



Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative REGISTER

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

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.

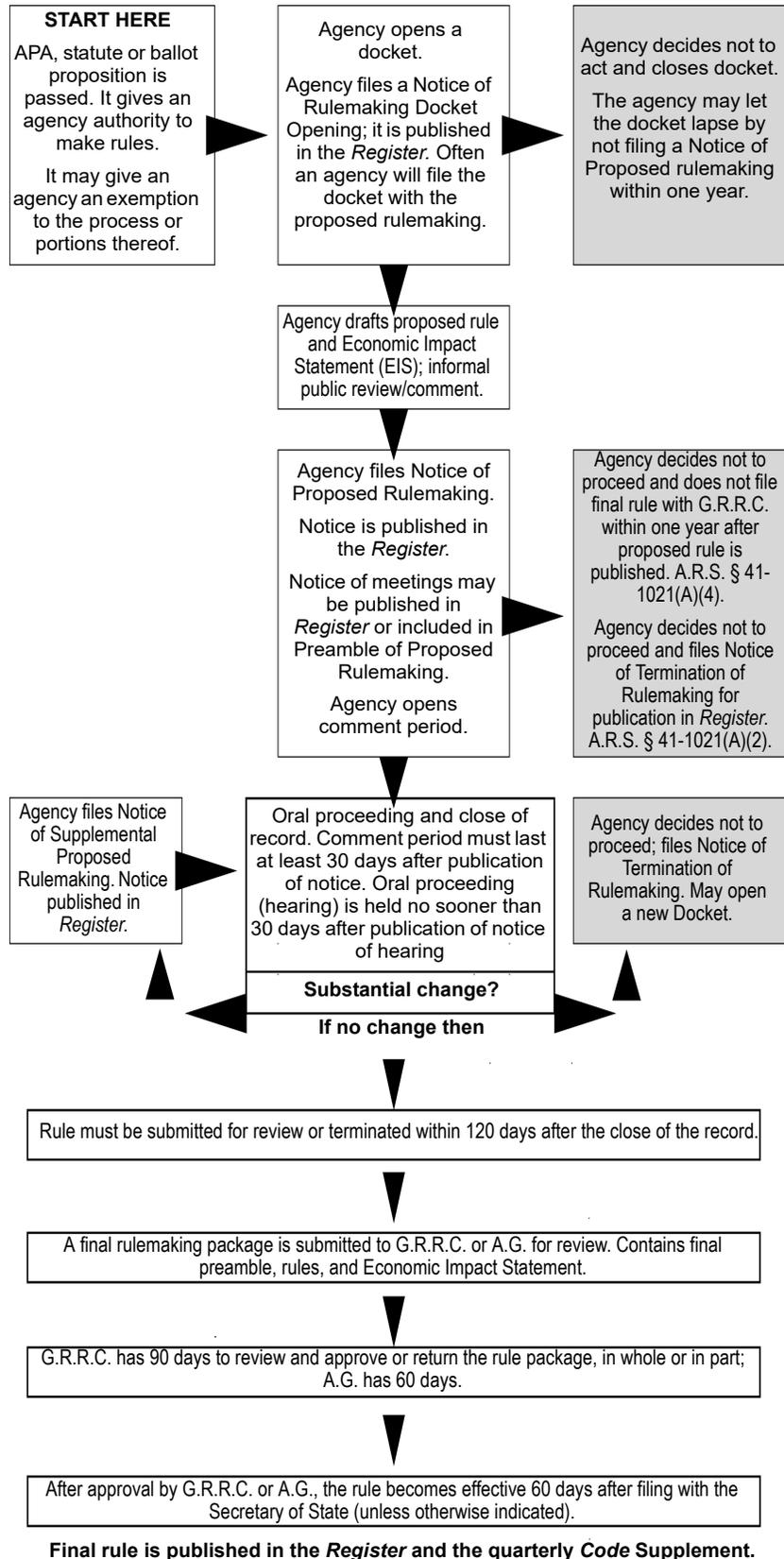
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 34. BOARD OF MANUFACTURED HOUSING**

[R20-38]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---------------------------------------------------------------------|---------------------------------|
| R4-34-101 | Amend |
| R4-34-102 | Amend |
| R4-34-203 | Amend |
| R4-34-204 | Amend |
| R4-34-502 | Amend |
| R4-34-504 | Amend |
| R4-34-603 | Amend |
| R4-34-606 | Amend |
| R4-34-607 | Amend |
| R4-34-701 | Amend |
| R4-34-702 | Amend |
| R4-34-703 | Amend |
| R4-34-704 | Amend |
| R4-34-705 | Amend |
| R4-34-706 | Amend |
| R4-34-801 | Amend |
| R4-34-802 | Amend |
| R4-34-805 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-4010(A)(13)
 Implementing statute: A.R.S. § 41-4001(7) and (17)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 26 A.A.R. 568, March 27, 2020 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Tara Brunetti, Assistant Deputy Director
 Address: Office of Manufactured Housing
 Arizona Department of Housing
 1110 W. Washington St., Suite 280
 Phoenix, AZ 85007
 Telephone: (602) 771-1000
 Fax: (602) 771-1002
 E-mail: tara.brunetti@azhousing.gov
 Website: www.housing.az.gov



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

Under Laws 2019, Chapter 272, the legislature amended A.R.S. § 41-4001 by adding definitions of "closed construction" and "open construction" and incorporating both terms into the definition of "factory-built building." This statutory change gives the Office of Manufactured Housing regulatory authority over FBBs, components, assemblies, and systems manufactured using closed construction. This rulemaking makes changes required to include this authority. An exemption from Executive Order 2019-01 was provided for this rulemaking by Kaitlin Harrier, of the Governor's Office, by e-mail dated August 21, 2019.

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

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

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

Not applicable

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

Authorizing closed construction of FBBs, components, assemblies, and systems will have important economic impact for licensees and consumers of these products. However, this economic impact results from the 2019 statutory change. The economic impact of this rulemaking will be minimal because it only makes changes necessary to accommodate the statutory change.

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

Name: Tara Brunetti, Assistant Deputy Director
Address: Office of Manufactured Housing
Arizona Department of Housing
1110 W. Washington St., Suite 280
Phoenix, AZ 85007
Telephone: (602) 771-1000
Fax: (602) 771-1002
E-mail: tara.brunetti@azhousing.gov
Website: www.housing.az.gov

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

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

Date: Friday, May 1, 2020
Time: 9:00 a.m.
Location: 1110 W. Washington St., Suite 250
Phoenix, AZ 85007

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

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 to each person that is qualified by statute 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:

None of the rules is more stringent than federal law. Federal law applies to the subject of these rules (See 24 CFR 3280, 3282, 3284, 3285, 3286, and 3288). Under a contract with HUD, the Board enforces the federal law.

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.

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

None

13. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 34. BOARD OF MANUFACTURED HOUSING**

ARTICLE 1. GENERAL

Section
R4-34-101. Definitions



R4-34-102. ~~Materials Incorporated by Reference~~ Applicable Standards

ARTICLE 2. LICENSING

Section

- R4-34-203. Retailers
- R4-34-204. Installers

ARTICLE 5. FEES

Section

- R4-34-502. ~~License Bond Amounts~~ Required
- R4-34-504. HUD Label Administration and IPIA Inspection Services

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

Section

- R4-34-603. FBBs
- R4-34-606. Rehabilitation of Mobile Homes
- R4-34-607. Manufacturing Inspection and Certification

ARTICLE 7. PLAN APPROVALS

Section

- R4-34-701. General
- R4-34-702. Compliance Assurance Manuals
- R4-34-703. Drawings and Specifications
- R4-34-704. Reconstruction Plans
- R4-34-705. Accessory Structures
- R4-34-706. FBB Installation

ARTICLE 8. PERMITS AND INSTALLATION

Section

- R4-34-801. Permits
- R4-34-802. General Installation
- R4-34-805. Accessory Structures

ARTICLE 1. GENERAL

R4-34-101. Definitions

The definitions in A.R.S. §§ 41-4001, and 41-4008 apply to this Chapter. Additionally, in this Chapter:

1. "Act" means the Manufactured Housing Improvement Act of 2000, which is Title VI of the American Homeownership and Economic Opportunity Act of 2000.
2. "Agency" means the seller or purchaser of a used home has given a licensed salesperson written legal authority to act on behalf of the seller or purchaser when dealing with a third party. The written legal authority is also binding on the salesperson's licensed and employing retailer.
3. "Agency disclosure" means a document that specifies the person a licensed salesperson or licensed retailer represents in a brokered transaction.
4. "Agent" means a licensed retailer authorized to act on behalf of a seller, purchaser, or both the seller and purchaser of a used home.
5. "Attached" means an accessory is fasten or affixed to a regulated structure in a manner that imposes a load on the structure.
- ~~5-6.~~ "Branch location" means a satellite office, in addition to the principal office, where business may be transacted.
- ~~6-7.~~ "Brokered transaction" means a transaction in which a licensed broker acts as an agent for the seller, purchaser, or both.
- ~~7-8.~~ "Certificate" means an Arizona Insignia of Approval, with which a licensee certifies all work performed complies with applicable law, including this Chapter, is required for relating to modular manufacture and reconstruction, installation of modular, manufactured, and mobile homes, reconstruction, or rehabilitation work and construction.
- ~~8-9.~~ "Co-brokered transaction" means a transaction in which the listing retailer and the selling retailer are not the same person.
- ~~9.~~ "Commercial" means an FBB with a use occupancy classification other than single family dwelling.
10. "Consummation of sale, as defined at A.R.S. § 41-1001, includes filing an Affidavit of Affixture, if applicable.
11. "FBB" means factory-built building.
12. "Field installed" means components, equipment, and/or construction that is to be completed or installed at the site. Field installed does not include reconstruction.
13. "HVAC" means heating, ventilation, and air conditioning.
14. "Modular" means ~~an a type of FBB built in a factory and transported in three-dimensional sections to an installation site.~~
15. "New" means a unit ~~or subassembly~~ not previously sold, bargained, exchanged, or given away to a purchaser.
- ~~16.~~ "Panelized" means a type of commercial FBB built in a factory using closed construction, including partly or fully finished walls, floors, or roof panels, and transported in two-dimensional condition to an assembly site.
- ~~16-17.~~ "Permanent foundation" means a system of support and perimeter enclosure, ~~of with or without~~ crawl space, that is:
 - a. Constructed of durable materials (e.g., concrete, masonry, steel, or treated wood);
 - b. Developed in accordance with the manufacturer's installation instructions or designed by an Arizona registered engineer;



- c. Attached in a manner that effectively transfers all vertical and horizontal design loads that could be imposed on the structure by wind, snow, frost, seismic, or flood conditions, as applicable, to the underlying soil or rock; and
 - d. Designed to exclude unwanted elements and varmints, ensure sufficient ventilation, and provide adequate access to the buildings; and,
 - e. ~~Not affixed with anchoring straps or cable to ground anchors other than footings.~~
- ~~17-18.~~ "Purchase contract in a brokered transaction" means a written agreement between a purchaser and seller of a used home that indicates the sales price and terms of the sale.
- ~~18-19.~~ "Repair" means work performed on a manufactured home, mobile home, or FBB to restore the building to a habitable condition but does not impact the original structure, electrical, plumbing, HVAC, mechanical, use occupancy, or energy design.
19. "Residential" means a building with a use occupancy classification of single family dwelling or as governed by the International Residential Code.
20. "Retailer" means a broker or dealer as prescribed at A.R.S. § 41-4001(5) and (10).
21. "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.
22. "Site work" means soil preparation including soil analysis, grading, drainage, utility trenches, and foundation systems preparation, and field-installed work including terminal and connections, on-site utility connections, accessibility structures, egress paths, parking, lighting, landscaping, and similar work.
23. "Standards" means the materials incorporated by reference in R4-34-102.
24. "Supplement" means a submittal noting change of ~~not more than two sheets of paper that indicates a floor plan design, dimensional sizes, does not change more than 25% of a system, component, or configuration,~~ and is incorporated as part of an originally approved plan.
25. "Technical service" means ~~engineering assistance and interpretative application or clarification of compliance and enforcement of A.R.S. Title 41, Chapter 16, Articles 1, 2, and 4 and this Chapter.~~
- ~~26-25.~~ "Used home" means a previously titled manufactured home, mobile home, or FBB designed for use as a residential dwelling.

R4-34-102. Materials Incorporated by Reference Applicable Standards

The following materials, which the Board incorporates by reference, apply to this Chapter. The materials, which include no later amendments or editions, are available from the Board. If there is a conflict between the incorporated material and a statute or rule, the statute or rule controls.

- 1. 24 CFR 3280, Manufactured Home Construction and Safety Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 2. 24 CFR 3282, Manufactured Home Procedural and Enforcement Regulations, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 3. 24 CFR 3284, Manufactured Housing Program Fee, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 4. 24 CFR 3285, Model Manufactured Home Installation Standards, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 5. 24 CFR 3286, Manufactured Home Installation Program, April 1, 2009, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 6. 24 CFR 3288, Manufactured Home Dispute Resolution Program, April 1, 2008, edition, available from the U.S. Government Printing Office, 732 N. Capitol St. NW, Washington, D.C. 20401 or bookstore.gpo.gov;
- 7. International Building Code (IBC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 8. International Residential Code (IRC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 9. International Mechanical Code (IMC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 10. International Plumbing Code (IPC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 11. International Fuel Gas Code (IFGC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 12. International Energy Conservation Code (IECC), 2009 edition, available from the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478;
- 13. National Electrical Code (NEC), 2008 edition, available from the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169; and
- 14. Protecting Manufactured Homes from Floods and Other Hazards, publication 85, second edition, November 2009, available from the Federal Emergency Management Agency, 500 C. St. SW, Washington, D.C. 20472 or www.fema.gov;

A. The Board shall post on its website applicable standards for manufacturing, assembling, or reconstructing a unit.

B. Under a contract with HUD, as authorized under A.R.S. § 41-4010(A)(10), the Board shall enforce the Act.

ARTICLE 2. LICENSING

R4-34-203. Retailers

Retailers' license applications fall into one of the following license classes:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change



- e. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Contracts with licensed installers or contractors holding an appropriate license issued by the Registrar of Contractors for the installation of FBBs including any existing or new accessory structures included in a sales agreement.
- 4. No change

R4-34-204. Installers

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - 2. No change
 - 3. I-10G Master installer of manufactured homes, mobile homes, or residential single-family FBBs, or commercial single-story FBBs built on a chassis with an electrical system no greater than 400 amperes is qualified permitted to perform the work described under subsections (A)(1) and (2) and installs HVAC systems including electrical wiring, gas connections, and ductwork. An I-10G Master installer does not provide service, maintenance, repair, or discharging, adding, or reclaiming refrigerants or any other work requiring certification. An I-10G Master installer may subcontract to a properly licensed entity for installation of any item under this subsection.
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change

ARTICLE 5. FEES

R4-34-502. License Bond Amounts Required

A. ~~An applicant shall submit the license bond amount listed for each license class. As authorized under A.R.S. § 41-4010(A)(6) through (A)(8), the Board has established a surety bond requirement for each class of licensee. The Board shall post the amount of surety bond required on its website.~~

License Class	Bond Amount
M-9A	\$10,000
M-9C	\$65,000
M-9E	\$100,000
D-8	\$25,000
D-10	\$25,000
D-12	\$25,000
I-10C	\$2,500
I-10D	\$1,000
I-10G	\$5,000

B. The Board shall not issue a new license or renew a license unless and until the applicant's or licensee's surety bond is in full force and effect or the full cash deposit is made or in place.

R4-34-504. HUD Label Administration and IPIA Inspection Services

In addition to the fees required under R4-34-501(C), a manufacturer of manufactured homes shall pay \$5 to the Department a fee for each label issued in this state.

ARTICLE 6. MANUFACTURING, CONSTRUCTION, AND INSPECTION

R4-34-603. FBBs

- A. No change
 - 1. No change
 - 2. Affix a permanent serial or identification number to each ~~unit~~ module or panel during the first stage of manufacturing. If an FBB has multiple sections (~~modules~~), the manufacturer shall ensure each module or panel is separately identified. The serial or identification number location and application method shall be shown in the plans required under R4-34-703; and
 - 3. Affix a Modular Manufacturer's Certificate to each completed module of each modular building where indicated in the plan required under R4-34-703(B)(5). A Modular Manufacturer's Certificate is not required for a panelized building.
- B. No change
 - 1. No change



- 2. No change
- 3. No change

R4-34-606. Rehabilitation of Mobile Homes

- A. No change
- B. No change
 - 1. No change
 - 2. The walls, ceilings, and doors of each gas-fired furnace and water-heater compartment shall be lined with ~~5/16 inch~~ gypsum board that is a minimum of 5/16 inches except a door to a the compartment that opens to the exterior of the mobile home, ~~in which case the door may be~~ and is of all metal construction. All exterior compartments shall seal to the interior of the mobile home;
 - 3. Each room designated expressly for sleeping purposes shall have at least one outside egress window or an approved exit device. The window or exit shall have a minimum clear width dimension of 22 inches, a minimum clear opening of five square feet, and the bottom of the exit is not more than 36 inches above the floor;
 - 4. The electrical system is tested for continuity to ensure metallic parts are properly bonded, tested for operation to demonstrate all equipment is connected and in working order, and given a polarity check to determine connections are proper. The electrical system ~~is properly protected for~~ shall have proper overcurrent protection for the required amperage load. If aluminum conductors are used, all receptacles and switches rated 20 amperes or less and directly connected to the aluminum conductors ~~are shall be~~ marked CO/ALR. ~~Exterior receptacles other than heat tape receptacles are of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (Copper/Aluminum/or Copper Clad Aluminum) are shall be~~ connected in accordance with ~~Section 110-14 of the National Electrical Code incorporated at R4-36-102. Ground Fault Circuit Interrupter protection shall be provided in compliance with the National Electrical Code incorporated in R4-36-102;~~ and
 - 5. No change
- C. No change
- D. No change
- E. No change
- F. No change

R4-34-607. Manufacturing Inspection and Certification

- A. No change
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
- E. The Department ~~shall~~ may decertify a manufacturing facility if:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- F. Before resuming production, a decertified manufacturing facility shall be recertified by the Department.
 - 1- ~~The Department shall evaluate the production process at the decertified manufacturing facility to ensure the manufacturer's procedures are consistent with the approved plans, standards, and compliance assurance manual at every stage of production.~~
 - 2- When the manufacturer successfully completes the recertification process, the Department shall issue Certificates or Labels to the manufacturer.
- G. No change

ARTICLE 7. PLAN APPROVALS

R4-34-701. General

- A. No change
 - 1. No change
 - 2. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- C. No change
- D. A person that submits a plan under subsection (B) shall ensure the plan conforms ~~with~~ to the following standards:
 - 1. Each page is at least 8 1/2 X 11 inches and printed to the scale referenced on the drawing;
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change

R4-34-702. Compliance Assurance Manuals

- A manufacturer of FBBs shall prepare a compliance assurance manual that has all of the following:
- 1. No change



2. No change
3. No change
4. No change
5. No change
6. No change
7. A description of the FBB-identification system including a unique identifier, such as a serial or identification number, that is permanently affixed to each module or panel of the FBB at the beginning of manufacturing and where the unique identifier is located on the FBB;
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change

R4-34-703. Drawings and Specifications

- A. No change
- B. A manufacturer of FBBs ~~or FBB subassemblies~~ shall submit to the Department plans that comply with the applicable standards in R4-34-102. The manufacturer shall ensure the plans provide or have the following information or format attributes:
1. No change
 2. A traceable identification for each closed panel component ~~and subassembly~~ listed;
 3. Design analysis calculations for all loads and systems;
 4. The location and process for stamping the permanent serial or identification number on the FBB ~~or subassembly~~;
 5. The location of the Modular Manufacturer Certificate; and
 6. Dimensional plans and details identifying all components and construction to be field installed.

R4-34-704. Reconstruction Plans

- A. A manufacturer shall comply with the standards in R4-34-102 when preparing a reconstruction plan.
- B. A manufacturer preparing a reconstruction plan shall ensure the plan contains the following:
~~a detailed set of dimensioned drawings and specifications that depict all aspects of the reconstruction, including a plan depicting the original configuration, and contains the serial or identification number of the unit.~~
1. A depiction of the configuration before reconstruction;
 2. The serial or identification number of the unit;
 3. Dimensioned drawings and details identifying all components and specification lists affected by the reconstruction. Electrical, plumbing, gas, and HVAC systems, as applicable, shall be addressed; and
 4. Design-analysis calculations for all loads and systems affected by the reconstruction.
- C. No change

R4-34-705. Accessory Structures

- A. For ~~commercial~~ manufactured homes, mobile homes, and FBBs, a properly licensed entity or person shall comply with ~~the International Building Code R4-34-102~~ when preparing attached accessory structure plans. ~~For manufactured homes, mobile homes, and residential FBBs, a properly licensed entity or person shall comply with the International Residential Code when preparing attached accessory structure plans.~~ The plans shall include the following:
1. Dimensioned drawings and details identifying all applicable components and specification lists. Electrical, plumbing, gas, and HVAC systems, as applicable, shall be addressed;
 2. Design-analysis calculations for all loads and systems; and
 3. Method of attachment to the manufactured home, mobile home, or FBB.
- B. No change
- C. No change

R4-34-706. FBB Installation

- A properly licensed entity or person shall include the following in installation plans submitted to the Department:
1. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 3. No change
 - a. Size and type of conductors, conduit materials for feeder wires, length of feeders, and all amperage;
 - b. No change
 - c. Complete details of panelboards, switchboards, ~~and~~ distribution centers with calculated loads, and fault current calculations; and
 - d. No change
 4. No change
 - a. No change
 - b. No change
 - c. Location of all cleanouts and grade of sewer line; and



- d. Fixture unit calculations for plumbing and gas fixtures;
- e. ~~Fastening and closure details for connection of multiple modules; and~~
- f. ~~Dimensional plans and details for all components and construction to be field installed.~~
- 5. Fastening and closure details for connection of multiple modules or panels.
- 6. Dimensional plans and details for all components and construction to be field installed.

ARTICLE 8. PERMITS AND INSTALLATION

R4-34-801. Permits

- A. No change
- B. No change
- C. A properly licensed entity or person shall obtain all required permits, such as zoning, flood plain, and installation, from the Department or local jurisdiction before beginning any ~~installation site work~~ except the assessment required under R4-34-802(E). All permits shall be posted in a conspicuous location onsite. The properly licensed entity or person who contracts to perform the installation and a licensed installer who subcontracts to perform the installation shall verify that all required permits have been obtained from the Department and local jurisdiction before beginning the installation.
- D. No change
- E. The Department or a local jurisdiction participating in the installation inspection program shall charge the permit fee expressly authorized under A.R.S. § ~~41-2144(A)(4)~~ 41-4010(A)(4). The fee charged by the local jurisdiction shall not exceed the amount established by the Board.
- F. Every permit, except a special-use permit, expires six months after the permit is issued. The Department may extend the permit for good cause if a written request is made to the Department before the permit expires and the fee established by the Board under A.R.S. § ~~41-2144(A)(4)~~ 41-4010(A)(4) is paid again.
- G. No change
- H. The permit holder, owner, ~~or contractor,~~ or designated responsible party identified on the permit shall request all required inspections.
- I. At the time of a scheduled inspection, the permit holder, owner, ~~or contractor,~~ or designated responsible party identified on the permit shall ensure all work to be inspected is accessible (opened) and no work is performed beyond the point indicated for each successive inspection without first obtaining approval from the Department.
- J. The permit holder, owner, ~~or contractor,~~ or designated responsible party identified on the permit shall ensure approved plans and all applicable manuals are available onsite.
- K. No change

R4-34-802. General Installation

- A. No change
- B. No change
- C. No change
- D. No change
- E. Before ~~making an installation~~ installing a unit, a properly licensed entity shall perform or contract with a qualified ~~professional party~~ to assess the site and soil, ensure required permits are obtained, and make site preparations necessary to ensure the site is compatible with the manufactured home, mobile home, or ~~residential single-family~~ FBB to be installed. The entity that actually ~~assesses and~~ prepares the site has primary responsibility for the work performed. The entity that contracts to have the site ~~assessment and~~ preparation done, if different, has secondary responsibility for the work performed.
- F. No change

R4-34-805. Accessory Structures

- ~~A.~~ “Attached,” as used in A.R.S. § 41-2142(1), means fastened by any means to a manufactured home, mobile home, or residential single-family FBB at the time of installation.
- ~~B.~~ An installer or contractor shall install, assemble, or construct each accessory structure in compliance with applicable standards in R4-34-102.



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 2. ADMINISTRATION

CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

[R20-52]

PREAMBLE

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. <u>Article, Part, or Section Affected (as applicable)</u>
 Article 13
 R2-12-1301
 R2-12-1302
 R2-12-1303
 R2-12-1304
 R2-12-1305
 R2-12-1306
 R2-12-1307
 R2-12-1308</p> | <p><u>Rulemaking Action</u>
 New Article
 New Section
 New Section</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-372(A)
 Implementing statute: A.R.S. § 41-371 through 41-380
- 3. The effective date of the rule:**
 March 19, 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 earlier date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 1737, July 5, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 3351, November 22, 2019
- 5. The agency's contact person who can answer questions about the rulemaking:**
 Name: Patricia A. Viverto, Director
 Address: Secretary of State, Business Services
 1700 W. Washington St., 7th Floor
 Phoenix, AZ 85007
 Telephone: (602) 542-6187
 Fax: (602) 542-4366
 E-mail: pviverto@azsos.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:**
 SB1030 was signed into law by the Governor on April 10, 2019. The bill directs the Secretary of State to adopt rules to facilitate Remote Online Notarization (RON). RON occurs when a signer personally appears before the notary at the time of the notarization using audio-visual technology instead of being physically present in the same room with the notary. An individual who wishes to perform RON must be commissioned as a traditional notary public and meet the same requirements and qualifications needed to be



appointed as a traditional notary public under A.R.S. §§ 41-311 through 41-380. The term of the commission to perform RON is four years and expires on the same date as the traditional notary public’s commission. In order to perform RON, the notary must be physically located within the boundaries of Arizona at the time of the notarization. The notary must verify the remotely located signer by either personal knowledge of the signer, the signer’s remote presentation of a credential that qualifies as satisfactory evidence of identity as defined in A.R.S. §41-311, by credential analysis and identity proofing of the signer, or by the use of a credible witness with personal knowledge of the signer. It is the responsibility of the notary to obtain the technologies and devices that the notary intends to use to perform RON and to ensure that they meet the requirements as set forth by the Secretary of State in this article.

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

None

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

Not applicable

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

Not applicable

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

The following changes were made between the proposed rulemaking and the final rulemaking:

R2-12-1301. Definition for Multi-factor authentication was added.

R2-12-1304(A)(5). Changed the word “certification” to “statement certifying” for clarity.

R2-12-1304(D). The fee language was removed.

R2-12-1304(G). Section added for the appeal process.

R2-12-1306(C). Added language to this section for clarity.

Some minor punctuation and text changes were made as well.

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

None

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

Not applicable

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

Not applicable

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

Not applicable

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

Not applicable

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

None

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

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

ARTICLE 13. REMOTE ONLINE NOTARIZATION

Section

R2-12-1301. Definitions

R2-12-1302. Authority to Perform Remote Online Notarization

R2-12-1303. Use of Electronic Notarization

R2-12-1304. Registration

R2-12-1305. Standards for Identity Verification



- R2-12-1306. Standards for Communication Technology
R2-12-1307. Certificate of Notarial Act for Remote Online Notarization
R2-12-1308. Record Retention and Depositories

ARTICLE 13. REMOTE ONLINE NOTARIZATION

R2-12-1301. Definitions

The following definitions shall apply to this Article unless context otherwise requires:

1. “Commission” means the same as defined in A.R.S. § 41-311(2).
2. “Communication technology” means the same as defined in A.R.S. § 41-371(1).
3. “Credential analysis” means the same as defined in A.R.S. § 41-371(2).
4. “Dynamic knowledge-based authentication assessment” means an identity assessment of an individual that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer
5. “Electronic” means the same as defined in A.R.S. § 41-371(3).
6. “Electronic notarization” or “electronic notarial acts” means a notarial act performed with respect to an electronic record in accordance with Article 12.
7. “Electronic record” means the same as defined in A.R.S. § 41-371(4).
8. “Electronic seal” means the same as defined in A.R.S. § 41-371(5).
9. “Identification credential” means an identification card or document that constitutes “satisfactory evidence of identity” as defined in A.R.S. § 41-311(11).
10. “Identity proofing” means the same as defined in A.R.S. § 41-371(8).
11. “Multi-factor authentication” means a security system that requires more than one method of authentication from independent categories of credentials to verify the user’s identity for a login or other transaction.
12. “Notarial act” means the same as defined in A.R.S. § 41-371(9).
13. “Person” means the same as defined in A.R.S. § 41-371(11).
14. “Personal knowledge” means the same as defined in A.R.S. § 41-371(12).
15. “Remotely located individual” means the same as defined in A.R.S. § 41-371(13).
16. “Remote online notarization” or “remote online notarial act” means the same as defined in A.R.S. § 41-371(14).
17. “Remote presentation” means the same as defined in A.R.S. § 41-371(15).

R2-12-1302. Authority to Perform Remote Online Notarization

- A.** A notary public of this state may perform remote online notarizations during the term of the notary public’s commission if:
1. The notary public has received written authorization from the Secretary of State to perform remote online notarizations under this Article; and
 2. The Secretary of State has not terminated or revoked such authorization.
- B.** A notary public who is authorized to perform remote online notarizations under subsection (A) may also perform electronic notarizations under Article 12.

R2-12-1303. Use of Electronic Notarization

In performing a remote online notarization, a notary public must comply with the requirements for electronic notarization as provided in Article 12.

R2-12-1304. Registration

- A.** To receive authorization from the Secretary of State to perform remote online notarizations a notary public must submit an application in a format prescribed by the Secretary of State that provides the following information about the applicant:
1. The applicant’s full legal name and the name under which the applicant is commissioned as a notary public (if different);
 2. The applicant’s email address;
 3. A description of the technologies or devices that the applicant intends to use to perform remote online notarizations;
 4. The name, address, and website URL of any vendors or other persons that will directly supply to the applicant the technologies that the applicant intends to use;
 5. A statement certifying that the technologies described in the application comply with the requirements of this Article; and
 6. A disclosure of any professional license or commission revocations or other professional disciplinary actions taken under the laws of any state against the applicant.
- B.** The application must be submitted to the Secretary of State as provided by information posted on the Secretary of State’s website at <https://azsos.gov/>.
- C.** If, during the term of a notary public’s commission, the notary public intends to use the technologies of another vendor or person than those identified under subsection (A)(3) and (4), then an additional application or amendment identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this section.
- D.** If the technology identified in the application under subsection (A) conforms to the standards adopted under this Article and the applicant satisfies the requirements of this section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform electronic notarizations.
- E.** The Secretary of State may reject the application, or terminate or revoke a prior authorization given under this section, for the following reasons:
1. The applicant’s failure to comply with A.R.S. §§ 41-311 through 41-380 or this Article;



- 2. Any information required under subsection (A) is missing, inaccurate, or incomplete; or
- 3. The technology identified in the application does not conform to the standards adopted under this Article.
- F. The Secretary of State shall notify the notary public of approval or rejection of the application within 45 days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.
- G. Rejection of an application, or termination or revocation of a prior authorization to perform electronic notarizations may be appealed pursuant to A.R.S. §§ 41-1092.03 and 41-1092.06.
- H. The term of the commission to perform remote online notarization shall be the same as the term of the notary’s existing notary commission.
- I. The renewal of the commission of a notary public who has previously received authorization to perform remote online notarizations does not constitute renewal of such authorization. Applicant shall submit another application as provided under subsection (A) and must receive authorization from the Secretary of State in order to continue to perform remote online notarizations.
- J. Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using hardware and/or software updates to the technologies that the notary public identified under subsection (A) if the hardware and/or software update does not result in technologies that are materially different from the technologies that the notary public identified previously.

R2-12-1305. Standards for Identity Verification

- A. If a notary public does not have satisfactory evidence of the identity of a remotely located individual under subsection (D), the notary public must reasonably verify the individual’s identity through a multi-factor authentication procedure as provided in this section and in subsections (B) and (C). The procedure must analyze the individual’s identification credential that is the subject of remote presentation against trusted third-person data sources, bind the individual’s identity to the individual following successful dynamic knowledge-based authentication assessment, and permit the notary public to visually compare the identification credential and the individual. Credential analysis and identity proofing must be performed by a reputable third party who has provided evidence to the notary public of the ability to satisfy the requirements of this Article.
- B. Credential analysis must use public or private data sources to confirm the validity of the identification credential that is the subject of remote presentation by a remotely located individual and shall, at a minimum:
 - 1. Use automated software processes to aid the notary public in verifying the identity of each remotely located individual;
 - 2. Require the identification credential to pass an authenticity test, consistent with sound commercial practices, that uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;
 - 3. Use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and
 - 4. Enable the notary public to visually compare for consistency the information and photograph on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.
- C. Identity proofing must be performed by means of a dynamic knowledge-based authentication assessment. The assessment is successful if it meets the following requirements:
 - 1. The remotely located individual must answer a quiz consisting of a minimum of five questions related to the individual’s personal history or identity formulated from public or private data sources;
 - 2. Each question must have a minimum of five possible answer choices;
 - 3. At least 80% of the questions must be answered correctly;
 - 4. All questions must be answered within two minutes;
 - 5. If the remotely located individual fails the first attempt, the individual may retake the quiz one time within 24 hours;
 - 6. During a retake of the quiz, a minimum of 40% of the prior questions must be replaced;
 - 7. If the remotely located individual fails the second attempt, the individual is not allowed to retry with the same online notary public within 24 hours of the second failed attempt; and
 - 8. The notary public must not be able to see or record the questions or answers.
- D. A notary public has satisfactory evidence of the identity of a remotely located individual if:
 - 1. The notary public has personal knowledge of the identity of the individual; or
 - 2. The individual is identified by oath or affirmation of a credible witness in accordance with the following requirements:
 - a. To be a credible witness, the witness must have personal knowledge of the remotely located individual.
 - b. The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness by multi-factor authentication in accordance with subsections (A), (B) and (C).
 - c. A credible witness may be outside the physical presence of the notary public or remotely located individual if the notary public, credible witness, and remotely located individual can communicate by using communication technology.

R2-12-1306. Standards for Communication Technology

- A. Communication technology must provide for synchronous audio-video feeds of sufficient video resolution and audio clarity to enable the notary public and remotely located individual to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature.
- B. Communication technology must provide reasonable security measures to prevent unauthorized access to:
 - 1. The live transmission of the audio-visual feeds;
 - 2. The methods used to perform identity verification; and
 - 3. The electronic record that is the subject of the remote online notarization.
- C. If a remotely located individual must exit the workflow prior to completion of the identity verification process, the individual must restart the identity verification process from the beginning.

R2-12-1307. Certificate of Notarial Act for Remote Online Notarization



A. A form of notarial certificate for a remote online notarization satisfies the requirement of A.R.S. § 41-376(F) if it is in the form provided by applicable law and contains a statement substantially as follows: “This remote online notarization involved the use of communication technology.”

B. A short form of acknowledgment prescribed in A.R.S. § 33-506 or other form of notarial certificate required by law satisfies the requirement of A.R.S. § 41-376(F) if it is in substantially one of the following forms for the purposes indicated:

1. For an acknowledgment in an individual capacity:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology on (date) by (name(s) of individual(s)).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

2. For an acknowledgment in a representative capacity:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology on (date) by (name(s) of individual(s)) as (type of authority, such as officer or trustee) of (name of party on behalf of whom the instrument was executed).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

3. For a verification on oath or affirmation:

State of Arizona
County of _____

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of individual(s) making statement).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

4. Certificate of acknowledgement for a corporation:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

5. Certificate of acknowledgement for a partnership:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

6. Certificate of acknowledgement for an individual acting as principal by an attorney in fact:

State of Arizona
County of _____



The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

7. Certificate of acknowledgement by any public officer, trustee, or personal representative:

State of Arizona
County of _____

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name and title of position).

(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

R2-12-1308. Record Retention and Depositories

- A. A notary public must retain the electronic journal required and any audio-visual recording created under A.R.S. § 41-374 in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process.
B. An electronic journal must be retained for at least five years after the last remote online notarial act chronicled in the journal.
C. A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.
D. On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of an electronic journal or audio-visual recording must:
1. Comply with the retention requirements of this section;
2. Transmit the journal and recording to one or more depositories under subsection (E); or
3. Transmit the journal and recording in an industry-standard readable data storage device to the Secretary of State at: Secretary of State, Attn: Notary Department, 1700 W. Washington Street, Floor 7, Phoenix, AZ 85007-2808.
E. A notary public, guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by this section.

NOTICE OF FINAL RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R20-39]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R2-20-209 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. § 16-956(A)(7)
Implementing statute: A.R.S. §§ 16-941, 16-942, 16-956(A)(7), 16-957
3. The effective date of the rule:
March 9, 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):

The Citizens Clean Elections Commission voted unanimously to give these amendments immediate affect under A.R.S. §§ 16-956(C), 16-956(D) because the election cycle is well underway. The Governor's Regulatory Review Council disagreed. GRRC staff members recommended that the Council give the rule amendment immediate effect on March 3, 2020, but only after declaring A.R.S. §§ 16-956(D) inoperative following the enactment of Proposition 306. The Commission does not agree that Proposition 306 invalidated A.R.S. § 16-956(D) or that the Commission is no longer authorized to make such a declaration, let alone whether GRRC may. The text of Proposition 306 reinforces the Commission's authority to declare effective dates of rules; nor does Legislative Council's analysis suggest that Proposition 306 would cause a



repeal of section 16-956(D), rather, to the contrary, Legislative Council determined that “The Citizens Clean Elections Commission would be required to follow the rulemaking requirements of the Administrative Procedures Act (title 41, chapter 6, article 3) to adopt the rules for carrying out the Citizens Clean Elections Act, except as otherwise provided by law. . . .” Section 16-956(D) provides otherwise and correctly left the Commission, which is sensitive to the election calendar, in charge of determining effective dates of amendments. Nevertheless, in the interest of time and clarity, for this rule amendment, the Commission permits GRRC’s effective date, with the express reservation of its rights, and the rights of other affected parties, to challenge, dispute and reverse any effective date in violation of the state statute, the Arizona and U.S. Constitutions.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 3079, October 18, 2019

Notice of Proposed Rulemaking: 25 A.A.R. 3055, October 18, 2019

Notice of Final Rulemaking: 26 A.A.R. 111, January 17, 2020

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

Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: Include area code, (602) 364-3477
E-mail: ccec@azcleelections.gov
Website: azcleelections.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:

R2-20-209: This amendment is designed to make the existing rule clearer and more concise. Currently, a reader must read multiple rules together to understand the Citizens Clean Elections investigation process in an enforcement matter after reason to believe a violation has occurred has been determined.

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:

Not applicable

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:

Because the rule amendment does not substantively change the underlying Commission investigative process, there is not economic, small business, or consumer impact cost. The clarification will have an economic, small business and consumer benefit because a clearer rule lowers compliance costs.

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

Not applicable

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

None received

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

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

Not applicable

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

Not applicable

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

Not applicable

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

None



Website: www.azpharmacy.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:

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

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

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

As described in item 11, an additional exception to the electronic prescribing requirement was made to R4-23-407(H)(1) and (2) in response to a comment from Jason Bezozo of Banner Health.

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

Jason Bezozo, of Banner Health, asked for an additional exception to the electronic prescribing requirements for situations involving an individual detained by the U.S. Border Patrol or in the custody of the Arizona Department of Corrections. In these situations, a written prescription order is provided for the individual because of uncertainty about where the prescription order will be dispensed.

Under the standards at A.R.S. § 41-1025(B), the change does not make the final rule substantially different from the proposed rule. The persons affected by the rule, medical practitioners and pharmacists, remain the same so had notice the rule would affect them. The subject matter of the rule, exceptions to the requirement that prescription orders for opioids be electronically transmitted, remains the same. The effect of the rule, Board-prescribed, limited, exceptions to the electronic prescribing requirement, remains the same.

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:

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

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

No rule in the rulemaking requires a permit.

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

The rule is not more stringent than federal law. A.R.S. § 36-2525(D) indicates that beginning January 1, 2020, a schedule II controlled substance that is an opioid may be dispensed only with an electronic prescription order as prescribed by federal law or regulation. The applicable federal law is at 21 CFR, Chapter II, Part 1311.

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

No analysis was submitted.

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:

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

15. The full text of the rules follows:



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section R4-23-407. Prescription Requirements

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-407. Prescription Requirements

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - 2. No change
 - 3. No change
 - 4. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - i. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - ii. No change
 - (1) No change
 - (2) No change
 - iii. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - (6) No change
 - (7) No change
 - (8) No change
 - b. The transfer of original prescription order information for a Schedule III, IV, or V controlled substance meets the following conditions:
 - i. No change
 - ii. No change
 - (1) No change



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



the various steps of the dispute resolution process. Furthermore, the rulemakings will reduce ambiguity, in part, by delineating State grievance and appeals system requirements, including the dispute resolution process for providers and contractors, and by identifying the administrative entity responsible for particular evidentiary hearings. The grievance and appeals system rulemaking is necessary to update the rules with federal and state provisions and to accurately delineate the roles and responsibilities of the various entities involved in the grievance and appeals system, including the hearing process, and to enhance general understanding of the complex dispute resolution process. Failure to amend current rules will leave in place regulations which do not correctly set forth current requirements and operations, causing compliance issues and ambiguity. The proposed rulemaking will assist applicants, members, contractors, and providers to better understand the procedural and substantive aspects of the grievance and appeals process across the system, promote compliance, reduce confusion, improve efficiency, and align rules with State and federal provisions.

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:

A study was not referenced or relied upon when revising these regulations.

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:

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

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

The rulemaking does not change which state agencies handle which administrative appeals under eligibility determinations by the Administration for AHCCCS coverage. Since this is a clarifying change for the public, the Administration does not anticipate any economic, small business, or consumer impact.

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

No changes were made to the proposed rulemaking.

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

No comments were made regarding the rulemaking.

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

No other matters have been prescribed.

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

Not applicable

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

Not applicable

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

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:

A.R.S. Title 6, Chapter 9, Title 36, Chapter 29, Article 3.01, and Title 41, Chapter 6, as well as A.A.C. Chapter 22, Article 15, Chapter 28, Chapter 29, Chapter 30, and Chapter 34, Article 102.

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

Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 34. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
GRIEVANCE SYSTEM

ARTICLE 1. REQUEST FOR ELIGIBILITY HEARING

Section

R9-34-101. Purpose Application of Chapter



ARTICLE 1. REQUEST FOR ELIGIBILITY HEARING

R9-34-101. Purpose Application of Chapter

- A.** This Article establishes the requirements and process for a petitioner to request a State Fair Hearing regarding an adverse action affecting AHCCCS eligibility. ~~Except for the adverse action in R9-34-102(A)(5), this Article does not apply to a person determined eligible by the Arizona Department of Economic Security under 9 A.A.C. 22, Article 14.~~
- B.** This Article applies to appeals of eligibility determinations made by AHCCCS including determinations for the aged, blind, or disabled (A.A.C. Chapter 22, Article 15), the Arizona Long Term Care System (Chapter 28), the Medicare Cost Sharing Program (Chapter 29), the Medicare Part D Program (Chapter 30), and adverse actions regarding premiums and copayments described in R9-34-102(A)(5). Hearings on these appeals are conducted as described in this Article, A.R.S. § 36-2903.01(B)(4) and the Arizona Administrative Procedures Act in A.R.S. Title 41, Chapter 6.
- C.** The Arizona Department of Economic Security conducts appeals of eligibility under the procedures in A.R.S. Title 6, Chapter 9 for those eligibility determinations made by the Department including:
 - 1. When the request for a State Fair Hearing is made for an individual whose eligibility is determined using MAGI-based income,
 - 2. When the request for a State Fair Hearing is made on behalf of more than one person in the same household where at least one person's eligibility is based on MAGI-based income,
 - 3. When the request for State Fair Hearing of AHCCCS eligibility is made at or near the same time as a request for the administrative review of an eligibility determination arising from the same facts and circumstances for any other public assistance program administered by the Department of Economic Security.



NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

**NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

[R20-42]

PREAMBLE

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

	<u>Rulemaking Action</u>
R9-10-109	Amend
R9-10-318	Amend
R9-10-702	Amend
R9-10-703	Amend
R9-10-706	Amend
R9-10-707	Amend
R9-10-708	Amend
R9-10-712	Amend
R9-10-716	Amend
R9-10-722	Amend

- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G)
 Implementing statutes: A.R.S. §§ 36-405, 36-406, 36-418, 36-422, 36-424, and 36-425.06 and Laws 2019, Ch.134

- 3. The effective date of the rules:**
 March 3, 2020

- 4. Citations to all related notices published in the Register that pertain to the record of the final expedited rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3653, December 20, 2019
 Notice of Proposed Expedited Rulemaking: 26 A.A.R. 49, January 10, 2020

- 5. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Kathryn McCanna, Branch Chief
 Address: Department of Health Services
 Health Care Institution Licensing
 150 N. 18th Ave., Suite 450
 Phoenix, AZ 85007

 Telephone: (602) 364-2841
 Fax: (602) 364-4808
 E-mail: Kathryn.McCanna@azdhs.gov
 or
 Name: Stephanie Elzenga, Acting Chief
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007

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

- 6. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S § 41- 1027, to include an explanation about the rulemaking:**
 Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code Title 9,



Chapter 10. Rules for behavioral health inpatient facilities are in 9 A.A.C. 10, Article 3, and rules for behavioral health residential facilities are in 9 A.A.C. 10, Article 7. Laws 2019, Ch. 134, added requirements related to central registry background checks and notifications required to be made to the Department by certain behavioral health residential facilities. Laws 2019, Ch. 270, § 4, added A.R.S. § 36-425.06, which requires the Department to “license secure behavioral health residential facilities to provide secure twenty-four-hour on-site supportive treatment and supervision.” After receiving an exception from the rulemaking moratorium established by Executive Order 2019-01, the Department is revising the rules to comply with requirements in Laws 2019, Ch. 134. The Department is also clarifying the rules in 9 A.A.C. 10, Article 7, related to providing secure housing for individuals ordered by a court into a behavioral health residential facility, pursuant to Laws 2019, Ch. 270, § 4. Finally, the Department is revising A.A.C. R9-10-318(A)(9)(d) and R9-10-716(D)(2)(e), related to requirements for educational programs for children who are patients in behavioral health inpatient facilities or residents in behavioral health residential facilities, to avoid potential conflicts with the statutory authorities for the Department and Arizona Department of Education. The Department believes that the rulemaking meets the criteria for expedited rulemaking since it will not increase the cost of regulatory compliance, increase a fee, or reduce the procedural rights of persons regulated beyond what is required by statute. As part of the rulemaking, any changes to cross-references will also be corrected. The amendments conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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

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

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

Not applicable

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

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

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

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

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

The Department did not receive any written stakeholder comments about the rulemaking.

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

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

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:

A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining “a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the [D]epartment specifying the class or subclass of health care institution the person is establishing, conducting or maintaining.” A health care institution license is specific to the licensee, class or subclass of health care institution, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

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

Not applicable

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:

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:



TITLE 9. HEALTH SERVICES
CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

ARTICLE 1. GENERAL

Section
R9-10-109. Changes Affecting a License

ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES

Section
R9-10-318. Child and Adolescent Residential Treatment Services

ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES

Section
R9-10-702. Supplemental Application and Documentation Submission Requirements
R9-10-703. Administration
R9-10-706. Personnel
R9-10-707. Admission; Assessment
R9-10-708. Treatment Plan
R9-10-712. Medical Records
R9-10-716. Behavioral Health Services
R9-10-722. Physical Plant Standards

ARTICLE 1. GENERAL

R9-10-109. Changes Affecting a License

- A.** A licensee shall ensure that:
1. The Department is notified in writing at least 30 calendar days before the effective date of:
 - a. Except as provided in subsection (I), a change in the name of:
 - i. A health care institution, or
 - ii. The licensee;
 - b. A change in the hours of operation:
 - i. Of an administrative office, or
 - ii. For providing physical health services or behavioral health services to patients of the health care institution;
 - c. A change in the address of a health care institution that does not provide medical services, nursing services, behavioral health services, or health-related services on the premises; or
 - d. A change in the geographic region to be served by the hospice service agency or home health agency; and
 2. Documentation supporting the change is provided to the Department with the notification required in subsection (A)(1).
- B.** If a licensee intends to terminate the operation of a health care institution, the licensee shall ensure that the Department is notified in writing of:
1. The termination of the health care institution's operations, as required in A.R.S. § 36-422(D), at least 30 calendar days before the termination, and
 2. The address and contact information for the location where the health care institution's medical records will be retained as required in A.R.S. § 12-2297.
- C.** A licensee shall ensure that the Department is notified in writing, according to A.R.S. § 36-425(I), of a change in the chief administrative officer of the health care institution.
- D.** If a health care institution is accredited by a nationally recognized accrediting organization, a licensee may submit to the Department the health care institution's current accreditation report.
- E.** ~~Except as provided in A.R.S. § 36-424(B),~~ if a licensee submits to the Department a health care institution's current accreditation report from a nationally recognized accrediting organization, the Department shall not conduct an onsite compliance inspection of the health care institution during the time the accreditation report is valid.
- F.** If a licensee is an adult behavioral health therapeutic home or a behavioral health respite home, the licensee shall ensure that:
1. The Department is notified in writing if the licensee does not have a written agreement with a collaborating health care institution, as required in R9-10-1603(A)(3) or R9-10-1803(A)(3) as applicable; and
 2. The adult behavioral health therapeutic home or behavioral health respite home does not accept an individual as a resident or recipient, as applicable, or provide services to a resident or recipient, as applicable, until:
 - a. The adult behavioral health therapeutic home or behavioral health respite home has a written agreement with a collaborating health care institution;
 - b. The collaborating health care institution has approved the adult behavioral health therapeutic home's or behavioral health respite home's:
 - i. Scope of services, and
 - ii. Policies and procedures; and
 - c. The collaborating health care institution has verified the provider's skills and knowledge.
- G.** If a licensee is an affiliated outpatient treatment center, the licensee shall ensure that if the affiliated outpatient treatment center:



1. Plans to begin providing administrative support to a counseling facility at a time other than during the affiliated outpatient treatment center’s license application process, the following information for each counseling facility is submitted to the Department before the affiliated outpatient treatment center begins providing administrative support:
 - a. The counseling facility’s name,
 - b. The license number assigned to the counseling facility by the Department, and
 - c. The date the affiliated outpatient treatment center will begin providing administrative support to the counseling facility; or
 2. No longer provides administrative support to a counseling facility previously identified by the affiliated outpatient treatment center as receiving administrative support from the affiliated outpatient treatment center, the following information for each counseling facility is submitted to the Department within 30 calendar days after the affiliated outpatient treatment center no longer provides administrative support:
 - a. The counseling facility’s name,
 - b. The license number assigned to the counseling facility by the Department, and
 - c. The date the affiliated outpatient treatment center stopped providing administrative support to the counseling facility.
- H.** If a licensee is a counseling facility, the licensee shall ensure that if the counseling facility:
1. Plans to begin receiving administrative support from an affiliated outpatient treatment center at a time other than during the counseling facility’s license application process, the following information for the affiliated outpatient treatment center is submitted to the Department before the counseling facility begins receiving administrative support:
 - a. The affiliated outpatient treatment center’s name,
 - b. The license number assigned to the affiliated outpatient treatment center by the Department, and
 - c. The date the counseling facility will begin receiving administrative support;
 2. No longer receives administrative support from an affiliated outpatient treatment center previously identified by the counseling facility as providing administrative support to the counseling facility, the following information for the affiliated outpatient treatment center is submitted to the Department within 30 calendar days after the counseling facility no longer receives administrative support from the affiliated outpatient treatment center:
 - a. The affiliated outpatient treatment center’s name,
 - b. The license number assigned to the affiliated outpatient treatment center by the Department, and
 - c. The date the counseling facility stopped receiving administrative support from the affiliated outpatient treatment center;
 3. Plans to begin sharing administrative support with an affiliated counseling facility at a time other than during the counseling facility’s license application process, the following information for each affiliated counseling facility sharing administrative support with the counseling facility is submitted to the Department before the counseling facility and affiliated counseling facility begin sharing administrative support:
 - a. The affiliated counseling facility’s name,
 - b. The license number assigned to the affiliated counseling facility by the Department, and
 - c. The date the counseling facility and the affiliated counseling facility will begin sharing administrative support; or
 4. No longer shares administrative support with an affiliated counseling facility previously identified by the counseling facility as sharing administrative support with the counseling facility, the following information is submitted for each affiliated counseling facility within 30 calendar days after the counseling facility and affiliated counseling facility no longer share administrative support:
 - a. The affiliated counseling facility’s name,
 - b. The license number assigned to the affiliated counseling facility by the Department, and
 - c. The date the counseling facility and affiliated counseling facility will no longer be sharing administrative support.
- I.** A governing authority shall submit a license application required in R9-10-105 for:
1. A change in ownership of a health care institution;
 2. A change in the address or location of a health care institution that provides medical services, nursing services, health-related services, or behavioral health services on the premises; or
 3. A change in a health care institution’s class or subclass.
- J.** A governing authority is not required to submit the documentation required in R9-10-105(A)(5) for a license application if:
1. The health care institution has not ceased operations for more than 30 calendar days,
 2. A modification has not been made to the health care institution,
 3. The services the health care institution is authorized by the Department to provide are not changed, and
 4. The location of the health care institution’s premises is not changed.

ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES

R9-10-318. Child and Adolescent Residential Treatment Services

- A.** An administrator of a behavioral health inpatient facility authorized to provide child and adolescent residential treatment services shall:
1. If abuse, neglect, or exploitation of a patient under 18 years of age is alleged or suspected to have occurred before the patient was accepted or while the patient is not on the premises and not receiving services from an employee or personnel member of the behavioral health inpatient facility, report the alleged or suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 13-3620;
 2. If the administrator has a reasonable basis, according to A.R.S. § 13-3620, to believe that abuse, neglect, or exploitation of a patient under 18 years of age has occurred on the premises or while the patient is receiving services from an employee or a personnel member:
 - a. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
 - b. Report the suspected abuse, neglect, or exploitation of the patient according to A.R.S. § 13-3620;
 - c. Document:



- i. The suspected abuse, neglect, or exploitation;
 - ii. Any action taken according to subsection (A)(2)(a); and
 - iii. The report in subsection (A)(2)(b);
 - d. Maintain the documentation in subsection (A)(2)(c) for at least 12 months after the date of the report in subsection (A)(2)(b);
 - e. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (A)(2)(b):
 - i. The dates, times, and description of the suspected abuse, neglect, or exploitation;
 - ii. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
 - iii. The names of witnesses to the suspected abuse, neglect, or exploitation; and
 - iv. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
 - f. Maintain a copy of the documented information required in subsection (A)(2)(e) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated;
 3. If a patient who is under 18 years of age is absent and the absence is unauthorized as determined according to the criteria in R9-10-303(H), within an hour after determining that the patient's absence is unauthorized, notify:
 - a. Except as provided in subsection (A)(3)(b), the patient's parent or legal guardian; and
 - b. For a patient who is under a court's jurisdiction, the appropriate court or a person designated by the appropriate court;
 4. Document the notification in subsection (A)(3) in the patient's medical record and the written log required in R9-10-303(I)(3);
 5. In addition to the personnel records requirements in R9-10-306(F), ensure that a personnel record for each employee, volunteer, and student contains documentation of the individual's compliance with the finger-printing requirements in A.R.S. § 36-425.03;
 6. Ensure that the patient's representative for a patient who is under 18 years of age:
 - a. Except in an emergency, either consents to or refuses treatment;
 - b. May refuse or withdraw consent to treatment before treatment is initiated, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5 or A.R.S. § 8-341.01; is necessary to save the patient's life or physical health; or is provided according to A.R.S. § 36-512;
 - c. Except in an emergency, is informed of alternatives to a proposed psychotropic medication and the associated risks and possible complications of the proposed psychotropic medication;
 - d. Is informed of the following:
 - i. The policy on health care directives, and
 - ii. The patient complaint process; and
 - e. Except as otherwise permitted by law, provides written consent to the release of information in the patient's:
 - i. Medical record, or
 - ii. Financial records;
 7. In addition to the restrictions provided in R9-10-311(C), ensure that a parent of a patient under 18 years of age is allowed to restrict the patient from:
 - a. Associating with individuals of the patient's choice, receiving visitors, and making telephone calls during the hours established by the behavioral health inpatient facility;
 - b. Having privacy in correspondence, communication, visitation, financial affairs, and personal hygiene; and
 - c. Sending and receiving uncensored and unopened mail;
 8. Establish, document, and implement policies and procedures to ensure that a patient is protected from the following from other patients at the behavioral health inpatient facility:
 - a. Threats,
 - b. Ridicule,
 - c. Verbal harassment,
 - d. Punishment, or
 - e. Abuse;
 9. Ensure that:
 - a. The interior of the behavioral health inpatient facility has furnishings and decorations appropriate to the ages of the patients receiving services at the behavioral health inpatient facility;
 - b. A patient older than three years of age does not sleep in a crib;
 - c. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to patients in a quantity sufficient to meet each patient's needs and are appropriate to each patient's age, developmental level, and treatment needs; and
 - d. A patient's educational needs are met by establishing and providing an educational component, approved in writing by the Arizona Department of Education addressed according to A.R.S. Title 15, Chapter 7, Article 4;
 10. In addition to the requirements for seclusion or restraint in R9-10-316, ensure that:
 - a. An order for restraint or seclusion is limited to the duration of the emergency situation and does not exceed:
 - i. Two continuous hours for a patient who is between the ages of nine and 17, or
 - ii. One continuous hour for a patient who is younger than nine; and
 - b. Requirements are established for notifying the parent or guardian of a patient who is under 18 years of age and who is restrained or secluded; and
 11. Prohibit a patient under 18 years of age from possessing or using tobacco products on the premises.
- B.** An administrator of a behavioral health inpatient facility authorized to provide child and adolescent residential treatment services may continue to provide behavioral health services to a patient who is 18 years of age or older:



1. If the patient:
 - a. Was admitted to the behavioral health inpatient facility before the patient's 18th birthday,
 - b. Is not 21 years of age or older, and
 - c. Is completing high school or a high school equivalency diploma or participating in a job training pro-gram; or
2. Through the last calendar day of the month of the patient's 18th birthday.

ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES

R9-10-702. Supplemental Application and Documentation Submission Requirements

- A.** In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for a license as a behavioral health residential facility shall include on the application:
1. Whether the applicant is planning to provide:
 - a. Behavioral health services to individuals under 18 years of age, including the licensed capacity requested;
 - b. Behavioral health services to individuals 18 years of age and older, including the licensed capacity requested; or
 - c. Respite services;
 2. Whether the applicant is requesting authorization to provide an outdoor behavioral health care program, including:
 - a. The requested licensed capacity for providing the outdoor behavioral health care program to individuals 12 to 17 years of age, and
 - b. The requested licensed capacity for providing the outdoor behavioral health care program to individuals 18 to 24 years of age;
 3. Whether the applicant is requesting authorization to provide:
 - a. Court-ordered evaluation.
 - b. Court-ordered treatment.
 - ~~a-c.~~ Behavioral health services to individuals 18 years of age or older whose behavioral health issue limits the individuals' ability to function independently, or
 - ~~b-d.~~ Personal care services;
 4. Whether the applicant is requesting authorization to provide recidivism reduction services as an adult residential care institution, including the requested licensed capacity for providing recidivism reduction services;
 5. For a behavioral health residential facility requesting authorization to provide respite services, the requested number of individuals the behavioral health residential facility plans to admit for respite services who:
 - a. Are included in the requested licensed capacities in subsections (A)(1)(a) and (b),
 - b. Are under 18 years of age and who do not stay overnight in the behavioral health residential facility, and
 - c. Are 18 years of age and older and who do not stay overnight in the behavioral health residential facility; and
 6. For an outdoor behavioral health care program, a copy of the outdoor behavioral health care program's current accreditation report.
- B.** A licensee of an outdoor behavioral health care program shall submit a copy of the outdoor behavioral health care program's current accreditation report to the Department with the relevant fees required in R9-10-106(C).

R9-10-703. Administration

- A.** A governing authority shall:
1. Consist of one or more individuals responsible for the organization, operation, and administration of a behavioral health residential facility;
 2. Establish, in writing:
 - a. A behavioral health residential facility's scope of services, and
 - b. Qualifications for an administrator;
 3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
 4. Adopt a quality management program according to R9-10-704;
 5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
 6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b), if the administrator is:
 - a. Expected not to be present on the behavioral health residential facility's premises for more than 30 calendar days, or
 - b. Not present on the behavioral health residential facility's premises for more than 30 calendar days; and
 7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in the administrator and identify the name and qualifications of the new administrator.
- B.** An administrator:
1. Is directly accountable to the governing authority of a behavioral health residential facility for the daily operation of the behavioral health residential facility and all services provided by or at the behavioral health residential facility;
 2. Has the authority and responsibility to manage the behavioral health residential facility; and
 3. Except as provided in subsection (A)(6), designates, in writing, an individual who is present on the behavioral health residential facility's premises and accountable for the behavioral health residential facility when the administrator is not present on the behavioral health residential facility's premises.
- C.** An administrator shall ensure that:
1. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident that:
 - a. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience for personnel members, employees, volunteers, and students;
 - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
 - c. Include how a personnel member may submit a complaint relating to services provided to a resident;
 - d. Cover the requirements in A.R.S. Title 36, Chapter 4, Article 11;



- e. Cover cardiopulmonary resuscitation training including:
 - i. The method and content of cardiopulmonary resuscitation training, which includes a demonstration of the individual's ability to perform cardiopulmonary resuscitation;
 - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training;
 - iii. The time-frame for renewal of cardiopulmonary resuscitation training; and
 - iv. The documentation that verifies that the individual has received cardiopulmonary resuscitation training;
 - f. Cover implementation of the requirements in A.R.S. §§ 36-411, 36-411.01, and 36-425.03, as applicable;
 - ~~g.~~ g. Cover implementation of the requirements in A.R.S. § 8-804, if applicable;
 - ~~g-h.~~ g-h. Cover first aid training;
 - ~~h-i.~~ h-i. Include a method to identify a resident to ensure the resident receives physical health services and behavioral health services as ordered;
 - ~~i-j.~~ i-j. Cover resident rights, including assisting a resident who does not speak English or who has a physical or other disability to become aware of resident rights;
 - ~~j-k.~~ j-k. Cover specific steps for:
 - i. A resident to file a complaint, and
 - ii. The behavioral health residential facility to respond to a resident complaint;
 - ~~k-l.~~ k-l. Cover health care directives;
 - ~~l-m.~~ l-m. Cover medical records, including electronic medical records;
 - ~~m-n.~~ m-n. Cover a quality management program, including incident reports and supporting documentation;
 - ~~n-o.~~ n-o. Cover contracted services; and
 - ~~o-p.~~ o-p. Cover when an individual may visit a resident in a behavioral health residential facility;
2. Policies and procedures for behavioral health services and physical health services are established, documented, and implemented to protect the health and safety of a resident that:
- a. Cover resident screening, admission, assessment, treatment plan, transport, transfer, discharge planning, and discharge;
 - b. Cover the provision of behavioral health services and physical health services;
 - c. Include when general consent and informed consent are required;
 - d. Cover emergency safety responses;
 - e. Cover a resident's personal funds account;
 - f. Cover dispensing medication, administering medication, assistance in the self-administration of medication, and disposing of medication, including provisions for inventory control and preventing diversion of controlled substances;
 - g. Cover prescribing a controlled substance to minimize substance abuse by a resident;
 - h. Cover respite services, including, as applicable, respite services for individuals who are admitted:
 - i. To receive respite services for up to 30 calendar days as a resident of the behavioral health residential facility, and
 - ii. For respite services and do not stay overnight in the behavioral health residential facility;
 - i. Cover services provided by an outdoor behavioral health care program, if applicable;
 - j. Cover infection control;
 - k. Cover resident time-out;
 - l. Cover resident outings;
 - m. Cover environmental services that affect resident care;
 - n. Cover whether pets and other animals are allowed on the premises, including procedures to ensure that any pets or other animals allowed on the premises do not endanger the health or safety of residents or the public;
 - o. If animals are used as part of a therapeutic program, cover:
 - i. Inoculation/vaccination requirements, and
 - ii. Methods to minimize risks to a resident's health and safety;
 - p. Cover the process for receiving a fee from a resident and refunding a fee to a resident;
 - q. Cover the process for obtaining resident preferences for social, recreational, or rehabilitative activities and meals and snacks;
 - r. Cover the security of a resident's possessions that are allowed on the premises;
 - s. Cover smoking and the use of tobacco products on the premises; and
 - t. Cover how the behavioral health residential facility will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
3. Policies and procedures are reviewed at least once every three years and updated as needed;
4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
5. Unless otherwise stated:
- a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
 - b. When documentation or information is required by this Chapter to be submitted on behalf of a behavioral health residential facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the behavioral health residential facility.
- D. If an applicant requests or a behavioral health residential facility has a licensed capacity of 10 or more residents, an administrator shall designate a clinical director who:
- 1. Provides direction for the behavioral health services provided by or at the behavioral health residential facility;
 - 2. Is a behavioral health professional; and
 - 3. May be the same individual as the administrator, if the individual meets the qualifications in subsections (A)(2)(b) and (D)(1) and (2).



- E. Except for respite services, an administrator shall ensure that medical services, nursing services, health-related services, or ancillary services provided by a behavioral health residential facility are only provided to a resident who is expected to be present in the behavioral health residential facility for more than 24 hours.
- F. The administrator of a behavioral health residential facility providing services to children shall notify the Department within 30 calendar days after:
 - 1. Beginning to contract exclusively with the federal government, and
 - 2. Receiving only federal monies for services provided.
- ~~F.G.~~ An administrator shall provide written notification to the Department of a resident's:
 - 1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
 - 2. Self-injury, within two working days after the resident inflicts a self-injury or has an accident that requires immediate intervention by an emergency medical services provider.
- ~~G.H.~~ If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was admitted or while the resident is not on the premises and not receiving services from a behavioral health residential facility's employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
 - 1. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
 - 2. For a resident under 18 years of age, according to A.R.S. § 13-3620.
- ~~H.I.~~ If an administrator has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while a resident is receiving services from a behavioral health residential facility's employee or personnel member, the administrator shall:
 - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
 - 2. Report the suspected abuse, neglect, or exploitation of the resident:
 - a. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
 - b. For a resident under 18 years of age, according to A.R.S. § 13-3620;
 - 3. Document:
 - a. The suspected abuse, neglect, or exploitation;
 - b. Any action taken according to subsection ~~(H)(4)~~ (I)(1); and
 - c. The report in subsection ~~(H)(2)~~ (I)(2);
 - 4. Maintain the documentation in subsection ~~(H)(3)~~ (I)(3) for at least 12 months after the date of the report in subsection ~~(H)(2)~~ (I)(2);
 - 5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in ~~(H)(2)~~ (I)(2):
 - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
 - b. A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
 - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
 - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
 - 6. Maintain a copy of the documented information required in subsection ~~(H)(5)~~ (I)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- ~~J.~~ In addition to the notification requirements in subsections (F), (G), (H), and (I), an administrator of a behavioral health residential facility providing services to children that contracts exclusively with the federal government and receives only federal monies for services provided shall comply with A.R.S. § 36-418.
- ~~H.K.~~ An administrator shall:
 - 1. Establish and document requirements regarding residents, personnel members, employees, and other individuals entering and exiting the premises;
 - 2. For a behavioral health residential facility licensed according to A.R.S. § 36-425.06 and in addition to the requirements in subsection (K)(1), establish and document requirements for a resident admitted according to A.R.S. § 36-550.09, consistent with R9-10-722(D);
 - ~~2-3.~~ Establish and document guidelines for meeting the needs of an individual residing at a behavioral health residential facility with a resident, such as a child accompanying a parent in treatment, if applicable;
 - ~~3-4.~~ If children under the age of 12, who are not admitted to a behavioral health residential facility, are residing at the behavioral health residential facility and being cared for by employees or personnel members, ensure that:
 - a. An employee or personnel member caring for children has current cardiopulmonary resuscitation and first aid training specific to the ages of children being cared for; and
 - b. The staff-to-children ratios in A.A.C. R9-5-404(A) are maintained, based on the age of the youngest child in the group;
 - ~~4-5.~~ Establish and document the process for responding to a resident's need for immediate and unscheduled behavioral health services or physical health services;
 - ~~5-6.~~ Establish and document the criteria for determining when a resident's absence is unauthorized, including criteria for a resident who:
 - a. Was admitted under A.R.S. Title 36, Chapter 5, Articles 3, 4, ~~or 5~~, or 10;
 - b. Is absent against medical advice; or
 - c. Is under the age of 18;
 - ~~6-7.~~ If a resident's absence is unauthorized as determined according to the criteria in subsection (I)(5), within an hour after determining that the resident's absence is unauthorized, notify:
 - a. For a resident who is under 18 years of age, the resident's parent or legal guardian; and



- b. For a resident who is under a court's jurisdiction, the appropriate court;
- ~~7-8.~~ Maintain a written log of unauthorized absences for at least 12 months after the date of a resident's absence that includes the:
 - a. Name of a resident absent without authorization,
 - b. Name of the individual to whom the report required in subsection (I)(6) was submitted, and
 - c. Date of the report; and
- ~~8-9.~~ Evaluate and take action related to unauthorized absences under the quality management program in R9-10-704.
- ~~J-L.~~ An administrator shall ensure that a personnel member who is able to read, write, understand, and communicate in English is on the premises of the behavioral health residential facility.
- ~~K-M.~~ An administrator shall ensure that the following information or documents are conspicuously posted on the premises and are available upon request to a personnel member, employee, resident, or a resident's representative:
 - 1. The behavioral health residential facility's current license,
 - 2. The location at which inspection reports required in R9-10-720(C) are available for review or can be made available for review, and
 - 3. The calendar days and times when a resident may accept visitors or make telephone calls.
- ~~N.~~ An administrator shall ensure that:
 - 1. Labor performed by a resident for the behavioral health residential facility is consistent with A.R.S. § 36-510;
 - 2. A resident who is a child is only released to the child's custodial parent, guardian, or custodian or as authorized in writing by the child's custodial parent, guardian, or custodian;
 - 3. The administrator obtains documentation of the identity of the parent, guardian, custodian, or family member authorized to act on behalf of a resident who is a child; and
 - 4. A resident, who is an incapacitated person according to A.R.S. § 14-5101 or who is gravely disabled, is assisted in obtaining a resident's representative to act on the resident's behalf.
- ~~M-O.~~ If an administrator determines that a resident is incapable of handling the resident's financial affairs, the administrator shall:
 - 1. Notify the resident's representative or contact a public fiduciary or a trust officer to take responsibility of the resident's financial affairs, and
 - 2. Maintain documentation of the notification required in subsection ~~(M)(1)~~ (O)(1) in the resident's medical record for at least 12 months after the date of the notification.
- ~~N-P.~~ If an administrator manages a resident's money through a personal funds account, the administrator shall ensure that:
 - 1. Policies and procedure are established, developed, and implemented for:
 - a. Using resident's funds in a personal funds account,
 - b. Protecting resident's funds in a personal funds account,
 - c. Investigating a complaint about the use of resident's funds in a personal funds account and ensuring that the complaint is investigated by an individual who does not manage the personal funds account,
 - d. Processing each deposit into and withdrawal from a personal funds account, and
 - e. Maintaining a record for each deposit into and withdrawal from a personal funds account; and
 - 2. The personal funds account is only initiated after receiving a written request that:
 - a. Is provided:
 - i. Voluntarily by the resident,
 - ii. By the resident's representative, or
 - iii. By a court of competent jurisdiction;
 - b. May be withdrawn at any time; and
 - c. Is maintained in the resident's record.

R9-10-706. Personnel

- A. An administrator shall ensure that:
 - 1. A personnel member is:
 - a. At least 21 years old, or
 - b. Licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice;
 - 2. An employee is at least 18 years old;
 - 3. A student is at least 18 years old; and
 - 4. A volunteer is at least 21 years old.
- B. An administrator shall ensure that:
 - 1. The qualifications, skills, and knowledge required for each type of personnel member:
 - a. Are based on:
 - i. The type of behavioral health services or physical health services expected to be provided by the personnel member according to the established job description, and
 - ii. The acuity of the residents receiving behavioral health services or physical health services from the personnel member according to the established job description; and
 - b. Include:
 - i. The specific skills and knowledge necessary for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description,
 - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description, and
 - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;



- 2. A personnel member’s skills and knowledge are verified and documented:
 - a. Before the personnel member provides physical health services or behavioral health services, and
 - b. According to policies and procedures; and
- 3. Sufficient personnel members are present on a behavioral health residential facility’s premises with the qualifications, experience, skills, and knowledge necessary to:
 - a. Provide the services in the behavioral health residential facility’s scope of services,
 - b. Meet the needs of a resident, and
 - c. Ensure the health and safety of a resident.
- C. An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- D. An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision, as defined in A.A.C. R4-6-101.
- E. An administrator shall ensure that:
 - 1. A plan to provide orientation, specific to the duties of a personnel member, an employee, a volunteer, or a student, is developed, documented, and implemented;
 - 2. A personnel member completes orientation before providing behavioral health services or physical health services;
 - 3. An individual’s orientation is documented, to include:
 - a. The individual’s name,
 - b. The date of the orientation, and
 - c. The subject or topics covered in the orientation;
 - 4. A written plan is developed and implemented to provide in-service education specific to the duties of a personnel member; and
 - 5. A personnel member’s in-service education is documented, to include:
 - a. The personnel member’s name,
 - b. The date of the training, and
 - c. The subject or topics covered in the training.
- F. An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have more than eight hours of direct interaction per week with residents, provides evidence of freedom from infectious tuberculosis:
 - 1. On or before the date the individual begins providing services at or on behalf of the behavioral health residential facility, and
 - 2. As specified in R9-10-113.
- G. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
 - 1. The individual’s name, date of birth, and contact telephone number;
 - 2. The individual’s starting date of employment or volunteer service and, if applicable, the ending date; and
 - 3. Documentation of:
 - a. The individual’s qualifications, including skills and knowledge applicable to the individual’s job duties;
 - b. The individual’s education and experience applicable to the individual’s job duties;
 - c. The individual’s completed orientation and in-service education as required by policies and procedures;
 - d. The individual’s license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
 - e. The individual’s compliance with the requirements in A.R.S. §§ 36-411, 36-411.01, and 36-425.03, as applicable;
 - ~~f.~~ f. The individual’s compliance with the requirements in A.R.S. § 8-804, if applicable;
 - ~~f-g.~~ g. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
 - ~~g-h.~~ h. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-703(C)(1)(e);
 - ~~h-i.~~ i. First aid training, if required for the individual according to this Article or policies and procedures; and
 - ~~i-j.~~ j. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (F).
- H. An administrator shall ensure that personnel records are:
 - 1. Maintained:
 - a. Throughout an individual’s period of providing services in or for the behavioral health residential facility, and
 - b. For at least 24 months after the last date the individual provided services in or for the behavioral health residential facility; and
 - 2. For a personnel member who has not provided physical health services or behavioral health services at or for the behavioral health residential facility during the previous 12 months, provided to the Department within 72 hours after the Department’s request.
- I. An administrator shall ensure that a personnel member who is recidivism reduction staff at an adult residential care institution:
 - 1. Submits an application for a fingerprint clearance card according to A.R.S. § 36-411; and
 - 2. If the personnel member is denied a fingerprint clearance card, is evaluated to determine whether the personnel member:
 - a. Has successfully completed treatment for recidivism reduction as shown by:
 - i. Documentation of completion of treatment for recidivism reduction;
 - ii. If applicable, continued negative results on random drug screening tests;
 - iii. If applicable, continued participation in a self-help group, such as Alcoholics Anonymous or Narcotics Anonymous, or a support group related to the personnel member’s behavioral health issue; and
 - iv. No arrests or convictions of the personnel member related to the reason for denial of the fingerprint clearance card within the previous two years; and
 - b. Is not likely to be a threat to the health or safety of staff or residents through:
 - i. Review of the reasons for denial of a fingerprint clearance card;



- ii. Assessment of the situations or circumstances that may have contributed to the reasons for denial of a fingerprint clearance card;
 - iii. Review of the steps taken by the personnel member to address the situations or circumstances that may have contributed to the reasons for denial of a fingerprint clearance card;
 - iv. Observation of the personnel member's interactions with residents while under direct visual supervision, as defined in A.R.S. § 36-411, by personnel members having a valid fingerprint clearance card; and
 - v. Institution of any other methods, according to policies and procedures, specific to the:
 - (1) Behavioral health residential facility;
 - (2) Issues of the residents that place them at risk for a future threat of prosecution, diversion, or incarceration; and
 - (3) Recidivism reduction services that are expected to be provided by the personnel member.
- J.** An administrator shall ensure that the following personnel members have first-aid and cardiopulmonary resuscitation training specific to the populations served by the behavioral health residential facility:
- 1. At least one personnel member who is present at the behavioral health residential facility during hours of operation of the behavioral health residential facility, and
 - 2. Each personnel member participating in an outing.
- K.** An administrator shall ensure that:
- 1. At least one personnel member is present and awake at the behavioral health residential facility when a resident is on the premises;
 - 2. In addition to the personnel member in subsection (K)(1), at least one personnel member is on-call and available to come to the behavioral health residential facility if needed;
 - 3. There is a daily staffing schedule that:
 - a. Indicates the date, scheduled work hours, and name of each employee assigned to work, including on-call personnel members;
 - b. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and
 - c. Is maintained for at least 12 months after the last date on the documentation;
 - 4. A behavioral health professional is present at the behavioral health residential facility or on-call;
 - 5. A registered nurse is present at the behavioral health residential facility or on-call; and
 - 6. If a resident requires services that the behavioral health residential facility is not authorized or not able to provide, a personnel member arranges for the resident to be transported to a hospital or another health care institution where the services can be provided.

R9-10-707. Admission; Assessment

- A.** An administrator shall ensure that:
- 1. A resident is admitted based upon:
 - a. The resident's primary condition for which the resident is admitted to the behavioral health residential facility being a behavioral health issue, and
 - b. The resident's behavioral health issue and treatment needs are within the behavioral health residential facility's scope of services;
 - 2. A behavioral health professional, authorized by policies and procedures to admit a resident, is available;
 - 3. ~~General~~ Except as provided in subsection (A)(4), general consent is obtained from:
 - a. An adult resident or the resident's representative before or at the time of admission, or
 - b. A resident's representative, if the resident is not an adult;
 - 4. General consent is not required from a patient receiving a court-ordered evaluation or court-ordered treatment;
 - ~~4.5.~~ The general consent obtained in subsection (A)(3) is documented in the resident's medical record;
 - ~~5.6.~~ Except as provided in subsection (E)(1)(a), a medical practitioner performs a medical history and physical examination or a registered nurse performs a nursing assessment on a resident within 30 calendar days before admission or within 72 hours after admission and documents the medical history and physical examination or nursing assessment in the resident's medical record within 72 hours after admission;
 - ~~6.7.~~ If a medical practitioner performs a medical history and physical examination or a nurse performs a nursing assessment on a resident before admission, the medical practitioner enters an interval note or the nurse enters a progress note in the resident's medical record within seven calendar days after admission;
 - ~~7.8.~~ If a behavioral health assessment is conducted by a:
 - a. Behavioral health technician or registered nurse, within 24 hours a behavioral health professional, certified or licensed to provide the behavioral health services needed by the resident, reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the resident; or
 - b. Behavioral health paraprofessional, a behavioral health professional, certified or licensed to provide the behavioral health services needed by the resident, supervises the behavioral health paraprofessional during the completion of the assessment and signs the assessment to ensure that the assessment identifies the behavioral health services needed by the resident;
 - ~~8.9.~~ Except as provided in subsection ~~(A)(9)~~ (A)(10), a behavioral health assessment for a resident is completed before treatment for the resident is initiated;
 - ~~9.10.~~ If a behavioral health assessment that complies with the requirements in this Section is received from a behavioral health provider other than the behavioral health residential facility or if the behavioral health residential facility has a medical record for the resident that contains a behavioral health assessment that was completed within 12 months before the date of the resident's current admission:
 - a. The resident's assessment information is reviewed before treatment for the resident is initiated and updated if additional information that affects the resident's assessment is identified, and



- b. The review and update of the resident’s assessment information is documented in the resident’s medical record within 48 hours after the review is completed;

~~10-11~~A behavioral health assessment:

- a. Documents a resident’s:
 - i. Presenting issue;
 - ii. Substance abuse history;
 - iii. Co-occurring disorder;
 - iv. Legal history, including:
 - (1) Custody,
 - (2) Guardianship, and
 - (3) Pending litigation;
 - v. Criminal justice record;
 - vi. Family history;
 - vii. Behavioral health treatment history;
 - viii. Symptoms reported by the resident; and
 - ix. Referrals needed by the resident, if any;
- b. Includes:
 - i. Recommendations for further assessment or examination of the resident’s needs,
 - ii. The physical health services or ancillary services that will be provided to the resident until the resident’s treatment plan is completed, and
 - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
- c. Is documented in resident’s medical record;

~~11-12~~A resident is referred to a medical practitioner if a determination is made that the resident requires immediate physical health services or the resident’s behavioral health issue may be related to the resident’s medical condition; and

~~12-13~~Except as provided in subsection (E)(1)(d), a resident provides evidence of freedom from infectious tuberculosis:

- a. Before or within seven calendar days after the resident’s admission, and
- b. As specified in R9-10-113.

B. An administrator shall ensure that:

- 1. A request for participation in a resident’s behavioral health assessment is made to the resident or the resident’s representative,
- 2. An opportunity for participation in the resident’s behavioral health assessment is provided to the resident or the resident’s representative, and
- 3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the resident’s medical record.

C. An administrator shall ensure that a resident’s behavioral health assessment information is documented in the medical record within 48 hours after completing the behavioral health assessment.

D. If information in subsection (A)(10) is obtained about a resident after the resident’s behavioral health assessment is completed, an administrator shall ensure that an interval note, including the information, is documented in the resident’s medical record within 24 hours after the information is obtained.

E. If a behavioral health residential facility is authorized to provide respite services, an administrator shall ensure that:

- 1. Upon admission of a resident for respite services:
 - a. Except as provided in subsection (F), a medical history and physical examination of the resident:
 - i. Is performed; or
 - ii. If dated within the previous 12 months, is available in the resident’s medical record from a previous admission to the behavioral health residential facility;
 - b. A treatment plan that meets the requirements in R9-10-708:
 - i. Is developed; or
 - ii. If dated within the previous 12 months, is available in the resident’s medical record from a previous admission to the behavioral health residential facility;
 - c. If a treatment plan, dated within the previous 12 months, is available, the treatment plan is reviewed, updated, and documented in the resident’s medical record; and
 - d. The resident is not required to comply with the requirements in subsection ~~(A)(12)~~ (A)(13) if the resident is not expected to be present in the behavioral health residential facility:
 - i. For more than seven consecutive days, or
 - ii. For 10 days or more days in a 90-consecutive-day period;
- 2. The common area required in R9-10-722(B)(1)(b) provides at least 25 square feet for each resident, including residents who do not stay overnight; and
- 3. In addition to the requirements in R9-10-722(B)(3), toilets and hand-washing sinks are available to residents, including residents who do not stay overnight, as follows:
 - a. There is at least one working toilet that flushes and has a seat and one sink with running water for every 10 residents,
 - b. There are at least two working toilets that flush and have seats and two sinks with running water if there are 11 to 25 residents, and
 - c. There is at least one additional working toilet that flushes and has a seat and one additional sink with running water for each additional 20 residents.

F. A medical history and physical examination is not required for a child who is admitted or expected to be admitted to a residential behavioral health facility for less than 10 days in a 90-consecutive-day period.

R9-10-708. Treatment Plan

A. An administrator shall ensure that a treatment plan is developed and implemented for each resident that:



1. Is based on the medical history and physical examination or nursing assessment required in ~~R9-10-707(A)(5)~~ R9-10-707(A)(6) or (E)(1)(a) and the behavioral health assessment required in ~~R9-10-707(A)(8) or (9)~~ R9-10-707(A)(9) or (10) and on-going changes to the behavioral health assessment of the resident;
 2. Is completed:
 - a. By a behavioral health professional or a behavioral health technician under the clinical oversight of a behavioral health professional, and
 - b. Before the resident receives physical health services or behavioral health services or within 48 hours after the assessment is completed;
 3. Is documented in the resident's medical record within 48 hours after the resident first receives physical health services or behavioral health services;
 4. Includes:
 - a. The resident's presenting issue;
 - b. The physical health services or behavioral health services to be provided to the resident;
 - c. The signature of the resident or the resident's representative and date signed, or documentation of the refusal to sign;
 - d. The date when the resident's treatment plan will be reviewed;
 - e. If a discharge date has been determined, the treatment needed after discharge; and
 - f. The signature of the personnel member who developed the treatment plan and the date signed;
 5. If the treatment plan was completed by a behavioral health technician, is reviewed and signed by a behavioral health professional within 24 hours after the completion of the treatment plan to ensure that the treatment plan is complete and accurate and meets the resident's treatment needs; and
 6. Is reviewed and updated on an on-going basis:
 - a. According to the review date specified in the treatment plan,
 - b. When a treatment goal is accomplished or changed,
 - c. When additional information that affects the resident's behavioral health assessment is identified, and
 - d. When a resident has a significant change in condition or experiences an event that affects treatment.
- B.** An administrator shall ensure that:
1. A request for participation in developing a resident's treatment plan is made to the resident or the resident's representative,
 2. An opportunity for participation in developing the resident's treatment plan is provided to the resident or the resident's representative, and
 3. The request in subsection (B)(1) and the opportunity in subsection (B)(2) are documented in the resident's medical record.

R9-10-712. Medical Records

- A.** An administrator shall ensure that:
1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
 2. An entry in a resident's medical record is:
 - a. Recorded only by a personnel member authorized by policies and procedures to make the entry;
 - b. Dated, legible, and authenticated; and
 - c. Not changed to make the initial entry illegible;
 3. An order is:
 - a. Dated when the order is entered in the resident's medical record and includes the time of the order;
 - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
 - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
 4. If a rubber-stamp signature or an electronic signature is used to authenticate an order, the individual whose signature the rubber-stamp signature or electronic signature represents is accountable for the use of the rubber-stamp signature or electronic signature;
 5. A resident's medical record is available to an individual:
 - a. Authorized according to policies and procedures to access the resident's medical record;
 - b. If the individual is not authorized according to policies and procedures, with the written consent of the resident or the resident's representative; or
 - c. As permitted by law;
 6. Policies and procedures include the maximum time-frame to retrieve a resident's medical record at the request of a medical practitioner, behavioral health professional, or authorized personnel member; and
 7. A resident's medical record is protected from loss, damage, or unauthorized use.
- B.** If a behavioral health residential facility maintains residents' medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
 2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
- C.** An administrator shall ensure that a resident's medical record contains:
1. Resident information that includes:
 - a. The resident's name;
 - b. The resident's address;
 - c. The resident's date of birth; and
 - d. Any known allergies, including medication allergies;
 2. The name of the admitting medical practitioner or behavioral health professional;
 3. An admitting diagnosis or presenting behavioral health issues;
 4. The date of admission and, if applicable, date of discharge;
 5. If applicable, the name and contact information of the resident's representative and:



- a. If the resident is 18 years of age or older or an emancipated minor, the document signed by the resident consenting for the resident’s representative to act on the resident’s behalf; or
- b. If the resident’s representative:
 - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
 - ii. Is a legal guardian, a copy of the court order establishing guardianship;
- 6. If applicable, documented general consent and informed consent for treatment by the resident or the resident’s representative;
- 7. Documentation of medical history and results of a physical examination;
- 8. A copy of resident’s health care directive, if applicable;
- 9. Orders;
- 10. If applicable, documentation that evaluation or treatment was ordered by a court according to A.R.S. Title 36, Chapter 5 or A.R.S. § 8-341.01:
- ~~10-11.~~ Assessment;
- ~~11-12.~~ Treatment plans;
- ~~12-13.~~ Interval notes;
- ~~13-14.~~ Progress notes;
- ~~14-15.~~ Documentation of behavioral health services and physical health services provided to the resident;
- ~~15-16.~~ If applicable, documentation of the use of an emergency safety response;
- ~~16-17.~~ If applicable, documentation of time-out required in R9-10-714(6);
- ~~17-18.~~ Except as allowed in R9-10-707(E)(1)(d), documentation of freedom from infectious tuberculosis required in ~~R9-10-707(A)(12)~~ R9-10-707(A)(13);
- ~~18-19.~~ The disposition of the resident after discharge;
- ~~19-20.~~ The discharge plan;
- ~~20-21.~~ The discharge summary, if applicable;
- ~~21-22.~~ If applicable:
 - a. Laboratory reports,
 - b. Radiologic reports,
 - c. Diagnostic reports, and
 - d. Consultation reports; and
- ~~22-23.~~ Documentation of medication administered to the resident that includes:
 - a. The date and time of administration;
 - b. The name, strength, dosage, and route of administration;
 - c. For a medication administered for pain, when administered initially or on a PRN basis:
 - i. An assessment of the resident’s pain before administering the medication, and
 - ii. The effect of the medication administered;
 - d. For a psychotropic medication, when administered initially or on a PRN basis:
 - i. An assessment of the resident’s behavior before administering the psychotropic medication, and
 - ii. The effect of the psychotropic medication administered;
 - e. The identification, signature, and professional designation of the individual administering or providing assistance in the self-administration of the medication; and
 - f. Any adverse reaction a resident has to the medication.

R9-10-716. Behavioral Health Services

- A. An administrator shall ensure that:
 - 1. If a behavioral health residential facility is authorized to provide court-ordered evaluation or court-ordered treatment:
 - a. Court-ordered evaluation is provided in compliance with the requirements in A.R.S. Title 36, Chapter 5, Article 4; and
 - b. Court-ordered treatment is provided in compliance with the requirements in A.R.S. Title 36, Chapter 5, Article 5;
 - ~~1-2.~~ If a behavioral health residential facility is ~~licensed~~ authorized to provide behavioral health services to individuals whose behavioral health issue limits the individuals’ ability to function independently, a resident admitted to the behavioral health residential facility with limited ability to function independently receives:
 - a. Behavioral health services and personal care services as indicated in the resident’s treatment plan, and
 - b. Continuous protective oversight;
 - ~~2-3.~~ A resident admitted to the behavioral health residential facility who needs behavioral health services to maintain or enhance the resident’s ability to function independently:
 - a. Receives behavioral health services, and, if indicated in the resident’s treatment plan, personal care services; and
 - b. Is provided an opportunity to participate in activities designed to maintain or enhance the resident’s ability to function independently while:
 - i. The resident receives services to maintain the resident’s health, safety, or personal hygiene; or
 - ii. Homemaking functions are performed for the resident;
 - ~~3-4.~~ Behavioral health services are provided to meet the needs of a resident and are consistent with a behavioral health residential facility’s scope of services;
 - ~~4-5.~~ Behavioral health services listed in the behavioral health residential facility’s scope of services are provided on the premises;
 - ~~5-6.~~ Before a resident participates in behavioral health services provided in a setting or activity with more than one resident participating, the diagnoses, treatment needs, developmental levels, social skills, verbal skills, and personal histories, including any history of physical or sexual abuse, of the residents participating are reviewed to ensure that the:
 - a. Health and safety of each resident is protected, and
 - b. Treatment needs of each resident participating are being met; and



- 6.7. A resident does not:
- Use or have access to any materials, furnishings, or equipment or participate in any activity or treatment that may present a threat to the resident's health or safety based on the resident's documented diagnosis, treatment needs, developmental levels, social skills, verbal skills, or personal history; or
 - Share any space, participate in any activity or treatment, or verbally or physically interact with any other resident that may present a threat to the resident's health or safety, based on the other resident's documented diagnosis, treatment needs, developmental levels, social skills, verbal skills, and personal history.
- B. An administrator shall ensure that counseling is:
- Offered as described in the behavioral health residential facility's scope of services,
 - Provided according to the frequency and number of hours identified in the resident's treatment plan, and
 - Provided by a behavioral health professional or a behavioral health technician.
- C. An administrator shall ensure that:
- A personnel member providing counseling that addresses a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
 - Each counseling session is documented in a resident's medical record to include:
 - The date of the counseling session;
 - The amount of time spent in the counseling session;
 - Whether the counseling was individual counseling, family counseling, or group counseling;
 - The treatment goals addressed in the counseling session; and
 - The signature of the personnel member who provided the counseling and the date signed.
- D. An administrator of a behavioral health residential facility authorized to provide behavioral health services to individuals under 18 years of age:
- May continue to provide behavioral health services to a resident who is 18 years of age or older:
 - If the resident:
 - Was admitted to the behavioral health residential facility before the resident's 18th birthday;
 - Is not 21 years of age or older; and
 - Is:
 - Attending classes or completing coursework to obtain a high school or a high school equivalency diploma, or
 - Participating in a job training program; or
 - Through the last calendar day of the month of the resident's 18th birthday; and
 - Shall ensure that:
 - A resident does not receive the following from other residents at the behavioral health residential facility:
 - Threats,
 - Ridicule,
 - Verbal harassment,
 - Punishment, or
 - Abuse;
 - The interior of the behavioral health residential facility has furnishings and decorations appropriate to the ages of the residents receiving services at the behavioral health residential facility;
 - A resident older than three years of age does not sleep in a crib;
 - Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to residents on the premises in a quantity sufficient to meet each resident's needs and are appropriate to each resident's age, developmental level, and treatment needs; and
 - A resident's educational needs are met, ~~including providing or arranging for transportation~~ addressed according to A.R.S. Title 15, Chapter 7, Article 4:
 - ~~By establishing and providing an educational component, approved in writing by the Arizona Department of Education; or~~
 - ~~As arranged and documented by the administrator through the local school district.~~
- E. An administrator shall ensure that:
- An emergency safety response is:
 - Only used:
 - By a personnel member trained to use an emergency safety response,
 - For the management of a resident's violent or self-destructive behavior, and
 - When less restrictive interventions have been determined to be ineffective; and
 - Discontinued at the earliest possible time, but no longer than five minutes after the emergency safety response is initiated;
 - Within 24 hours after an emergency safety response is used for a resident, the following information is entered into the resident medical record:
 - The date and time the emergency safety response was used;
 - The name of each personnel member who used an emergency safety response;
 - The specific emergency safety response used;
 - The personnel member or resident behavior, event, or environmental factor that caused the need for the emergency safety response; and
 - Any injury that resulted from the use of the emergency safety response;
 - Within 10 working days after an emergency safety response is used for a resident, the administrator or clinical director reviews the information in subsection (E)(2); and



- 4. After the review required in subsection (E)(3), the following information is entered, according to policies and procedures, into the resident’s medical record:
 - a. Actions taken or planned actions to prevent the need for the use of an emergency safety response for the resident,
 - b. A determination of whether the resident is appropriately placed at the behavioral health residential facility, and
 - c. Whether the resident’s treatment plan was reviewed or needs to be reviewed and amended to ensure that the resident’s treatment plan is meeting the resident’s treatment needs.
- F. An administrator shall ensure that:
 - 1. A personnel member whose job description includes the ability to use an emergency safety response:
 - a. Completes training in crisis intervention that includes:
 - i. Techniques to identify personnel member and resident behaviors, events, and environmental factors that may trigger the need for the use of an emergency safety response;
 - ii. The use of nonphysical intervention skills, such as de-escalation, mediation, conflict resolution, active listening, and verbal and observational methods; and
 - iii. The safe use of an emergency safety response including the ability to recognize and respond to signs of physical distress in a client who is receiving an emergency safety response; and
 - b. Completes training required in subsection (F)(1)(a):
 - i. Before providing behavioral health services, and
 - ii. At least once every 12 months after the date the personnel member completed the initial training;
 - 2. Documentation of the completed training in subsection (F)(1)(a) includes:
 - a. The name and credentials of the individual providing the training,
 - b. Date of the training, and
 - c. Verification of a personnel member’s ability to use the training; and
 - 3. The materials used to provide the completed training in crisis intervention, including handbooks, electronic presentations, and skills verification worksheets, are maintained for at least 12 months after each personnel member who received training using the materials no longer provides services at the behavioral health residential facility.

R9-10-722. Physical Plant Standards

- A. Except for a behavioral health outdoor program, an administrator shall ensure that the premises and equipment are sufficient to accommodate:
 - 1. The services in the behavioral health residential facility’s scope of services, and
 - 2. An individual admitted as a resident by the behavioral health residential facility.
- B. An administrator shall ensure that:
 - 1. A behavioral health residential facility has a:
 - a. Room that provides privacy for a resident to receive treatment or visitors; and
 - b. Common area and a dining area that contain furniture and materials to accommodate the recreational and socialization needs of the residents and other individuals in the behavioral health residential facility;
 - 2. At least one bathroom is accessible from a common area that:
 - a. May be used by residents and visitors;
 - b. Provides privacy when in use; and
 - c. Contains the following:
 - i. At least one working sink with running water,
 - ii. At least one working toilet that flushes and has a seat,
 - iii. Toilet tissue for each toilet,
 - iv. Soap in a dispenser accessible from each sink,
 - v. Paper towels in a dispenser or a mechanical air hand dryer,
 - vi. Lighting, and
 - vii. A window that opens or another means of ventilation;
 - 3. For every six residents who stay overnight at the behavioral health residential facility, there is at least one working toilet that flushes and has a seat, and one sink with running water;
 - 4. For every eight residents who stay overnight at the behavioral health residential facility, there is at least one working bathtub or shower;
 - 5. A resident bathroom provides privacy when in use and contains:
 - a. A shatter-proof mirror, unless the resident’s treatment plan allows for otherwise;
 - b. A window that opens or another means of ventilation; and
 - c. Nonporous surfaces for shower enclosures and slip-resistant surfaces in tubs and showers;
 - 6. If a resident bathroom door locks from the inside, an employee has a key and access to the bathroom;
 - 7. Each resident is provided a sleeping area that is in a bedroom; and
 - 8. A resident bedroom complies with the following:
 - a. Is not used as a common area;
 - b. Is not used as a passageway to another bedroom or bathroom unless the bathroom is for the exclusive use of an individual occupying the bedroom;
 - c. Contains a door that opens into a hallway, common area, or outdoors;
 - d. Is constructed and furnished to provide unimpeded access to the door;
 - e. Has window or door covers that provide resident privacy;
 - f. Has floor to ceiling walls;
 - g. Is a:
 - i. Private bedroom that contains at least 60 square feet of floor space, not including the closet; or



- ii. Shared bedroom that:
 - (1) Is shared by no more than eight residents;
 - (2) Except as provided in subsection (C), contains at least 60 square feet of floor space, not including a closet, for each individual occupying the shared bedroom; and
 - (3) Provides at least three feet of floor space between beds or bunk beds;
 - h. Contains for each resident occupying the bedroom:
 - i. A bed that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and linens; and
 - ii. Individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
 - i. Has clean linen for each bed including mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, bedspread, waterproof mattress covers as needed, and blankets to ensure warmth and comfort for each resident;
 - j. Has sufficient lighting for a resident occupying the bedroom to read; and
 - k. Has a clothing rod or hook in the bedroom designed to minimize the opportunity for a resident to cause self-injury.
- C. A behavioral health residential facility that was licensed as a Level 4 transitional agency before October 1, 2013 may continue to use a shared bedroom that provides at least 40 square feet of floor space, not including a closet, for each individual occupying the shared bedroom. If there is a modification to the shared bedroom, the behavioral health residential facility shall comply with the requirement in subsection (B)(8)(g).
- D.** For a behavioral health residential facility licensed according to A.R.S. § 36-425.06, an administrator shall ensure that:
- 1. The premises are secure, as defined in A.R.S. § 36-425.06; and
 - 2. There is a means of exiting the facility for a resident who does not have special knowledge for egress that meets one of the following:
 - a. Provides access to an outside area that:
 - i. Allows the resident to be at least 30 feet away from the facility, and
 - ii. Controls or alerts employees of the egress of a resident from the facility;
 - b. Provides access to an outside area:
 - i. From which a resident may exit to a location at least 30 feet away from the facility, and
 - ii. Controls or alerts employees of the egress of a resident from the facility; or
 - c. Uses a mechanism that meets the Special Egress-Control Devices provisions in the Uniform Building Code incorporated by reference in A.A.C. R9-10-104.01.
- ~~D-E.~~ If a swimming pool is located on the premises, an administrator shall ensure that:
- 1. The swimming pool is equipped with the following:
 - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
 - i. A removable strainer,
 - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
 - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
 - b. An operational vacuum cleaning system;
 - 2. The swimming pool is enclosed by a wall or fence that:
 - a. Is at least five feet in height as measured on the exterior of the wall or fence;
 - b. Has no vertical openings greater than four inches across;
 - c. Has no horizontal openings, except as described in subsection ~~(D)(2)(e)~~ (E)(2)(e);
 - d. Is not chain-link;
 - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
 - f. Has a self-closing, self-latching gate that:
 - i. Opens away from the swimming pool,
 - ii. Has a latch located at least 54 inches from the ground, and
 - iii. Is locked when the swimming pool is not in use; and
 - 3. A life preserver or shepherd's crook is available and accessible in the pool area.
- ~~E-F.~~ An administrator shall ensure that a spa that is not enclosed by a wall or fence as described in subsection ~~(D)(2)~~ (E)(2) is covered and locked when not in use.

NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

NOTICE OF RULEMAKING DOCKET OPENING BOARD OF MANUFACTURED HOUSING

[R20-45]

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

Chapter and its heading: 34, Board of Manufactured Housing

Article and its heading: 1, General
2, Licensing
5, Fees
7, Plan Approvals
8, Permits and Installation

Section numbers: R4-34-101, R4-34-102, R4-34-203, R4-34-204, R4-34-502, R4-34-504, R4-34-603, R4-34-606, R4-34-607, R4-34-701 through R4-34-706, R4-34-801, R4-34-802, and R4-34-805 (*Additional Sections may be made, amended, or repealed as needed*).
- 2. The subject matter of the proposed rule:**
Under Laws 2019, Chapter 272, the legislature amended A.R.S. § 41-4001 by adding definitions of “closed construction” and “open construction” and incorporating both terms into the definition of “factory-built building.” This statutory change gives the Office of Manufactured Housing regulatory authority over FBBs, components, assemblies, and systems manufactured using closed construction. This rulemaking makes changes required to include this authority. It also updates materials incorporated by reference. An exemption from Executive Order 2019-01 was provided for this rulemaking by Kaitlin Harrier, of the Governor’s Office, by e-mail dated August 21, 2019.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 26 A.A.R. 529, March 27, 2020 (*in this issue*)
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Tara Brunetti, Assistant Deputy Director
Address: Office of Manufactured Housing
Arizona Department of Housing
1110 W. Washington St., Suite 280
Phoenix, AZ 85007
Telephone: (602) 771-1000
Fax: (602) 771-1002
E-mail: tara.brunetti@azhousing.gov
Website: www.housing.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding is included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined



NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTION FACILITY DATA

[R20-46]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 11, Department of Health Services – Health Care Institution Facility Data
Articles and their headings: 6, Health Professionals Workforce Data
Section numbers: To be determined
- 2. The subject matter of the proposed rules:**
 Laws 2018, Chapter 293 amended A.R.S. § 36-104 to require the Department to adopt rules “prescribing the designated database information to be collected by health profession regulatory boards” pursuant to A.R.S. Title 32, Chapter 32, Article 5. Laws 2019, Chapter 215 established A.R.S. § 36-171, which requires the Department to adopt rules to “establish and maintain the health care professionals workforce data repository containing the data collected and transferred to the department pursuant to Title 32, Chapter 32, Article 5.” After receiving an exception from the rulemaking moratorium established by Executive Order 2019-01, the Department is adopting rules to comply with Laws 2018, Chapter 293 and Laws 2019, Chapter 215.
- 3. A citation to all published notices relating to the proceeding:**
 None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
 Name: S. Robert Bailey, MS, Bureau Chief
 Address: Department of Health Services
 Bureau of Public Health Statistics
 150 N. 18th Ave., Suite 581
 Phoenix, AZ 85007
 Telephone: (602) 364-3048
 Fax: (602)-364-0082
 E-mail: Steven.Bailey@azdhs.gov
 or
 Name: Stephanie Elzenga, Acting Office Chief
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-8819
 Fax: (602) 364-1150
 E-mail: Stephanie.Elzenga@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
 To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF PUBLIC SAFETY
SCHOOL BUSES

[R20-47]

- 1. Title and its heading:** 13, Public Safety
Chapter and its heading: 13, Department of Public Safety – School Buses
Article and its heading: 1, School Bus Minimum Standards
 2, Minimum Standards for School Buses Operated On Alternative Fuel
Section numbers: R13-13-101 through R13-13-112; R13-13-201 and 202 and new sections in Article 2 for other alternative fuels. *(The Department may add, delete or modify sections as necessary)*
- 2. The subject matter of the proposed rule:**
 The Department working in consultation with the Arizona School Bus Advisory Council pursuant to A.R.S. §§ 28-900 and 28-3228 intend to amend Articles 1 and 2 to meet modern and future-use minimum safety standards. Substantial amendments to the rules are intended to modernize and streamline driver certification processes allowing for improved competency of drivers and certification processes improving the ability for school districts to hire and retain drivers. Additionally, the rule amendments are intended to modernize the minimum standards for school bus design, systems, and fuels. Engineering deficiencies/improvements



and enforcement standards will be addressed as well as alternative fuel systems for natural gas, propane (CNG/LPG), all electric and hybrid (electric/gas) will be addressed to allow school districts to purchase newer, safer, modern and more fuel-efficient school buses.

The Department was granted an exception to the rulemaking moratorium contained in Executive Order 2019-01 in an e-mail from Ms. Jennifer Thomsen, Policy Advisor, Public Safety and Military Affairs, Office of the Governor, dated March 11, 2019.

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 894, April 12, 2019

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

Name: Paul Swietek, Police Planner
Address: Arizona Department of Public Safety
POB 6638 Mail Drop 1240
Phoenix, AZ 85005-6638
Telephone: (602) 223-2049
E-mail: pswietek@azdps.gov
Web site: www.azdps.gov

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

The Department will accept comments during business hours at the address listed in Item 4 until the close of record. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 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 2020-02**Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies**

[M20-01]

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, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators \$53.9 million in operating costs in 2019 and a total of over \$134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 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 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 that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least *three* existing rules to eliminate for every *one* additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. 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.
8. 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 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

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

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 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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 R9-7-1907. PEM-431
 R9-7-1923. PEM-431
 R9-7-1927. PEM-431
 R9-7-1977. PEM-431

Industrial Commission of Arizona

R20-5-507. FM-311
 R20-5-601. FM-373
 R20-5-601.01. EXP-290
 R20-5-602. FM-373
 R20-5-629. FM-373

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R4-23-110. FM-223
 R4-23-204. FM-223
 R4-23-205. FM-223
 R4-23-407. FM-223
 R4-23-408. FM-223
 R4-23-411. FM-223
 R4-23-607. FM-223
 R4-23-801. FR-223
 R4-23-1103. FM-223
 R4-23-1106. FM-223

Psychologist Examiners, Board of

R4-26-203. PM-187
 R4-26-203.01. PM-187
 R4-26-205. PM-187
 R4-26-207. PM-187

Table 1.	PM-187	Secretary of State, Office of the	Highways		
R4-26-401.	PM-187	R2-12-1201.	F#-106; FN-106	R17-3-801.	EXP-382
R4-26-403.	PM-187	R2-12-1202.	F#-106; FM-106	R17-3-802.	EXP-382
R4-26-404.1.	PM-187	R2-12-1203.	F#-106	R17-3-803.	EXP-382
R4-26-404.2.	PM-187	R2-12-1204.	F#-106; FM-106	R17-3-804.	EXP-382
R4-26-406.	PM-187	R2-12-1205.	F#-106; FM-106	R17-3-805.	EXP-382
R4-26-407.	PR-187	R2-12-1206.	F#-106; FM-106	R17-3-806.	EXP-382
R4-26-408.	PM-187	R2-12-1207.	F#-106; FM-106	R17-3-808.	EXP-382
R4-26-415.	PM-187	R2-12-1208.	FR-106; F#-106		
		R2-12-1209.	FR-106		
Retirement System Board, State					
R2-8-122.	FM-371	Transportation, Department of -			

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

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- Chiropractic Examiners, Board of; p. 173
- Dental Examiners, Board of; p. 384
- First Things First/Early Childhood Development and Health Board; p. 456
- Osteopathic Examiners in Medicine and Surgery, Board of; p. 21
- Public Safety, Department of; p. 21

Docket Opening, Notices of Rulemaking

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- Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 115-116
- Corporation Commission - Transportation; 14 A.A.C. 5; p. 19
- Economic Security, Department of - Developmental Disabilities; 6 A.A.C. 6; p. 17
- Environmental Quality, Department of - Hazardous Waste Management; 18 A.A.C. 8; p. 318
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- Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners for; 4 A.A.C. 33; p. 17
- Psychologist Examiners, Board of; 4 A.A.C. 26; pp. 205-206
- Public Safety, Department of - Tow Trucks; 13 A.A.C. 3; p. 18

Governor's Office

- Executive Order 2019-01:** pp. 23-24
- Executive Order 2020-02:** pp. 174-175

Governor's Regulatory Review Council

- Notices of Action Taken at Monthly Meetings: pp. 217, 257-258, 302-303

Public Information, Notices of

- Health Services, Department of; pp. 246-247

Substantive Policy Statement, Notices of

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- Finance Authority, Water Infrastructure; pp. 319-321
- Land Department, State; pp. 512-513
- State Lottery, Arizona; p. 117



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	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			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	1/30/21
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/21	12/2	1/31/21
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/21	12/3	2/1/21
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/21	12/4	2/2/21
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/21	12/5	2/3/21
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/21	12/6	2/4/21
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/21	12/7	2/5/21
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/21	12/8	2/6/21
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/21	12/9	2/7/21
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/21	12/10	2/8/21
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/21	12/11	2/9/21
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/21	12/12	2/10/21
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/21	12/13	2/11/21
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/21	12/14	2/12/21
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/21	12/15	2/13/21
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/21	12/16	2/14/21
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/21	12/17	2/15/21
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/21	12/18	2/16/21
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/21	12/19	2/17/21
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/21	12/20	2/18/21
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/21	12/21	2/19/21
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/21	12/22	2/20/21
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/21	12/23	2/21/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/21	12/24	2/22/21
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/21	12/25	2/23/21
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/21	12/26	2/24/21
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/21	12/27	2/25/21
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/21	12/28	2/26/21
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/21	12/29	2/27/21
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/21	12/30	2/28/21
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/21



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
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
April 10, 2020	May 1, 2020	June 2, 2020
April 17, 2020	May 8, 2020	June 8, 2020
April 24, 2020	May 15, 2020	June 15, 2020
May 1, 2020	May 22, 2020	June 22, 2020
May 8, 2020	May 29, 2020	June 29, 2020
May 15, 2020	June 5, 2020	July 6, 2020
May 22, 2020	June 12, 2020	July 13, 2020
May 29, 2020	June 19, 2020	July 20, 2020
June 5, 2020	June 26, 2020	July 27, 2020
June 12, 2020	July 3, 2020	August 3, 2020
June 19, 2020	July 10, 2020	August 10, 2020
June 26, 2020	July 17, 2020	August 17, 2020
July 3, 2020	July 24, 2020	August 24, 2020
July 10, 2020	July 31, 2020	August 31, 2020
July 17, 2020	August 7, 2020	September 8, 2020
July 24, 2020	August 14, 2020	September 14, 2020
July 31, 2020	August 21, 2020	September 21, 2020
August 7, 2020	August 28, 2020	September 28, 2020
August 14, 2020	September 4, 2020	October 5, 2020
August 21, 2020	September 11, 2020	October 13, 2020
August 28, 2020	September 18, 2020	October 19, 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 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<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
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	<i>Wednesday</i> May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

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



**GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE MARCH 3, 2020 MEETING**

[M20-19]

A. CONSENT AGENDA ITEMS:**Rulemakings:**

- 1. DEPARTMENT OF HEALTH SERVICES (R20-0303)**
Title 9, Chapter 10, Article 1, General; Article 3, Behavioral Health Inpatient Facilities; Article 7, Behavioral Health Residential Facilities

Amend: R9-10-109, R9-10-318, R9-10-702, R9-10-703, R9-10-706, R9-10-707, R9-10-708, R9-10-712, R9-10-716, R9-10-722
- 2. DEPARTMENT OF PUBLIC SAFETY (R20-0301)**
Title 13, Chapter 10, Article 1, Determination of Alcohol Concentration

Amend: R13-10-101, R13-10-103, R13-10-104, R13-10-107, Exhibit A, Exhibit B, Exhibit C, Exhibit D

New Section: Exhibit I-1, Exhibit I-2
- 3. STATE BOARD OF PHARMACY (R20-0304)**
Title 4, Chapter 23, Article 4, Professional Practices

Amend: R4-23-407
- 4. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R20-0305)**
Title 9, Chapter 34, Article 1, Request for Eligibility Hearing

Amend: R9-34-101
- 5. CITIZENS CLEAN ELECTIONS COMMISSION (R20-0306)**
Title 2, Chapter 20, Article 2, Compliance and Enforcement Procedures

Amend: R2-20-209

Five Year Review Reports:

- 6. DEPARTMENT OF CHILD SAFETY (F20-0202)**
Title 21, Chapter 8, Article 1, Life Safety Inspections
- 7. DEPARTMENT OF ENVIRONMENTAL QUALITY (F20-0304)**
Title 18, Chapter 8, All Articles, Department of Environmental Quality - Hazardous Waste Management
- 8. BOARD OF BEHAVIORAL HEALTH EXAMINERS (F20-0206)**
Title 4, Chapter 6, Articles 1-11, Board of Behavioral Health Examiners
- 9. BOARD OF FINGERPRINTING (F20-0204)**
Title 13, Chapter 11, All Articles, Board of Fingerprinting

COUNCIL ACTION: CONSENT AGENDA APPROVED**B. CONSIDERATION AND DISCUSSION OF RULES**

- 1. DEPARTMENT OF ADMINISTRATION (R20-0302)**
Title 2, Chapter 11, Article 5, Governmental Mall Development

New Section: R2-11-501

COUNCIL ACTION: APPROVED (NOTE: THIS ITEM WAS ON THE CONSENT AGENDA BUT REMOVED DUE TO A CONFLICT OF INTEREST FROM THE COUNCIL CHAIR. IT WAS VOTED ON SEPARATELY WITH THE ABSTENTION OF THE COUNCIL CHAIR AS CONSENT AGENDA ITEM C1).



C. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:

1. **DEPARTMENT OF ENVIRONMENTAL QUALITY (F20-0305)**

Title 18, Chapter 13, All Articles, Solid Waste Management

COUNCIL ACTION: APPROVED AS REVISED

2. **DEPARTMENT OF PUBLIC SAFETY (F20-0205)**

Title 13, Chapter 9, Articles 1-6, Department of Public Safety - Concealed Weapons Permits

COUNCIL ACTION: APPROVED

D. CONSIDERATION AND DISCUSSION OF WHETHER TO REQUEST A FIVE YEAR REVIEW REPORT FROM THE BOARD OF COSMETOLOGY OUTSIDE OF THE FIVE YEAR REVIEW REPORT PROCESS PURSUANT TO A.R.S. § 41-1056(D)

COUNCIL ACTION: VOTED TO REQUEST A FIVE YEAR REVIEW REPORT TO BE DUE ON JULY 31, 2020