210 liters of breath. ~~The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters.~~

“Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the CIID from its power source that allows the operator to start the engine without taking and passing the requisite breath test.

“Technician” means a person who is certified and properly trained by an ignition interlock service provider to install, inspect, calibrate, service or remove certified ignition interlock devices.

“Temporary lock-out” means a feature of the CIID which will not allow a motor vehicle to start for five minutes after a breath alcohol test result indicating an alcohol concentration above the set point.

“Vehicle identification number” or “VIN” means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

“Violation” (when referencing acts or omissions on the part of a person in the ignition interlock program) includes, but is not limited to any of the following reportable activities performed by a person which a manufacturer shall promptly report to the Department:

- Circumventing the CIID as defined in R17-5-601;
- Tampering with the CIID as defined in A.R.S. § 28-1301;
- Failing to provide proof of compliance or inspection of the CIID under A.R.S. § 28-1461(E)(4);
- Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
- Attempting to operate the vehicle with an alcohol concentration value in excess of the set point if the person is under 21 years of age;
- Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute time frame during a person’s drive cycle;
- Disconnecting or removing a CIID, except:



On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or

On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

“Violation reset” means the unplanned servicing and inspection of a CIID and the downloading of information from its data storage system by an IISP as a result of an early recall that requires the manufacturer to unlock the device.

R17-5-603. Device Requirements, Technical Specifications, and Standards for Setup and Calibration

- A. The accuracy of the CIID shall be determined by analysis of an external standard generated by a reference sample device.
- B. A device shall have a demonstrable feature designed to assure that a breath sample measured is essentially alveolar.
- C. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to a positive result.
- D. All devices shall meet the setpoint requirements of R17-5-601 ~~when used at ambient temperatures of -20° Celsius to 83° Celsius~~ and have an accuracy that is within plus or minus 0.005 of the reference value when used at ambient temperatures of -20 degrees Celsius to 83 degrees Celsius.
- E. A device shall be designed so that anticircumvention features will be difficult to bypass.
 1. Anticircumvention provisions shall include, but are not limited to, prevention or preservation of any evidence of circumvention by attempting to use a false or filtered breath sample or electronically bypassing the breath sampling requirements of a device.
 2. A device shall use special seals or other methods that reveal attempts to bypass lawful device operation.
- F. A CIID shall have global positioning system capability, and the manufacturer shall electronically and wirelessly download in real-time from the device and transmit daily to the Department, a person’s ignition interlock activity in an FTP batch file.
- G. A CIID shall be equipped with a camera, which shall not distract or impede the driver in any manner from safe and legal operation of the vehicle, shall record all ignition interlock activity of the person, and shall provide any visual evidence of actual or attempted tampering, alteration, bypass, or circumvention, and report this information directly to the manufacturer.
- H. The camera shall be able to record and store visual evidence of each person providing a breath alcohol test, and shall meet the following requirements:
 1. At device installation, the camera shall take a reference picture of the person, which shall be kept on file;
 2. A clear ~~photograph~~ digital image shall be taken for each event, including initial vehicle start, all rolling retests, and whenever a violation is recorded;
 3. Each ~~photograph~~ digital image shall be a wide-angle view of the front cabin of the vehicle, including the passenger side, to ensure the camera can clearly capture the entire face of the person and any passengers; and
 4. The camera shall produce a digital image, ~~identifiable verification, or a photograph~~ of the person in all lighting conditions, including brightness, darkness, and low light conditions.
- I. A device shall:
 1. Automatically purge alcohol before allowing analysis.
 2. Have a data storage system with the capacity to sufficiently record and maintain a record of the person’s daily driving activities that occur between each regularly scheduled calibration check referenced under R17-5-610 and R17-5-706. An IISP shall download and transmit any digital images taken during a person’s calibration check, during each rolling retest, and each time a person with the ignition interlock requirement or another individual starts the motor vehicle. A manufacturer shall make these digital images available to the Department on request.
 3. Use the most current version of the manufacturer’s software and firmware to ensure compliance with this Article and any other applicable rule or statute. The manufacturer’s software and firmware shall:
 - a. Require device settings and operational features to include, but not limited to, sample delivery requirements, the set point, free restart, rolling retest requirements, violation settings, and temporary and permanent lock-outs; and
 - b. Prohibit modification of the device settings or operational features by a service center, or an IISP-certified technician unless the Department approves the modification under subsection (J).
 4. Record all emergency bypasses in its data storage system.
 5. Provide a visual reminder on the device that a calibration check must be performed on the person’s CIID every 90 days, with prominent device notifications during each 77-day to 90-day interval within a person’s ignition interlock period, of the following:
 - a. The device needs service; and
 - b. The time remaining until a permanent lock-out occurs.
 6. Notify a person that failure to get the calibration check, including calibration and data download, by the end of each 90-day period will cause the vehicle to be in a permanent lock-out mode, and shall record the event in the data storage system.
 7. On recording a violation of A.R.S. Title 28, Chapter 4, Article 5, for one instance of tampering or circumvention, ~~or any ignition interlock device malfunction, or any four valid reportable violations occurring between a person’s accuracy check appointments,~~ emit a unique cue, either auditory, visual, or both, to warn a person that an early recall is initiated, requiring the person to return to the IISP in 72 hours for a violation reset.
 8. Enter into a permanent lock-out if a person does not return to the IISP for a violation reset within 72 hours after an early recall occurs.
 9. When a violation results in a permanent lock-out mode, the device shall:
 - a. Immobilize the person’s vehicle;
 - b. Uniquely record the event in the data storage system; and
 - c. Require a violation reset by the IISP.
 10. Enter into a temporary lock-out mode for five minutes when the device detects during the initial breath alcohol test that a person’s breath alcohol concentration is at or above the set point.



- 11. After the five-minute temporary lock-out, the device shall allow subsequent breath alcohol tests with no further lock-out as long as each subsequent test produces a valid and substantiated breath test.
- 12. Have security protections and the capability to provide visual evidence of any actual or attempted tampering, alteration or bypass of the device, or circumvention.
- J. No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:
 - 1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
 - 2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
 - 3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires any modification, the manufacturer shall immediately notify the Department.

R17-5-604. Ignition Interlock Device Certification; Application Requirements

- A. A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.
- B. To certify an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:
 - 1. The manufacturer’s name;
 - 2. The address of the manufacturer’s principal place of business in this state and telephone number;
 - 3. The manufacturer’s status as a sole proprietorship, partnership, limited liability company, or corporation;
 - 4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 - 5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
 - 6. The manufacturer’s electronic mail address.
 - 7. The following statements, signed by the manufacturer:
 - a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
 - b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
 - i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or the manufacturer’s authorized IISP relating to the installation and operation of the ignition interlock device; and
 - ii. All court costs, expenses of litigation, and reasonable attorneys’ fees;
 - c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
 - d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.
- C. A manufacturer shall submit the following additional items with the application form:
 - 1. A document that provides a detailed description of the ignition interlock device and a ~~photograph~~ digital image, drawing, or other graphic depiction of the device;
 - 2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
 - 3. An independent laboratory’s report for each device model that:
 - a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015. The NHTSA specifications and technical corrections are incorporated by reference and are on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007, and the NHTSA Office of Research and Technology, 1200 New Jersey Avenue SE, Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
 - b. Provides the independent laboratory’s name, address, and telephone number; and
 - c. Provides the name and model number of the ignition interlock device tested.
 - 4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3), that states all of the following:
 - a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists.
 - b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013 with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - c. The laboratory confirms that the ignition interlock device meets or exceeds the test results required under the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
 - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device.
 - e. The laboratory presented accurate test results to the Department.
 - 5. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
 - a. A product liability policy with a current effective date;
 - b. The name and model number of the ignition interlock device model covered by the policy;
 - c. Policy coverage of \$1,000,000 and \$3,000,000 in the aggregate;
 - d. The manufacturer as the insured and the state of Arizona as an additional insured;
 - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, and operation of the ignition interlock device; and



- f. The insurance company shall notify the Department's Risk Management, Insurance and Indemnification Section in writing at least 30 days before canceling the product liability policy.
6. A statement that the ignition interlock device has a camera, includes a global positioning system, and provides real-time reporting.
- D. ~~Beginning on July 1, 2018, for~~ For any new installation of ~~an~~ a certified ignition interlock device or any replacement of a device on a person's motor vehicle with another device, an IISP or an IISP-certified technician shall install only a certified ignition interlock device that meets the additional requirements in this Article, and meets or exceeds the test results required by the Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
- E. A person whose CIID was installed prior to July 1, 2018, ~~and the device meets or exceeds the 2013 NHTSA specifications, with the 2015 NHTSA technical corrections, and continues to operate properly, shall keep the CIID on the person's vehicle. that does not meet all the requirements of Subsection (D) shall promptly return to the person's IISP to exchange the CIID for a CIID that meets all the requirements of Subsection (D).~~

R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing

- A. An application for certification of an ignition interlock device model is complete when the Department receives:
1. From the manufacturer, a properly prepared application form;
 2. From the manufacturer, all additional items required under R17-5-604(C);
 3. From the Department of Public Safety, under A.R.S. § 28-1462, written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets or exceeds the NHTSA specifications in R17-5-604(C); and
 4. From the manufacturer, a letter or notification that the device meets the following standards:
 - a. The anticircumvention features in R17-5-603(E).
 - b. The data storage capacity requirement in R17-5-603(I)(2), and
 - c. The constant communication requirement in ~~R17-5-610(P)~~ R17-5-610(O).
- B. The Director shall deny an application for certification of an ignition interlock device model if all requirements of subsection (A) are not met, or on finding any of the following:
1. The design, material, or workmanship is defective, causing the ignition interlock device model to fail to function as intended;
 2. The manufacturer's product liability insurance coverage is terminated or canceled;
 3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
 4. The manufacturer or the independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
 5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C), the requirements in this Article; or
 6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.
- C. The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director's decision to deny certification by filing a written request with the Department's Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.
- D. If a manufacturer timely requests a hearing on the Director's decision to deny certification of an ignition interlock device model, the Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

R17-5-609. IISP and Manufacturer Responsibilities

- A. An IISP shall refer a person only to the IISP's certified technician.
- B. An IISP shall provide the Department and each person with a toll-free telephone number to call to obtain the names and phone numbers of the IISP's certified technicians, the IISP service center locations, and hours of operation for the IISP service centers.
- C. An IISP shall certify each technician by providing adequate training and oversight for the technician to perform one of the activities at a service center, which are installation, inspection, calibration, service, or removal of a CIID.
- D. An IISP shall provide to every person operating a motor vehicle equipped with a CIID, and any other persons who will operate the motor vehicle, training on how to operate the motor vehicle. An IISP shall instruct the person on all of the following:
1. How to use the system;
 2. How to obtain service for the CIID;
 3. How to find answers to any additional questions;
 4. How the alcohol retest feature works;
 5. How drinking alcohol before a test may result in a reading of sensitive or fail;
 6. How the CIID shall not be removed, except by an IISP or IISP-certified technician;
 7. How noncompliance with a regularly scheduled calibration check for a person with a limited or restricted driving privilege shall result in suspension of the person's driving privilege under A.R.S. § 28-1463 until proof of compliance is submitted to the Department under A.R.S. § 28-1461, and the duration of the person's certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
 8. What the penalties are for circumvention of the CIID;
 9. What the penalties are for tampering with, or misusing the CIID;
 10. What will happen after failing a start-up breath alcohol test;
 11. What will happen after a person has a set of three consecutive valid and substantiated missed rolling retests within an 18-minute time frame during a drive cycle; and that a person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle's ignition; or by keeping the motor vehicle in operation while the vehicle is parked, and leaving the vehicle when a rolling retest is requested;



- 12. What events or actions will result in a temporary or permanent lock-out of the CIID; and
- 13. How to provide a properly delivered alveolar breath sample.
- E. An IISP shall have each person sign a document stating that the IISP has instructed the person regarding each topic contained in subsections (D) and (L), and has received the manufacturer’s written instructions for operation of the CIID.
- F. An IISP shall inform a person that a compliance check on a CIID is required 30 days and 60 days after installation of the device, which shall be done electronically.
- G. An IISP shall inform each person to bring the vehicle to a service center for a calibration check within every 77 to 90-day period until the person is eligible for device removal.
- H. An IISP shall check each CIID for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each person’s calibration check at a service center as required under R17-5-706.
- I. An IISP shall ensure that the manufacturer reports to the Department electronically under R17-5-610 if any evidence of tampering is discovered, and the manufacturer shall submit valid and substantiated proof or evidence of a reportable activity. An IISP shall keep visual evidence of a person’s tampering or circumvention for a minimum of three years after the termination of the person’s required ignition interlock period.
- J. An IISP shall submit to the Department a list of the IISP-certified technicians, subcontractors, or agents, and service centers at the beginning of the contract with the Department, within 5 business days of making a change to the list previously provided, and on a monthly basis as requested by the Department.
- K. An IISP shall comply with the provisions of this Article and A.R.S. Title 28, Chapter 4, Article 5.
- L. A n shall develop and an IISP shall provide each person a reference and problem solving guide at the time of installation that shall include information on the following:
 - 1. Operating a motor vehicle equipped with the CIID;
 - 2. Cleaning and caring for the CIID; ~~and~~
 - 3. Identifying and addressing any vehicle malfunctions or repairs that may affect the CIID; ~~and~~
 - 4. How to properly take a valid and substantiated rolling retest.
- M. A manufacturer shall notify the Department within 10 days of a change of address of its principal place of business in this state.
- N. A manufacturer or an IISP shall provide a warning label, for each CIID installed, which shall have an orange background and shall include the following:
 - 1. Be a minimum size of two inches by one inch;
 - 2. Be printed in a minimum of nine-point font;
 - 3. Be printed in Arial font, or a font of substantially similar size and legibility; and
 - 4. Contain the words in black lettering: “Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor.”
- O. A manufacturer shall ensure that the IISP or the IISP-certified technician affixes conspicuously and maintains on each installed CIID the warning label described under subsection (N), which can be affixed to the device or to the device’s cord.
- P. A manufacturer shall develop written instructions for the installation and removal of an ignition interlock device from a motor vehicle.
- Q. While a person maintains a functioning CIID in a vehicle under A.R.S. Title 28, Chapter 4, Article 5, the ignition interlock manufacturer shall electronically provide to the Department and transmit daily to the Department information and reports prescribed in R17-5-610 and R17-5-615.
- R. The manufacturer is responsible for overseeing any agents or subcontractors, including vendors and distributors, as well as overseeing the manufacturer’s IISP to ensure adherence to all performance standards.

R17-5-610. Reporting; Reportable Activity

- A. A person shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
- B. A manufacturer shall develop and the IISP shall ensure that each IISP-certified technician complies with the IISP’s written procedures for the installation of a CIID.
- C. Certified ignition interlock device installation verification.
 - 1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of the device installation.
 - 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
 - a. Department-assigned service center number;
 - b. Person’s full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Report type;
 - h. Technician identification number;
 - i. A unique identification number for the CIID;
 - j. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - k. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- D. Certified ignition interlock device calibration check.
 - 1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing a calibration check on an installed CIID.
 - 2. A manufacturer shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means, which shall include:



- a. A summary report stating why the data logger or any other evidence confirms the occurrence of a violation, including any ~~photographs~~ digital images of the person; and
 - b. A data logger that shows at least 12 hours of data before and after the violation.
3. A manufacturer may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means, which may include:
- ~~a.~~ b. Photographs;
 - ~~b.~~ a. Video recordings;
 - ~~e.~~ b. Written statements; and
 - ~~d.~~ c. Any other evidence relevant to a violation.
4. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the calibration check shall contain all of the following information:
- a. Department-assigned service center number;
 - b. Person's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Report type;
 - h. Missed rolling retest count, dates, and times;
 - i. Technician identification number;
 - j. Alcohol concentration violation count, dates, time, and alcohol concentration;
 - k. Tampering violation count, dates, and time;
 - l. Circumvention count, dates, and time;
 - m. Device download date;
 - n. Device download time;
 - o. Bypass code indication, date, and time;
 - p. A unique identification number for the CIID;
 - q. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
 - r. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
- E. Certified ignition interlock device removal report.
1. When a certified ignition interlock device is removed, a manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours.
 2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
 - a. Department-assigned service center number;
 - b. Person's full name (first, middle, last and suffix);
 - c. Date of birth;
 - d. Driver license or customer number;
 - e. Report date;
 - f. Install date;
 - g. Removal date;
 - h. Report type;
 - i. Technician identification number;
 - j. A unique identification number for the CIID;
 - k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger;
 - l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID;
 - m. Missed rolling retest count, dates, and times;
 - n. Device download date; and
 - o. Device download time.
- F. Reportable activity for a person's noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a person of any of the following transmitted electronically and wirelessly by the manufacturer to the Department in real-time within 24 hours:
1. Tampering with a CIID as defined in A.R.S. § 28-1301;
 2. Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute ~~timeframe~~ time frame during a person's drive cycle;
 3. Failing to provide proof of compliance or inspection of the CIID as required under A.R.S. § 28-1461(E)(4);
 4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
 5. Attempting to operate the vehicle with an alcohol concentration in excess of the set point if the person is under 21 years of age;
 6. Circumvention of a CIID as defined in R17-5-601; or
 7. Disconnecting or removing a CIID, except:
 - a. On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or
 - b. On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.



- G. A person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle’s ignition- or by keeping the motor vehicle operating while the vehicle is parked, and leaving the vehicle when a rolling retest is requested. A missed rolling retest is reportable activity for a person’s noncompliance under subsection (F).
- H. A manufacturer shall screen each person’s data loggers to ensure that there is no improper reporting.
- I. A manufacturer shall ensure that a CIID has the necessary programming to identify each person’s ignition interlock period and each drive cycle to report and send data and violations to the Department as required by these rules.
- J. A manufacturer shall review within 10 days all reports ~~generated~~ sent by the Department and returned to the manufacturer for verification of accurate reporting. If a manufacturer finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer shall immediately contact the Department to correct the person’s record before corrective action is initiated against a person as a result of misreported ignition interlock data.
- K. A manufacturer shall immediately contact the Department if the manufacturer finds that the reported information indicates:
 1. An obvious mechanical failure of a CIID;
 2. Obvious errors in the recorded CIID data that cannot be attributed to a person’s actions; or
 3. Obvious errors in the transmission of CIID data to the Department, including misreported instances of tampering-; or
 4. Submission of an extension of a person’s ignition interlock period or a violation to the Department when a person was not in the vehicle to take the rolling retest.
- L. A manufacturer shall ensure that a CIID electronically and wirelessly uploads data in real-time to the manufacturer’s website, that is maintained by the manufacturer, and the manufacturer shall submit all required information and reports in a daily FTP file to the Department.
- M. In cases where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available.
- N. A manufacturer shall include the date of the last upload on the person’s account on the manufacturer’s website.
- O. A CIID shall have constant communication between the manufacturer’s server and relay unit while the device is in use.
- P. All data, including ~~photographs~~ digital images, shall be available to the Department for viewing on the manufacturer’s website within five minutes after the data is recorded on the device, or as soon as electronic or digital reception permits.

R17-5-612. Records Retention; Submission of Copies and Quarterly Reports

- A. During the duration of the ignition interlock service authorization agreement, an IISP shall retain each person’s ignition interlock activity records in an electronic format, including a secure database, or a paper format. The retained records shall consist of every document relating to installation, operation, and removal of the CIID. The IISP shall maintain all daily ignition interlock activity records of each person in the device’s data storage system, or in a secure database at a commercial business location in this state, that the Department may access during posted business hours. An IISP shall inform the Department where all individual ignition interlock activity records are located.
- B. Prior to the end or termination of an ignition interlock service authorization agreement, the manufacturer shall obtain all person’s ignition interlock records and provide the Department with electronic access to the records for three years.
- C. A manufacturer shall provide copies of each person’s ignition interlock records to the Department within 10 days after Department personnel request copies of records, including records relating to installation and operation of the CIID.
- D. A manufacturer shall electronically send to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
 1. The number of CIID’s the IISP currently has in service;
 2. The number of CIID’s installed since the previous quarterly report; ~~and~~
 3. The number of CIID’s removed by the IISP since the previous quarterly report-; and
 4. Other information required by the Department.
- E. An IISP shall maintain and make available to the Department the ignition interlock records of all persons served by the IISP, records relating to the authorization agreement, and employee background check information at a commercial business location in this state of the manufacturer or the IISP during normal business hours.

~~R17-5-614. Ignition Interlock Device Installation Fee; Financial Records~~ Ignition Interlock Device Installation Fee; Financial Records

- ~~A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.~~
- ~~B. An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP on ServiceArizona.com, or as specified by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.~~
- ~~C. An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.~~
- ~~D. An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP’s website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP’s service centers.~~
- ~~E. An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.~~
- ~~F. An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP’s established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.~~
- A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.



- B.** An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP, as determined by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.
- C.** An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.
- D.** An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP's website, that is available to all person's with an ignition interlock device requirement, and in a visible location at each of the IISP's service centers.
- E.** An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.
- F.** An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP's established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.

R17-5-616. Civil Penalties; Hearing

- A.** After notice and an opportunity for a hearing, the Director may impose a civil penalty pursuant to A.R.S. § 28-1465, against a manufacturer of a certified ignition interlock device for improper reporting to the Department of ignition interlock data, as defined in R17-5-601; ~~that may cause the Department to erroneously initiate corrective action against a person.~~ The Director may impose and collect a civil penalty against a manufacturer of a certified ignition interlock device, who is responsible for an occurrence of improper reporting, as follows:
 - 1. \$100 for the first occurrence, but not to exceed \$1,000 per series of occurrences of improper reporting on a specific date;
 - 2. \$250 for the second occurrence, but not to exceed \$2,500 per series of occurrences of improper reporting on a specific date; and
 - 3. \$500 for the third or subsequent occurrence, but not to exceed \$5,000 per series of occurrences of improper reporting on a specific date.
- B.** The Director, on finding that a manufacturer engaged in improper reporting, shall mail a notice to the manufacturer ~~a notice stating~~ that civil penalties may be imposed for improper reporting. The notice shall:
 - 1. Specify the basis for the action; and
 - 2. State that the manufacturer may, within 15 days after receipt of the notice, file a written request for a hearing with the Department's Executive Hearing Office as prescribed in 17 A.A.C. 1, Article 5.
- C.** A manufacturer who is aggrieved by an assessment, decision, or order of the Department under A.R.S. § 28-1465 and this Section may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6.
- D.** The manufacturer shall pay the civil penalty imposed under this Section to the Department no later than 30 days after the order is final.
- E.** ~~Action to enforce the collection of a civil penalty assessed under subsection (A) shall be brought by the attorney general or the county attorney in the name of the state in the justice court or the superior court in which the hearing is held. If the manufacturer fails to pay the civil penalty within 30 days after the order is final, the director may file an action in the superior court in the county in which the hearing is held to collect the civil penalty.~~

R17-5-621. Service Center Application

- A.** On approval by the Director of an IISP's signed application for authorization to provide ignition interlock services, an IISP shall submit to the Department a properly completed service center application for approval of the IISP's service centers.
- B.** An IISP shall provide the following information to the Department:
 - 1. The service center name, which shall match the name on the service center;
 - 2. The business address of the established place of business of each service center or business location;
 - 3. The telephone number of each established place of business of each service center or business location;
 - 4. The service center's legal status as a sole proprietorship, partnership, limited liability company, or a corporation;
 - 5. The name of the sole proprietor, each partner, officer, director, manager, member, agent, or 20% or more stockholder;
 - 6. The name and model number of each CIID the IISP plans to install;
 - 7. An indication of any service centers that will provide mobile services;
 - 8. Any applicable business licenses and the governmental entity; and
 - 9. The following statements signed by the IISP:
 - a. A statement that all information provided on the application, including all information provided on any attachment to the application is complete, true, and correct;
 - b. A statement that the IISP agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
 - c. A statement that the IISP agrees to comply with all requirements in these rules; and
 - d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.
- C.** The Department shall process an IISP's service center application only if the IISP meets all applicable application requirements.
- D.** The Department shall, within 10 days of receiving a service center application, provide notice to the IISP that the application is either complete or incomplete.
 - 1. The date of receipt is the date the Department receives the application.
 - 2. If an application is incomplete, the notice shall specifically identify the required information that is missing.
- E.** An IISP with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department's notice.
 - 1. After receiving all of the required information, the Department shall notify the IISP that the application is complete.
 - 2. The Department may deny approval of a service center if the IISP fails to provide the required information within 15 days of the date on the notice.



- F.** The Department shall render a decision on a service center application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (D) or (E).
- G.** For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a service center:
 - 1. Administrative completeness review time frame: 10 days.
 - 2. Substantive review time frame: 30 days.
 - 3. Overall time frame: 40 days.
- H.** If a service center is no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.
- I.** An IISP shall be the authorized representative of a specific manufacturer while the authorization agreement is in effect, for a service center to install the manufacturer's CIID.
- J.** If an IISP, subcontractor, or agent opens or relocates a service center, or the service center is operated by another entity, an IISP, subcontractor, or agent shall submit a new service center application for approval.
- K.** An IISP shall use this process to reapply to the Department for a service center application.



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 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

[R19-266]

PREAMBLE

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

	<u>Rulemaking Action</u>
R4-16-101	Amend
R4-16-501	Amend
R4-16-502	Amend
R4-16-503	Amend
R4-16-504	Amend
R4-16-505	Amend
R4-16-506	Amend
R4-16-507	Amend
R4-16-508	Amend
R4-16-509	Amend
R4-16-510	Amend

- 2. Citations to the agency’s statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 32-1404(D)
 Implementing statute: A.R.S. §§ 32-1405(C) and (E) and 32-1451(C) and (F)

- 3. The effective date for the rules:**
 February 1, 2020
 - a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable

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

- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 1898, July 26, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 2155, August 30, 2019

- 5. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Patricia McSorley
 Address: Arizona Medical Board
 1740 W. Adams St.
 Phoenix, AZ 85007
 Telephone: (480) 551-2700
 Fax: (480) 551-2707
 E-mail: patricia.mcsorley@azmd.gov
 Web site: www.azmd.gov

- 6. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 In a 5YRR to be approved by the Council in early 2019, the Board indicated it intended to amend rules in Article 5 and add clari-



fying definitions to R4-16-101. This rulemaking addresses the needed amendments.

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

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

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

Not applicable

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

The economic impact of the rulemaking will be minimal but important because the clarifying definitions will make the rules more clear and understandable.

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

No changes were made between the proposed and final rules.

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

The Board received no comments regarding the rulemaking. No one attended the oral proceeding on October 21, 2019.

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

None

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

None of the rules in this rulemaking 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:

Federal law is not applicable to the subject of any rule in the rulemaking.

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

No analysis was submitted.

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

None

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

None of the rules in the rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

ARTICLE 1. GENERAL PROVISIONS

Section
R4-16-101. Definitions

ARTICLE 5. EXECUTIVE DIRECTOR DUTIES

Section
R4-16-501. ~~Interim Evaluation~~ Medical Competency Examination; and Investigational Interview
R4-16-502. Direct Referral to Formal Interview
R4-16-503. Request for Inactive Status ~~and or~~ License Cancellation
R4-16-504. Interim Consent Agreement
R4-16-505. Mediated Case
R4-16-506. Referral to Formal Hearing
R4-16-507. Dismissal of Complaint
R4-16-508. Denial of License
R4-16-509. Non-disciplinary Consent Agreement
R4-16-510. Appealing Executive Director Actions



ARTICLE 1. GENERAL PROVISIONS

R4-16-101. Definitions

Unless the context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

1. "ACLS" means advanced cardiac life support performed according to certification standards of the American Heart Association.
2. "Agent" means an item or element that causes an effect.
3. "Approved medical assistant training program" means a program accredited by one of the following:
 - a. The Commission on Accreditation of Allied Health Education Programs; or
 - b. The Accrediting Bureau of Health Education Schools.
4. "BLS" means basic life support performed according to certification standards of the American Heart Association.
5. "Capnography" means monitoring the concentration of exhaled carbon dioxide of a sedated patient to determine the adequacy of the patient's ventilatory function.
6. "Case" means a file opened by a member of the Board's investigative staff in which to maintain documents and evidence relating to an allegation of unprofessional conduct made against an applicant or licensee.
- ~~6-7.~~ "Deep sedation" means a drug-induced depression of consciousness during which a patient:
 - a. Cannot be easily aroused, but
 - b. Responds purposefully following repeated or painful stimulation, and
 - c. May partially lose the ability to maintain ventilatory function.
- ~~7-8.~~ "Discharge" means a written or electronic documented termination of office-based surgery to a patient.
- ~~8-9.~~ "Drug" means the same as in A.R.S. § 32-1901.
- ~~9-10.~~ "Emergency" means an immediate threat to the life or health of a patient.
- ~~10-11.~~ "Emergency drug" means a drug that is administered to a patient in an emergency.
- ~~11-12.~~ "General Anesthesia" means a drug-induced loss of consciousness during which a patient:
 - a. ~~Is unarousable~~ Cannot be roused even with painful stimulus; and
 - b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
- ~~12-13.~~ "Health care professional" means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 32-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician's office.
- ~~13-14.~~ "Informed consent" means advising a patient of the:
 - a. Purpose for and alternatives to ~~the~~ office-based surgery using sedation,
 - b. Associated risks of office-based surgery using sedation, and
 - c. Possible benefits and complications from the office-based surgery using sedation.
- ~~14-15.~~ "Inpatient" has the same meaning as in A.A.C. R9-10-201.
16. "Investigative staff" means Board staff employed to gather documents and evidence regarding an allegation of unprofessional conduct made against an applicant or licensee.
17. "Investigation supervisor" means the manager of the Board's investigations department or the manager's designee.
18. "Lead board member" means the Board chair or the Board chair's designee.
- ~~15-19.~~ "Malignant hyperthermia" means a life-threatening condition in an individual who has a genetic sensitivity to inhalant anesthetics ~~and or~~ depolarizing neuromuscular blocking drugs that occurs during or after the administration of an inhalant anesthetic or depolarizing neuromuscular blocking drug.
- ~~16-20.~~ "Minimal Sedation" means a drug-induced state during which:
 - a. A patient responds to verbal commands,
 - b. Cognitive function and coordination may be impaired, and
 - c. A patient's ventilatory and cardiovascular functions are unaffected.
- ~~17-21.~~ "Moderate Sedation" means a drug-induced depression of consciousness during which:
 - a. A patient responds to verbal commands or light tactile stimulation, and
 - b. No interventions are required to maintain ventilatory or cardiovascular function.
- ~~18-22.~~ "Monitor" means to assess the condition of a patient.
- ~~19-23.~~ "Office-based surgery" means a medical procedure conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center. (A.R.S. § 32-1401(20)).
- ~~20-24.~~ "PALS" means pediatric life support performed according to certification standards of the American Academy of Pediatrics or the American Heart Association.
- ~~21-25.~~ "Patient" means an individual receiving office-based surgery using sedation.
- ~~22-26.~~ "Physician" has the same meaning as doctor of medicine as defined in A.R.S. § 32-1401.
- ~~23-27.~~ "Rescue" means to correct adverse physiologic consequences of ~~deeper than intended~~ a level of sedation that is deeper than intended and return the patient to the intended level of sedation.
- ~~24-28.~~ "Sedation" means minimum sedation, moderate sedation, or deep sedation.
- ~~25-29.~~ "Staff member" means an individual who:
 - a. Is not a health care professional, and
 - b. Assists with office-based surgery using sedation under the supervision of the physician performing the office-based surgery using sedation.
30. "Supervising medical consultant" means the Chief Medical Consultant employed by the Board or the Chief Medical Consultant's designee.
- ~~26-31.~~ "Transfer" means a ~~physical relocation of~~ to physically move a patient from a physician's office to a licensed health care institution.



ARTICLE 5. EXECUTIVE DIRECTOR DUTIES

R4-16-501. ~~Interim Evaluation~~ **Medical Competency Examination; and Investigational Interview**

- A. The executive director may require a physician, who is under investigation by the Board, to submit to a mental, physical, oral, or written medical competency examination after the following:
 1. Reviewing the allegations and investigator’s summary of findings; and
 2. Consulting with and receiving the agreement of the Board’s supervising medical consultant ~~or designee~~ that an examination is necessary.
- B. The executive director may request a physician to attend an investigational interview to answer questions regarding a complaint against the physician. Before issuing a request for an investigational interview, the executive director shall review the allegations and facts to determine whether an interview is necessary to provide information the Board needs to adjudicate the case. The executive director shall consult with and receive the agreement of either the investigation supervisor or supervising medical consultant that an investigational interview is necessary before requesting one.
- C. The executive director shall report to the Board at each regularly scheduled Board meeting; a summary of the number and type of evaluations ordered and completed since the preceding Board meeting.

R4-16-502. **Direct Referral to Formal Interview**

The executive director shall refer a case to a formal interview on a future Board meeting agenda, if the ~~investigative staff, lead Board member, and in cases involving quality of care, supervising~~ medical consultant, ~~in cases involving quality of care, the investigative staff, and the lead Board member~~ concur after review of the case that a formal interview is appropriate.

R4-16-503. **Request for Inactive Status ~~and or~~ License Cancellation**

- A. If a physician requests inactive status or license cancellation, ~~and~~ meets the requirements of A.R.S. §§ 32-1431 ~~and or~~ 32-1433, and is not participating in the program defined under A.R.S. § 32-1452, the executive director shall grant the request.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the ~~individuals~~ physicians granted inactive or cancelled license status since the preceding Board meeting.

R4-16-504. **Interim Consent Agreement**

The executive director may enter into an interim consent agreement with a physician if there is evidence that a restriction is needed to mitigate imminent danger to ~~the~~ public health and safety and the investigative staff, ~~the~~ supervising medical consultant, and ~~the~~ lead Board member concur after review of the case that a consent agreement is appropriate.

R4-16-505. **Mediated Case**

- A. The executive director shall close a case resolved through mediation.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases ~~are~~ were resolved through mediation since the preceding Board meeting.

R4-16-506. **Referral to Formal Hearing**

- A. The executive director may directly refer a case to a formal hearing if the investigative staff, ~~the~~ supervising medical consultant, and ~~the~~ lead Board member concur after review of the physician’s case that a formal hearing is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases were referred to formal hearing since the preceding Board meeting and whether the referral is for revocation; or suspension or ~~is a~~ the result of an out- of-state disciplinary action; ~~or is~~ due to complexity of the case.

R4-16-507. **Dismissal of Complaint**

- A. The executive director, with ~~the~~ concurrence of the investigative staff, shall dismiss a complaint if the review shows the complaint is without merit and dismissal is appropriate.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a ~~list of the physicians about whom complaints were dismissed since the preceding Board meeting~~ report that contains the information specified in A.R.S. § 32-1405(C)(21).

R4-16-508. **Denial of License**

- A. The executive director shall deny a license to an applicant who does not meet statutory requirements for licensure if the executive director, ~~in consultation with the~~ investigative staff and ~~the~~ supervising medical consultant concur after reviewing the application; that the applicant does not meet the statutory requirements.
- B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose applications were denied since the preceding Board meeting.

R4-16-509. **Non-disciplinary Consent Agreement**

The executive director may enter into a consent agreement under A.R.S. § 32-1451(F) with a physician to limit the physician’s practice or rehabilitate the physician if there is evidence that a licensee is mentally or physically unable to ~~safely~~ engage safely in the practice of medicine and the investigative staff, ~~the~~ supervising medical consultant, and ~~the~~ lead Board member concur after review of the case that a consent agreement is appropriate.

R4-16-510. **Appealing Executive Director Actions**

- A. Any person aggrieved by an action taken by the executive director under the authority delegated in this Article may appeal that action to the Board. The aggrieved person shall file a written request ~~to~~ with the Board no later than:
 1. Thirty days after notification of the action, if personally served; or
 2. Thirty-five days after the date on the notification, if mailed.
- B. The aggrieved person shall provide, in the written request, evidence showing:
 1. An irregularity in the investigative process or the executive director’s review deprived the party of a fair decision; ~~or~~



- 2. Misconduct by Board staff, a Board consultant, or the executive director that deprived the party of a fair decision; or
- 3. Material evidence newly discovered that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier.
- C. The fact that the aggrieved party does not agree with the ~~final decision~~ the executive director's action is not grounds for a review by the Board.
- D. If an aggrieved person fails to submit a written request within the time specified in subsection (A), the Board is relieved of the requirement to review actions taken by the executive director. The executive director may, however, evaluate newly provided information that is material or substantial in content to determine whether the Board should review the case.
- E. If a written request is submitted that meets the requirements of subsection (B):
 - 1. The Board shall consider the written request at its next regularly scheduled meeting.
 - 2. If the written request provides new material or substantial evidence that requires additional investigation, the investigation shall be conducted as expeditiously as possible and the case shall be forwarded to the Board at the first possible regularly scheduled meeting.

NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
AND ASSISTED LIVING FACILITY MANAGERS

[R19-267]

PREAMBLE

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

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-33-202	Amend
R4-33-203	Amend
R4-33-204	Amend
R4-33-206	Amend
R4-33-401	Amend
R4-33-402	Amend
R4-33-403	Amend
R4-33-405	Amend

- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 36-446.03(A)
 Implementing statute: A.R.S. §§ 36-446, 36-446.03, 36-446.04, 36-446.05, and 36-446.06

- 3. The effective date for the rules:**
 February 1, 2020
 - a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable

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

- 4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 2093, August 16, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 2176, August 30, 2019

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

Name:	Allen Imig, Executive Director
Address:	Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers 1740 W. Adams St., Suite 2490 Phoenix, AZ 85007
Telephone:	(602) 364-2273
Fax:	(602) 542-8316
E-mail:	allen.imig@nciabd.state.az.us

- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The Board is clarifying that an applicant for licensure by reciprocity is required to have been licensed in another jurisdiction for at least two years and removing the requirement of two years of employment as a nursing care institution administrator; removing the requirement for notarization; adding a requirement to submit a certificate of training completed with an initial application for cer-



tification; and correcting some typographical errors. An exemption from Executive Order 2019-01 for this rulemaking was provided by Emily Rajakovich, of the Governor’s Office, in an e-mail dated June 21, 2019.

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

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

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

Not applicable

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

The Board concluded the benefits of clarifying requirements and deleting an unnecessary administrative burden outweigh any minimal costs.

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

No changes were made between the proposed and final rulemakings.

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

The Board received no comments regarding the rulemaking. No one attended the oral proceeding on October 7, 2019.

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

None

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

The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board’s statutes to each person that is qualified by statute (See A.R.S. §§ 36-446.01 and 36-446.04) and rule.

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

There is no federal law specifically applicable to this rulemaking. Federal law makes receipt of federal funding contingent on a state licensing and regulating nursing care institution administrators. The specifics of the licensure and regulation are matters of state law.

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

No analysis was submitted.

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

None

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

None of the rules in the rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
AND ASSISTED LIVING FACILITY MANAGERS**

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Section

- R4-33-202. Requirements for Initial License by Reciprocity
- R4-33-203. Requirements for Temporary License
- R4-33-204. Initial Application
- R4-33-206. Renewal Application

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

Section

- R4-33-401. Requirements for Initial Certification by Examination
- R4-33-402. Requirements for a Temporary Certificate
- R4-33-403. Initial Application
- R4-33-405. Renewal Application

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

- R4-33-202. Requirements for Initial License by Reciprocity



To be eligible for an initial license by reciprocity as a nursing care institution administrator, an individual shall:

1. No change
 - a. No change
 - b. No change
2. No change
 - a. Hold a valid and current license as a nursing care institution administrator:
 - i. ~~Issued at least two years ago.~~
 - ii. ~~issued~~ Issued by a state or territory, ~~and which was obtained~~
 - iii. ~~Obtained~~ by passing the NAB examination; or
 - b. No change
 - c. No change
3. ~~Be employed full time as a nursing care institution administrator of record for the last two years in a state or territory with a licensing authority;~~
4. ~~3.~~ No change
5. ~~4.~~ No change
6. ~~5.~~ No change
 - a. No change
 - b. ~~Submit evidence of being employed full time as a nursing care institution administrator of record for the last two years in a state or territory with a licensing authority;~~
 - e. ~~b.~~ No change
 - d. ~~c.~~ No change
 - i. No change
 - ii. No change

R4-33-203. Requirements for Temporary License

- A. To be eligible for a temporary license as a nursing care institution administrator, an individual shall:
 1. Meet the requirements specified in R4-33-201 or R4-33-202 except for the requirement at R4-33-201(2) or ~~R4-33-202(2)(b)~~ R4-33-202(2)(c);
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. ~~Notarized signature~~ Signature of the owner of the nursing care institution affirming the information provided is true and complete;
 3. No change
 4. No change
- B. No change
- C. No change
- D. No change

R4-33-204. Initial Application

- A. 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
 9. No change
 10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change



- 12. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. No change
- B. In addition to the application form required under ~~subsection~~ subsection (A), an applicant shall have the following submitted directly to the Board on the applicant's behalf:
 - 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. ~~Passport size, color, full face~~ Full-face photograph of the applicant taken within the last 180 days and ~~signed on the back by the applicant six months;~~
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - 6. No change
 - 7. ~~Signed and notarized affidavit affirming~~ Affirm the information provided in the application is true and complete and ~~authorizing~~ authorize others to release information regarding the applicant to the Board; and
 - 8. No change
- D. No change
- E. No change
- F. No change

R4-33-206. Renewal Application

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. The licensee's dated ~~and notarized~~ signature affirming the information provided is true and complete.
- D. No change
 - 1. No change
 - 2. Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under ~~R4-36-204(C)(6)~~ R4-33-204(C)(6) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; and
 - 3. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
- F. No change

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

R4-33-401. Requirements for Initial Certification by Examination

- A. Except as provided in subsection (B), an individual who wishes to receive an initial certificate by examination as an assisted living facility manager shall:
 - 1. Education:
 - a. Earn a high school diploma or G.E.D., ~~and or hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2;~~
 - b. Complete an assisted living facility caregiver training program that is approved by the Board under ~~A.A.C. R4-33-701, Article 7 of this Chapter;~~ and
 - c. Complete an assisted living facility manager training program that is approved by the Board under ~~A.A.C. R4-33-601, or Article 6 of this Chapter;~~
 - d. ~~Hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2;~~



2. No change
3. No change
4. No change
5. No change
6. No change

B. No change

R4-33-402. Requirements for a Temporary Certificate

A. No change

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. ~~Notarized signature~~ Signature of the owner of the assisted living facility affirming the information provided is true and complete;

3. No change
4. No change

B. No change

C. No change

D. No change

R4-33-403. Initial Application

A. 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
 - a. No change
 - b. No change
 - c. No change
9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
10. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change

B. No change

1. Education:

- a. Copy of the applicant's high school diploma or G.E.D.; and certificates of completion issued from the training courses described under R4-33-401(A)(1)(b) and (c); or



- ~~b. Certificate of completion issued within a year before the date of application from the training course described under R4-33-401(1)(b), or~~
- ~~e-b. Copy of the applicant’s license issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2~~z~~, and certificate of completion issued from the training course described under R4-33-401(A)(1)(c);~~

- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. ~~Passport size, color, full face~~ Full-faced photograph of the applicant taken within the last 180 days and ~~signed on the back by the applicant six months;~~
- 9. No change
 - a. No change
 - b. No change
 - c. No change
- 10. ~~A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;~~
- 11. ~~Signed and notarized affidavit affirming that~~ Affirm the information provided in the application is true and complete and ~~authorizing authorize~~ others to release information regarding the applicant to the Board; and
- 12. No change

- C. No change
- D. No change
- E. No change

R4-33-405. Renewal Application

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. The certificate holder’s dated ~~and notarized~~ signature affirming ~~that~~ the information provided is true and complete.
- D. No change
 - 1. No change
 - 2. ~~A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under R4-33-403(B)(10) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; and~~
 - 3. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
- F. No change



NOTICES OF FINAL EXEMPT RULEMAKING

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

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them.

Refer to Item #5 to contact the person charged with the rulemaking.

**NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE**

[R19-272]

PREAMBLE

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

R20-6-310	New Section
R20-6-310.01	New Section
R20-6-310.02	New Section
R20-6-310.03	New Section
R20-6-310.04	New Section

2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**
 Authorizing statute: A.R.S. § 20-143(B)
 Implementing statute: A.R.S. § 20-492.02
 Session law authorizing the exemption: Laws 2019, 1st Reg. Sess., Ch. 180, § 2

3. **The effective date of the rule:**
 December 4, 2019

 The rules were effective immediately upon filing in the Office of the Secretary of State as provided in A.R.S. § 41-1031. (This is an exempt rulemaking so the Department is not subject to A.R.S. § 41-1032.) In order to retain its accreditation from the National Association of Insurance Commissioners (NAIC), the Department is required to adopt these rules prior to the close of 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 final rulemaking package:**
 Notice of Exempt Rulemaking Docket Opening: 25 A.A.R. 3402, November 22, 2019
 Notice of Proposed Exempt Rulemaking: 25 A.A.R. 3395, November 22, 2019

5. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Mary E. Kosinski
 Address: Department of Insurance
 100 N. 15th Ave., Suite 102
 Phoenix, AZ 85007-2624

 Telephone: (602) 364-3100
 E-mail: mkosinski@azinsurance.gov

6. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 In 2019, the Legislature adopted the NAIC Corporate Governance Annual Disclosure Model Act at Arizona Revised Statutes (“A.R.S.”) by enacting the Corporate Governance Act at Title 20, Chapter 2, Article 16 (Laws 2019, 1st Reg. Sess., Ch. 180, § 1). The Department of Insurance (“Department”) seeks to adopt the correlate Corporate Governance Annual Disclosure Model Regulation. A.R.S. § 20-492.02 allows the Department to adopt rules to carry out the Act upon notice and an opportunity to be heard. The Legislature has exempted the Department from Title 41, Chapter 6 for one year after the effective date of the Act. (Laws 2019, 1st Reg. Sess., Ch. 180, § 2.)

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 agency did not review or rely on any study relevant to the rule in its justification for the rule.

8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 The rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

9. **A summary of the economic, small business, and consumer impact:**
 No economic, small business or consumer impact is implicated. The rulemaking is adopting a NAIC Model Regulation which the NAIC fully vetted at meetings open to both state regulators and insurance companies who will be subject to the rules.



- 10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
No changes have been made between the proposed rulemaking and the final rulemaking.
- 11. An agency’s summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:**
No person submitted comments to the Department about the rulemaking or requested a hearing.
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rule does not require 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:**
No federal law is applicable to the subject of the rule.
 - c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**
No 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.
- 13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
R20-6-310.02(E) references the NAIC’s Financial Analysis Handbook 2018 Annual/2019 Quarterly, pp. 771 through 774.
- 14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and final rulemaking packages:**
This rule was not previously made, amended or repealed as an emergency rule.
- 15. The full text of the rules follows:**

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE**

ARTICLE 3. FINANCIAL PROVISIONS AND PROCEDURES

Section
R20-6-310. Corporate Governance
R20-6-310.01. Definitions
R20-6-310.02. Filing Procedures
R20-6-310.03. Contents of CGAD
R20-6-310.04. Severability Clause

ARTICLE 3. FINANCIAL PROVISIONS AND PROCEDURES

R20-6-310. Corporate Governance

The purpose of sections R20-6-310.01 through R20-6-310.03 is to set forth procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD) deemed necessary by the Director to carry out the provisions of Title 20, Chapter 2, Article 16 on Corporate Governance.

R20-6-310.01. Definitions

The definitions in A.R.S. § 20-492 and this Section apply to Sections R20-6-310.02 through R20-6-310.04.

“CGAD” means Corporate Governance Annual Disclosure.

“NAIC” means National Association of Insurance Commissioners.

“Senior Management” means any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators and shall include, for example and without limitation, the Chief Executive Officer (“CEO”), Chief Financial Officer (“CFO”), Chief Operations Officer (“COO”), Chief Procurement Officer (“CPO”), Chief Legal Officer (“CLO”), Chief Information Officer (“CIO”), Chief Technology Officer (“CTO”), Chief Revenue Officer (“CRO”), Chief Visionary Officer (“CVO”), or any other “C” level executive.

R20-6-310.02. Filing Procedures

- A. Deadline to file.** An insurer, or the insurance group of which the insurer is a member, required to file a CGAD by Title 20, Chapter 2, Article 16 shall, no later than June 1 of each calendar year, submit to the Director a CGAD that contains the information described in Section R20-6-310.03.
- B. Attestation.** The CGAD must include a signature of the insurer’s or insurance group’s CEO or corporate secretary attesting to the best of that person’s belief and knowledge that the insurer or insurance group has implemented the corporate governance practices and that the copy of the CGAD has been provided to the insurer’s or insurance group’s Board of Directors or appropriate committee of the Board of Directors.



- C.** Format of the CGAD. The insurer or insurance group shall have discretion regarding the appropriate format for providing the information required and is permitted to customize the CGAD to provide the most relevant information necessary to permit the Director to gain an understanding of the corporate governance structure, policies and practices utilized by the insurer or insurance group.
- D.** Insurer or insurance group to determine level of reporting.
- For purposes of completing the CGAD, the insurer or insurance group may choose to provide information on governance activities that occur at the ultimate controlling parent level, an intermediate holding company level and/or the individual legal entity level, depending on how the insurer or insurance group has structured its system of corporate governance.
 - The insurer or insurance group is encouraged to make the CGAD disclosures at:
 - The level at which the insurer's or insurance group's risk appetite is determined.
 - The level at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or
 - The level at which legal liability for failure of general corporate governance duties would be placed.
 - If the insurer or insurance group determines the level of reporting based on the criteria in subsection (D)(2), it shall indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.
- E.** CGAD completed at the insurance group level. Notwithstanding Subsection A and as outlined in A.R.S. § 20-492.01, if the CGAD is completed at the insurance group level, then it must be filed with the lead state of the group as determined by the procedures outlined in the NAIC's Financial Analysis Handbook 2018 Annual/2019 Quarterly, pp. 771 through 774, and no future editions. In these instances, a copy of the CGAD must also be provided, upon request, to the chief regulatory official of any state in which the insurance group has a domestic insurer.
- F.** Reference to other existing documents. An insurer or insurance group may comply with this Section by referencing other existing documents (e.g., ORSA Summary Report, Holding Company Form B or F Filings, Securities and Exchange Commission (SEC) Proxy Statements, foreign regulatory reporting requirements, etc.) if the documents provide information that is comparable to the information described in R20-6-310.03. The insurer or insurance group shall clearly reference the location of the relevant information within the CGAD and attach the referenced document if it is not already filed or available to the Director.
- G.** Subsequent filings of the CGAD. Each year following the initial filing of the CGAD, the insurer or insurance group shall file an amended version of the previously filed CGAD indicating where changes have been made to the previously filed CGAD. The filing shall also state if no changes are made to the information or activities previously reported by the insurer or insurance group.

R20-6-310.03. Contents of CGAD

- A.** Inclusion of attachments. The insurer or insurance group shall be as descriptive as possible in completing the CGAD, with inclusion of attachments or example documents that are used in the governance process, since these may provide a means to demonstrate the strengths of their governance framework and practices.
- B.** Board. The CGAD shall describe the insurer's or insurance group's corporate governance framework and structure including consideration of the following:
- The Board and its various committees ultimately responsible for overseeing the insurer or insurance group and the level(s) at which that oversight occurs (e.g., ultimate control level, intermediate holding company, legal entity, etc.). The insurer or insurance group shall describe and discuss the rationale for the current Board size and structure; and
 - The duties of the Board and each of its significant committees and how they are governed (e.g., bylaws, charters, informal mandates, etc.), as well as how the Board's leadership is structured, including a discussion of the roles of the Chief Executive Officer (CEO) and Chairman of the Board within the organization.
- C.** Senior Governing Entity. The insurer or insurance group shall describe the policies and practices of the most senior governing entity and its significant committees, including a discussion of the following factors:
- How the qualifications, expertise and experience of each Board member meet the needs of the insurer or insurance group.
 - How an appropriate amount of independence is maintained on the Board and its significant committees.
 - The number of meetings held by the Board and its significant committees over the past year as well as information on director attendance.
 - How the insurer or insurance group identifies, nominates and elects members of the Board and its committees. The discussion should include, for example:
 - Whether a nomination committee is in place to identify and select individuals for consideration.
 - Whether term limits are placed on directors.
 - How the election and re-election processes function.
 - Whether a Board diversity policy is in place and if so, how it functions.
 - The processes in place for the Board to evaluate its performance and the performance of its committees, as well as any recent measures taken to improve performance (including any Board or committee training programs that have been put in place).
- D.** Senior Management. The insurer or insurance group shall describe the policies and practices for directing Senior Management, including a description of the following factors:
- Any processes or practices (i.e., suitability standards) to determine whether officers and key persons in control functions have the appropriate background, experience and integrity to fulfill their prospective roles, including:
 - Identification of the specific positions for which suitability standards have been developed and a description of the standards employed.
 - Any changes in an officer's or key person's suitability as outlined by the insurer's or insurance group's standards and procedures to monitor and evaluate such changes.
 - The insurer's or insurance group's code of business conduct and ethics, the discussion of which considers, for example:
 - Compliance with laws, rules, and regulations; and
 - Proactive reporting of any illegal or unethical behavior.



- 3. The insurer's or insurance group's processes for performance evaluation, compensation and corrective action to ensure effective senior management throughout the organization, including a description of the general objectives of significant compensation programs and what the programs are designed to reward. The description shall include sufficient detail to allow the Director to understand how the organization ensures that compensation programs do not encourage and/or reward excessive risk-taking. Elements to be discussed may include, for example:
 - a. The Board's role in overseeing management compensation programs and practices.
 - b. The various elements of compensation awarded in the insurer's or insurance group's compensation programs and how the insurer or insurance group determines and calculates the amount of each element of compensation paid;
 - c. How compensation programs are related to both company and individual performance over time;
 - d. Whether compensation programs include risk adjustments and how those adjustments are incorporated into the programs for employees at different levels;
 - e. Any clawback provisions built into the programs to recover awards or payments if the performance measures upon which they are based are restated or otherwise adjusted;
 - f. Any other factors relevant to understanding how the insurer or insurance group monitors its compensation policies to determine whether its risk management objectives are met by incentivizing its employees.
 - 4. The insurer's or insurance group's plans for CEO and Senior Management succession.
- E.** Oversight. The insurer or insurance group shall describe the processes by which the Board, its committees and Senior Management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities, including a discussion of:
- 1. How oversight and management responsibilities are delegated between the Board, its committees and Senior Management;
 - 2. How the Board is kept informed of the insurer's strategic plans, the associated risks, and steps the Senior Management is taking to monitor and manage those risks;
 - 3. How reporting responsibilities are organized for each critical risk area. The description should allow the Director to understand the frequency at which information on each critical risk area is reported to and reviewed by Senior Management and the Board. This description may include, for example, the following critical risk areas of the insurer:
 - a. Risk management processes (an ORSA Summary Report filer may refer to its ORSA Summary Report submitted pursuant to A.R.S. § 20-491.03);
 - b. Actuarial function;
 - c. Investment decision-making processes;
 - d. Reinsurance decision-making processes;
 - e. Business strategy/finance decision-making processes;
 - f. Compliance function;
 - g. Financial reporting/internal auditing; and
 - h. Market conduct decision-making processes.

R20-6-310.04. Severability Clause

If any provision of this Section, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this Section which can be given effect without the invalid provision or application, and to that end the provisions of this Section are severable.



**NOTICES OF EXPIRATION OF RULES
UNDER A.R.S. § 41-1056(J)**

This section of the *Arizona Administrative Register* contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(J), if an agency does not file a five-year rule review report with the Governor’s Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the *Register*, and the rules are removed from the *Code*.

**GOVERNOR’S REGULATORY REVIEW COUNCIL
NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)**

BOARD OF ACCOUNTANCY

[R19-273]

- 1. **Agency name:** Board of Accountancy
- 2. **Title and its heading:** 4, Professions and Occupations
- 3. **Chapter and its heading:** 1, Board of Accountancy
- 4. **Article and its heading:** 1, General

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rule expired as of December 4, 2019:

R4-1-105. Confidential Records

Signature is of Nicole Sornsinsin
/s/

Nicole Sornsinsin
Council Chair

Date of Signing
December 4, 2019



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

[M19-112]

- 1. The agency name: Department of Transportation
2. The ombudsman's:
a. Name: Troy Walters
b. Title: Ombudsman
c. Specific agency division, if applicable: Motor Vehicle Division
3. The ombudsman's office address to include the city, state and zip code:
Address: Department of Transportation
1801 W. Jefferson St.
Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available:
Telephone: (602) 712-8152
Fax: (602) 712-6539
E-mail: TWalters@azdot.gov

NOTICE OF AGENCY OMBUDSMAN

[M19-113]

- 1. The agency name: Department of Transportation
2. The ombudsman's:
a. Name: John Carlson
b. Title: Special Projects and Research Administrator
3. The ombudsman's office address to include the city, state and zip code:
Address: 206 S. 17th Ave., Room 192
Mail Drop 140A
Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available:
Telephone: (602) 712-8145
E-mail: JCarlson@azdot.gov



GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

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

[M19-04]

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Douglas A. Ducey
GOVERNOR

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

ATTEST:
Katie Hobbs
SECRETARY OF STATE



REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING

PROPOSED SUMMARY

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING

EXEMPT

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

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
 SPXR = Supplemental Proposed Exempt repealed Section
 SPXM = Supplemental Proposed Exempt amended Section
 SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
 FXM = Final Exempt amended Section
 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
 TM = Terminated proposed amended Section
 TR = Terminated proposed repealed Section
 T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

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RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
September 13, 2019	October 4, 2019	November 4, 2019
September 20, 2019	October 11, 2019	November 12, 2019
September 27, 2019	October 18, 2019	November 18, 2019
October 4, 2019	October 25, 2019	November 25, 2019
October 11, 2019	November 1, 2019	December 2, 2019
October 18, 2019	November 8, 2019	December 9, 2019
October 25, 2019	November 15, 2019	December 16, 2019
November 1, 2019	November 22, 2019	December 23, 2019
November 8, 2019	November 29, 2019	December 30, 2019
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grcc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019

[M19-05]

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

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