



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

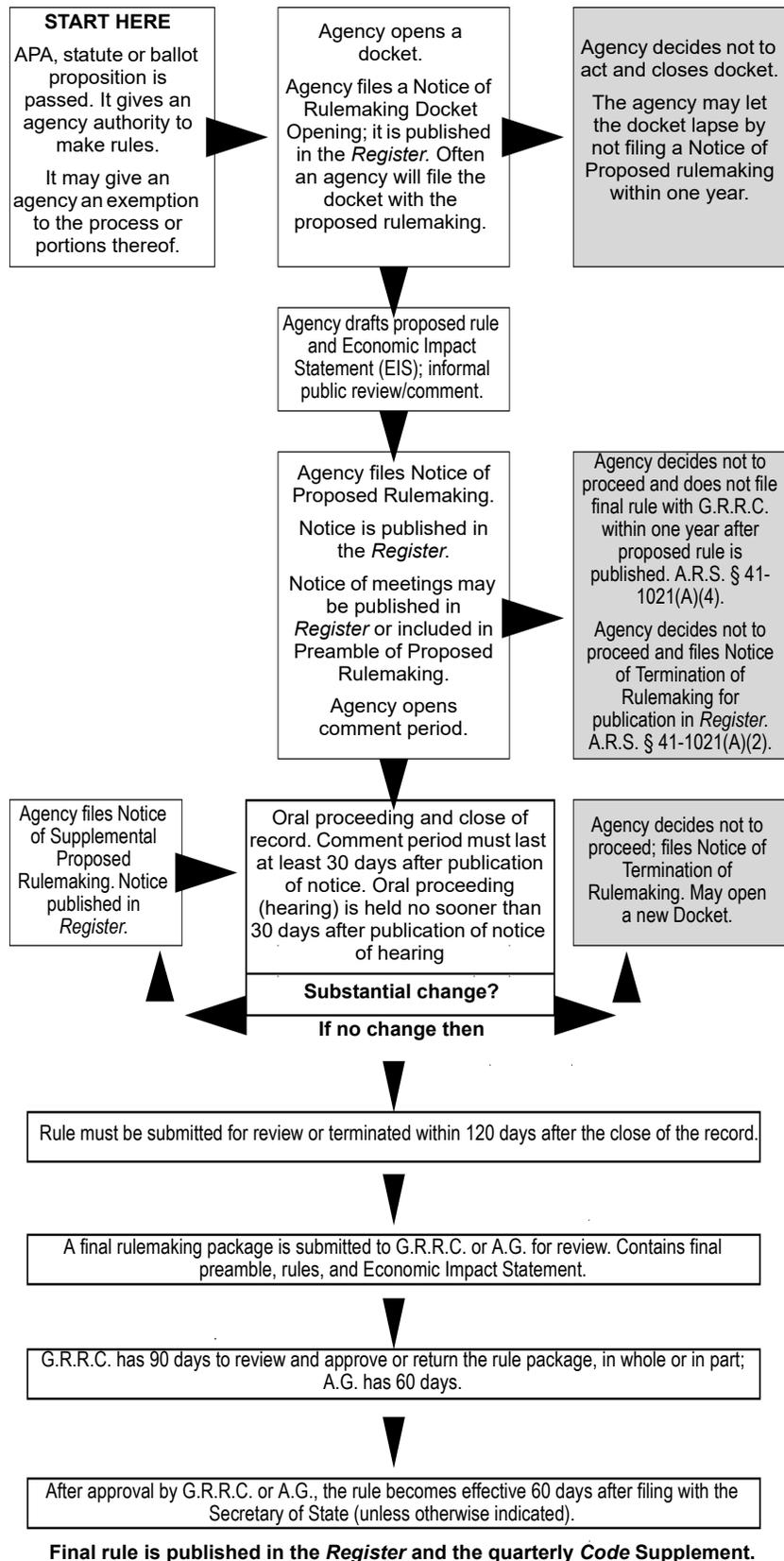
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING  
TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 25. BOARD OF PODIATRY EXAMINERS**

[R20-54]

**PREAMBLE**

- | <b><u>1. Article, Part or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|--|---------------------------------|
| R4-25-101  | Amend                           |
| R4-25-102  | Amend                           |
| R4-25-103  | Amend                           |
| R4-25-104  | Amend                           |
| Table 1  | Amend                           |
| R4-25-201  | Amend                           |
| R4-25-203  | Repeal                          |
| R4-25-301  | Amend                           |
| R4-25-302  | Amend                           |
| R4-25-501  | Amend                           |
| R4-25-502  | Amend                           |
| R4-25-603  | Amend                           |
| R4-25-604  | Amend                           |
- 2. Citations to the agency’s rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 32-801  
 Implementing statute: A.R.S. §§ 32-801 et seq.
- 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 rules:**  
 Notice of Rulemaking Docket Opening: 26 A.A.R. 658, April 10, 2020 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Heather Broaddus  
 Address: State Board of Podiatry Examiners  
 1740 W. Adams St., Suite 3004  
 Phoenix, AZ 85007  
 Telephone: (602) 542-8151  
 E-mail: [heather.broaddus@podiatry.az.gov](mailto:heather.broaddus@podiatry.az.gov)  
 Website: <https://podiatry.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:**  
 The Board is updating its rules to make them more clear, concise and consistent with statute and current agency and industry practice. A Law change was implemented/effective April 26, 2018 and August 3, 2018 for which there is currently no rule to support the changes. There is, in the new Law, a new requirement for Continuing Medical Education that must be addressed through rule, terms are used in law that are not defined in rule or elsewhere; without definition or clarification in rule, there may be no support or successful enforcement of the new Law. The profession may not be able to comply with the change to Law pertaining to continuing education and the public may not be as well protected as a result.



6. **A reference to any study relevant to the rules that the agency reviewed and proposes either 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

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

Not applicable

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

The rulemaking makes no substantive changes. It will have minimal, if any, economic impact to current licensees only. There is no economic impact to the public.

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

Name: Heather Broaddus  
Address: State Board of Podiatry Examiners  
1740 W. Adams St., Suite 3004  
Phoenix, AZ 85007  
Telephone: (602) 542-8151  
E-mail: [heather.broaddus@podiatry.az.gov](mailto:heather.broaddus@podiatry.az.gov)  
Website: <https://podiatry.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 rules:**

An oral proceeding regarding the proposed rules will not be held unless requested. Any and all comments regarding these proposed rules may be submitted directly to the Arizona State Board of Podiatry Examiners via the following methods:

- 1. E-mail to Heather Broaddus, Executive Director at: [heather.broaddus@podiatry.az.gov](mailto:heather.broaddus@podiatry.az.gov),
- 2. In person at the Board offices: 1740 W. Adams St., Suite 3004, Phoenix, AZ 85007
- 3. Mail to the Board offices: 1740 W. Adams St., Suite 3004, Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m., May 18, 2020.

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

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

Not applicable

b. **Whether federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation into 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 rules impact of the competitiveness of business in the state to the impact on business in other states:**

None

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 25. BOARD OF PODIATRY EXAMINERS**

**ARTICLE 1. GENERAL PROVISIONS**

Section	
R4-25-101.	Definitions
R4-25-102.	Postdoctoral, Internship, and Residency Training Program Approval
R4-25-103.	Fees
R4-25-104.	Time-frames for Approvals
Table 1.	Time-frames (in days)

**ARTICLE 2. EXAMINATIONS**

Section	
R4-25-201.	Examination of Applicants
R4-25-203.	<del>Oral Examination Procedures</del> Repealed



### ARTICLE 3. LICENSES

Section	
R4-25-301.	Application for a Regular Podiatry License
R4-25-302.	Application for a Podiatrist's License by Comity

### ARTICLE 5. CONTINUING EDUCATION

Section	
R4-25-501.	Continuing Educaion Hours Required
R4-25-502.	Approval of Continuing Education

### ARTICLE 6. DISPENSING DRUGS AND DEVICES

Section	
R4-25-603.	Prescribing and Dispensing Requirements
R4-25-604.	Recordkeeping and Reporting Shortages

### ARTICLE 1. GENERAL PROVISIONS

#### R4-25-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Administer" has the same meaning as in A.R.S. § 32-1901.
2. "Administrative completeness review" means the Board's process for determining that an applicant has:
  - a. Provided all the information and documents required by Board statute or rule for an application, and
  - b. Taken a written examination or oral examination required by the Board.
3. "Applicant" means an individual requesting an approval from the Board.
4. "Application packet" means all forms, documents, and additional information required by the Board to be submitted with an application by an applicant or on the applicant's behalf.
5. "Comity" means the procedure for granting an Arizona license to an applicant who is licensed as a podiatrist in another state of the United States.
6. "Contested case" has the same meaning as in A.R.S. § 41-1001.
7. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to the practice of podiatry.
8. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
9. "Council" means the Council of Podiatric Medical Education, an organization approved by the American Podiatry Association to govern podiatric education.
10. "Credit hour" means 60 minutes of participation in continuing education.
11. "Day" means calendar day.
12. "DEA" means The Drug Enforcement Administration in the Department of Justice.
13. "DEA Registration" means the DEA Controlled Substance Registration required and permitted by 21 U.S.C. 823 of the Controlled Substances Act.
- ~~14.~~ "Device" has the same meaning as in A.R.S. § 32-1901 and includes a prescription-only device defined in A.R.S. § 32-1901.
- ~~15.~~ "Directly supervise" has the same meaning as "direct supervision" in A.R.S. § 32-871(D).
- ~~16.~~ "Dispense" has the same meaning as in A.R.S. § 32-871(F).
- ~~17.~~ "Distributor" has the same meaning as in A.R.S. § 32-1901.
- ~~18.~~ "Drug" has the same meaning as in A.R.S. § 32-1901 and includes a controlled substance, a narcotic drug defined in A.R.S. § 32-1901, a prescription medication, and a prescription-only drug.
- ~~19.~~ "Fiscal year" means the period beginning on July 1 and ending on the following June 30.
- ~~20.~~ "Hospital" means a classification of health care institution that meets the requirements in A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10, Article 2.
- ~~21.~~ "Informed consent" means a document signed by a patient or patient's representative that authorizes treatment to the patient after the treating podiatrist informs the patient or the patient's representative of the following:
  - a. A description of the treatment;
  - b. A description of the expected benefits of the treatment;
  - c. Alternatives to the treatment;
  - d. Associated risks of the treatment, including potential side effects and complications; and
  - e. The patient's right to withdraw authorization for the treatment at any time.
- ~~22.~~ "Label" has the same meaning as in A.R.S. § 32-1901.
- ~~23.~~ "Manufacturer" has the same meaning as in A.R.S. § 32-1901.
- ~~24.~~ "Medical record" has the same meaning as in A.R.S. § 12-2291(4).
25. "One year internship program" means the successful completion of either of the following:



- a. ~~American Podiatric Medical Association approved one year program, or~~
- b. ~~First year post graduate approved residency or preceptorship program in either a medical or surgical clinical science dealing directly with patients.~~

~~24-25.~~ “Packaging” means the act or process of a person placing a drug item in a container for the purpose of dispensing or distributing the item to another person.

~~25-26.~~ “Party” has the same meaning as in A.R.S. § 41-1001.

~~26-27.~~ “Patient” means an individual receiving treatment from a podiatrist.

~~27.~~ “PMLexis examination” means the test required by A.R.S. § 32-825(C)(2).

28. “Prescription medication” has the same meaning as in A.R.S. § 32-1901.

29. “Prescription-only device” has the same meaning as in A.R.S. § 32-1901.

30. “Prescription-only drug” has the same meaning as in A.R.S. § 32-1901.

31. “Prescription order” has the same meaning as in A.R.S. § 32-1901.

~~32.~~ “Provisional licensee” means an individual licensed under A.R.S. § 32-826(B).

~~33-32.~~ “Regular podiatry license” means a license issued pursuant to the provisions of A.R.S. § 32-826(A).

~~34-33.~~ “Representative” means a legal guardian, an individual acting on behalf of another individual under written authorization from the individual, or a surrogate according to A.R.S. § 36-3201.

~~35-34.~~ “Substantive review” means the Board’s process for determining that an applicant meets the requirements of A.R.S. §§ 32-801 through 32-871 and this Article.

~~36-35.~~ “Treatment” means podiatric medical, surgical, mechanical, manipulative, or electrical treatment according to A.R.S. § 32-801.

~~37-36.~~ “Visit” means to seek diagnosis or treatment of an ailment of the foot or leg from a podiatrist and be physically present for the diagnosis or treatment.

**R4-25-102. Postdoctoral, Internship, and or Residency Training Program Approval**

- A. For purposes of satisfying the requirements of A.R.S. § 32-826(A), a postdoctoral, ~~internship,~~ or residency ~~training~~ program approved by the Council is approved by the Board.
- B. A postdoctoral, ~~internship,~~ or residency ~~training~~ program provisionally approved or placed on probation by the Council is approved by the Board until the Council makes a final adverse determination of the status of the postdoctoral, ~~internship,~~ or residency ~~training~~ program.

**R4-25-103. Fees**

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for ~~examination~~ license according to A.R.S. §§ 32-822(A) and 32-825, \$450.00.
2. Application for ~~examination~~ license according to A.R.S. § 32-827, \$450.00.
3. License issuance, \$225.00.
4. Annual renewal, \$275.00.
5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
6. Certification of a licensee to authorities of another state or country, \$10.00.
7. For initial registration to dispense drugs and devices, \$200.00.
8. For annual renewal of registration to dispense drugs and devices, \$100.00.
9. Application for temporary license and issuance of license, \$100.00

**R4-25-104. Time-frames for Approvals**

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1.
  1. The administrative completeness review time-frame begins:
    - a. ~~For approval to take both a written and an oral podiatry examination or only an oral podiatry examination, when the Board receives an application packet required in R4-25-301 or R4-24-302;~~
    - ~~b.a.~~ For approval of a podiatry license ~~provisional license,~~ when the Board receives the application packet required in R4-25-303;
    - ~~e.b.~~ For approval of a registration to dispense drugs, when the Board receives the application packet required in R4-25-602;
    - ~~d.~~ ~~For approval of a regular podiatry license, when the applicant sits for both a written and an oral podiatry examination or only an oral examination;~~
    - ~~e.c.~~ For approval of an application for renewal of a license or dispensing registration, when a licensee submits an application packet to the Board; or
    - ~~f.d.~~ For approval of continuing education, when the Board receives a request for approval.
  2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.



4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
  1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
  2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
  3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
- D. The Board shall consider an application withdrawn if, within ~~360~~ 365 days from the application submission date, the applicant fails to:
  1. ~~Supply~~ supply the missing information under subsection (B)(2) or (C)(1); or
  2. ~~Take both a written and an oral podiatry examination or only an oral podiatry examination.~~
- E. An applicant who does not wish an application withdrawn may request a denial in writing within ~~360~~ 365 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

**Table 1. Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
<del>Approval to Take a Written and Oral Examination or Oral Examination Only (R4-25-301)</del>	A.R.S. § 32-822 A.R.S. § 32-823 A.R.S. § 32-824	90	30	60
Regular Podiatry License (R4-25-301)	A.R.S. § 32-826	60	30	30
License by Comity (R4-25-302)	A.R.S. § 32-827	60	30	30
<del>Provisional License (R4-25-304)</del>	A.R.S. § 32-826	60	30	30
Dispensing Registration (R4-25-602)	A.R.S. § 32-871	60	30	30
License Renewal (R4-25-306)	A.R.S. § 32-829	60	15	45
Registration Renewal (R4-25-605)	A.R.S. § 32-871	60	30	30
Continuing Education Approval (R4-25-502)	A.R.S. § 32-829	60	15	45



ARTICLE 2. EXAMINATIONS

R4-25-201. Examination of Applicants

- ~~A.~~ The Board administers the state oral examination each year in June and December.
- ~~B.~~ An applicant who meets the requirements in A.R.S. § 32-827 for licensure by comity shall pass the state oral examination with a grade of 75% or more.
- ~~C.~~ A. An applicant who does not meet the requirements in A.R.S. § 32-827 for licensure by comity shall pass the National Board Written Examinations ~~PMLExis examination and state oral examination~~ with a grade of 75% or more.
- ~~D.~~ B. An applicant licensed to practice podiatry in a state other than Arizona who is applying to the Board for a license by comity and who: ~~1. Passed~~ passed The National Board Written Examinations ~~the PMLExis examination~~ in a state other than Arizona with a score of 75% or more within five years of the application submission date meets the examination requirements of A.R.S. § ~~32-825, or 32-823~~ 823.
- ~~2.~~ Did not pass the PMLExis examination in any state with a score of 75% or more does not meet the examination requirements of A.R.S. § 32-825 and shall pass the PMLExis examination with a score of 75% or more to be licensed in this state.

R4-25-203. Oral Examination Procedures Repealed

- ~~A.~~ An applicant taking an oral examination shall:
  - ~~1.~~ Be present to take the examination at the date, time, and place scheduled by the Board;
  - ~~2.~~ During the examination, not communicate with another applicant except with the permission of the examiner; and
  - ~~3.~~ Except for a writing instrument, not bring examination assistance, such as books or equipment, into the examination room unless given permission by the Board.
- ~~B.~~ An applicant may submit written comments to the Board about an oral examination after the examination concludes.
- ~~C.~~ An applicant who does not meet the requirements in subsection (A):
  - ~~1.~~ Shall not be permitted by the Board to complete an oral examination;
  - ~~2.~~ Forfeits the examination fee; and
  - ~~3.~~ May submit a new application to take an examination and the examination fee.

ARTICLE 3. LICENSES

R4-25-301. Application for a Regular Podiatry License

- ~~A.~~ No later than 90 days before a written or oral examination date, an An applicant for a regular license shall submit:
  1. An application form provided by the Board, signed and dated by the applicant and notarized that contains:
    - a. The applicant's name, address, social security number, telephone number, and date of birth;
    - b. The name and address of the applicant's employer at the time of application;
    - c. The name, address, and type of facility at which the applicant served as an intern or resident in podiatric medicine;
    - d. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
    - e. The name and address of the podiatric medical school from which the applicant graduated, dates of attendance, and date of graduation;
    - f. The name of each state or jurisdiction in which the applicant is currently or has been licensed as a podiatrist and address of the licensing agency;
    - g. A statement of whether the applicant has taken and passed a national podiatric examination in any state and date of passage, if applicable;
    - h. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude;
    - i. A statement of whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any state or jurisdiction;
    - j. A statement of whether the applicant has ever had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction;
    - k. A statement of whether the applicant has ever entered into a consent agreement or stipulation with any state or jurisdiction;
    - l. A statement of whether the applicant has ever been named as a defendant in any medical malpractice matter that resulted in a settlement or judgment against the applicant;
    - m. A statement of whether the applicant has any medical condition that in anyway impairs or limits the applicant's ability to practice podiatric medicine; and
    - n. A statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and was not procured through fraud or misrepresentation.
    - o. A statement of whether the applicant has taken at least three hours of opioid-related clinical education if applicant was enrolled in a public or private medical program in Arizona.
  2. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
  3. A photocopy of the diploma issued to the applicant upon completion of podiatric school;
  4. A photocopy of the residency certificate issued to the applicant upon completion of residency; and
  5. The fee required in R4-25-103.
- ~~B.~~ An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. ~~The transcript shall be received by the Board no less than 30 days before the date of an oral examination.~~

**R4-25-302. Application for a Podiatrist's License by Comity**

- A. Under A.R.S. § 32-827, an applicant for a podiatrist's license by comity shall submit to the Board, ~~a minimum of 90 days before an oral examination date,~~ an application form provided by the Board, signed and dated by the applicant and notarized that contains the information in R4-25-301(A)(1) and the following:
1. A photocopy of a current podiatric license in good standing issued in another state or jurisdiction;
  2. Written documentation of having been engaged in the practice of podiatric medicine for five of seven years immediately preceding the application;
  3. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
  4. The fee required in R4-25-103.
- B. An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. ~~The transcript shall be received by the Board no less than 30 days before the date of an oral examination.~~

**ARTICLE 5. CONTINUING EDUCATION****R4-25-501. Continuing Education Hours Required**

- A. Unless a licensee obtains a waiver according to R4-25-505, the licensee shall complete 25 hours or more of continuing education credit hours every fiscal year.
- B. A licensee who has been licensed for less than 12 months before license renewal shall complete two continuing education credit hours for each month of licensure.
- C. For a licensee authorized to prescribe schedule II controlled substances and who has a valid DEA registration, at least three hours of the 25 hours required in subsection (A) shall be obtained in the area of opioid-related, substance use disorder-related or addiction-related continuing education.

**R4-25-502. Approval of Continuing Education**

- A. A licensee may submit a written request to the Board for approval of continuing education before submission of a renewal application.
- B. A request under subsection (A) shall contain:
1. A brief summary of the continuing education;
  2. The educational objectives of the continuing education;
  3. The date, time, and place of the provision of the continuing education;
  4. The name of the individual providing the continuing education, if available; and
  5. The name of the organization providing the continuing education, if applicable.
- C. In determining whether to approve continuing education, the Board shall consider whether the continuing education:
1. Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;
  2. Is developed and provided by an individual with knowledge and experience in the subject area; and
  3. Contributes directly to the professional competence of a licensee.
- D. ~~A licensee may request approval. The Board may accept a maximum of 10 continuing education credit hours or less of continuing education if provided in any of the following ways for the following:~~
1. ~~On the internet,~~ Teaching a graduate level course approved by the American Podiatry Medical Association.
  2. ~~On a CD-ROM, or~~ Self-study which can include the following:
    - a. Reading educational literature that relates to the practice of podiatry.
    - b. A work or study group that relates to the practice of podiatry.
    - c. Having authored or co-authored a book, book chapter, or article in a peer-reviewed journal that was published within the last year and that relates to the practice of podiatry.
  3. ~~In podiatric medical literature, such as a journal,~~ Serving as a Board member or Complaint consultant for the Board.
- E. The Board shall approve or deny a request for approval according to the time-frames set forth in R4-25-104 and Table 1.
- F. According to A.R.S. § 32-829(E), if approval of a continuing education request is denied, a licensee has 60 days from the date of the denial to meet the continuing education requirements.
- G. Any opioid-related course that is approved by the Arizona State Board of Podiatry Examiners, Arizona State Board of Pharmacy, Arizona Board of Osteopathic Examiners, Arizona Medical Board or the Arizona State Board of Nursing is approved by the Board.

**R4-25-603. Prescribing and Dispensing Requirements**

A podiatrist shall:

1. Not dispense schedule II controlled substances that are opioids.
- ~~2.~~ Not dispense a drug unless the drug is obtained from a manufacturer or distributor licensed in any state or jurisdiction;
- ~~3.~~ Ensure that a drug or device is dispensed only to a patient being treated by the podiatrist;
- ~~4.~~ Before dispensing a drug, provide a patient with a written prescription order that:
  - a. Contains the following statement in bold type: "This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice," and
  - b. Is signed by the podiatrist;
- ~~5.~~ Directly supervise each individual involved in preparing a drug that is dispensed;
- ~~6.~~ Ensure that a drug is:
  - a. Dispensed in a prepackaged container or in a light resistant container with a consumer safety cap; and
  - b. Labeled with the following information:
    - i. The podiatrist's name, address, and telephone number;
    - ii. The date the drug is dispensed;



- iii. The patient’s name; and
- iv. The name, strength of the drug, and directions for the drug’s use;
- ~~6-7.~~ Ensure that the original prescription order for a drug is countersigned and dated by the individual who prepared the drug for dispensing;
- ~~7-8.~~ Before a drug or device is dispensed to a patient:
  - a. Review the drug or device to ensure compliance with the prescription order;
  - b. Ensure the patient is informed of the following:
    - i. The name of the drug or device,
    - ii. Directions for taking the drug or using the device,
    - iii. Precautions for the drug or device, and
    - iv. Directions for storing the drug or device;
- ~~8-9.~~ Document in the medical record the following for each patient:
  - a. Name of the drug or device dispensed,
  - b. Strength of the drug dispensed,
  - c. Date the drug or device is dispensed, and
  - d. Therapeutic reasons for dispensing the drug or device;
- ~~9-10.~~ Maintain an inventory record for each drug that contains:
  - a. Name of the drug,
  - b. Strength of the drug,
  - c. Date the drug was received by the podiatrist,
  - d. Amount of the drug received by the podiatrist,
  - e. Name of the manufacturer and distributor of the drug, and
  - f. A unique identifying number provided by the manufacturer or distributor of the drug;
- ~~10-11.~~ Store a drug in a locked cabinet or room and:
  - a. Establish a written policy for access to the locked cabinet or room, and
  - b. Make the written policy available to the Board or its authorized agent with within 72 hours of a Board request;
- ~~11-12.~~ Ensure that a drug is stored at temperatures recommended by the manufacturer of the drug; and
- ~~12-13.~~ Maintain a dispensing log, separate from the inventory record for each drug dispensed that includes the:
  - a. Name of the drug,
  - b. Strength of the drug,
  - c. Amount of the drug,
  - d. Patient’s name,
  - e. Date the drug was dispensed, and
  - f. The name and signature of the podiatrist who dispensed the drug.

**R4-25-604. Recordkeeping and Reporting Shortages**

- A. A prescription order written by a podiatrist for a drug shall:
  - 1. Contain the:
    - a. Name of the patient,
    - b. Date the prescription order is written, and
    - c. Name and signature of the podiatrist;
  - 2. Be numbered consecutively; and
  - 3. Be maintained separately from a medical record.
- B. A podiatrist shall maintain an invoice of a drug purchased from a manufacturer or distributor for three years from the date purchased.
- C. A podiatrist shall maintain the inventory record in R4-25-603(9) and the dispensing log in R4-25-603(12) for seven years from the date of entry.
- D. A podiatrist who discovers that a drug identified in the podiatrist’s inventory record cannot be accounted for shall:
  - 1. Within 48 hours of discovery or the next business day if a weekend or holiday, whichever is later, notify the appropriate law enforcement agency and the federal Drug Enforcement Administration; and
  - 2. Provide written notification to the Board within seven days from the date of the discovery, including the name of the law enforcement agency notified.
- E. A podiatrist shall report controlled substances dispensing as required per A.R.S. § 36-2608.





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

Not applicable

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

Not applicable

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

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement (EIS) under A.R.S. § 41-1055.

**An identification of the rulemaking.**

This EIS addresses a rulemaking designed to bring ADEQ’s emission reporting rules into conformance with federal requirements and reduce the reporting requirements of Class II air quality permitted sources.

ADEQ anticipates the economic impact of this rulemaking on, businesses, consumers, and ADEQ to be beneficial due to the reduction in required annual emission inventory questionnaires. ADEQ anticipates the addition of federally required ozone emission statements will affect only a limited number of unpermitted sources. A more detailed analysis of these changes is addressed in section 5 of this notice of proposed rulemaking.

**An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.**

The proposed changes affect permitted air quality sources statewide and stationary sources located in ozone nonattainment areas that emit ozone precursors. Some Class II air quality permitted sources will directly benefit from this rulemaking by reducing the reporting burden from annually to a minimum of once every three years, and as required by the Director. Stationary sources located in ozone nonattainment areas that emit ozone precursors will directly bear the costs of producing the new federal emission statement requirements.

**A cost benefit analysis of the following:**

**(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.**

ADEQ will directly benefit from the changes in reporting frequency from Class II air quality permitted sources. ADEQ anticipates this proposed rulemaking will free up at least 100 hours of staff time per year by reducing the number of questionnaires the agency must review within a three-year period. ADEQ will bear the additional costs associated with reviewing the new federally required emission statements.

**(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.**

ADEQ does not anticipate any economic impacts to political subdivisions of the state as a result of this proposed rulemaking.

**(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.**

ADEQ anticipates some Class II permitted air quality sources will directly benefit from this rulemaking by reducing the number of emission inventory questionnaires required in a three year period. ADEQ anticipates these amendments will reduce the reporting requirements and associated costs on approximately 275 sources.

ADEQ anticipates the costs associated with the new federal reporting requirements on Class II stationary sources located in ozone nonattainment areas that emit ozone precursors to be minimal. ADEQ estimates the new federally required emission statement requirements will require approximately two hours of administrative staff time per source per year. At this time, ADEQ has not identified any sources that would be subject to the new federally required emission statements.

**A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.**

ADEQ anticipates any additional costs imposed on businesses because of this rulemaking will be minimal as per the reasons described above. Accordingly, ADEQ anticipates minimal impact on private employment or on the employment of any political subdivision subject to the proposed amendments.

**A statement of the probable impact of the rulemaking on small businesses.**

**(a) An identification of the small businesses subject to the rulemaking.**

Under A.R.S. § 41-1001(21) “Small business” means a concern, including its affiliates, which is [1] independently owned and operated, which is [2] not dominant in its field and which [3] employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.

Currently ADEQ does not have a method to determine which of the approximately 275 Class II air quality permitted sources meet the criteria of a small business. However, given that the proposed amendments to the reporting frequency for these sources is of a beneficial nature, ADEQ is confident that any of the sources that meet the criteria of a small business would benefit from removing this cumbersome reporting requirement. For stationary sources located in ozone nonattainment areas that emit ozone precursors, ADEQ has not identified any sources that meet the definition of a small business. Within the Yuma ozone nonattainment area,



ADEQ has identified two dry cleaners and one carpet manufacturer as potentially meeting the criteria of a small business that may be subject to the proposed emission statement requirements.

**(b) The administrative and other costs required for compliance with the rulemaking.**

ADEQ currently estimates the administrative cost to comply with the proposed emission statement requirements to be approximately two hours of administrative staff time per source per year. ADEQ does not anticipate any additional costs to be placed on small businesses as a result of this proposed rulemaking.

**(c) A description of the methods that the agency may use to reduce the impact on small businesses.**

**(i) Establishing less costly compliance requirements in the rulemaking for small businesses.**

ADEQ is committed to working closely with small businesses subject to this rulemaking to streamline the creation and submittal of required emissions statements. ADEQ has streamlined the process of submitting all questionnaires discussed in the rulemaking by giving participants the option to submit electronic or paper copies demonstrated in R18-2-327(A)(3). ADEQ also anticipates the provisions of this rulemaking will limit the amount of administrative staff time necessary to comply with the proposed amendments.

**(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.**

Due to federally mandated deadlines for emissions reporting, ADEQ is not able to establish less stringent deadlines for small businesses than those offered to all sources. ADEQ commits to working closely with small businesses subject to emission statement requirements to further mitigate any issues related to submission schedules and deadlines.

**(iii) Exempting small businesses from any or all requirements of the rulemaking.**

ADEQ has identified that under 42 U.S.C. 7511a(a)(3)(B)(ii) the agency may waive the application of federally required emission statement requirements to any class or category of stationary sources which emit less than 25 tons per year of ozone precursors contingent on the agency meeting other inventory submission requirements. ADEQ anticipates this will serve to exempt any small business that emits fewer than 25 tons per year of ozone precursors from being subject to the new federal emission statement requirements.

**(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.**

Not applicable

**A statement of the probable effect on state revenues.**

Not applicable

**A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.**

ADEQ was unable to identify any less intrusive or less costly alternative methods of achieving the proposed amendments to A.A.C. R18-2-327.

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

Name: Elias Toon  
Address: Department of Environmental Quality  
Air Quality Division, AQIP Section  
1110 W. Washington Ave.  
Phoenix, AZ 85007  
Telephone: (602) 771-4665  
Fax: (602) 771-2299  
E-mail: Toon.Elias@azdeq.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:**

All comments submitted during the public review period of April 3, 2020 through May 11, 2020 may be mailed, copied or faxed to:

Elias Toon, Air Quality Division  
Arizona Department of Environmental Quality  
1110 W. Washington St., Phoenix, AZ 85007  
Fax (602) 771-2299; email Toon.Elias@azdeq.gov.

The public hearing for the rules will be conducted on: May 11, 2020 at 3:30 p.m.

Arizona Department of Environmental Quality  
1110 W. Washington St., Room 3175  
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:**

There are no matters prescribed by statute applicable specifically to ADEQ 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:**

This rule does require a permit nor do the proposed amendments add such a requirement.

**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:**

This proposed rule amendment will help Arizona comply with federal Clean Air Act, Title I, Part D. This rulemaking is no more stringent than that which is required by federal law.

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

No analysis was submitted to ADEQ.

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

There are no incorporations by reference added to the rules in this action.

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR POLLUTION CONTROL**

**ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS**

Section

R18-2-327. ~~Annual~~ Emissions Inventory Questionnaire and Emissions Statement

**ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS**

R18-2-327. ~~Annual~~ Emissions Inventory Questionnaire and Emissions Statement

**A. Emissions Inventory Questionnaire Requirements**

1. Every source subject to permit requirements under this Chapter shall complete and submit to the Director an ~~annual~~ emissions inventory questionnaire as follows: The questionnaire is due by March 31 or 90 days after the Director makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year.

a. Sources Requiring a Class I Permit under R18-2-302(B). Sources requiring a Class I permit under R18-2-302(B) shall complete and submit to the Director an emissions inventory questionnaire no later than June 1 of each year.

b. Sources Requiring a Class II Permit under R18-2-302(B):

i. Sources requiring a Class II permit under R18-2-302(B) shall complete and submit to the Director an emissions inventory questionnaire no later than June 1 every three (3) years beginning June 1, 2021.

ii. At the Director's request, sources requiring a Class II permit under R18-2-302(B) may be required to complete and submit emissions inventory questionnaires in addition to the triennial emissions inventory questionnaire required under subsection (A)(1)(b)(i). The Director shall notify the owner or operator of the source in writing of the decision to require additional emissions inventory questionnaires.

2. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.

~~B.3.~~ The emissions inventory questionnaire shall be on an electronic or paper form provided by the Director and shall include the following information for the previous calendar year:

~~1-a.~~ The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.

~~2-b.~~ Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.

~~3-c.~~ The actual quantity of emissions from permitted emission points and fugitive emissions as provided in the permit, including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C), of the following regulated air pollutants:

~~a-i.~~ Any single regulated air pollutant in a quantity greater than 1 ton or the amount listed for the pollutant in the definition of "significant" in R18-2-101(131)(a) or (b), whichever is less.

~~b-ii.~~ Any combination of regulated air pollutants in a quantity greater than 2 1/2 tons.

~~d.~~ A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

4. An amendment to an emissions inventory questionnaire, containing the documentation required by subsection (A)(3), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions inventory questionnaire. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Director shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.

5. The Director may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§ 49-422, 49-424, and 49-426.03 through 49-426.08.

**B. Emissions Statement Requirements**

1. Any stationary source located in an ozone nonattainment area that has actual emissions of 25 tons or more of nitrogen oxides (NOx) or volatile organic compounds (VOCs) during the calendar year shall complete and submit to the Director an emissions statement no later than June 1 of the following year, except as provided in subsection (B)(5).
2. The emissions statement shall be on an electronic or paper form provided by the Director and shall require the following information for the previous calendar year:
  - a. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - b. Process information for the source, including design capacity, throughput, operations schedule, and emissions control devices, their description and efficiencies.
  - c. Actual emissions of NOx and VOC including documentation of the method of measurement, calculation, or estimation, determined pursuant to subsection (C).
  - d. A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
3. If either NOx or VOC annual emissions are greater than or equal to 25 tons, the other pollutant shall be included in the emissions statement even if less than 25 tons.
4. An amendment to an emissions statement, containing the documentation required by subsection (B)(2), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous emissions statement. The amendment shall be submitted to the Director within 30 days of discovery or receipt of notice. The submittal of an amendment under this subsection shall not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was not due to willful neglect.
5. A source that submits an emissions inventory questionnaire under subsection (A) is exempt from subsection (B) requirements for that submission year.

**C. Emissions Estimation Methodology**

1. Actual quantities of emissions shall be determined using the following emission factors or data.
  - ~~1-a.~~ Whenever available, emissions estimates shall either be calculated from continuous emissions monitors certified pursuant to 40 CFR 75, Subpart C and referenced appendices, or data quality assured pursuant to Appendix F of 40 CFR 60.
  - ~~2-b.~~ When sufficient data pursuant to subsection (C)(1)(a) is not available, emissions estimates shall be calculated from data from source performance tests conducted pursuant to R18-2-312 in the calendar year being reported or, when not available, conducted in the most recent calendar year representing the operating conditions of the year being reported.
  - ~~3-c.~~ When sufficient data pursuant to subsection (C)(1)(a) or ~~(2)(b)~~ is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, 1995, U.S. Environmental Protection Agency, Research Triangle Park, NC, including Supplements A through F and all updates published through July 1, 2011 (and no future editions). AP-42 is incorporated by reference and is on file with the Department of Environmental Quality and can be obtained from the Government Printing Office, 732 North Capitol Street, NW, Washington, D.C. 20401, telephone (202) 512-1800, or by downloading the document from the web site for the EPA Clearinghouse for Emission Inventories and Emission Factors.
  - ~~4-d.~~ When sufficient data pursuant to subsections (C)(1)(a) through ~~(C)(3)(c)~~ is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
  - ~~5-e.~~ When sufficient data pursuant to subsections (C)(1)(a) through ~~(4)(d)~~ is not available, emissions estimates shall be calculated by equivalent methods approved by the Director. The Director shall only approve methods that are demonstrated as accurate and reliable as one of the methods in subsections (C)(1)(a) through ~~(4)(d)~~.
- ~~D-2.~~ Actual quantities of emissions calculated under subsection (C) shall be determined on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

~~E.~~ An amendment to an annual emission inventory questionnaire, containing the documentation required by subsection (B)(3), shall be submitted to the Director by any source whenever it discovers or receives notice, within two years of the original submittal, that incorrect or insufficient information was submitted to the Director by a previous questionnaire. If the incorrect or insufficient information resulted in an incorrect annual emissions fee, the Director shall require that additional payment be made or shall apply an amount as a credit to a future annual emissions fee. The submittal of an amendment under this subsection (shall) not subject the owner or operator to an enforcement action or a civil or criminal penalty if the original submittal of incorrect or insufficient information was due to reasonable cause and not willful neglect.

~~F.~~ The Director may require submittal of supplemental emissions inventory questionnaires for air contaminants pursuant to A.R.S. §§ 49-422, 49-424, and 49-426.03 through 49-426.08.



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 PODIATRY EXAMINERS

[R20-55]

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

- 4, Professions and Occupations
25, Board of Podiatry Examiners
1, General Provisions
2, Examination
3, Licenses
5, Continuing Education
6, Dispensing Drugs and Devices

R4-25-101 through R4-25-104, R4-25-201, R4-25-203, R4-25-301, R4-25-302, R4-25-501, R4-25-502, R4-25-603, R4-25-604, Table 1, (Articles and Sections may be added, modified, or deleted as necessary.)

2. The subject matter of the proposed rule:

The proposed rules address changes resulting from Laws 2018 and 2019, Chapter 1. This rulemaking will add or update language and terminology used in the rules to improve consistency and clarity as well as conform to statutes amended in the 2018 and 2019 legislative session. The proposed rules also allows licensees to obtain all of the required continuing medical education via electronic means. Anticipated changes include:

- A. Adding new or amending existing definitions for further clarification.
B. Removing of language concerning internship and training to reflect new State statute passed by the Legislature.
C. Amending language regarding examination to reflect new State statute.
D. Removing language concerning written and oral podiatry examination, updating alphanumeric characters and outdated provisional license to reflect regular podiatry license.
E. Repeal of examination of applicants to reflect the current State statute and update the language referencing national board written examinations.
F. Repeal all language regarding oral examination procedures to be consistent with State statute.
G. Removing references to written or oral examination dates and include a course of study requirement by adding a new section for study of at least three hours of Continuing Education ("CE") to be obtained in the area of opioid-related substance use, disorder-related or addiction-related CE, each renewal cycle through a recognized or approved course or courses.
H. Removing all language that references oral examination and transcripts.
I. Adding new language for a licensee or licensees authorized to prescribe schedule II controlled substances with a valid DEA Registration of three hours of the 25 continuing education hours to reflect the new law regarding opioids.
J. Adding new language for opioid-related course that is approved by the Arizona State Board of Podiatry Examiners, Arizona State Board of Pharmacy, Arizona Board of Osteopathic Examiners, Arizona Medical Board or the Arizona State Board of Nursing is approved by the board.
K. Adding new language regarding not dispensing schedule II controlled substances that are opioids and updating numeric characters.
L. Adding reporting requirement of controlled substances dispensing as required by A.R.S. § 36-2608.
M. Adding new language to remove the requirement of in-person continuing medical education.
N. Adding new language to create a fee for temporary application and licensure as required by A.R.S. § 32-3124.

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

Notice of Proposed Rulemaking: 26 A.A.R. 645, April 10, 2020 (in this issue)



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

Name: Heather Broaddus  
 Address: Board of Podiatry Examiners  
 1740 W. Adams St., Suite 3004  
 Phoenix, AZ 85007  
 Telephone: (602) 542-8151  
 E-mail: heather.broaddus@podiatry.az.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: 8:00 a.m. to 5:00 p.m., Monday through Friday

Address: Board of Podiatry Examiners  
 1740 W. Adams St., Suite 3004  
 Phoenix, AZ 85007

Oral comments: 8:00 a.m. to 5:00 p.m., Monday through Friday

Address: Board of Podiatry Examiners  
 1740 W. Adams St., Suite 3004  
 Phoenix, AZ 85007

Telephone: (602) 542-8151

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

See Notice of Proposed Rulemaking on page 645 of this issue.

**NOTICE OF RULEMAKING DOCKET OPENING  
 DEPARTMENT OF HEALTH SERVICES  
 VITAL RECORDS AND STATISTICS**

[R20-53]

**1. Title and its heading:**

9, Health Services

**Chapter and its heading:**

19, Department of Health Services - Vital Records and Statistics

**Articles and their headings:**

1, Administration  
 2, Vital Records for Birth  
 3, Vital Records for Death

**Section numbers:**

R9-19-101, R9-19-104, R9-19-201, R9-19-202, R9-19-204,  
 R9-19-208, R9-19-210, R9-19-301, R9-19-304, R9-19-305,  
 R9-19-306, R9-19-309, R9-19-314, and R9-19-315 (*The Department may add, delete, or modify other Sections, as necessary.*)

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

Arizona Revised Statutes (A.R.S.) § 36-136(I)(3) requires the Arizona Department of Health Services (Department) to define and prescribe reasonably necessary procedures for the use and accessibility of the different types of birth and death certificates and the completion, change, and amendment of vital records. A.R.S. Title 9, Chapter 3, specifies requirements for vital records and public health statistics, including birth and death registration and certificates. The Department has adopted rules for vital records and statistics in Arizona Administrative Code (A.A.C.) Title 9, Chapter 19. These rules are inconsistent with A.R.S. § 36-324(A), as amended by Laws 2019, Ch. 172, because the rules do not include the designee of a funeral director as being eligible to request or receive a certified copy of a deceased individual's certificate of death registration. The rules also need to be revised to clarify the rules and address issues identified in a five-year-review report approved by the Governor's Regulatory Review Council on November 5, 2019. After receiving an exception from the rulemaking moratorium pursuant to Executive Order 2020-02, the Department is revising the rules in 9 A.A.C. 19 by expedited rulemaking to improve the rules related to vital records and statistics to reduce a regulatory burden while achieving the same regulatory objective, comply with statutory requirements, and help eliminate confusion on the part of those affected by the rules. (The Department may add, delete, or modify other Sections, as necessary.)

**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: Krystal Colburn, Bureau Chief  
 Address: Arizona Department of Health Services  
 Division of Public Health Licensing Services  
 Bureau of Vital Records  
 1818 W. Adams Street  
 Phoenix, AZ 85007

Telephone: (602) 364-1225

Fax: (602) 364-1257

E-mail: Krystal.Colburn@azdhs.gov  
 or

Name: Stephanie Elzenga, Acting Chief



Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Avenue, Suite 200  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
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 Expedited Rulemaking



**NOTICES OF PUBLIC INFORMATION**

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

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

**NOTICE OF PUBLIC INFORMATION  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAFE DRINKING WATER**

[M20-23]

- 1. Name of the Agency:** Department of Environmental Quality
- Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 4, Department of Environmental Quality – Safe Drinking Water
- Article and its heading:** 8, Technical Assistance
- Section and its heading:** R18-4-803, Master Priority List

- 2. The public information relating to the listed statute:**  
Due to the ongoing COVID-19 pandemic, the Arizona Department of Environmental Quality (ADEQ) will not hold an in-person public meeting to accept comments on the Master Priority List as previously published in the Arizona Administrative Register on April 3, 2020. In an effort to protect public health and safety and comply with recommended social distancing practices, ADEQ will accept comments through an on-line meeting. See information in #4 below. All necessary information can be accessed from the ADEQ website at <http://www.azdeq.gov/public-notice-proposed-fiscal-year-2021-master-priority-list>

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

Name: Linda Taunt, Capacity Development Coordinator  
 Address: Department of Environmental Quality  
 1110 W. Washington St.  
 Phoenix, AZ 85007  
 Email: taunt.linda@azdeq.gov  
 Telephone: (602) 771-4416 (in Arizona: 1-800-234-5677; 771-4416)

**4. The agency will accept written comments and oral comments as follows:**

The Department will accept written comments on the Draft FY21 MPL until close of business on May 4, 2020. Address comments to the individual named in #3 above.

Oral comments will be taken via an online meeting:

Date: May 4, 2020  
 Time: 9:30 a.m.  
 Join online | Join Google Meeting  
 Call in: 1-518-323-9850  
 Access code (PIN): 880 491 533#



NOTICES OF SUBSTANTIVE POLICY STATEMENT

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

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

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's

internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

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

NOTICE OF SUBSTANTIVE POLICY STATEMENT
REAL ESTATE DEPARTMENT

[M20-21]

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

Requirements for Teams: No. 2020.01

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

Effective: March 11, 2020

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

This Substantive Policy Statement is intended to clarify to the real estate industry the relevant statutes and rules that govern real estate licensees, and are applicable to real estate "Teams". Although not officially recognized entities in Arizona real estate law, Teams are impacted through statutes and rules that address activities within a real estate brokerage.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new policy statement.

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Louis Dettorre
Address: State Real Estate Department
100 N. 15th Ave., Suite 201
Phoenix, AZ 85007
Telephone: (602) 771-7760
Fax: (602) 771-7023
E-mail: ldettorre@azre.gov

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

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above, or on the Department web site: www.azre.gov requested through the Message Center. Hard copies may be obtained by contacting the person listed above for \$0.25 per page.



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## GOVERNOR EXECUTIVE ORDER

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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.

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### 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**

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

#### **SUPPLEMENTAL EXPEDITED**

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

#### **FINAL EXPEDITED**

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

### **EXEMPT RULEMAKING**

#### **EXEMPT**

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

#### **EXEMPT PROPOSED**

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

#### **EXEMPT SUPPLEMENTAL PROPOSED**

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

#### **FINAL EXEMPT RULEMAKING**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

### **CORRECTIONS**

C = Corrections to Published Rules

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 R4-1-456. FM-339

#### Arizona Health Care Cost Containment System - Grievance System

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#### Corporation Commission - Fixed Utilities

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#### Economic Security, Department of - Child Support Enforcement

R6-7-103. FM-15

#### Economic Security, Department of - Developmental Disabilities

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#### Economic Security, Department of - Food Stamps Program

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#### Education, State Board of



R9-16-505. PER-165;  
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### RULES EFFECTIVE DATES CALENDAR

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

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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	<b>Wednesday</b> 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.