



# Arizona Administrative REGISTER

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

Vol. 26, Issue 18

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May 1, 2020

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

Vol. 26

Issue 18

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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.

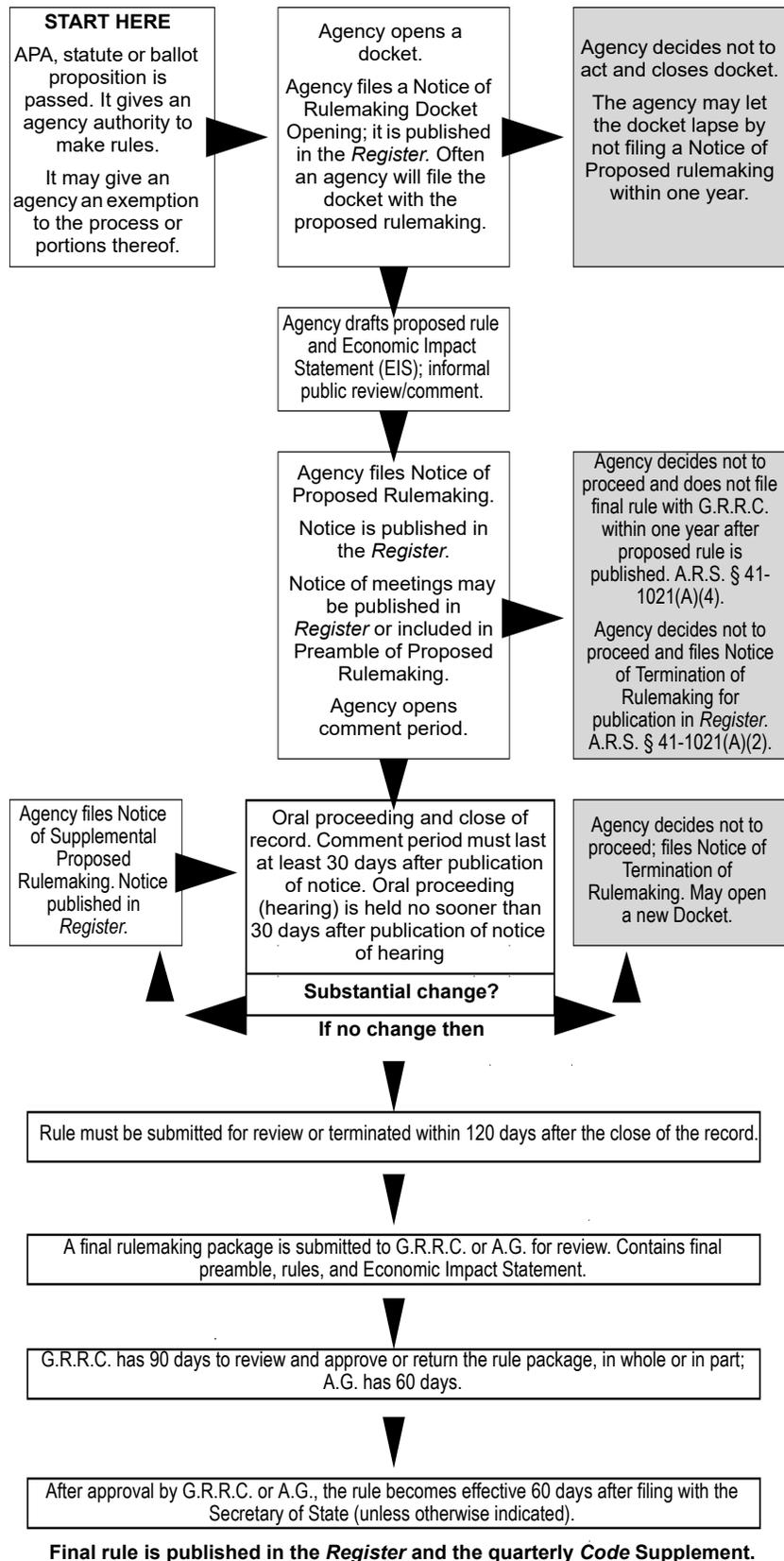
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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 FINAL RULEMAKING**

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

The final published notice includes a preamble and

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

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

**NOTICE OF FINAL RULEMAKING  
TITLE 3. AGRICULTURE  
CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

[R20-60]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R3-2-101	Amend
R3-2-102	Amend
R3-2-208	Amend
R3-2-301	Repeal
R3-2-302	Amend
R3-2-401	Amend
R3-2-402	Amend
R3-2-403	New Section
R3-2-404	Amend
R3-2-405	Amend
R3-2-406	Amend
R3-2-407	Amend
R3-2-408	Amend
R3-2-409	Amend
R3-2-410	Repeal
R3-2-411	Repeal
R3-2-412	Repeal
R3-2-413	Amend
R3-2-501	Amend
R3-2-503	Amend
R3-2-504	Amend
R3-2-505	Amend
R3-2-601	Repeal
R3-2-602	Amend
R3-2-603	Repeal
R3-2-604	Repeal
R3-2-605	Amend
R3-2-606	Amend
R3-2-607	Amend
R3-2-608	Repeal
R3-2-609	Amend
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R3-2-615	Amend
R3-2-616	Amend
R3-2-617	Amend
R3-2-618	Amend
R3-2-620	Amend



R3-2-701	Amend
R3-2-702	Amend
R3-2-703	Amend
R3-2-708	Amend
R3-2-801	Amend
R3-2-803	Amend
R3-2-804	Amend
R3-2-805	Amend
R3-2-807	Amend
R3-2-808	Amend
R3-2-901	Amend
R3-2-902	Amend
R3-2-906	Amend
R3-2-907	Amend
R3-2-908	Amend

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

Authorizing statute: A.R.S. § 3-107(A)(1)  
Implementing statute: A.R.S. §§ 3-603, 6-605, 3-611, 3-667, 3-706, 3-710, 3-739, 3-1203, 3-1204, 3-1205, 3-2046

**3. The effective date of the rule:**

June 8, 2020

**a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 2372, September 13, 2019  
Notice of Proposed Rulemaking: 25 A.A.R. 2291, September 13, 2019

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

Name: Chris McCormack, Associate Director, ASD  
Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-7186  
Fax: (602) 542-4290  
E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)  
Web site: <https://agriculture.az.gov>

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

The Arizona Department of Agriculture’s Animal Services Division is made up of five distinct programs; the Dairy Program, the Egg Program, Livestock Inspection, Meat and Poultry Inspection, and the State Veterinarian’s Office. Each of these programs plays a valuable role in ensuring that Arizona Agriculture can continue to provide safe and wholesome food to the rest of the world. This rule package is the result of Governor Ducey’s initiative to modernize or eliminate Arizona’s regulations. Within this package are a variety of rules that were repealed, rules that were updated to include modern day practices, and others that were amended so that they could be easier to understand. The Department has spent a significant amount of time working with its stakeholders to ensure that their concerns were addressed in advance of filing this rulemaking. Both the Animal Services Division Advisory Council and the Department of Agriculture Advisory Council have recommended that these rules move forward.

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

None

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

Not applicable

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

Because there is little to no new regulation in this rulemaking, the economic impact of this rule package is minimal.



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

None

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

This rulemaking is the result of listening to stakeholder concerns to modernize our administrative rules. As a result, the Department has not received any feedback (positive or negative) related to this rule package. A public hearing was held on October 15, 2019 in order to give the public the opportunity to comment on the rules; however, no comment was received.

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

The Animal Services Division Advisory Council approved the rule package on February 15, 2019, and the Arizona Department of Agriculture Advisory Council approved the rule package on June, 19, 2019.

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

Any permits issued are general permits.

**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:**

These rules are not more stringent than 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 received.

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

- R3-2-101 – 9 CFR Part 71.19; 9 CFR Part 71.2; 9 CFR Part 86.4 as revised on January 1, 2018.
- R3-2-302 – 9 CFR Part 166 as revised on January 1, 2018.
- R3-2-408 and R3-2-409 – National Association of State Public Health Veterinarians' Compendium of Animal Rabies Control, 2016, Part I, Sections A & B.
- R3-2-501 – 9 CFR Part 77 as revised on January 1, 2018.
- R3-2-503 – 9 CFR Part 78 as revised on January 1, 2018 and USDA publication, Brucellosis in Cervidae: Uniform Methods and Rules, effective September 30, 2003.
- R3-2-504 – 9 CFR Part 85 as revised on January 1, 2018.
- R3-2-505 – 9 CFR Part 79 as revised on January 1, 2018.
- R3-2-612 – 9 CFR Parts 93.424 – 93.427; 9 CFR Part 77 as revised on January 1, 2018.
- R3-2-803 and R3-2-804 – 21 CFR Parts 101, 131, and 133, as revised on April 1, 2017.
- R3-2-908 – 7 CFR Part 56 effective March 30, 2008.

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

No rule was filed as an emergency rule.

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

**TITLE 3. AGRICULTURE  
CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

**ARTICLE 1. GENERAL PROVISIONS**

- Section R3-2-101. Definitions
- R3-2-102. Licensing Time-frames

**ARTICLE 2. MEAT AND POULTRY INSPECTION**

- Section R3-2-208. Diseased and Injured Animals

**ARTICLE 3. FEEDING OF ANIMALS**

- Section R3-2-301. ~~Operation of Beef Cattle Feedlots~~ Repealed
- R3-2-302. Permit to Feed Garbage to Swine; Requirements

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

- Section R3-2-401. Definitions



- R3-2-402. Mandatory Disease Reporting by Veterinarians and Veterinary Laboratories
- R3-2-403. ~~Expired Quarantine for Diseased Animals~~
- R3-2-404. Importation, Manufacture, Sale, and Distribution of ~~Biologicals and Semen~~ Biologics
- R3-2-405. Depopulation of Animals Infected with a Foreign Animal Disease
- R3-2-406. Disease Control; Designated Feedlots
- R3 2 407. Disease Control; Equine Infectious Anemia
- R3-2-408. Disposition of Livestock Exposed to Rabies
- R3-2-409. Rabies Vaccines for Animals
- R3-2-410. ~~Restricted Swine Feedlots~~ Repealed
- R3-2-411. ~~Exhibition Swine~~ Repealed
- R3-2-412. ~~Exhibition Sheep and Goats~~ Repealed
- R3-2-413. Sheep and Goats; Intrastate Movement

**ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM**

Section

- R3-2-501. Tuberculosis Control and Eradication Procedures
- R3-2-503. Brucellosis Control and Eradication Procedures
- R3-2-504. Pseudorabies Procedures for Eradication
- R3-2-505. Scrapie Procedures for Eradication

**ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS**

Section

- R3-2-601. Definitions Repealed
- R3-2-602. Importation Requirements
- R3-2-603. ~~Importation of Diseased Animals~~ Repealed
- R3-2-604. ~~Livestock Permit Requirements; Exceptions~~ Repealed
- R3-2-605. Quarantine Hold Order for Animals Entering Illegally
- R3-2-606. Health Certificate of Veterinary Inspection
- R3-2-607. Entry Permit Number
- R3-2-608. ~~Consignment of Animals~~ Repealed
- R3-2-609. Diversion; Prohibitions
- R3-2-610. Tests; Official Confirmation
- R3-2-611. Transporter Duties
- R3 2 612. Importation of Cattle and Bison
- R3-2-613. Importation of Swine
- R3-2-614. Importation of Sheep and Goats
- R3-2-615. Equine Importation of Equine
- R3-2-616. Importation of Cats and Dogs
- R3-2-617. Importation of Poultry
- R3-2-618. Importation of Psittacine Birds
- R3-2-620. Importation of Zoo Animals

**ARTICLE 7. LIVESTOCK INSPECTION**

Section

- R3-2-701. Department Livestock Inspection
- R3-2-702. Livestock Self-inspection
- R3-2-703. Seasonal Self-inspection Certificate
- R3-2-708. Equine Rescue Facility Registration

**ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL**

Section

- R3-2-801. Definitions
- R3-2-803. Milk and Milk Products Labeling
- R3-2-804. Trade Products
- R3-2-805. Grade A Raw Milk For Consumption
- R3-2-807. Frozen Dessert Plant and Processing Standards
- R3-2-808. Frozen Desserts Reconstituted from Powdered Mixes

**ARTICLE 9. EGG AND EGG PRODUCTS CONTROL**

Section

- R3-2-901. Definitions
- R3-2-902. Standards, Grades, and Weight Classes for ~~Shell~~ Eggs; Pasteurized In-Shell Eggs
- R3-2-906. Violations and Penalties
- R3-2-907. Poultry Husbandry; Standards for Production of Eggs and Biosecurity Requirements
- R3-2-908. Sanitary Standards; Egg Processing



## ARTICLE 1. GENERAL PROVISIONS

### R3-2-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

“Accredited veterinarian” means a veterinarian approved by the State Veterinarian and USDA Area Veterinarian In Charge (A.V.I.C.) to perform functions required by cooperative State-Federal animal disease control and eradication programs.

“Animal” means livestock, bison, dogs, cats, rabbits, rodents, aquatic animals, game animals, furbearing and wildlife mammals, and poultry and psittacines.

“APHIS” means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

“Breeding swine” means any member of the family Suidae having the potential to procreate, and includes gilts, sows, and boars.

“Cervidae” means the family of cervids that includes, but is not limited to, deer, moose, elk, reindeer, and caribou.

“Beef cattle” means all cattle other than dairy cattle.

“Health certificate” “Certificate of Veterinary Inspection” or “CVI” means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.

“Dairy cattle” means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption any domesticated bovine dairy animal or crosses of the Bos genus that show at least 50 percent phenotypic characteristics of a dairy breed, including: Ayrshire, Brown Swiss, Canadienne, Dutch Belt, Holstein, Jersey, Guernsey, Kerry, Milking Devon, Milking Shorthorn, or Norwegian Red.

“Designated feedlot” means a feedlot containing a confined drylot area under state quarantine that is approved and authorized by the State Veterinarian; contains a restricted feeding pen; and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.

“Entry Permit permit number” or “Import permit number” means a serialized number issued by the State Veterinarian’s Office that conforms to the requirements of this chapter and allows the regulated movement of certain animals into Arizona.

“Equine Infectious Anemia” or “EIA” means an infectious, noncontagious, and potentially fatal viral disease of members of equine caused by a RNA virus classified in the Lentivirus genus, family Retroviridae.

“Official Identification” as defined in 9 CFR 71.19 (b) as revised on January 1, 2018 for swine; 9 CFR 79.2 (a)(2) as revised on January 1, 2018 for sheep and goats; and 9 CFR 86.4 as revised on January 1, 2018 for cattle.

“Poultry” means any bird except psittacine, whether live or dead, including but not limited to chickens, turkeys, ducks, geese, guineas, ratites, squabs, and any exotic birds not regulated as restricted wildlife by the Arizona Game and Fish Department. The definition “poultry” also includes hatching eggs, which are fertilized eggs produced by breeding poultry.

“Psittacine” means a bird belonging to the family Psittacidae, which includes macaws, parakeets, and parrots.

“USDA” means the United States Department of Agriculture.

“VS” means the Veterinary Services branch of APHIS.

### R3-2-102. Licensing Time-frames

A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of calendar days provided for the administrative completeness review and the substantive review.

B. Administrative completeness review.

1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department ~~mail~~ sends the notice of missing information to the applicant until the date the Department receives the information.
3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.

C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.

1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to sup-



porting statutes or rules, the applicant’s right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

**Table 1. Time-frames (Calendar Days)**

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
<b>MEAT AND POULTRY INSPECTION</b>						
License to Slaughter	A.R.S. §§ 3-2002 & A.R.S. § 3-2003 R3-2-208	14	14	30	14	44
Transfer of license without fee	A.R.S. § 3-2009	14	14	30	5	44
State Meat Inspection Service	A.R.S. § 3-2047	14	14	30	14	44
Sale or Exchange of Meat or Poultry	A.R.S. § 3-2081 R3-2-208	14	14	30	14	44
Rendering Facility Certification	A.R.S. § 3-2081 R3-2-205	14	14	30	14	44
Transfer of License	A.R.S. § 3-2086	14	14	30	5	44
Official Slaughter Meat Licenses	A.R.S. § 3-2122 R3-2-208	14	14	30	14	44
<b>FEEDING OF ANIMALS</b>						
Feed Lot License	A.R.S. § 3-1452	14	14	60	14	74
Permit to Feed Garbage to Swine	A.R.S. § 3-2664	14	14	60	14	74
<b>DAIRY PRODUCTS AND CONTROL</b>						
Milk Distributing Plant New Renewal	A.R.S. § 3-607	14 14	14 14	14 14	14 14	28 28
Milk Processing Plant New Renewal	A.R.S. § 3-607	14 14	14 14	14 14	14 14	28 28
Plant Licensing New Renewal	A.R.S. § 3-665	14 14	14 14	14 14	14 14	28 28
Request to market a product as a milk product	A.R.S. § 601.01	14	14	14	14	28
Tester License	A.R.S. § 3-619	7	7	7	7	14
Trade Product Label	A.R.S. § 3-667	14	14	30	30	44
<b>LIVESTOCK INSPECTION</b>						
Equine Trader Permit	A.R.S. § 3-1348	7	7	7	7	14
Ownership and Hauling Certificate for Equines	A.R.S. §§ 3-1344 & A.R.S. § 3-1345	14	14	14	14	28
<b>EGG PRODUCTS AND CONTROL</b>						
Annual Licensing	A.R.S. § 3-714	10	10	10	10	20
<b>AQUACULTURE</b>						
Aquaculture Facility	A.R.S. § 3-2907 R3-2-1004	14	14	30	14	44
Fee Fishing Facility	R3-2-1005	14	14	30	14	44
Processor	R3-2-1006	14	14	30	14	44
Transporter	R3-2-1007	14	14	30	14	44
Special Licenses	A.R.S. § 3-2908 R3-2-1008	14	14	30	14	44



## ARTICLE 2. MEAT AND POULTRY INSPECTION

### R3-2-208. Diseased and Injured Animals

- A. Diseased animals.
- No meat from any diseased animal shall be processed, sold or stored at premises where food is sold or prepared for human consumption, unless it is decharacterized and clearly identified "Not for Human Consumption."
  - Subsection (A)(1) does not apply to meat from animals affected by any disease that does not render the meat unfit for human consumption if the affected animals are slaughtered in establishments where meat inspection is maintained under A.R.S. § 3-2051 and 9 CFR, Chapter III, Subchapter A, which is incorporated by reference in R3-2-202(A).
- B. Injured animals. An injured animal may be slaughtered by:
- The animal's owner at the owner's premises if the meat is used solely for consumption by the owner, the owner's immediate family, or employees. The owner shall keep the animal's hide until it has been inspected and marked or tagged by a livestock officer under A.R.S. § 3-2011.
  - An official slaughter establishment, if:
    - The animal is inspected by a livestock officer at origin; or
    - The animal is transported to the official slaughter establishment with a self-inspection certificate; or
    - The animal is transported to an official slaughter establishment with a waiver from the Associate Director and the waiver is documented by the livestock officer.
  - An exempt slaughterer, if the meat is used solely for consumption by the animal's owner, the owner's immediate family or employees, and if:
    - The animal's body temperature is 103° F or less and except for the injury its condition appears normal; and
    - The animal is inspected by a livestock officer at origin who verifies the temperature and condition of the animal and approves it for slaughter; or
    - The Associate Director waives the inspection and the waiver is documented by the livestock officer, and the exempt slaughterer verifies the temperature and condition of the animal.
- C. Non-ambulatory disabled cattle. Non-ambulatory disabled cattle shall not be slaughtered by any official or exempt slaughterer. Non-ambulatory disabled cattle are cattle that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertabul column, or metabolic conditions.

## ARTICLE 3. FEEDING OF ANIMALS

### R3-2-301. ~~Operation of Beef Cattle Feedlots~~ Repealed

~~A. An operator shall manage a feedlot under the standards prescribed in A.R.S. § 3-1454(A) and R3-2-406.~~

~~B. An operator shall comply with applicable federal, state, and local laws.~~

### R3-2-302. Permit to Feed Garbage to Swine; Requirements

A swine garbage feeding permit holder or applicant for a permit to feed garbage to swine shall comply with the following requirements:

- An approved cooker is installed, ~~and is~~ in operating condition on the premises, and fenced off from all swine.
- A concrete slab, trough, ~~or~~ other easily cleanable area, and equipment for feeding garbage is provided.
- Premises utilized for swine garbage feeding are reasonably clean, free of litter, adequately drained, and provide for removal of animal excrement and garbage not consumed.
- Individually operated swine garbage feeding premises are separated from other swine premises by a minimum distance of 200 feet in all directions and constructed to prevent the escape of any swine.
- In addition, all swine garbage feeding permit holders shall follow all federal garbage feeding regulations as outlined in 9 CFR Part 166 as revised on January 1, 2018.

## ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

### R3-2-401. Definitions

The following terms apply to this Article:

~~"Accredited veterinarian" means a veterinarian approved by the State Veterinarian and USDA Area Veterinarian to perform functions required by cooperative State-Federal animal disease control and eradication programs.~~

~~"Biologicals/Biologics" means medical preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.~~

~~"Disease Control, Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains restricted feeding pens, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.~~

~~"Foreign Animal Disease" means a transboundary animal disease or pest, or an aquatic animal disease or pest, not known to exist in the United States, or its territories.~~

~~"Equine infectious anemia" or "EIA" means a viral disease, also known as Swamp Fever, of members of the family equidae.~~

~~"Restricted feeding pen" means an enclosed area in a designated feedlot, located at least eight feet from other pens, where cattle are maintained for feeding in a dry lot without provisions for pasturing or grazing.~~

### R3-2-402. Mandatory Disease Reporting by Veterinarians and Veterinary Laboratories

All veterinarians and laboratories performing diagnostic services on animals shall:

- ~~A. Notify the State Veterinarian at (602) 542-4293 and [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov), within four hours four hours of diagnosing or suspecting any Office of International Epizootics List A disease, Eighth Edition, 1999, which is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State, chronic wasting disease, or the following List B diseases: ~~disease or clinical signs of disease listed below:~~~~



- African horse sickness
- African swine fever
- African trypanosomiasis
- Anthrax
- Aujeszky's disease
- Avian influenza
- Bovine Babesiosis
- ~~Bovine Brucellosis~~
- Bovine spongiform encephalopathy
- ~~Bovine Tuberculosis~~
- Caprine and ovine brucellosis
- Classical Swine Fever
- Contagious agalactia
- Contagious bovine pleuropneumonia
- Contagious caprine pleuropneumonia
- Contagious equine metritis
- Crimean Congo Hemorrhagic Disease
- Dourine
- Enterovirus encephalomyelitis
- ~~Epizootic lymphangitis~~
- Equine infectious anaemia
- Equine Neurologic Diseases (Eastern, Western, Venezuelan, West Nile Virus, Equine Herpesvirus-1/ Equine Herpesvirus Myeloencephalopathy)
- Equine piroplasmosis
- Equine viral arteritis
- ~~Equine viral encephalomyelitis~~
- Foot and Mouth Disease
- Fowl Typhoid
- Glanders
- Heartwater (Ehrlichia ruminantium)
- Hemorrhagic septicemia (Pasteurella multocida)
- Hendra virus (Equine morbillivirus)
- ~~Horse pox~~
- Infectious haematopoietic necrosis of fish
- Japanese encephalitis
- Lumpy skin disease
- Malignant catarrhal fever
- Melioidosis (Burkholderia pseudomallei)
- Nairobi sheep disease
- Newcastle Disease
- Nipah
- Ovine epididymitis
- ~~Paratuberculosis~~
- Peste des Petits Ruminants
- ~~Porcine brucellosis~~
- Pullorum disease
- ~~Q fever~~
- Rabies
- Rabbit Hemorrhagic Disease
- Rift Valley Fever
- Rinderpest
- Schmallenberg virus/ Akabane
- Senecavirus A
- Serapie
- Screwworm myiasis
- Sheep and goat pox
- ~~Spring viraemia of carp~~
- Surra (Trypanosoma evansi)
- Swine Vesicular Disease
- Theileriosis (T. parva or T. annulata)
- Tuberculosis (Mycobacterium bovis)
- Tularemia
- Turkey rhinotracheitis (Avian metapneumovirus)
- Trypanosomiasis
- Viral hemorrhagic septicemia of fish
- Vesicular exanthema of swine virus



Vesicular stomatitis

- B.** Notify the State Veterinarian at (602) 542-4293 and [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov), within 24 hours of diagnosing or suspecting any disease or clinical signs of disease listed below:

Brucellosis (Brucella spp.)  
Chronic Wasting Disease in Cervids  
Contagious Equine Metritis  
Epizootic Lymphangitis  
Equine Piroplasmiasis  
Equine Viral Arteritis  
Fowl typhoid (Salmonella gallinarum)  
Ornithosis (Psittacosis, Avian Chlamydiosis, Chlamydomydia psittaci)  
Pigeon Fever (Corynebacterium pseudotuberculosis)  
Pseudorabies (Aujeszky's disease)  
Q fever  
Pullorum disease (Salmonella pullorum)  
Scrapie  
Sheep scabies  
Strangles (Strep equi spp. equi)  
Swine enteric coronavirus diseases  
Trichomoniasis (Tritrichomonas foetus)

**Aquatic Diseases**

Crayfish plague  
Epizootic hematopoietic necrosis disease  
Epizootic ulcerative syndrome  
Gyrodactylosis  
Abalone Viral Ganglioneuritis  
Bonamiosis (B. exitiosa/ ostreae)  
Marteiliosis (M. refringens)  
Perkinsosis (P. marinus / olseni)  
Salmonid alphavirus infection  
Infection with Xenohalictis californiensis  
Infectious hematopoietic necrosis  
Infectious hypodermal and haematopoietic necrosis  
Infectious myonecrosis  
Infectious salmon anemia  
Koi herpesvirus disease  
Necrotizing hepatopancreatitis  
Red sea bream iridoviral disease  
Spring viremia of carp  
Taura syndrome  
Tilapia Lake Virus (TiLV)  
Viral hemorrhagic septicemia  
Viral nervous necrosis (VNN)  
White spot disease  
White tail disease  
Yellowhead

- 2.C.** Notify the State Veterinarian by email at [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov) or facsimile at (602) 542-4290 by the end of the month, within 30 days after diagnosing any Office of International Epizootics List B disease, Eighth Edition, 1999, not specified in subsection (1). This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State. of the diseases listed below:

Anaplasmosis  
Avian infectious bronchitis  
Avian infectious laryngotracheitis  
Bluetongue  
Bovine cysticercosis  
Bovine genital campylobacteriosis  
Bovine viral diarrhea  
Camelpox  
Caprine arthritis/encephalitis  
Duck viral hepatitis  
Echinococcosis/hydatidosis  
Enzootic abortion of ewes  
Enzootic bovine leukosis (BLV)  
Epizootic hemorrhagic disease  
Equine Herpesvirus - 4  
Equine influenza



- Infectious bovine rhinotracheitis
- Infectious bursal disease
- Johne's disease
- Leishmaniasis
- Leptospirosis
- Maedi-visna (OPP)
- Marek's disease
- Mycoplasma Gallisepticum
- Mycoplasma Synoviae
- Myxomatosis in rabbits
- Porcine cysticercosis
- Porcine Reproductive and Respiratory Syndrome
- Paratyphoid abortion in Ewes (Salmonella abortusovis)
- Swine influenza
- Trichinellosis (Trichinella spiralis)

3. Follow the reporting criteria listed in the National Animal Health Reporting system Manual, January 1, 1999 when making an Epizootics List B notification specified in subsection (2). This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-403. Expired Quarantine for Diseased Animals**

- A. A quarantine order shall be issued by the Director or his designee when the presence of a Foreign Animal Disease is suspected or diagnosed.
- B. A quarantine order may be issued by the Director or his designee on the advice of the State Veterinarian when the presence of a disease is suspected or diagnosed.
- C. The quarantine order may isolate specific animals, premises, counties, districts, or sections of the state and shall restrict the movement of animals.

**R3-2-404. Importation, Manufacture, Sale, and Distribution of ~~Biologicals~~ Biologics and Semen**

- A. Any person importing, manufacturing, selling, or distributing any ~~biological~~ biologic intended for diagnostic or therapeutic treatment of animals shall request, in writing, permission from the State Veterinarian.
- B. The State Veterinarian shall ~~deny approval of~~ not approve the importation, manufacture, sale, or distribution of any ~~biological~~ biologic that will interfere with the ~~State's animal~~ state's animal disease control ~~program~~ programs.
- C. A person shall import semen only from boars in ~~pseudorabies~~ Stage IV or V states.

**R3-2-405. Depopulation of Animals Infected with a Foreign Animal Disease**

When a ~~foreign animal disease~~ Foreign Animal Disease is diagnosed, the State Veterinarian shall may order the owner, agent, or feedlot operator to immediately depopulate and dispose of all infected and exposed animals on the premises if necessary to prevent the spread of the disease among animals.

**R3-2-406. Disease Control; Designated Feedlots**

Designated feedlots are subject to the following restrictions:

- A. A designated feedlot shall have a restricted feeding pen. A restricted feeding pen shall:
  - 1. Be isolated from all other pens,
  - 2. Have separate loading and unloading chutes, alleys, and handling facilities from all other pens,
  - 3. Not share water or feeding facilities accessible to other areas,
  - 4. Be posted at all corners with permanently affixed signs stating "Restricted Feeding Area,"
  - 5. Have a minimum of eight feet between restricted and other pens and facilities, and
  - 6. Have no common fences or gates with other pens.
- B. An operator may place ~~diseased~~ diseased cattle or bison that are under state quarantine into ~~in~~ a restricted feeding pen as follows:
  - 1. All cattle or bison, except steers and spayed heifers, shall be branded with an "F", at least two inches in height, ~~on the jaw or adjacent to the tailhead before entering the pen; and~~
  - 2.a. Imported cattle or bison, of any age and from any area shall be transported under seal and if shall be accompanied by ~~a~~ an entry permit number and ~~an a~~ an official health certificate Certificate of Veterinary Inspection or federal restricted movement document; or
  - 3.b. Native Arizona cattle or bison shall be accompanied by an Arizona livestock inspection certificate, ~~as approved by the State Veterinarian or designee.~~ as approved by the State Veterinarian or designee.
- C. An operator may ~~remove~~ move cattle or bison from a restricted feeding pen as follows:
  - 1. ~~All animals, except steers and spayed heifers, shall be moved only to slaughter or to another designated feedlot; or to an auction market approved only by prior written approval of the State Veterinarian or APHIS veterinarian, for sale to slaughter.~~
  - 2. ~~A steer or spayed heifer may be moved to any location.~~

**R3-2-407. Disease Control; Equine Infectious Anemia**

- A. The Arizona official test for EIA is either the agar-gel immunodiffusion test, known as the Coggins Test, or the Competitive Enzyme-Linked Immunosorbent Assay test, known as the CELISA test. The test shall be performed in a laboratory approved by APHIS, and required samples shall be drawn by an accredited veterinarian, the State Veterinarian, the State Veterinarian's designee, or an APHIS veterinarian.
- B. Disposal of equine testing positive.



1. When an Arizona equine tests positive to EIA, the testing laboratory shall ~~immediately~~ notify the State Veterinarian by telephone at (602) 542-4293 and email at [diseasereporting@azda.gov](mailto:diseasereporting@azda.gov), ~~or fax within four hours.~~
  2. The EIA-positive equine shall be quarantined ~~to the premises where tested~~ at its current location, segregated from other equine, and shall not be moved unless authorized by the State Veterinarian. The equine shall be retested by the State Veterinarian, the State Veterinarian's designee, or an APHIS veterinarian within two weeks of the notification.
  3. Within 14 days of being notified by the testing laboratory of a positive test conducted under subsection (B)(2), the State Veterinarian or the State Veterinarian's designee shall brand the equine on the left side of its neck with "86A" not less than two inches in height.
  4. Within 10 days after being branded, the EIA-positive equine shall be:
    - a. Humanely destroyed,
    - b. Confined to a screened stall marked "EIA Quarantine" that is at least 200 yards from other equine, or
    - c. Consigned to slaughter at a slaughtering establishment. If consigned to slaughter, the equine shall be accompanied by a Permit for Movement of Restricted Animals, VS 1-27, issued by the State Veterinarian, the State Veterinarian's designee, or an APHIS veterinarian.
  5. Offspring of mares testing EIA-positive shall be quarantined, segregated from other equine, and tested for EIA at six months of age. Offspring testing positive shall be handled as prescribed in subsections (B) (3) and (B) (4).
  6. If an EIA-positive equine is located on premises other than those of the owner at the time a quarantine under this Section ~~is effective~~, the State Veterinarian may authorize movement of the EIA-positive equine to the owner's premises if requested by the owner. Movement shall be under the direct supervision of the State Veterinarian or the State Veterinarian's designee. If the owner lives in another state, the owner may move the equine to that state with the permission of the chief livestock health official of the state and APHIS.
- C. The State Veterinarian shall require testing of any equine located in the same facility as the EIA-positive equine or any equine considered exposed to the EIA-positive equine. The owner of the equine tested shall pay the expenses for the testing.
- D. The owner of any equine found to be EIA-positive shall not be indemnified by the state for any loss caused by the destruction or loss of value of the equine.

#### **R3-2-408. Disposition of Livestock Exposed to Rabies**

Livestock bitten by a known or suspected rabid animal shall be handled using the methods prescribed in the National Association of State Public Health Veterinarians' Compendium of Animal Rabies Control, ~~1999, Part III, Section 5~~ 2016 Part I, Section B. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

#### **R3-2-409. Rabies Vaccines for Animals**

All animals in Arizona vaccinated against rabies shall be vaccinated as prescribed in the National Association of State Public Health Veterinarians' Compendium of Animal Rabies Control, ~~1999, Part II, Section A~~ 2016 Part I Section A. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

#### **R3-2-410. Restricted Swine Feedlots Repealed**

- ~~A. The State Veterinarian shall approve restricted swine feedlots for feeding swine from herds not known to be infected with pseudorabies and not tested for pseudorabies before importation if the imported swine meet all requirements in Article 6. Swine moved from a restricted swine feedlot shall be transported directly to a state or federal slaughter facility for immediate slaughter.~~
- ~~B. No breeding swine shall be located on or within 1/4 mile of a restricted swine feedlot.~~
- ~~C. If pseudorabies is diagnosed in swine at a restricted swine feedlot, the feedlot shall be immediately quarantined and shall not receive any additional shipments of swine until the herd at the feedlot is declared free of pseudorabies or all swine are depopulated from the premises and the premises are cleaned and disinfected.~~
- ~~D. A restricted swine feedlot owner or agent shall submit monthly feedlot records to the State Veterinarian, listing the animal's origin, health certificate number, permit number, slaughter destination, and shipping date.~~

#### **R3-2-411. Exhibition Swine Repealed**

~~An exhibit official shall deny entry to any swine not individually identified by the following:~~

- ~~1. Imported swine:
 
  - a. The health certificate prescribed in R3-2-606 and individual permanent identification by a method prescribed in R3-2-606(A)(5)(e)(i), and
  - b. The import permit prescribed in R3-2-607.~~
- ~~2. Native Arizona swine. Individual permanent identification by a method prescribed in R3-2-606(A)(5)(e)(i).~~

#### **R3-2-412. Exhibition Sheep and Goats Repealed**

~~An exhibit official shall deny entry to any sheep or goat not individually identified by the following:~~

- ~~1. Imported sheep or goat:
 
  - a. The health certificate prescribed in R3-2-606 and the animal identification required in R3-2-614, and
  - b. The import permit prescribed in R3-2-607.~~
- ~~2. Native Arizona sheep or goat. A method prescribed in 9 CFR 79.2(a)(2) for a non-neutered sheep or goat, and a neutered sheep or goat more than 18 months of age.~~

#### **R3-2-413. Sheep and Goats; Intrastate Movement**

- A. Before intrastate movement of a sheep more than 18 months of age, or a sheep or goat of any age not in a slaughter channel, the producer shall identify the animal to the flock of birth using official identification before leaving the flock of birth. A sheep or goat not in a slaughter channel includes an animal not for sale, transfer, or movement to:



- 1. A slaughter facility,
  - 2. Custom slaughter, or
  - 3. A feeding operation before movement to slaughter.
- B.** Subsection (A) does not apply if
- 1. ~~The the~~ first point of commingling with animals other than those in the flock of birth is an Arizona auction market, ~~and that is an approved tagging site.~~
  - 2. ~~The auction market acts as the owner's agent to identify the sheep or goat to the flock of birth.~~
- ~~C.~~ This Section is effective January 1, 2003.

**ARTICLE 5. STATE-FEDERAL COOPERATIVE DISEASE CONTROL PROGRAM**

**R3-2-501. Tuberculosis Control and Eradication Procedures**

- A.** Procedures for tuberculosis control and eradication in cattle, bison, and goats shall be as prescribed in ~~the USDA publication, Bovine Tuberculosis Eradication—Uniform Methods and Rules, effective February 3, 1989 9 CFR Part 77 as revised on January 1, 2018.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- ~~B.~~ ~~Cattle or bison willfully exposed to quarantined cattle or bison are not eligible for the tuberculosis depopulation indemnity provided in A.R.S. § 3-1745.~~
- B.** Procedures for tuberculosis control and eradication in cervidae not listed as restricted live wildlife in A.A.C. R12-4-406 shall be as prescribed in 9 CFR 77 Subpart C as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- ~~C.~~ ~~Procedures for tuberculosis control and eradication in cervidae not listed as restricted live wildlife in A.A.C. R12-4-406 shall be as prescribed in the USDA publication, Tuberculosis Eradication in Cervidae—Uniform Methods and Rules, effective May 15, 1994, including 1995 amendments. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State~~

**R3-2-503. Brucellosis Control and Eradication Procedures**

- A.** Procedures for brucellosis control and eradication in cattle and bison shall be as prescribed in ~~the USDA publication Brucellosis Eradication Uniform Methods and Rules, effective February 1, 1998 9 CFR 78 as revised on January 1, 2018.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.
- B.** Procedures for brucellosis control and eradication in swine shall be as prescribed in ~~the USDA publication, Swine Brucellosis Control/Eradication, State-Federal Industry Uniform Methods and Rules, revised February 1995 9 CFR 78 Subpart D as revised on January 1, 2018.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.
- C.** Procedures for brucellosis control and eradication in ~~Cervidae animals~~ not listed as restricted live wildlife in A.A.C. R12-4-406, shall be as prescribed in the USDA publication, Brucellosis in Cervidae: Uniform Methods and Rules, effective ~~September 30, 1998, and the May 14, 1999 revision. September 30, 2003.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-504. Pseudorabies Procedures for Eradication**

Procedures for pseudorabies control and eradication in swine shall be as prescribed in ~~the USDA publication, Pseudorabies Eradication, State-Federal Industry Program Standards, effective January 1, 1999 9 CFR 85 as revised on January 1, 2018.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State.

**R3-2-505. Scrapie Procedures for Eradication**

The Department controls and eradicates scrapie using the procedures outlined in 9 CFR ~~54; 66 FR 43963-44003, August 21, 2001-79~~ as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the Office of the Secretary of State.

**ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS**

**R3-2-601. Definitions Repealed**

The following terms apply to this Article:

- ~~“Animal” means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.~~
- ~~“Certified copy” means a copy of an official health certificate that includes an additional original signature from the authorizing veterinarian.~~
- ~~“Macaque” means any monkey of the genus Macaca in the family Ceropithecidae.~~
- ~~“Official eartag” means an identification tag providing unique identification for individual animals. An official eartag that contains or displays an AIN with an 840 prefix must bear the US shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the USDA. The official eartag must be tamper-resistant and have a high retention rate in the animals. Official eartags must adhere to one of the following number systems:~~
  - National Uniform Ear tagging System;
  - Scrapie tags as prescribed in 9 C.F.R. 79.2
  - Animal identification number (AIN);
  - Premises based number system. The premises based number system combines an official premises identification number (PIN) with a producer's livestock production numbering system to provide a unique identification number. The PIN and the production number must both appear on the official tag, or



Any other numbering system approved by the Administrator of APHIS for the identification of animals in commerce.  
 “Specifically approved stockyard” means a stockyard specifically approved by VS and the State Veterinarian for receiving from other states cattle and bison that are not brucellosis-reactor, brucellosis-suspect, or brucellosis-exposed.

### R3-2-602. Importation Requirements

- A. All animals ~~and poultry~~ transported or moved into the state of Arizona, ~~unless otherwise specifically provided for in this Article, must shall~~ be accompanied by a valid, official Certificate of Veterinary Inspection from the state of origin, or a VS 9-3 form for National Poultry Improvement Plan flocks. All animals shall be imported in accordance with this rule and the species specific rule in this article. Any violation of this article is subject to a hold order pursuant to R3-2-605.
1. ~~An official health certificate from the state of origin or a permit number, or both; and~~
  2. ~~The health documentation shall be attached to the waybill or in the possession of the driver of the vehicle or person in charge of the animals.~~
- B. ~~When a single health certificate and permit number is issued for animals being moved in more than one vehicle, the driver of each vehicle shall retain the original or a certified copy of the health certificate and permit number. Livestock may not enter the state of Arizona unless accompanied by an Arizona entry permit number documented on the Certificate of Veterinary Inspection. This requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state, except:~~
1. Equine;
  2. Livestock consigned directly to slaughter at a state or federally licensed slaughter establishment; or
  3. Livestock being transported through the state.
- C. An animal affected with or recently exposed to any infectious, contagious, or communicable disease, or which originates in a state or federal quarantine area, shall not be transported or moved into the state of Arizona unless a permit for the entry is first obtained from the Arizona State Veterinarian’s Office. All conditions for the movement of animals from a quarantined area established by the quarantining authority or APHIS shall be met. Animals imported from a quarantine area may be subject to additional import requirements by the State Veterinarian prior to entry into Arizona.
- D. The owner or owner’s agent shall obtain prior permission from the State Veterinarian to ship or move into the state of Arizona any animal from a lot or herd from which an animal shows clinical signs of disease or positive reaction to a test required for admission to Arizona.
- E. The Director may enter into an agreement to allow New Mexico livestock consigned directly to an Arizona livestock auction to enter the state on a New Mexico brand inspection certificate in place of a Certificate of Veterinary Inspection. If the agreement is entered, it shall be posted on the Arizona Department of Agriculture’s website. In the event the agreement is terminated or expires, the Department shall put notice of the termination on the website. The livestock owner or owner’s agent is responsible for ensuring that the agreement is current prior to shipping the livestock. This process is subject to the restrictions included in the agreement.

### R3-2-603. ~~Importation of Diseased Animals Repealed~~

- ~~A. An animal affected with or recently exposed to any infectious, contagious, or communicable disease, or which originates in a state or federal quarantine area, shall not be transported or moved into the state of Arizona unless a permit for the entry is first obtained from the Arizona State Veterinarian’s Office. All conditions for the movement of animals from a quarantined area established by the quarantining authority or APHIS shall be met.~~
- ~~B. The owner or owner’s agent shall obtain prior permission from the State Veterinarian to ship or move into Arizona any animal from a lot or herd from which an animal shows a suspicious or positive reaction to a test required for admission to Arizona.~~

### R3-2-604. ~~Livestock Permit Requirements, Exceptions Repealed~~

- ~~A. Livestock may not enter the state of Arizona unless accompanied by an Arizona permit. Except as discussed in subsection (B), this requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state.~~
- ~~B. Exceptions:~~
1. ~~Horses, mules, and asses; or~~
  2. ~~Livestock consigned directly to slaughter at a state or federally licensed slaughter establishment.~~

### R3-2-605. ~~Quarantine Hold Order for Animals Entering Illegally~~

- A. ~~Animals entering the state without a valid health certificate or permit number or both, if required, or in violation of any Section under 3 A.A.C. 2 this Article, shall may be held in quarantine placed under a hold order at the risk and expense of the owner until released by an authorized representative of the State Veterinarian. Animals placed under quarantine a hold order for noncompliance with this Article may be released only after the State Veterinarian is satisfied by testing, dipping, or observation over time, that the animals are not a threat to the livestock industry.~~
- B. ~~The State Veterinarian may request order that an imported animal failing to meet entry requirements be returned to the state of origin, consigned directly to slaughter, confined to a designated feedlot, or consigned to a feedlot in another state within two weeks of the request. Any extension to this time-frame shall must be approved in writing by the State Veterinarian.~~
- C. ~~If the owner or owner’s agent fails to comply with a an request order to return an animal to the state of origin within the time-frame required in subsection (B), the Department shall require that the animal be immediately gathered and tested at the owner’s risk and expense to avoid exposure of Arizona animals to disease. The owner shall pay the expenses no later than five days after receipt of the bill, or Failure to do so will result in an auction of sufficient livestock to pay the just expenses which shall be held within 10 days at a livestock public auction market. If additional expenses occur due to lack of cooperation by the owner or the owner’s agent, the Director shall order the further sale of livestock.~~



**R3-2-606. Health-Certificate of Veterinary Inspection**

- A. A health certificate Certificate of Veterinary Inspection is valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and shall contain:
  - 1. The name and address of the shipper/Consignor and receiver/Consignee;
  - 2. The physical address of the origin of the animal;
  - 3. The physical address of the animal's final destination;
    - a. Entry permit number if applicable;
    - b. Official identification if applicable; and
    - c. Certificate of Veterinary Inspection individual certificate number.
    - d. Qualifying required tests with completion dates.
  - 4. Cattle:
    - a. The number of animals covered by the health certificate, an accurate description and, except for steers, spayed heifers, or "F" branded heifers consigned to a designated feedlot identified by brand, one of the following individual identifications:
      - i. The official ear tag number that, for dairy cattle, identifies the herd of birth, or
      - ii. The registration tattoo number and the registration brand of a breed association recognized by VS.
    - b. The health status of the animals, including date and result of an inspection, dipping, test, or vaccination required by Arizona;
    - e. The method of transportation; and
    - d. For bulls subject to testing under R3-2-612(J), a statement that the bulls:
      - i. Tested negative for *Tritrichomonas foetus* within one month prior to shipment using a polymerase chain reaction test or three cultures collected at intervals of no less than seven days apart; and
      - ii. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
  - 5. Swine:
    - a. Evidence that the swine have been inspected by the veterinarian issuing the health certificate within 10 days before the shipment;
    - b. A statement that:
      - i. The swine have never been fed garbage, and
      - ii. The swine have not been vaccinated for pseudorabies;
    - e. Except for feeder swine consigned to a restricted swine feedlot:
      - i. A list of the individual permanent identification for each exhibition swine, using an ear notch that conforms to the universal swine ear notch system or for each commercial swine, using other individual identification, and the premises identification using a tattoo or producer furnished tamper proof ear tag that conforms to the USDA National Premises Identification System;
      - ii. The validated brucellosis free herd number and last test date for swine originating from a validated brucellosis free herd;
      - iii. The pseudorabies status of the state of origin; and
      - iv. The pseudorabies qualified negative herd number, if applicable;
    - d. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to an exhibition, and swine from a farm of origin in a state recognized by APHIS as a pseudorabies Stage V state, a statement that the swine shall be quarantined on arrival at destination and kept separate and apart from all other swine until tested negative for pseudorabies no sooner than 15 days nor later than 30 days after entry into Arizona; and
    - e. Feeder swine consigned to a restricted swine feedlot shall be identified by premises of origin using a tattoo or producer furnished tamper proof ear tag that conforms to the USDA National Premises Identification System;
  - 6. Sheep and goats:
    - a. Individual identification prescribed in R3-2-614;
    - b. A statement that:
      - i. The sheep or goats are not infected with bluetongue, or exposed to serapie, and do not originate from a serapie-infected or source flock;
      - ii. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis; and
    - e. A statement that the sheep or goat test negative for *Brucella ovis* if a test is required by R3-2-614(B); and
  - 7. Equine:
    - a. An accurate identification for each equine covered by the health certificate including age, sex, breed, color, name, brand, tattoo, sears, and distinctive markings; and
    - b. A statement that the equine has a negative test for EIA, as required in R3-2-615, including:
      - i. The date and results of the test;
      - ii. The name of the testing laboratory; and
      - iii. The laboratory accession number.
- B. Additions, deletions, and unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate void. Uncertified photocopies of health certificates are invalid. The Certificate of Veterinary Inspection shall be forwarded to the State Veterinarian in Arizona within 14 days of issue.
- C. The veterinarian issuing a health certificate shall certify that the animals shown on the health certificate are free from evidence of any infectious, contagious, or communicable disease or known exposure. A VS form 17-30 is deemed a valid international CVI if the following conditions are met:
  - 1. Accompanied by a valid brand inspection certificate from a southern border state with an entry permit number; and
  - 2. Official identification as documented on the VS form 17-30.



- ~~D. An accredited veterinarian shall inspect animals for entry into the state. Official Certificates of Veterinary Inspection may be used in electronic or paper form.~~
- ~~E. The Director may limit the period for which a health certificate is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry. Additions, deletions, and unauthorized or uncertified changes inserted or applied to a Certificate of Veterinary Inspection renders the certificate void and may be subject to state or federal penalties.~~
- ~~F. The veterinarian issuing a Certificate of Veterinary Inspection shall certify that the animals shown on the Certificate of Veterinary Inspection are free from evidence of any infectious, contagious, or communicable disease or known exposure.~~
- ~~G. An accredited veterinarian shall inspect animals for entry into the state.~~
- ~~H. The Director may limit the period for which a Certificate of Veterinary Inspection is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.~~

### R3-2-607. **Entry Permit Number**

- A. ~~A~~ An entry permit number for interstate movement may be obtained from the Office of the State Veterinarian, by calling (602) 542-4293 during the hours of 8 a.m. to 5 p.m. Monday through Friday, excluding state holidays. Any person applying for ~~A~~ an entry permit number shall provide the following information:
1. The name and address of the ~~shipper~~ Consignor and ~~receiver~~ Consignee;
  2. The number and kind of animals;
  3. The physical address of the origin of shipment;
  4. The physical address of the shipment's final destination;
  5. The method of transportation; and
  6. Any other information required by the State Veterinarian.
- B. ~~A~~ An entry permit number is valid for ~~45~~ a maximum of 30 calendar days from the date of issuance unless otherwise ~~specified~~ indicated on the CVI.
- C. ~~A~~ An entry permit number shall be issued if the animals listed on the ~~permit~~ Certificate of Veterinary Inspection are in compliance with this Article. To cope with changing disease conditions, the State Veterinarian may refuse to issue ~~A~~ an entry permit number or may require additional conditions not specifically established in this Article if necessary to protect animal health in Arizona.
- D. The entry permit number issued shall be affixed or written on the ~~health certificate~~ Certificate of Veterinary Inspection, brand inspection certificate, and any other official documents as follows: "Arizona Permit No. \_\_\_\_\_" followed by the serialized number.
- E. The State Veterinarian shall refuse to grant ~~A~~ an entry permit number to any person who repeatedly commits the following:
1. Giving false information concerning ~~A~~ an entry permit number for transportation of animals,
  2. Failing to fulfill the conditions of ~~A~~ an entry permit number, or
  3. Failing to obtain ~~A~~ an entry permit number.

### R3-2-608. **Consignment of Animals Repealed**

~~The owner, or owner's agent, of an animal transported or moved into Arizona, except an exhibition or show animal, shall consign the animal to or place it in the care of an Arizona resident or an entity authorized to do business in Arizona.~~

### R3-2-609. **Diversion; Prohibitions**

A person consigning, transporting, or receiving an animal into the state of Arizona shall not authorize, order, or carry out diversion of the animal to a destination or consignee other than as set forth on the ~~health certificate~~ Certificate of Veterinary Inspection and entry permit, if required, without first obtaining permission from the State Veterinarian.

### R3-2-611. **Transporter Duties**

- A. All owners and operators of railroads, trucks, airplanes, or other conveyances transporting animals into or through the state shall possess ~~a valid health certificate under R3-2-606, and a permit number issued by the State Veterinarian, if required by R3-2-607,~~ all of the importation documents required by this Article. These documents shall be attached to the waybill, or be in the possession of the vehicle driver, or person in charge of the animals. When a single ~~health certificate~~ Certificate of Veterinary Inspection ~~or and~~ entry permit number is issued for animals being moved in more than one vehicle, the driver of each vehicle shall possess the original or a ~~certified~~ certified copy of the ~~health certificate~~ Certificate of Veterinary Inspection containing the entry permit number, if required.
- B. The owner ~~or operator~~ of a railroad car, truck, airplane, or other conveyance used to transport animals into or through the state shall maintain the conveyance in a clean and sanitary condition.
- C. The owners and operators of railroads, trucks, airplanes, or other conveyances who transport animals into the state in violation of this Section shall clean and disinfect the conveyance in which the animals were illegally brought into the state before using the conveyance for transporting more animals. The cleaning and disinfection shall be performed under the supervision of an authorized representative of the State Veterinarian or the USDA.
- D. The owners ~~and or~~ operators of railroads, trucks, airplanes, or other conveyances shall follow the USDA requirements, ~~and Arizona Department of Agriculture and Arizona Commerce Commission rules~~ and Arizona statutes, in the humane transport of animals into, within, or through the state.

### R3-2-612. **Importation of Cattle and Bison**

- A. ~~The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:~~ The Certificate of Veterinary Inspection for cattle and bison shall include:
1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison or return them to the state of origin. ~~A valid entry permit number~~
  2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies an official eartag to each animal. ~~The number of cattle and bison covered by the Certificate of Veterinary Inspection, an accurate description and official identification, if applicable except for "F" branded heifers consigned to a designated feedlot identified by brand.~~



- 3. The health status of the cattle and bison including:
  - a. The date of the inspection;
  - b. The dipping date, if applicable;
  - c. The date of negative results for required testing under this Article; and
  - d. The vaccination status as required by this Article.
- 4. The method of transportation; and
- 5. For bulls subject to testing under R3-2-612(I), a statement that the bulls:
  - a. Tested negative for Tritrichomonas foetus within 30 days prior to shipment using a polymerase chain reaction test; and
  - b. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
- B.** Arizona shall not accept: The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in this article. Failure to comply with entry requirements will incur the following conditions:
  - 1. Cattle or bison from brucellosis-infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except: Pay the expenses incurred by a hold order to test and retest the imported cattle or bison or return them to the state of origin.
    - a. Steers and spayed females, and
    - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;
  - 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot; For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies an official eartag identification to each bovine or bison.
  - 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class Free State, or without tuberculosis status comparable to an Accredited Free State;
  - 4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
  - 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- C.** Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
  - 1. The owner or owner's agent shall ensure that an official calfhood vaccine is tested negative for brucellosis within 30 days before entering Arizona if the official calfhood vaccine is:
    - a. 18 months or older;
    - b. Cutting the first set of permanent incisors, or
    - e. Parturient or postparturient.
  - 2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand upon arrival. All "F" branded cattle or bison that leave the designated feedlot shall be shipped directly to:
    - a. An official state or federal slaughter establishment for immediate slaughter;
    - b. Another designated feedlot, or
    - e. Another state if shipping is permitted by the State Veterinarian in the state of destination.
  - 3. If cattle or bison originate from a Certified Brucellosis Free Herd and the herd certification number is documented on the health certificate and import permit, no brucellosis test is required.
  - 4. If native ranch cattle are from a brucellosis Class Free State that does not have free-ranging brucellosis-infected bison or wildlife no brucellosis test is required as long as:
    - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the official eartag numbers are listed on a health certificate; or
    - b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.
  - 5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within two weeks of issue.
  - 6. The owner or owner's agent:
    - a. Shall ensure that beef breeding cattle or breeding bison from a Class A State the cattle remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
    - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
    - e. Is not required to quarantine or test for brucellosis official calfhood vaccines less than 18 months of age, if permission is granted by the State Veterinarian.
  - 7. The owner or owner's agent:
    - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under import quarantine from the destination listed on the import permit and health certificate.
    - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under import quarantine and are not moved from the destination listed on the import permit and health certificate.
    - e. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.
  - 8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis-negative.



9. Within seven days after importation, the owner or owner's agent shall ensure that the individual official cartag identification for imported dairy cattle is the same as that listed on the health certificate and the owner or the owner's agent shall report any discrepancies between the official cartag and the health certificate to the State Veterinarian. Any dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within one week of arrival.
- C. Arizona shall not accept:
1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
    - a. Steers and spayed females, and
    - b. Cattle or bison shipped directly for immediate slaughter to an official state or federal slaughter establishment;
  2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot;
  3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free State, or without tuberculosis status comparable to an Accredited-Free State;
  4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
  5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- D. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico other states.
1. Before to entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427, January 1, 2007, as amended on December 4, 2013. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007. Brucellosis testing is not required in dairy and beef cattle from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife.
  2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona. The test shall be performed again on breeding cattle and breeding bison 30 days after calving, unless the animals were consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official cartag identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian. Brucellosis not required for any cattle or bison consigned to a designated feedlot that are branded with an "F" adjacent to the tail head as long as the State Veterinarian grants permission to apply the "F" brand upon arrival. All "F" branded cattle or bison that leave the designated feedlot shall be shipped directly to:
    - a. An official state or federal slaughter establishment for immediate slaughter,
    - b. Another designated feedlot, or
    - c. Another state if shipping is permitted by the State Veterinarian in the state of destination.
  3. All female dairy cattle four months of age or older, imported into Arizona, shall be official calfhood vaccinates, officially identified, certified, and legibly tattooed except for the following:
    - a. Show cattle for exhibition.
    - b. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
    - c. Cattle consigned for feeding purposes to a designated feedlot with an entry permit number.
  4. For beef breeding cattle, breeding bison, and dairy breeding cattle from a Class A state the owner or owner's agent:
    - a. Shall ensure that the cattle remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
    - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
    - c. Is not required to quarantine or test for brucellosis official calfhood vaccinates less than 18 months of age, if permission is granted by the State Veterinarian.
  5. The owner or owner's agent:
    - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under quarantine from the destination listed on the import permit and Certificate of Veterinary Inspection.
    - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under quarantine and are not moved from the destination listed on the import permit and Certificate of Veterinary Inspection.
    - c. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.
- E. Except for the following all female dairy cattle four months of age or older, imported into Arizona, shall be official calfhood vaccinates, properly identified, certified, and legibly tattooed: Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. Show cattle for exhibition, No tuberculosis test is required for:
    - a. Beef breeding cattle or breeding bison, from a tuberculosis accredited Free State if the state accredited status is documented on the Certificate of Veterinary Inspection and entry permit; or
    - b. Steers and spayed heifers.



- 2. Cattle from a Certified Brucellosis Free Herd with permission of the State Veterinarian, Beef breeding cattle and breeding bison from a Tuberculosis Modified Accredited State or Tuberculosis Class Free State with a Tuberculosis Quarantine in effect, shall test negative for Bovine Tuberculosis within 60 days prior to entry into Arizona.
  - 3. Cattle from a brucellosis free state or country with permission of the State Veterinarian, All dairy breeding cattle greater than 120 days of age shall test negative for Bovine Tuberculosis within 60 days prior to entry into Arizona.
  - 4. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
  - 5. Cattle consigned for feeding purposes to a designated feedlot under import permit.
- F.** When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
- 1. Prior to entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427, as revised on January 1, 2018. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007.
  - 2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless the State Veterinarian grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official cartag identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.
  - 3. Dairy cattle from Mexico shall test for brucellosis again 30 days after calving, unless the dairy cattle were consigned directly to a feedlot.
- G.** Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
- 1. No tuberculosis test is required for:
    - a. Beef breeding cattle or breeding bison, or dairy cattle from a tuberculosis accredited herd Free State if the herd accreditation number is documented on the health certificate and import entry permit; or
    - b. Native commercial and purebred beef breeding cattle from an Accredited Free State if its accredited free status is documented on the health certificate; and
    - e. Steers and spayed heifers.
  - 2. Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.
- H.G.** Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
- 1. Before Prior to entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR 93.424 through 93.427 as revised on January 1, 2018, incorporated by reference in subsection (D E) (1).
  - 2. Steers and spayed heifers from states or regions in Mexico shall not enter the state if they have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico.
  - 3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without permission of the State Veterinarian.
  - 4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
    - a. Tested negative for tuberculosis in accordance with procedures equivalent to the ~~Bovine Tuberculosis Eradication—Uniform Methods and Rules~~ 9 CFR Part 77 as amended on January 9, 2013 within 60 days before entry into the United States, or
    - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.
  - 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.
  - 6. Beef breeding cattle and breeding bison from states or regions in Mexico may be imported into Arizona if the State Veterinarian determines the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico has been fully implemented and the breeding cattle and breeding bison remain under import quarantine and isolation until retested negative for tuberculosis in accordance with the ~~Bovine Tuberculosis Eradication—Uniform Methods and Rules~~ 9 CFR Part 77 as revised on January 1, 2018. The test shall be performed not earlier than 60 days but not later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona, unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go



directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that official ear-tag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.

**H.H.** Bovine scabies requirements.

1. The owner or owner's agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed, driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under ~~permit number~~ a VS Form 1-27 and seal for immediate slaughter at an official state or federal slaughter establishment.
2. The owner or owner's agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, ~~January 1, 2007, as revised on January 1, 2018,~~ before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department.
3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise ~~a~~ an accredited veterinarian's examination and certification shall be sufficient.

**I.I.** Trichomoniasis requirements for bulls imported into Arizona from other states.

1. The owner or owner's agent shall ensure bulls:
  - a. Test negative for *Tritrichomonas foetus* within 30 days prior to shipment using a polymerase chain reaction test or ~~three cultures collected at intervals of no less than seven days apart, a diagnostic test approved by the state veterinarian,~~ except for bulls:
    - i. Less than ~~one year~~ twelve months of age,
    - ii. Consigned directly to a state or federal licensed slaughter facility,
    - iii. Consigned directly to a dairy,
    - iv. Consigned directly to an exhibition or rodeo,
    - v. Consigned directly to a licensed feedlot for castration on arrival,
    - vi. Branded with an "F" adjacent to the tailhead and consigned directly to a designated feedlot for feeding and later movement directly to slaughter, and
  - b. Have no breeding activity during the interval between the collection of a sample and the date of shipment.
  - c. The following statements documented on the CVI in reference to R3-2-612 (A) (5):
    - i. Test negative for *Tritrichomonas foetus* within 30 days prior to shipment using a polymerase chain reaction test; and
    - ii. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
2. An accredited veterinarian approved to collect samples for *Tritrichomonas foetus* testing by the state animal health official in the state of origin shall collect the *Tritrichomonas foetus* test samples.
3. A laboratory approved to conduct tests for *Tritrichomonas foetus* by the state animal health official in the state of origin shall perform the test for *Tritrichomonas foetus*.

**J.** For purposes of this section beef breeding cattle means intact beef cattle.

**R3-2-613. Importation of Swine**

- A.** ~~The owner of swine entering Arizona, or the owner's agent, shall comply with the requirements of Article 6 and the following conditions:~~ A Certificate of Veterinary Inspection for swine shall include:
1. ~~Pay the expenses incurred to quarantine, test, and retest the imported swine; and~~ A valid entry permit number;
  2. ~~Obtain an official health certificate specified in R3-2-606-613 and permit specified in R3-2-607.~~ The following statements recorded on the CVI:
    - a. The swine listed on this CVI have never been fed garbage; and
    - b. The swine listed on this CVI have not been vaccinated for pseudorabies;
  3. Official Identification; and
  4. If applicable, the validated brucellosis-free herd number and last test date for swine originating from a validated brucellosis-free herd.
- B.** Brucellosis test requirements. ~~Breeding swine~~ Swine imported into Arizona from other states shall:
1. Originate from a validated swine brucellosis-free herd or from a swine brucellosis-free state; or
  2. Test negative for brucellosis within 30 days before entry.
- C.** ~~Pseudorabies test requirements. Swine imported into Arizona from other states shall:~~ For purposes of this section, breeding swine means intact swine that have had breeding activity.
1. ~~Be shipped directly from:~~
    - a. ~~The farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state,~~
    - b. ~~The farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage III state if the swine are:~~
      - i. ~~Consigned directly to a terminal exhibition of only neutered swine;~~
      - ii. ~~Tested negative within 15 days before entry, and~~
      - iii. ~~Transported directly to a state or federally inspected slaughter facility immediately after the exhibition in a truck sealed by the State Veterinarian or agent;~~
    - e. ~~A pseudorabies monitored feeder pig herd in a pseudorabies Stage II or Stage III state if the swine is consigned to a restricted swine feedlot; or~~



- d. A sale in a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state if all swine entered in the sale are from a state recognized by USDA APHIS as a pseudorabies Stage IV or Stage V state.
- 2. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to exhibition, and swine from a farm of origin in a state recognized by USDA APHIS as a pseudorabies Stage V state, remain under import quarantine and isolation at the location specified on the import permit and health certificate Certificate of Veterinary Inspection, with the following restrictions, until tested negative for pseudorabies no sooner than 15 days or later than 30 days after entry:
  - a. The isolation pen shall be at least 200 feet from straying pigs, other livestock, pets, or working dogs, and not be accessible to normal traffic flow;
  - b. Equipment, tools, and implements shall not be moved from an isolation pen and used at another pen;
  - e. Workers shall disinfect their shoes and clothing before working with other livestock or the main herd; and
  - d. The distance between an isolation pen barrier and another swine pen barrier shall be at least 200 feet and the isolation pen shall be double fenced to prevent exposure to accidental strays.
  - e. Imported quarantined swine testing positive after entry shall be shipped directly to a state or federal slaughter establishment within 15 days after the positive identification and shall be accompanied by a USDA VS Form 1-27. The remainder of exposed animals shall be quarantined until the herd is declared free of the disease, or all exposed animals are depopulated and the premises cleaned and disinfected.
- 3. If swine move directly to exhibition from a herd in a Stage IV state, and remain in the state, the swine shall be held under import quarantine at a location disclosed by the exhibitor. The exhibitor shall disclose the location of the quarantine facility to the Department within three days of the end of the exhibition. The swine shall be quarantined according to the restrictions identified in subsections (C)(2)(a) through (C)(2)(e) until tested negative for pseudorabies no sooner than 15 days or later than 30 days after entry into the state.

**D.** It is unlawful for any person to import into the state of Arizona live feral swine. Any person or corporation owning or possessing a live feral swine in this state shall at all times keep such feral swine in a safe and suitable enclosure so that it may not run at large or damage the person or property of others. For purposes of this section, feral swine means a hog, boar, or pig that appear to be untamed, undomesticated, or in a wild state; or appear to be contained for commercial hunting or trapping.

**R3-2-614. Importation of Sheep and Goats**

- A. The owner of a sheep or goat entering Arizona, or the owner's agent, shall comply with the requirements of: A Certificate of Veterinary Inspection for sheep and goats shall include:
  - 1. Article 6 and pay the expenses incurred to quarantine, test, and retest the sheep or goat; and A valid entry permit number; and
  - 2. Animal identification prescribed in 9 CFR 79, January 1, 2007, edition. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007; A statement that:
    - a. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie-infected or source flock; and
    - b. The sheep or goats test negative for Brucella ovis if a test is required by R3-2-614 B; and if applicable
    - c. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis.
- B. A breeding ram six months of age or older shall test negative for Brucella ovis within 30 days of entry or originate from a certified brucellosis-free flock. An exhibition ram that returns to the out-of-state flock of origin within five days of the conclusion of the exhibit is exempt from the testing requirement of this subsection.
- C. Arizona native commercial flocks participating in a Brucella ovis control program through testing performed by an accredited and licensed veterinarian may return to Arizona from another state without testing, provided the flock has not commingled with other flocks.

**R3-2-615. Equine-Importation of Equine**

- A. Except for R3-2-607, an equine may enter the state as prescribed in R3-2-602 through R3-2-611. A Certificate of Veterinary Inspection for equine shall include:
  - 1. An accurate identification for each equine including age, sex, breed, color, name, brand, tattoo, scars, microchip if any, and distinctive markings; and
  - 2. A statement that the equine has a negative test for EIA, including:
    - a. The date and results of the test;
    - b. The name of the testing laboratory; and
    - c. The laboratory accession number.
- B. A person shall not import an equine with fistulous withers or poll evil. Equine entering the state are not required to obtain an entry permit number.
- C. All equine six months of age or older shall, using a test established in R3-2-407(A), be tested test negative for EIA within 12 months before entry. Testing expenses shall be paid by the owner.
- D. Extended Equine Certificates of Veterinary Inspection (EECVI) are valid for the life of the certificate (up to 6 months) in the state of Arizona. The equine listed on the EECVI shall be officially identified with a microchip.

**R3-2-616. Importation of Cats and Dogs**

A dog or cat shall be accompanied by a ~~health certificate~~ Certificate of Veterinary Inspection that documents the animal is currently vaccinated against rabies ~~if older than three months of age~~ according to the requirements of the National Association of State Public Health Veterinarians' Compendium of Animals Rabies Control, incorporated by reference in R3-2-409.

**R3-2-617. Importation of Poultry**

The Department has no entry requirements on poultry. Poultry entering the state shall provided the poultry appear healthy, do not originate from a poultry quarantine area, comply with all interstate requirements of APHIS, and are be accompanied by a health certificate Certificate of Veterinary Inspection or Form 9-3 from the National Poultry Improvement Program.

**R3-2-618. Importation of Psittacine Birds**

- A. The owner or the owner's agent of a psittacine bird entering Arizona shall obtain a health certificate Certificate of Veterinary Inspection issued by a veterinarian within 30 days of entry, certifying:
1. The bird is not infected with the agent that causes avian chlamydiosis, and
  2. The bird was not exposed to birds known to be infected with avian chlamydiosis within the past 30 days.
- B. The health certificate Certificate of Veterinary Inspection shall accompany the psittacine bird at the time of entry into Arizona.

**R3-2-620. Importation of Zoo Animals**

- A. An owner or owner's agent may transport or move zoo animals into the state of Arizona if the animals are accompanied by an official health certificate Certificate of Veterinary Inspection, and consigned to a zoo or in the charge of a circus or show.
- B. The owner, or owner's agent, of an animal livestock except swine and equine in a "Petting Zoo" shall have the animal livestock tested for tuberculosis within 12 months before importation. A negative test result is required for entry into Arizona.
- C. A business that transports or exhibits zoo animals shall be licensed by the Arizona Game and Fish Department.

**ARTICLE 7. LIVESTOCK INSPECTION****R3-2-701. Department Livestock Inspection**

- A. A Division employee shall inspect range cattle, as defined in R3-2-702(A), at a ranch if the owner or agent of livestock is:
1. Moving cattle out-of-state,
  2. Transferring cattle ownership, or
  3. Shipping cattle for custom slaughter.
- B. A division employee shall inspect cattle at a feedlot or dairy if the cattle are being shipped for custom slaughter. An owner or agent of cattle cannot be issued both non-range and range self-inspection certificates.
- C. With prior approval from a Division employee, livestock can be moved to a licensed custom slaughter facility using the livestock owner's or agent's or feedlot operator's self-inspection certificate. A Division employee must validate the self-inspection certificate prior to slaughter.
- ~~C-D.~~ The Department shall not issue a self-inspection certificate to an owner, or agent, of livestock or operator of a ranch, and dairy, feedlot operator if that individual has been convicted of a felony under A.R.S. Title 3 within the three-year period before the date on the self-inspection application. The Department may deny self-inspection to an applicant if within the five-year period before the date on the self-inspection application, the applicant was convicted of any A.R.S. Title 3 offense or an A.R.S. Title 13 offense related to livestock. A Division employee shall inspect livestock if an applicant is denied self-inspection authority.
- ~~D-E.~~ During fiscal year 2020, livestock officers and inspectors shall collect from the person in charge of cattle, dairy cattle, or sheep inspected a service charge of \$10 plus the per head inspection fee set out in A.R.S. § 3-1337 for making inspections for the transfer of ownership, sale, slaughter or transportation of the animals.

**R3-2-702. Livestock Self-inspection****A. Definitions.**

"Dairy" means an owner or agent of a place or premise where one or more lactating animals are kept for milking purposes and from which a part or all of the milk is provided, sold, or offered for sale that meets both of the following conditions: the livestock is not permitted to range and the dairy is permitted by the Department. If these conditions are met, then a Division employee may grant the applicant dairy status.

"Description" means sex, breed, color, and markings, as applicable to the type of livestock.

"Exhibition" means an event including a fair, show, or field day that has as its primary purpose the opportunity for a member of a youth livestock organization, including 4-H and FFA, to display an animal raised by the individual youth in a judged competition.

"Feedlot" means an operator of a beef cattle feedlot or feed yard in which the livestock is not permitted to range and that is licensed by the Department. If these conditions are met, then a Division employee may grant the applicant feedlot status.

"Livestock" means cattle, sheep, goats, and exhibition swine.

"Livestock broker" means an owner or agent who engages in the business of buying and selling livestock and has immediate possession of the livestock for 10 days or less in which the livestock is not permitted to range. If these conditions are met, then a Division employee may grant the applicant livestock broker status.

"Non-range" means any owner or agent of an enclosed property that is 100 acres or less that meets all of the following conditions: the fence enclosing the livestock is well maintained, the livestock is not permitted to range, and the owner or agent of the livestock lives where the livestock are kept. If these conditions are met, then a Division employee may grant the applicant non-range status.

"Identification" means brand, back tag number, ear mark, tattoo, metal cartag, plastic cartag, and premises identification number, as applicable to the type of livestock.

"Range" means every character of lands, enclosed or unenclosed, outside of cities and towns, upon which livestock is permitted by custom, license or permit to roam and feed. A.R.S. § 3-1201(7)

"Range cattle" means cattle customarily permitted to roam upon the ranges of the state, whether public domain or in private control, and not in the immediate actual possession or control of the owner although occasionally placed in enclosures for temporary purposes. A.R.S. § 3-1201(8)

**B. Application.**



1. ~~Movers~~ Owners or agents of livestock or feedlot operators ~~and an owner or operator of a dairy or feedlot~~ shall request a book of self-inspection certificates from the Department. The applicant shall submit a written application form obtained from the Department and provide the following information:
    - a. Name, mailing address, physical address, telephone number, and ~~fax~~ email address;
    - b. Name of ~~ranch, dairy, or~~ business and type of livestock operation;
    - c. Whether the applicant has been convicted of a ~~felony under violation of~~ A.R.S. Title 3, or a violation of A.R.S. Title 13 related to livestock within the past ~~three~~ five years, and if so, the case number, court, charge, and sentence;
    - d. Recorded brand ~~number; and brand location~~
    - e. Individual(s) designated to sign self-inspection certificates, if applicable; and
    - f. Signature and date.
  2. The holder of a self-inspection book shall advise the Department ~~by phone~~ within 30 days of any change to the information provided on an application form.
  3. The holder of a self-inspection book shall renew registration with the Department every ~~two~~ three years from the date the initial or renewal application form is signed.
  4. If a holder with self-inspection privileges has been convicted of a criminal violation under A.R.S. Title 3, or a violation of Title 13 related to livestock, that holder shall notify the Department immediately and their privileges shall be revoked.
  - 4.5. Prior to a department employee issuing a book of self-inspection certificates, the owner shall submit the following payment amount and the department shall receive the payment in full prior to issuing the book:
    - a. \$25.00 for a twenty five page feedlot or livestock broker book;
    - b. \$20.00 for a twenty page dairy book; or
    - c. \$10.00 for a ten page non-range, range, sheep, goat, or swine book.
- C. Self-inspection certificate.
1. An owner, ~~or agent, of~~ livestock or feedlot operator shall provide the following information, as applicable, on a self-inspection certificate whenever livestock subject to self-inspection are moved or ownership is transferred:
    - a. Name, address, and signature, of the owner or agent of livestock or feedlot operator;
    - b. Date of the shipment or transfer of ownership;
    - c. If moved, location from which and to which the livestock are moved, including the name of the auction, feedlot, arena, slaughter establishment, pasture, or other premises, and physical location;
    - d. Name of transporter;
    - e. Number and description of livestock;
    - f. Official identification of each dairy cattle and sexually intact cattle over 18 months of age shipped out of state and back tag numbers of culled dairy cattle;
    - g. Brand number, expiration date, and location;
    - h. Name and address of buyer;
    - i. Number of head of cattle sold for which Beef Council fees are payable under A.R.S. §§ 3-1236 and 3-1238.
  2. The owner ~~or owner's agent of~~ livestock or feedlot operator ~~or the owner or operator of a dairy or feedlot~~ shall complete a self-inspection certificate, except when livestock are subject to inspection by a Division employee under R3-2-701, and distribute copies of the certificate as follows:
    - a. One copy and any fees that are owed under subsection (C)(1)~~(i)~~(i) shall be sent to the Department within 10 days after the end of the month in which it was used ~~ownership is transferred~~;
    - b. If the livestock are shipped, the original certificate shall accompany the livestock whenever they are in transit and one copy shall be retained by the person transporting the livestock; or
    - c. If ownership of the livestock is transferred without shipment, two copies shall be provided to the new owner or agent of livestock or feedlot operator; and one copy shall be retained by the seller.
  3. A certificate may be used once to either transfer livestock ownership or to move livestock to a specific destination. If the livestock are diverted to a destination other than that stated on the self-inspection certificate, the certificate is void. The owner, ~~or agent of~~ livestock, or feedlot operator shall complete a new certificate and send both the voided and new certificates to the Department within 10 days after the end of the month in which the certificates are ~~issued~~ used or voided.
  4. An owner, or agent of livestock or feedlot operator shall use a self-inspection certificate only with a shipment of livestock matching the description for which the certificate is issued and only for the self-inspection issued date. If any of the information on the self-inspection certificate changes, the certificate is void and the owner, or agent of livestock or feedlot operator shall complete a new certificate.
  5. An altered, erased, completed but unused, or defaced self-inspection certificate is void. A voided certificate shall be returned to the Department within 10 days after the end of the month in which it is voided.
  6. Upon request, ~~unused~~ certificates shall be returned to the Department by the owner, or agent of livestock or feedlot operator. If a ~~commercial~~ an operation licensed for self-inspection is sold, leased, transferred, or otherwise disposed of, the owner, or agent of livestock or feedlot operator shall notify the Department and return all self-inspection certificates to the Department within 30 days of the transaction.
  7. If the owner or agent of livestock or feedlot operator cannot find an unused or used certificate, they must sign an affidavit provided by the Department verifying the certificate is lost and cannot be found. New certificates will not be issued until the signed affidavit has been received by the Department.
- D. Sale of livestock. A seller shall document a sale by completing a self-inspection certificate as prescribed in subsection (C) and providing a bill of sale to the purchaser as required under A.R.S. § 3-1291.
- E. Feedlot receiving form.
1. The operator of a feedlot shall document receipt of in-coming cattle on a form obtained from the Department. The operator shall include the following information on the form:



- a. Name of feedlot and location;
  - b. Month and year for which report is made;
  - c. Number of cattle received, date received, and name and address of owner;
  - d. Description of the cattle;
  - e. If not Arizona native cattle, the import permit and ~~health~~ Certificate of Veterinary Inspection numbers;
  - f. If native Arizona cattle, self-inspection ~~form~~ certificate number or Department inspection certificate number; and
  - g. Pen number to which cattle are initially assigned.
2. The operator shall return the completed form within 10 days after the end of the month of the reporting period.
- F. Quarantine. Livestock under quarantine by the Department shall not be shipped or sold by use of a self-inspection certificate.
- G. Violations. The Department shall process violations of this Section as prescribed under A.R.S. § 3-1203(D).

### R3-2-703. Seasonal Self-inspection Certificate

- ~~A.~~ Exhibition cattle, sheep, goats, and swine.
1. An applicant for a seasonal self-inspection certificate prescribed under A.R.S. § 3-1346 shall ~~call the Department at (602) 542-6407 to request a seasonal self-inspection certificate from the Department.~~ The applicant shall provide ~~the answers to the following questions~~ information, as applicable:
    - a. Name, mailing address, physical address if different from mailing address, telephone number, and email address ~~fax~~;
    - b. Name of 4-H or FFA group, and group leader;
    - c. ~~Physical Description~~ description and identification of the livestock animal;
    - d. Official identification of livestock, except for native cattle born and raised in Arizona;
    - ~~de.~~ Permit number and ~~health certificate~~ Certificate of Veterinary Inspection number for livestock ~~an animal~~ imported from another state; ~~and~~
    - ef. Name of seller and self-inspection certificate number or Department inspection certificate number for livestock ~~an animal~~ purchased from an Arizona seller; ~~and~~
    - fg. Signature and date of signature of the owner or lessee. If the owner or lessee is under 18 years of age, a signature of the parent or guardian and date of signature are required.
  2. The Department employee who records the information required in subsection (A)(1) shall advise the applicant of the required fee prescribed under A.R.S. § 3-1346(A). The Department shall issue a seasonal self-inspection certificate upon receipt of the fee.
  3. An exhibitor shall provide the following information, as applicable, on a seasonal self-inspection certificate whenever livestock ~~an animal~~ subject to seasonal self-inspection is moved or ownership is transferred:
    - a. Name, address, telephone number, email address, and signature;
    - b. Date of movement;
    - c. Name of exhibition and location;
    - d. Final disposition of the livestock animal (sale, death, or retention) and date of occurrence; and
    - e. If the livestock animal is sold, name, address, and phone number of purchaser (person or slaughter plant).
  4. The holder of a seasonal self-inspection certificate shall return the certificate to the Department within two weeks of the sale or slaughter of the livestock animal or at the end of the show season if the livestock animal is retained.

### R3-2-708. Equine Rescue Facility Registration

- A. "Arizona Equine Rescue Standards" means the American Association of Equine Practitioners Care Guidelines for Equine Rescue and Retirement Facilities, 2004 Edition. This material, which includes the Veterinary Checklist for Rescue/Retirement Facilities, is incorporated by reference, does not include any later amendments or editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, Arizona 85007. A copy of this material may also be obtained from the American Association of Equine Practitioners web site at [http://www.aaep.org/pdfs/rescue\\_retirement\\_guidelines.pdf](http://www.aaep.org/pdfs/rescue_retirement_guidelines.pdf). The American Association of Equine Practitioners is located at ~~4075~~ 4033 Iron Works Parkway, Lexington, Kentucky 40511.
- B. An equine rescue facility shall pay the annual registration fee and file the following documents with the Department's Animal Services Division for the facility to be included on the Department's registry of equine rescue facilities:
  1. An application form containing the facility's name, physical and mailing address, and contact person and the contact person's phone number; ~~and email address~~.
  2. A copy of documents filed with the Arizona Corporation Commission demonstrating the facility's current status as a nonprofit corporation in good standing in this state.
  3. A letter from a licensed veterinarian, dated within 15 days of filing, certifying that the facility is not inadequate with respect to any of the Arizona Equine Rescue Standards and attaching a signed copy of the completed Arizona Equine Rescue Standards' veterinary checklist.
- C. Registration is valid for one year. Registration may be renewed annually by complying with subsection (B).
- D. The annual registration fee is \$75.
- E. A nonprofit corporation owning multiple equine rescue facilities must file the letter and checklist described in subsection (B)(3) and pay the annual registration fee for each location it wants included on the registry.
- F. The Department shall remove a facility from the registry if it determines that the facility is not presently incorporated as a nonprofit corporation in this state or is inadequate with respect to any of the Arizona Equine Rescue Standards.

## ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

### R3-2-801. Definitions

In addition to the definitions in A.R.S. §§ 3-601 and 3-661, the following terms apply to this Article:

"3-A Sanitary Standards" and "3-A Accepted Practices," as published by the International Association for Food Protection, ~~amended May 31, 2002~~ effective on or before October 15, 2017, means the criteria for design, materials, construction and use ~~cleanability~~ of



dairy processing equipment. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and is also available at <http://www.3-A.org>.

“C-I-P” means a procedure by which equipment, pipelines, and other facilities are cleaned-in-place as prescribed in the 3-A Accepted Practices.

“Converted” means the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients.

“Fluid milk” means milk and any other product made by the addition of a substance to milk or to a liquid form of milk product if the milk or other product is produced, processed, distributed, sold or offered or exposed for sale for human consumption.

“Fluid trade product” means any trade product as defined in A.R.S. § 3-661(5) that resembles or imitates any fluid milk product milk, lowfat milk, chocolate milk, half and half, or cream.

“Food establishment” means any establishment, except a private residence, that prepares or serves food for human consumption, regardless of whether the food is consumed on the premises.

“Frozen desserts mix” or “mix” means any frozen dessert before being frozen.

“Grade A raw milk” means raw milk produced on a dairy farm that conforms to Section 7 of the PMO and the requirements of R3-2-805.

“Parlor” and “milk room” mean the facilities used for the production of Grade A raw milk for pasteurization- or Grade A raw milk.

“Plant” means any place, premise, or establishment, or any part, including specific areas in retail stores, stands, hotels, restaurants, and other establishments where frozen desserts are manufactured, processed, assembled, stored, frozen, or converted for distribution or sale, or both. A plant may consist of rooms or space where utensils or equipment is stored, washed, or sanitized and where ingredients used in manufacturing frozen desserts are stored. Plant includes:

“Manufacturing plant” means a location where frozen desserts are manufactured, processed, pasteurized, and converted.

“Handling plant” means a location that is not equipped or used to manufacture, process, pasteurize, or convert frozen desserts, but where frozen desserts are sold or offered for sale other than at retail.

“PMO” means the Grade A Pasteurized Milk Ordinance, ~~2013~~ 2017 Revision. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007. A copy of the incorporated material may also be viewed at [http:// agriculture.az.gov](http://agriculture.az.gov).

“Retail food store” means any establishment offering packaged or bulk goods for human consumption for retail sale.

**R3-2-803. Milk and Milk Products Labeling**

- A. The manufacturer or processor shall ensure that milk and milk products listed in A.R.S. § 3-601(10), and Sections 1 and 2 of the PMO are designated by the name of the product and shall conform to its definition.
- B. The manufacturer or processor of milk and milk products shall conform with the labeling requirements in A.R.S. §§ 3-601.01 and 3-627, Section 4 of the PMO, and 21 CFR 101, 131, and 133, amended April 1, ~~2002~~ 2017. This CFR material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the Office of the Secretary of State.
- C. The name of the manufacturer or processor shall be on all cartons or closures where it can be easily seen. A manufacturer or processor that has plants in other states shall use a code number or letter to designate the state in which a carton or closure is manufactured or processed. If a manufacturer or processor has a plant within Arizona, the Dairy Supervisor shall issue a code number or letter for each plant and shall keep a record of the number or letter issued. Manufacturers and processors shall include the Arizona code, 04, with the plant code assigned by the Dairy Supervisor.
- D. If milk or milk products are manufactured or processed and packaged at a plant for other retailers and the container or closure is not labeled the same as the manufacturer’s or processor’s like product, the manufacturer or processor shall include the statement “Manufactured or Processed at (name and address of plant or code number or letter)” on the carton or closure. The carton or closure may also contain the statement, “Distributed by: (name of person or firm).”
- E. Any person planning to use a new or modified label on a container shall submit the proposed label to the Dairy Supervisor for review.
  - 1. If the proposed label does not meet labeling standards specified in subsection (B), the Dairy Supervisor shall note the required changes on the proposed label, and sign and return the proposed label to the applicant.
  - 2. A person who requests additional time to use the inventory amounts of slow moving cartons or closures before using a modified label shall submit a written request to the Dairy Supervisor. The Dairy Supervisor may approve continued use of the existing cartons and closures if:
    - a. The use does not present a public health issue, and
    - b. The information on the cartons and closures is not misleading.

**R3-2-804. Trade Products**

- A. Any fluid trade product containing milk solids shall be regulated as a fluid milk product.
- B. Advertising, display, and sale:
  - 1. Any retail food store may submit its methods and techniques for the advertising, display, and sale of trade products and real products to the Dairy Supervisor to determine compliance with this Section.
  - 2. No food establishment shall sell or provide any patron or employee, for use as food, any trade product or food whose main ingredient is a trade product, unless one of the following disclosures is posted for each trade product, in a prominent place on the premises, or is plainly visible on each menu where other food items are described:
    - a. “\_\_\_\_\_ served here  
(brand or common name of trade product)  
instead of \_\_\_\_\_.”  
(common name of dairy product)
    - b. “Nondairy products served here.”
  - 3. No food establishment shall advertise or otherwise represent to the public that it serves, or uses in the preparation of a food, a real product when it actually serves or uses a trade product.
- C. Labeling: Except as follows, all labels shall comply with the PMO and 21 CFR 101, 131, and 133.



1. The Dairy Supervisor shall approve a new or modified trade product label before the label is used. The applicant shall file a written request with duplicate copies of the proposed label and any supporting materials necessary to establish the truthfulness, reasonableness, relevancy, and completeness of the label.
2. Unless each ingredient of a trade product is homogenized or pasteurized, the whole product shall not be labeled or advertised as an homogenized or pasteurized product. Individual ingredients that are homogenized or pasteurized may be identified as homogenized or pasteurized in the listing of ingredients.
3. Except for combined ingredients constituting less than 1% of the whole product or unless each ingredient of a trade product qualifies as grade A, the whole product shall not be labeled or advertised as a grade A product. Ingredients that qualify as grade A may be identified as grade A in the listing of ingredients.
4. Any trade product produced outside the state and labeled as prescribed in R3-2-802 and R3-2-803, may be sold within the state provided that the product meets the requirements of A.R.S. §§ 3-663 and 3-665.

**R3-2-805. Grade A Raw Milk For Consumption**

- A. All cattle and other dairy animals from which Grade A raw milk is produced shall be tested and found free of tuberculosis before any milk is sold. All herds shall be tested for tuberculosis at least every 12 months. All cattle and other dairy animals from which Grade A raw milk is produced shall be tested and found free of brucellosis before any milk is sold, and shall be tested every 12 months or have negative ~~ring tests for~~ ring tests of the milk at least once each month, or both, as determined by the State Veterinarian.
- B. Grade A raw milk shall be cooled immediately after completion of milking to 45° F or less and shall be maintained at that temperature until delivery.
- C. Grade A raw milk shall be bottled on the farm where it is produced. Raw milk products authorized under ARS§3-606, except for hard cheeses aged 60 days or more as defined in 7 CFR 58.439, shall be processed, manufactured and packaged on the farm where the milk is produced. Bottling and capping shall be done in a sanitary manner on approved equipment. Hand-capping is prohibited. Caps and cap stock shall be kept in sanitary containers until used.
- D. All vehicles used for the distribution of Grade A raw milk shall prominently display the distributor's name.
- E. Grade A raw milk shall be labeled as prescribed in R3-2-803 and A.R.S. § 3-606.

**R3-2-807. Frozen Dessert Plant and Processing Standards**

- A. Plant and Processing Standards.
  1. The plant area shall be clean, orderly and free from refuse, rubbish, smoke, dust, air pollution and strong or foul odors originating on the premises. A drainage system shall be provided for the rapid drainage of water away from the building. If unsatisfactory conditions occur in the plant area, with respect to smoke, dust, air pollution, or odors, provision shall be made to protect the frozen desserts and ingredients from contamination.
  2. Sewage and industrial waste shall be disposed in accordance with the provisions of the state or county environmental laws. Refuse, unless in appropriate containers, shall not accumulate on the premises.
  3. Roads, driveways, yards, and parking areas adjacent to the plant shall be paved or treated to prevent dust and shall be smooth and well drained to prevent accumulation of stagnant liquid.
  4. Buildings.
    - a. The building exterior and interior shall be kept clean and in good repair.
    - b. In processing and packaging areas, outside doors, windows, skylights, transoms, or other openings shall be protected and operated to preclude the entrance of dust, insects, vermin, rodents, and other animals. Outside doors shall be self-closing wherever practical. Window sills on new construction shall slope inward at least 45-degrees. Outside conveyor openings and other outside openings shall be protected by doors, screens, flaps, fans, or tunnels. Pipes shall be sealed where they extend through exterior walls. Outside pipe openings shall be covered when not in use.
    - c. Rooms. All rooms, compartments, coolers, freezers, and dry storage space in which any raw material, packaging or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored shall be constructed to ensure clean and orderly operations.
      - i. Boiler and tool rooms shall be separate from rooms where milk products are received, where processing and packaging is done, or where equipment, facilities, and containers are washed and stored.
      - ii. Toilets and dressing rooms shall be conveniently located and toilets shall not open directly into any room where milk products, ingredients, or frozen desserts are handled, processed, packaged, or stored. Toilet and dressing room doors shall be self-closing. Toilets and dressing rooms shall be well vented to the outer air, and contain hand-washing facilities, hot and cold running water, soap, single-service towels or air dryers. Hand-washing signs shall be posted. Fixtures shall be kept clean and in good repair.
      - iii. Rooms for receiving milk and other raw ingredients and materials shall be separated from the processing area to avoid contamination of frozen desserts in the processing operations, except that products in cans or other closed containers may be received and transferred to a cooler or other storage without being received in a separate room.
      - iv. If tank truck deliveries of milk, milk products, or frozen desserts mix are made, other than occasional deliveries, a tank truck room large enough to accommodate the entire truck shall be provided with equipment for cleaning. A covered outside unloading pad may be used for truck tankers with filter dome vents, if washing and sanitizing facilities are provided. If a tank truck room is not located on the premises of an existing plant, facilities for washing and sanitizing tank trucks shall be provided at another location where the washing and sanitizing facility is free from dust and extreme weather conditions.
      - v. Except for existing processing and packaging rooms, there shall be at least three feet clearance between installations and the wall to prevent overcrowding and to facilitate cleaning. Existing facilities not meeting this requirement shall be permitted if cleaning can be accomplished and permission is obtained from the Dairy Supervisor or the Dairy



- Supervisor's designee. All processing and packaging rooms shall be equipped with hand-washing facilities including hot and cold running water, soap, single-service towels, or air-dryer.
- vi. Refrigeration rooms and units shall be constructed of impervious material and shall be kept clean and sanitary.
  - vii. Separate rooms shall be provided so that the manufacturing, processing, and packaging are separate from the cleaning and sterilizing of utensils and containers.
  - viii. No person shall reside or sleep in a frozen desserts plant or in any room connected with it. No animal shall be kept or permitted in a frozen desserts plant.
- d. Walls and ceilings shall be constructed of smooth, washable, impervious material. They shall be light-colored, kept clean and sanitary, and refinished when discolored. A darker color material may be used to a height not exceeding 60 inches from the floor.
  - e. Floors shall be an impervious, smooth-surfaced material that may be flushed clean with water. Except for hardening rooms, floors shall slope 3/16 to 1/4 inch per foot to one or more trapped outlets. No open channel drainage is permitted in new construction or in extensive remodeling of existing plants. Floor drains are not required in freezers used for storing frozen desserts or frozen ingredients. However, the floors shall be sloped to drain to at least one exit and shall be kept clean. Floors in new construction or extensive remodeling shall be joined and covered with the walls to form water-tight joints. Smooth wood floors may only be permitted in rooms where there will be no spillage of product or ingredients, such as rooms where wrapped or packaged frozen products are packed in multiple-pack containers. Toilets and dressing rooms shall have impervious floors and smooth walls.
  - f. Plumbing shall be installed to prevent back-up of sewage or odors into the plant.
  - g. All rooms and compartments, including storage space for materials, ingredients, and packages, and toilets and dressing rooms, shall be ventilated to maintain sanitary conditions, and to minimize or eliminate condensation and odors.
  - h. Lighting, whether natural or artificial, shall be well distributed in all rooms and compartments. Light bulbs and fluorescent tubes shall be protected so that broken glass cannot fall into any product or equipment.
    - i. Rooms where frozen desserts are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 footcandles of light on all working surfaces;
    - ii. Areas where dairy products are examined for condition and quality shall have at least 50 footcandles of light; and
    - iii. All other rooms shall have at least 20 footcandles of light 30 inches above the floor.
  - i. Containers for collecting and holding waste other than dry waste paper and other dry packaging material shall be constructed of metal or other impervious material, covered with tight-fitting lids or covers, and emptied or disposed of daily or at least once during the shift. Clothing, tools, equipment, and other material not used with the frozen desserts operations shall not accumulate in the work areas or in the storage rooms.
  - j. A room or other space separate from any room or space where milk products or frozen desserts are received, handled, processed, packaged, or stored, shall be provided where employees may change and store clothing. This area shall contain hand-washing facilities, with hot and cold running water, soap or other detergents, and single-service towels or air dryers. Self-closing containers shall be provided for used towels and other wastes.
  - k. Approval of plans. Plans shall be submitted to the Dairy Supervisor, for any new or remodeled frozen dessert manufacturer, to be reviewed for compliance with this Section. The Dairy Supervisor may allow variances to the requirements in this Section, if protection from contamination is provided for all products handled.
5. Water and steam.
- a. Potable hot and cold water shall be available in sufficient quantity for all plant operations and facilities. Non-potable water may be used for boiler feed and condenser water, if the water lines are separated from the water lines carrying the potable water supply and the equipment is constructed to preclude contamination of any product or product contact surface. If water for washing frozen desserts equipment and utensils and for use in rehydration or as an ingredient in any frozen desserts is obtained from other than a regulated municipal supply, a bacteriological examination shall be made of the water supply at least once every six months by a ~~bacteriologist laboratory acceptable to the Dairy regulatory program~~ to determine potability. If the examination indicates contamination of the water supply, a device shall be installed to eliminate the contamination.
  - b. If steam is used, it shall be provided in sufficient volume and pressure for the operation of equipment or for sterilization, or both. Steam that comes in contact with frozen desserts, ingredients, or with the product contact surface, shall be steam of culinary quality as prescribed in Appendix H, Part III, Culinary Steam – Milk and Milk Products, of the PMO.
6. Equipment and utensils.
- a. New equipment shall meet applicable 3-A Sanitary Standards. All equipment, including connections, coming in contact with frozen desserts or ingredients during processing, manufacturing, handling, or packaging, shall be made of stainless steel. No equipment shall be permitted that is rusted, corroded, or in any other condition that may result in contamination of the frozen desserts. Non-metallic parts with product contact surfaces shall consist of material that meets 3-A Sanitary Standards for Plastic or Rubber and Rubber-like Materials or shall be of plastic approved by the United States Food and Drug Administration. Equipment, apparatus, and piping shall be easily accessible for cleaning and shall be kept in good repair and free from cracks and corroded surfaces. Stationary equipment, including welded sanitary lines and apparatus that permit in-place-cleaning, may be used if prior approval from the Dairy Supervisor has been obtained. C-I-P piping and welded sanitary pipeline systems shall be permitted if engineered and installed according to 3-A Accepted Practices for Permanently Installed Sanitary Product and Solution Pipelines and Cleaning Systems. If rigid pipelines are not practical, plastic pipelines listed in the 3-A Accepted Practices may be used. Product pumps shall be sanitary and easily dismantled for cleaning or shall be constructed to allow C-I-P procedures. All parts of interior surfaces of equipment, pipes (except C-I-P piping), or fittings, including valves and connections shall be accessible for inspection. The Dairy Supervisor may require other equipment, apparatus or piping if stationary equipment, apparatus or piping cannot or is not being effectively cleaned-in-place.



- b. Equipment for storage and distribution of liquid sweetening agents shall be constructed of metals, alloys, or other material that will withstand corrosive action by the ingredient. The equipment and the ingredients shall be protected from contamination.
  - c. Pasteurizing equipment shall meet the standards prescribed in the PMO and 3-A Accepted Practices for Sanitary Construction, Installation, Testing and Operation of High-Temperature-Short-Time Pasteurizers and 3-A Sanitary Standards for Non-Coiled Type Batch Pasteurizers. Batch-type pasteurizers shall be provided with close-coupled outlet valves protected against leakage and shall be equipped with thermometers that record the information of each day's operation on separate charts. Air space thermometers and indicating thermometers shall be provided to check the recording thermometers. The recording thermometer chart shall contain the date, the identity of the pasteurizing number, the batch and product name, and the signature of the employee responsible for this information. The record shall be kept on file at the plant for at least six months. The accuracy of the recording thermometer shall be checked weekly-daily using the indicating thermometer and the date and name of the person responsible for the weekly accuracy check shall be recorded the time and temperature shall be documented on the recording chart. Chart recorders and thermometers for batch pasteurizers shall be tested and sealed by the Dairy Supervisor or the Supervisor's designee after testing and seals shall not be removed without immediately notifying the Dairy Supervisor or the Supervisor's designee.
  - d. Every plant shall contain hardening rooms, refrigerating rooms, or refrigerated cabinets with space for storage of frozen desserts and perishable ingredients.
  - e. All utensils used in the receiving, storing, processing, manufacturing, packaging, and handling of frozen desserts or any ingredients shall be of smooth, stainless steel, or plastic listed in the 3-A Accepted Practices and shall have flush seams. Utensils that are badly worn, rusted, or corroded or that cannot be rendered clean and sanitary by washing shall not be used. Lead solder shall not come in contact with milk or milk products or frozen desserts.
7. Cleaning and sanitizing.
- a. Cleaning and sanitizing. Equipment, sanitary piping and utensils used in receiving, storing, processing, manufacturing, packaging, and handling frozen desserts and ingredients, and all product contact surfaces of homogenizers, high pressure pumps, packing glands on agitators, pumps and vats, and lines shall be kept clean. Before use, all equipment coming in contact with milk products or frozen desserts shall have a bactericidal or sanitizing treatment. Equipment not designed for C-I-P cleaning shall be disassembled, thoroughly cleaned and sanitized. Biodegradable dairy cleaners, wetting agents, detergents, sanitizing agents, or other similar material that does not adversely affect or contaminate the frozen desserts or ingredients may be used. Steel wool or metal sponges shall not be used to clean any equipment or utensils with product contact surfaces. C-I-P cleaning shall be used only on equipment and pipeline systems designed, engineered, and installed for that type of cleaning. Other equipment and areas in the plant shall be thoroughly cleaned with a commercial vacuum cleaner or other means and the material obtained shall be burned or disposed of so that any insects are destroyed and milk products and frozen desserts will not be contaminated appropriate methods that prevent potential contamination of ingredients, packaging and frozen desserts. Exhaust stacks, elevators and elevator pits, conveyors and similar facilities shall be inspected and cleaned regularly.
  - b. Equipment shall be sanitized by using one of the following methods:
    - i. Using 180° F water for at least two minutes.
    - ii. Using steam under pressure for at least two minutes or until all parts of the equipment being sanitized have reached 180° F, or the condensate off the equipment remains at 180° F for at least two minutes.
    - iii. Using chlorine with a residual of at least 50 ppm after one minute contact with equipment, or if sprayed, with a residual of at least 100 ppm after five minutes.
    - iv. Using any other sanitizing substance prescribed in Appendix F of the PMO.
8. Pasteurization and cooling.
- a. All frozen desserts mix, except for flavoring agents used in frozen desserts, shall be pasteurized.
  - b. Frozen desserts mix shall be pasteurized by heating every particle ~~to~~ as described in Table 1:
    - i. ~~155° F for 30 minutes;~~
    - ii. ~~160° F for 15 minutes;~~
    - iii. ~~165° F for 10 minutes;~~
    - iv. ~~175° F for 25 seconds;~~
    - v. ~~180° F for 15 seconds;~~
    - vi. ~~200° F for three seconds; or~~
    - vii. ~~210° F with no holding time.~~

<b>Batch (Vat) Pasteurization</b>	
<b>Temperature</b>	<b>Time</b>
69°C (155°F)	30 minutes
<b>Continuous Flow (HTST) Pasteurization</b>	
<b>Temperature</b>	<b>Time</b>
80°C (175°F)	25 seconds
83°C (180°F)	15 seconds



<b>Continuous Flow (HHST) Pasteurization</b>	
89°C (191°F)	1.0 seconds
90°C (194°F)	0.5 seconds
94°C (201°F)	0.10 seconds
96°C (204°F)	0.05 seconds
100°C (212°F)	0.01 seconds

- c. ~~Continuous flow pasteurizers, High-temperature-short-time and higher-heat-shorter-time, pasteurizers shall have the thermal limit controller set and sealed so that forward flow of the product cannot start unless the temperature at the controller sensor is above the required temperature and forward flow of the product cannot continue during descending temperatures if the temperature is below the required temperature~~ all public health controls sealed against access and alteration. The seals shall be applied by the Dairy Supervisor or the Supervisor's designee after testing and shall not be removed without immediately notifying the Dairy Supervisor or the Supervisor's designee. The system shall be designed ~~so that no product can bypass the controller sensor. The controller sensor shall not be removed from its proper position during the pasteurization process to meet the requirements of the PMO.~~
  - d. After pasteurization all mix shall be cooled immediately to 45° F or less and shall be maintained at that temperature until frozen. Milk, cream, and other fluid milk products other than sterilized, evaporated or sweetened condensed milk in hermetically sealed containers shall be stored at 45° F or less.
    - i. Refrigerated vehicles or approved insulated containers shall be used when transporting frozen desserts mix from the manufacturing or other plant to a retail manufacturer, and
    - ii. Mix shall be moved from coolers or refrigeration units in a manufacturing plant to freezers by using pipes, tubing, or other means listed in the Permanently Installed Product and Solution Pipelines and Cleaning Systems Used in Milk and Milk Product Processing Plants section of the 3-A Accepted Practices.
9. Storage.
- a. Utensils and equipment. Utensils and portable equipment used in processing, handling, or packaging of frozen desserts shall be stored above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious, corrosion-resistant material.
  - b. Supplies and containers. Whenever possible, supplies shall be kept in a room separate from the processing, handling, and packaging of frozen desserts and under conditions that result in keeping the materials clean and free from dust, moisture, insects, rodents, or other possible contamination. Supplies shall be arranged to permit cleaning of the area and easy inspection and access. Insecticides and rodenticides shall be plainly labeled, segregated, and stored in a separate room or cabinet away from the edible material or packaging supplies. Caps, parchment papers, wrappers, liners, gaskets, and single-service sticks, spoons, covers, and containers for frozen desserts or ingredients shall be stored only in sanitary tubes, wrappings, or cartons and kept in a clean, dry place until used and shall be handled in a sanitary manner.
  - c. Raw milk products. Raw products for use in frozen desserts that are conducive to bacterial growth shall be handled and stored to minimize bacterial growth. When stored, raw products shall be maintained at 45° F or lower until processing commences.
  - d. Non-refrigerated products. Products such as non-fat dry milk and other frozen desserts ingredients that do not require refrigeration for proper storing shall be placed in dry storage to be easily accessible for inspection and removal, and for adequate cleaning of the room. Dunnage, pallets or other similar method of elevation shall be used. Frozen desserts or ingredients shall not be stored with any product that would damage them or impair their quality. Opened containers of ingredients shall be protected from contamination.
  - e. Refrigerated products. All products that require refrigeration shall, except as otherwise specified, be stored under conditions of temperature and humidity that best maintain quality and condition. Products shall not be stored directly on wet floors or be exposed to foreign odors or conditions such as dripping or condensation that may cause package or product damage.
10. Notification of change in products to be manufactured. Any person manufacturing only frozen desserts with butterfat, or only frozen desserts with fats other than butterfat, and uses the other type of fat shall first notify the Dairy Supervisor.
11. Clearing lines and equipment. If the same equipment is used for processing, pasteurizing, and packaging frozen desserts made with dairy products and frozen desserts made with vegetable fats, oils, or proteins, any remaining product shall be completely removed from the lines and equipment and sanitized before introducing another product into the lines and equipment. All equipment and lines shall be sanitized either at the end or beginning of each day's operations.
12. Packaging and containers.
- a. Frozen desserts shall be packaged in commercial containers using packaging material that protects the product from contamination. The packaging, cutting, molding, dispensing, and other handling or preparation of frozen desserts and their ingredients shall be in a sanitary manner. Frozen dessert containers shall be filled at the place of pasteurization using approved mechanical equipment. Existing manual processes may be permitted if done in a manner that prevents all contact surface contamination and is approved by the Dairy Supervisor.
  - b. Multi-use containers for frozen desserts shall be kept clean and dry. If used for transporting frozen desserts, the containers shall be:
    - i. Rinsed immediately after emptying,
    - ii. Cleaned upon return to the plant, and
    - iii. Protected from contamination during storage.



- c. Metal cans and containers shall be free from rust and corrosion.
  - d. Paper and plastic containers, liners, covers, or other materials coming in contact with frozen desserts shall be free from contamination.
  - e. Single-service containers shall not be reused.
- B. Personnel.**
1. Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. Employees shall keep their hands clean and follow good hygienic practices while on duty. Expecting or using tobacco in rooms or compartments where frozen desserts or ingredients are exposed is prohibited. Clean, white, or light-colored, washable outer garments shall be worn by all employees engaged in handling dairy products, mix or frozen desserts. Hair coverings for head and facial hair shall be worn by all employees engaged in the processing, pasteurizing, packaging, handling, and storage of frozen desserts, product containers, and utensils.
  2. Frozen desserts shall be handled so that there is no direct contact between an employee's hands and the product.
  3. A person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portions of the body shall not work in any plant processing or packaging room or in any capacity resulting in contact with milk products or frozen desserts or equipment used in the processing or handling of milk products or frozen desserts. An employee returning to work following illness from a communicable disease shall provide a certificate from a physician attesting to the employee's complete recovery before processing or handling milk products or frozen desserts.
- C. Quality standards.**
1. Milk products used in the manufacture of frozen desserts shall meet the following standards:
 

<b>Product</b>	<b>Standard Plate Count Not to Exceed</b>
Raw Milk	500,000 per ml.
Pasteurized Milk	50,000 per ml.
Raw Cream	500,000 per ml.
Pasteurized Cream	100,000 per ml.
  2. Butter, 80% cream, plastic cream, mixtures of butterfat, sugar or sweetening agent, moisture and flavoring, condensed milk, mixes and all other similar products shall meet the following standards:
 

<b>Bacterial Standards</b>	<b>Not to Exceed</b>
Standard Plate Count	50,000 per gram
Coliform Count	20 per gram
Yeast <u>Count</u>	50 per gram
Mold <u>Count</u>	50 per gram
  3. Powdered non-fat dry milk, dry whey, and dry buttermilk shall meet the PMO standards.
  4. Fats and oils other than from milk shall meet the standards of the United States Food, Drug and Cosmetic Act as amended, or those of any applicable state regulation for fats and oils of food grade standards.
  5. Frozen desserts in broken or opened containers or in containers from which the product has been partially used may be returned to the plant for examination but shall not be used or sold for making frozen desserts.
  6. All reconstituted frozen desserts shall be pasteurized before packaging.
- D. Labeling.**
1. All packages of frozen desserts, including cans or other containers of frozen desserts mix but not including frozen desserts packaged in accordance with a customer's request and in the presence of the customer, shall be labeled as prescribed in the federal Food, Drug and Cosmetic Act, as amended.
  2. Each frozen dessert package shall contain:
    - a. The code number assigned by the Dairy Supervisor, identifying the specific manufacturing plant; or
    - b. The name and address of the frozen dessert manufacturer.
- E. License suspension.** The Dairy Supervisor may suspend the license of a frozen dessert plant whenever the bacteria count, coliform determination, yeast or mold count exceeds the quality standards for frozen desserts in three out of the last five samples taken on separate days. In addition, the Dairy Supervisor may suspend the permit of a frozen dessert plant for failure to comply with any of the provisions of this Section.

**R3-2-808. Frozen Desserts Reconstituted from Powdered Mixes**

Except for R3-2-807(A)(8), retail establishments that reconstitute frozen desserts from powdered mixes and dispense the desserts on the premises shall comply with the requirements prescribed in R3- 2-807 and the following standards:

1. All equipment, containers, and utensils shall be washed and air-dried after each use and shall be sanitized before each use, in accordance with the ~~sterilization~~ sanitation standards established in subsection R3-2-807(A)(7)(b).
2. When not in use, all equipment, utensils, and containers shall be stored above the floor in a clean, dry location free from dust, moisture, insects, rodents, or other possible sources of contamination.
3. Excess quantities of the reconstituted frozen dessert shall not be made from the powdered mix in advance and stored outside the dispensing machine.
4. Frozen desserts shall be reconstituted according to the directions provided by the powdered mix manufacturer.

**ARTICLE 9. EGG AND EGG PRODUCTS CONTROL**

**R3-2-901. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-701, ~~3-702~~, 3-703 and 3-704, the following shall apply to this Article:

"Check" means an individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

"Dirty" means a shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.



“Leaker” means an individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

“Lot” means any quantity of two or more eggs.

“Lot Consolidation” means the removal of damaged eggs from cartons labeled by a producer or producer dealer and replacement of the damaged eggs with eggs of the same grade, size, brand, expiration date and source.

“Pasteurized in-shell eggs” means eggs that have been pasteurized with the shell intact by any method approved by the Federal Food and Drug Administration or the department.

“Repacking” means changing the identity of a lot of eggs by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, lot number, source and/or brand.

“Spot-check” sample means any sample less than a representative sample described in the chart in R3-2-903(B).

“Ultimate consumer” means a person consuming eggs or egg products and a restaurant using eggs in the preparation of a meal.

“United Egg Producers Animal Husbandry Guidelines” means the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks, 2008 2017 Edition. This material is incorporated by reference, does not include any later amendments or editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007, or the United Egg Producers at 1720 Windward Concourse, Ste. 230, Alpharetta, GA 30005.

“United Egg Producers Certified” means a company that has achieved United Egg Producers Certified status pursuant to the requirements prescribed by the United Egg Producers Animal Husbandry Guidelines.

“United Egg Producers Certified logo” means the official symbol and accompanying language used to identify eggs produced by United Egg Producers Certified companies.

**R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs; Pasteurized In-Shell Eggs**

**A. Standards for Eggs.** All standards, grades, and weight classes of quality for chicken eggs in the shell shall meet the grades for shell eggs shall be as prescribed in AMS 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, STOP 0259, Room 3944-South, 1400 Independence Ave., S.W., Washington, DC 20250-0259, or online at [www.ams.usda.gov/poultry/standards/index.htm](http://www.ams.usda.gov/poultry/standards/index.htm) [www.ams.usda.gov/grades-standards/eggs](http://www.ams.usda.gov/grades-standards/eggs). “AMS” means Agricultural Marketing Service, United States Department of Agriculture.

**B. Standards for Pasteurized In-Shell Eggs.** It is unlawful for a producer, producer dealer, dealer, or retailer to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless both of the following conditions are met:

1. Quality and weight classes:

- a. The eggs used to produce pasteurized in-shell eggs shall meet Consumer Grades A or AA and Weight Classes for Eggs of subsection (A).
- b. At destination:
  - i. Pasteurized in-shell eggs shall contain no more than 7 percent (9 percent for Jumbo size) Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.
  - ii. In lots of two or more cases, no individual case may exceed 10 percent Checks.
- c. Pasteurized in-shell eggs shall meet the weight classes as indicated in Table I of this section.

**Table I. Weight Classes for Pasteurized In-Shell Eggs**

<b>Weight Classes for Pasteurized In-Shell Eggs</b>			
<u>Size or weight class</u>	<u>Minimum net weight per dozen (ounces)</u>	<u>Minimum net weight 30 per dozen (pounds)</u>	<u>Minimum net weight for individual eggs at rate per dozen (ounces)</u>
<u>Jumbo</u>	<u>30</u>	<u>56</u>	<u>29</u>
<u>Extra large</u>	<u>27</u>	<u>50 1/2</u>	<u>26</u>
<u>Large</u>	<u>24</u>	<u>45</u>	<u>23</u>
<u>Medium</u>	<u>21</u>	<u>39 1/2</u>	<u>20</u>

\*A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

2. Labeling requirements. Except as provided in subdivision (j), it is unlawful for an egg producer, producer dealer, dealer, or retailer to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled on one outside top, side, or end with all of the following:



- a. The consumer container is conspicuously labeled “KEEP REFRIGERATED” or with words of similar meaning as approved by the department. Consumer container labeling that complies with the safe handling instructions required by Section 101.17 of Title 21 of the Code of Federal Regulations shall be deemed to comply with this paragraph.
- b. The consumer container is conspicuously labeled “produced from” in conjunction with the appropriate consumer grade in letters no smaller than ½ size of the labeled consumer grade. The use of the consumer grade without the qualifier “produced from” is not permitted.
- c. The words “Best By”, or “Use by” immediately followed by the month and day in bold type. Months shall be abbreviated Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov or Dec. The “Use by”, or “Best before” date shall not exceed 75 days from the date on which the pasteurized in-shell eggs were pasteurized, excluding the date of pasteurization. Processors of in-shell eggs that subject the eggs to the pasteurization process shall establish a sell-by date by completion of an appropriate shelf stability study that includes public health and safety criteria. The processor shall retain the study on file at the processing plant and make it available to the department upon request.
- d. If the pasteurized in-shell eggs are repacked, the original “Best By” or “Use by” date shall apply.
- e. A Julian pack date which is the consecutive day of the year on which the pasteurized in-shell eggs were pasteurized.
- f. The identification number of the plant of origin.
- g. A conspicuous identification of the eggs as “pasteurized.”
- h. All state and federal labeling requirements.
- i. This section does not apply to pasteurized in-shell eggs that are packaged for export.
- j. Paragraph B. does not apply to pasteurized in-shell eggs that are packaged for interstate commerce or pasteurized in-shell eggs that are packaged for military sales if exported to a state or federal agency that requires a different format for the sell-by or best-if-used-by date on pasteurized in-shell eggs, and the processor is utilizing that format.

**R3-2-906. Violations and Penalties**

- A. A dealer, producer-dealer, manufacturer, producer, or retailer, at each individual location, is subject to the penalties in subsection (B) for any of the following violations:
  - 1. Category A:
    - a. Making a false or misleading statement relating to advertising or selling eggs and egg products;
    - b. Acting as a dealer, producer-dealer, producer, or manufacturer without a valid license;
    - c. Selling shell eggs with an incorrect or incomplete expiration date, or without an expiration date;
    - d. Selling grade AA or grade A eggs after the expiration date on the carton, case, or container, ~~unless the eggs are exempt under A.R.S. § 3-715(K);~~ Selling pasteurized in-shell eggs without or past the “Best By” or “Use by” date;
    - e. Failing to maintain records and reports required by this Article;
    - f. Failing to label a carton, case, or container with one size, one grade, one brand name, or, if applicable under R3-2-907(B), the United Egg Producer Certified logo;
    - g. Moving eggs or an egg case, carton, or container with a warning tag or notice, or removing a warning tag or notice without permission from the Director;
    - h. Refusing to submit egg or egg product, an egg case, carton, container, subcontainer, lot, load, or display of eggs to inspection; or
    - i. Refusing to stop, at the request of an authorized representative of the Department, any vehicle transporting eggs or egg products;
    - j. Selling eggs that have not been produced in accordance with the standards prescribed under R3-2-907(B);
    - k. Failing to raise egg-laying hens in this state in accordance with the standards prescribed under R3-2-907(A).
  - 2. Category B:
    - a. Extending the expiration date of shell eggs as defined in A.R.S. § 3-701~~(4)~~(13); or
    - b. Advertising, representing, or selling out-of-state eggs as local eggs.
  - 3. Category C:
    - a. Failing to ensure that shell eggs for human consumption are kept refrigerated at an ambient temperature not higher than 45° F;
    - b. Failing to ensure that frozen egg products for human consumption, labeled for storage at 0° F or below, are kept under refrigeration at a temperature of 0° F or lower; ~~or~~
    - c. Failing to ensure that liquid egg products for human consumption are kept refrigerated at a temperature not higher than 40° F; ~~or~~
    - d. Failing to meet the sanitary standards egg processing of R3-2-908.
- B. Any violation of this Article or of A.R.S. Title 3, Chapter 5, Article 1 not listed in subsection (A) is subject to a Category A civil penalty.
- C. Under A.R.S. § 3-739, the civil penalty for a violation of subsection (A) is:

Number of Violations	Category A	Category B	Category C
1	Warning	Warning	Warning
2	\$50	\$50	\$100
3	\$100	\$100	\$200
4		\$150	\$400
5		\$200	\$500
6		\$250	
7		\$300	



**R3-2-907. Poultry Husbandry; Standards for Production of Eggs and Biosecurity Requirements**

- A. All egg-laying hens in this state shall be raised according to United Egg Producers Animal Husbandry Guidelines.
- B. All eggs sold in this state produced by hens shall be from hens raised according to the United Egg Producers Animal Husbandry Guidelines. All eggs shall display the United Egg Producers Certified logo on their cases, cartons, and containers, or the egg dealer shall annually provide the Department with a copy of a current independent third-party audit that demonstrates that the eggs were produced by hens raised according to UEP Animal Husbandry Guidelines.
- C. ~~This rule does not~~ Subsections (A) and (B) of this rule do not apply to egg producers operating or controlling the operation of one or more egg ranches each having fewer than 20,000 egg-laying hens producing eggs. ~~Subsections (A) and (B) of this rule and also does~~ do not apply to any hens that are raised cage-free or any eggs produced by hens that are raised cage-free.
- D. All producers and producer dealers with operations within the state shall have a written biosecurity plan in place. At a minimum each producer and producer dealer shall:
  - 1. Restrict access to all areas where poultry are housed or kept.
  - 2. Take steps to ensure that contaminated material is not transported into any poultry barns.
  - 3. Cover and secure feed in a manner that prevents wild bird, rodents or other animals from accessing the feed.
  - 4. Cover and properly contain poultry carcasses, used litter, or other disease-containing organic materials that prevents wild birds, rodents or other animals from accessing the material and movement of the materials by the wind.
  - 5. Keep houses in good repair and all areas to which the birds have access should be kept free of materials hazardous to the birds.
- E. The biosecurity plan shall contain the following:
  - 1. Methods for the disposal and handling of poultry manure.
  - 2. Procedures for prevention, control and eradication of vectors for poultry diseases.
  - 3. Procedures for the detection, control and treatment of poultry diseases.
  - 4. Methods for the disposal and handling of culled birds and entire flocks under normal cyclic operations and following emergency depletion as a result of disease.
  - 5. A facility poultry disease control and prevention plan which includes standard operating procedures with respect to specific measures to control and prevent disease including but not limited to structural and operational disease control and prevention provisions.
  - 6. Procedures to prevent cross contamination between nest run and in line eggs.
  - 7. Procedures to prevent the introduction and transmittal of diseases by vehicles and any other forms of transportation.
  - 8. Signed agreements with all employees containing biosecurity procedures regarding contact with outside poultry and wild birds.
- F. A producer and producer dealer shall allow the Department to enter the premises during normal working hours to inspect the biosecurity plan documents and the biosecurity that is implemented.

**R3-2-908. Sanitary Standards; Egg Processing**

- A. All egg producers and retail locations where lot consolidation is conducted in this state shall meet the facility and sanitary operation requirements prescribed by the Regulations Governing the Voluntary Grading of Shell Eggs, 7 CFR 56, effective March 30, 2008. This material is incorporated by reference, does not include any later editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007.
- B. No person other than a producer or producer dealer shall repack eggs. All eggs sold to the ultimate consumer must be pre-packaged with all required labeling requirements of this article and A.R.S. Title 3 Chapter 5. A producer, producer dealer shall not pack or repack eggs that have been in retail distribution channels.
- C. A retailer may lot consolidate eggs labeled for the ultimate consumer by a packer. A daily log with lot information is required and shall include volume consolidated, grade, size, brand, lot and source.

**NOTICE OF FINAL RULEMAKING**  
**TITLE 3. AGRICULTURE**  
**CHAPTER 2. DEPARTMENT OF ARGICULTURE**  
**ANIMAL SERVICES DIVISION**

[R20-61]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b>1. <u>Article, Part, or Section Affected (as applicable)</u></b>   | <b><u>Rulemaking Action</u></b> |
| R3-2-410  | New Section                     |
| <b>2. <u>Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):</u></b>  |                                 |
| Authorizing statute: A.R.S. § 3-107(A)(1)   |                                 |
| Implementing statute: A.R.S. §§ 3-1203 and 3-1205   |                                 |
| <b>3. <u>The effective date of the rule:</u></b>  |                                 |
| June 8, 2020  |                                 |
| <b>a. <u>If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):</u></b> |                                 |
| Not applicable  |                                 |
| <b>b. <u>If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in</u></b>   |                                 |

**A.R.S. § 41-1032(B):**

Not applicable

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 2372, September 13, 2019

Notice of Proposed Rulemaking: 25 A.A.R. 2323, September 13, 2019

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

Name: Chris McCormack, Associate Director, ASD

Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007

Telephone: (602) 542-7186

Fax: (602) 542-4290

E-mail: [cmccormack@azda.gov](mailto:cmccormack@azda.gov)Web site: <https://agriculture.az.gov>**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Animal Services Division ("ASD") is responsible for exercising general supervision over the livestock interests of the state, and is authorized to adopt rules necessary to control the spread of disease. *Trichomonas foetus* ("Trich") is disease that is sexually transmitted among cattle that reduces a herd's overall fertility. One of the most difficult issues associated with Trich is the fact that it presents very few visual symptoms; the main symptom of Trich is the significantly reduced calf crop. A recent model from New Mexico demonstrates that in a herd of 400 cows, Trich costs the producer over \$400 per head; ultimately, this has the effect of putting an otherwise profitable ranch out of business.

Unfortunately, Arizona is currently fighting Trich. Since 2016, 7.2% of Arizona's bulls that were tested are Trich positive. Many of Arizona's cattle producers do a fantastic job a keeping a clean herd, but unfortunately, regardless of the precautions a producer takes, one stray bull that is positive for Trich can destroy the productivity of an otherwise healthy herd and potentially bankrupt the producer. Because of the negative impacts associated with this disease, Arizona's cattle producers asked ASD adopt a rule that requires all bulls, 12 months or older, sold for breeding purposes to be tested for Trich prior to the sale. For the past two years, ASD has been working with industry to develop an administrative rule that is workable and will reduce the spread of Trich. While this rule will result in a small economic impact for producers, that impact is significantly outweighed by the benefits of managing and preventing the spread of Trich in the state.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**ECONOMIC IMPACTS OF TRICHOMONIASIS by: Wenzel, J, Gifford, C., Hawkes, J. Available at: <https://aces.nmsu.edu/ces/animal/documents/department-newsletter---september-2017docx.pdf>**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

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

An assessment of this rulemaking indicates that there would be a cost imposed on Arizona's cattle producers. However, this economic cost is outweighed by the benefits of implementing this rule because this rule will prevent the spread of Trich within the state and therefore prevent cattle producers from losing hundreds of thousands of dollars as a result of contracting the disease, not to mention the costs associated with eradicating the disease from a herd of cattle. It should be noted that the industry that will bear the costs associated with this rule approached the Department to help in developing this rule and overwhelmingly supports its adoption.

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

There were some changes made to ensure that Italics were used consistently. Also in an effort to prevent confusion, the phrase "Trichomonas Test" that was included in subsection E was replaced with "Official T. foetus bull test." These changes were in response to a comment submitted by Leatta McLaughlin.

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

This rulemaking is the result of working with stakeholders to address their concerns with Trich. As a result, the Department received 3 positive comments related to this rule package. Also, a public hearing was held on October 15, 2019 in order to give the public the opportunity to comment on the rules; however, no comment was received.

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

The Animal Services Division Advisory Council approved the rule package on February 15, 2019, and the Arizona Department of Agriculture Advisory Council approved the rule package on June, 19, 2019.

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



No permits are issued.

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

There is no federal law related to this particular issue.

**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 received.

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

Not applicable

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

No rule was filed as an emergency rule.

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

**TITLE 3. AGRICULTURE  
CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

Section

R3-2-410. ~~Repealed~~ Trichomonas Testing Requirements

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

**R3-2-410. ~~Repealed~~ Trichomonas Testing Requirements**

**A. Definitions. For purposes of this section, the following definitions shall apply.**

“Accredited Veterinarian” means an individual who is currently licensed to practice veterinary medicine in the State of Arizona and is an Accredited Level II by the United States Department of Agriculture, Animal Plant Health Inspection Service.

“Approved Laboratory” means any laboratory designated and approved by the State Veterinarian for examining *T. foetus* samples and reporting all results to the State Veterinarian.

“Bull” means an intact male bovine 12 months of age and older and is not confined to a drylot dairy.

“Change of Ownership” means when a bull is sold, leased, gifted, or exchanged and changes premises for breeding purposes in Arizona.

“Commingle” means cattle of opposite sex in the same enclosure or pasture with a reasonable opportunity for sexual contact.

“Direct to Slaughter” means transporting an animal from site of testing to a sale yard or directly to a slaughter plant without unloading or commingling prior to arrival.

“Official *T. foetus* bull test” means the sampling of a bull by a licensed, accredited veterinarian. Such test must be conducted after at least 7 days separation from all female bovine. The bull and sample must be officially and individually identified and documented for laboratory submission. The official laboratory test shall be a polymerase chain reaction (PCR), or other technologies as approved by the State Veterinarian and adopted through a Director’s Administrative Order. The test is not considered official until results are reported by the testing laboratory.

“Official *T. foetus* laboratory testing” means the laboratory procedures that shall be approved by the State Veterinarian for identification of *T. foetus*.

“Positive *T. foetus* bull” means a bull that has had a positive official *T. foetus* bull test.

“Trichomonas foetus” OR “*T. foetus*” means a protozoan parasite that is the causative agent to the contagious venereal disease Trichomoniasis.

**B. Testing requirements for Official *T. foetus*.**

1. All Arizona origin bulls sold, leased, gifted, exchanged or otherwise changing possession for breeding purposes in Arizona shall be tested for *T. foetus* via Official *T. foetus* bull test prior to sale or change of ownership in the state, unless going to direct slaughter. *T. foetus* testing shall be performed on bulls prior to change of ownership of that bull.

2. The Official *T. foetus* test shall be collected by an Accredited Veterinarian and performed though an Approved Laboratory.

3. Pooled testing is not an official test.

4. The *T. foetus* negative test is valid for 60 days after the test is performed, providing the bull is kept separated from all female bovine.

**C. Positive bull identification.**

1. When a positive *T. foetus* bull is identified, the Accredited Veterinarian shall notify the producer upon receipt of the positive test results.

2. Regardless of R3-2-402, the Accredited Veterinarian and Approved Laboratory shall notify the State Veterinarian of a positive *T. foetus* bull within 24 hours of receiving the results. The State Veterinarian’s Office, working in coordination with the regional livestock inspection staff, shall to the best of their ability notify the regional bovine producers about the positive test within 14



- days upon notification of positive test. The State Veterinarian and/or livestock inspection staff is not required to reveal any details of the test just that there is a positive test in the region.
3. The Accredited Veterinarian that performed the test shall return to place of testing to verify the Official Identification of the positive bull.
  4. The Accredited Veterinarian, or a person under direct supervision of the Veterinarian, shall brand the bull with an official "S" brand adjacent to the tailhead on the right hip.
  5. If the bull testing positive is not at the premises where the *T. foetus* testing occurred, the Accredited Veterinarian will immediately notify the State Veterinarian's Office.
  6. If an Accredited Veterinarian is unable to return to the premises in a time that is reasonable for sale of the bull, the producer shall take the positive *T. foetus* bull directly to the regional livestock sale yard.
    - a. The producer shall immediately notify the sale yard of the positive *T. foetus* bull. Failure to notify the sale yard of the positive *T. foetus* bull will result in a violation of this rule and the producer shall be subject to the penalties of A.R.S. § 3-1205(D).
    - b. Prior to sale at the sale yard, a Livestock Officer shall verify the official identification of the positive *T. foetus* test bull.
    - c. After the official identification is verified, the bull shall be branded with an official "S" brand adjacent to the tailhead on the right hip. The branding shall be done under direct supervision of a Livestock Officer or Livestock Inspector.
  7. If a bull arrives at a livestock auction without an Official *T. foetus* bull test, the bull shall be quarantined at the auction and tested at the expense of the owner or shall be branded with an "S" brand and be sold only for slaughter.
- D.** Disposal of bull testing positive.
1. A bull testing positive for *T. foetus* or branded with the official "S" brand shall go direct to slaughter or shall be placed under State Quarantine and fed in a restricted feeding pen within a designated feedlot according to R3-2-406.
  2. The *T. foetus* positive bull shall not be commingled with any other female bovine. The bull shall go from the testing premises to direct slaughter or to the restricted feeding pen within 30 days of the positive *T. foetus* test.
  3. All remaining herd bulls shall be under a Trichomonas Herd Management Program overseen by the Herd Veterinarian until two negative *T. foetus* tests are performed and documented.
  4. "S" branded bulls purchased at a sale yard shall go direct to a slaughter plant without unloading or commingling prior to arrival.
- E.** Trespassing or Stray Bulls
1. In the event of a trespassing or stray bull, the herd owner who locates the bull, may request an Official *T. foetus* bull test for that bull. In the event of a positive Official *T. foetus* bull test, Sections B and C of this rule shall apply.
  2. The cost of the veterinary services and Official *T. foetus* bull test shall be the responsibility of the herd owner. In the event of a stray bull, the animal will be subject to A.R.S. §§ 3-1401 et seq.



NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

[R20-63]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-16-201 Amend
R9-16-202 Repeal
R9-16-202 New Section
R9-16-203 Repeal
R9-16-203 New Section
R9-16-204 Repeal
R9-16-204 New Section
R9-16-205 Repeal
R9-16-205 New Section
R9-16-206 Repeal
R9-16-206 New Section
R9-16-207 Repeal
R9-16-207 New Section
R9-16-208 Amend
R9-16-209 Repeal
R9-16-209 New Section
Table 2.1 Repeal
R9-16-210 Repeal
R9-16-210 New Section
R9-16-211 Repeal
R9-16-211 New Section
R9-16-212 Repeal
R9-16-212 New Section
R9-16-213 Repeal
R9-16-213 New Section
R9-16-214 Repeal
R9-16-214 New Section
Table 2.1 New Table
R9-16-215 Amend
R9-16-216 New Section
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
Implementing statute: A.R.S. §§ 36-1901 through 36-1910, 36-1934, and 36-1936 through 36-1940.03
3. The effective date of the rules:
April 8, 2020
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:
Notice of Rulemaking Docket Opening: 25 A.A.R. 3320, November 15, 2019
Notice of Proposed Expedited Rulemaking: 26 A.A.R. 129, January 24, 2020
5. The agency's contact person who can answer questions about the expedited rulemaking:
Name: Thomas Salow, Branch Chief
Address: Arizona Department of Health Services



Division of Licensing Services  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007

Telephone: (602) 364-1935  
Fax: (602) 364-4808  
E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)

or

Name: Stephanie Elzenga, Administrative Counsel  
Address: Arizona Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

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

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

The five-year-review report (Report) for 9 A.A.C. 16, Article 2 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated a plan to amend the rules as identified in the Report. Changes include consolidating and clarifying all fees including: initial application, temporary initial application, initial licensing, temporary licensing, renewal licensing, temporary renewal licensing, renewal licensing late fee, and duplicate license. The changes also include clarifying reciprocity requirements. The changes do not increase a fee or the cost of regulatory compliance and do not reduce procedural rights of a regulated person. This rulemaking meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report specified in A.R.S. § 41-1027(A)(7). The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on September 26, 2019.

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

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

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

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

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

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

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

Between the proposed expedited rulemaking and the final expedited rulemaking, one change was made to correct a citation in R9-16-202(A)(5). The Department changed "A.R.S. § 41-108" to "A.R.S. § 41-1080."

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

The Department received two recommendations from the American Speech-Language-Hearing Association (ASHA). ASHA, in its first proposed change, asks the Department to clarify the term "clinical fellowship supervisor" defined in R9-16-201(10) by adding a missing provision that a clinical fellowship supervisor "Has a CCC while supervising a clinical fellow in state." A Certificate of Clinical Competence or "CCC" is issued by ASHA and is defined in R9-16-201(5). The Department believes that adding "Has a CCC while supervising a clinic fellow in state." is not consistent with state statutes and will increase a regulatory burden for licensed speech-language pathologists who do not have a CCC in state and who wish to supervise a clinical fellow. A.R.S. § 36-1940.01 provides speech-language pathologist licensure requirements, and the requirements in R9-16-204, Initial Application for a Speech-language Pathologist, are consistent with A.R.S. § 36-1940.01. Additionally, A.R.S. § 36-1901(25) defines a "sponsor" as "a person who is licensed pursuant to this chapter and who agrees to train or directly supervise a temporary licensee in the same field of practice. The Department has determined that state statutes do not require a licensed speech-language pathologist have a CCC issued by ASHA. The Department believes that the definition of "clinical fellowship supervisor" does not require "further clarification" and is not "missing a provision," and if changed as recommended, will increase a regulated person's regulatory burden.

ASHA, in its second proposed change, asks the Department to add a definition for "continuing education hour" to read "60 minutes" so to specify the exact minutes for purpose of clarity. The Department in R9-16-201(12) defines "continuing education" and in R9-16-208(A)(1) through (3) specifies "continuing education hours" for audiologists, audiologist who fit and dispense hearing aids, and speech-language pathologists. The Secretary of State in its Arizona Rulemaking Manual (manual) addresses when to use a definition, and in Section 2 of the manual, Definitions and Publishing Style, provides standards for definitions. One of the standards found in the term "definitions" requires an agency to "define all terms to which you [an agency] are giving meaning outside



of the normal, common meaning of the term.” In consideration of ASHA’s recommendation, the Department has determined that adding a definition for “continuing education hour” is not necessary since the normal and common meaning, or length, of an “hour” is “60 minutes” and adding a definition for “continuing education hour” in addition to “continuing education” does not make the rules more effective or clearer.

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

There are no other matters prescribed by statute applicable specifically to the Department or this specific expedited 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:**

The Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

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

There are no federal rules applicable to the subject of the rule.

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

No such analysis was submitted.

**13. Incorporations by reference and their location in the rules:**

None

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

The rule was not previously made as an emergency rule.

**15. The full text of the rule follows:**

**TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

**ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS**

Section

- R9-16-201. Definitions
- R9-16-202. ~~Application for an Initial License for an Audiologist~~ Application
- R9-16-203. ~~Application for an Initial License for a Speech language Pathologist~~ Initial Application for an Audiologist
- R9-16-204. ~~Application for a Temporary License for a Speech language Pathologist~~ Initial Application for a Speech-language Pathologist
- R9-16-205. ~~License Renewal for an Audiologist~~ Initial Application for a Temporary Speech-language Pathologist
- R9-16-206. ~~License Renewal for a Speech language Pathologist~~ Requirements for a Speech-language Pathologist - Limited
- R9-16-207. ~~License Renewal for a Temporary Speech language Pathologist~~ License Renewal
- R9-16-208. Continuing Education
- R9-16-209. ~~Time frames~~ Clinical Fellowship Supervisors
- Table 2.1. ~~Time frames (in calendar days)~~ Repealed
- R9-16-210. ~~Clinical Fellowship Supervisors~~ Requirements for Supervising a Speech-language Pathologist Assistant
- R9-16-211. ~~Requirements for Supervising a Speech language Pathologist Assistant~~ Equipment; Records
- R9-16-212. ~~Equipment; Records~~ Bill of Sale Requirements
- R9-16-213. ~~Bill of Sale Requirements~~ Enforcement
- R9-16-214. ~~Disciplinary Actions~~ Time-frames
- Table 2.1. ~~Time frames (in calendar days)~~ Time-frames (in calendar days)
- R9-16-215. Changes Affecting a License or a Licensee; Request for a Duplicate License
- R9-16-216. Fees

**ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS**

**R9-16-201. Definitions**

- 1. “Accredited” means approved by the:
  - a. ~~New England Association of Schools and Colleges~~ Commission of Higher Education,
  - b. Middle States Commission on Higher Education,
  - c. ~~North Central Association of Colleges and Schools~~ Higher Learning Commission,
  - d. Northwest Commission on Colleges and Universities,



- e. Southern Association of Colleges and Schools Commission on Colleges, or
  - f. ~~Western Association of Schools and Colleges~~ WASC Senior College and University Commission.
2. ~~“Applicant” means:~~
- a. ~~An individual who submits an application packet; or~~
  - b. ~~A person who submits a request for approval for a continuing education course.~~
2. “Applicant” means an individual who submits an application and required documentation for approval to practice as an audiologist or a speech-language pathologist.
3. ~~“Application packet” means the information, documents, and fees required by the Department for a license.~~
- 4.3. ~~“ASHA” means the American Speech-Language-Hearing Association, a national scientific and professional organization for audiologists and speech language pathologists professional, scientific, and credentialing association for audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.~~
- 5.4. ~~“Calendar day” means each day, not including the day of the act, event, or default, from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.~~
- 6.5. ~~“CCC” means Certificate of Clinical Competence, an award issued by ASHA to an individual who:~~
- a. ~~Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum,~~
  - b. ~~Passes the ETSNEA or ETSNESLP, and~~
  - c. ~~Completes a clinical fellowship.~~
- 7.6. ~~“Clinical fellow” means an individual engaged in a clinical fellowship.~~
- 8.7. ~~“Clinical fellowship” means an individual’s postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:~~
- a. ~~After completion of graduate level academic course work and a clinical practicum;~~
  - b. ~~Under the supervision of a clinical fellowship supervisor; and~~
  - c. ~~While employed on a full-time or part-time equivalent basis.~~
- 9.8. ~~“Clinical fellowship agreement” means the document submitted to the Department by a clinical fellow to register the initiation of a clinical fellowship.~~
- 10.9. ~~“Clinical fellowship report” means a document completed by a clinical fellowship supervisor containing:~~
- a. ~~A summary of the diagnostic and therapeutic procedures performed by the clinical fellow,~~
  - b. ~~A verification by the clinical fellowship supervisor of the clinical fellow’s performance of diagnostic and therapeutic procedures, and~~
  - c. ~~An evaluation of the clinical fellow’s ability to perform the diagnostic and therapeutic procedures.~~
- 11.10. ~~“Clinical fellowship supervisor” means a licensed speech-language pathologist who:~~
- a. ~~Is or has been a sponsor of a temporary licensee,~~
  - b. ~~Had a CCC while supervising a clinical fellow before October 28, 1999, or~~
  - c. ~~Has a CCC while supervising a clinical fellow in another state.~~
- 12.11. ~~“Clinical practicum” means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.~~
- 13.12. ~~“Continuing education” means a course that provides instruction and training that is designed to develop or improve the a licensee’s professional competence in disciplines directly related to the licensee’s scope of practice.~~
- 14.13. ~~“Course” means a workshop, seminar, lecture, conference, or class.~~
15. ~~“Current CCC” means documentation issued by ASHA verifying that an individual is presently certified by ASHA.~~
16. ~~“Department designated written hearing aid dispenser examination” means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:~~
- a. ~~The International Licensing Examination for Hearing Healthcare Professionals, administered by the International Hearing Society; or~~
  - b. ~~A test provided by the Department or other organization.~~
14. “Diagnostic and therapeutic procedures” means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.
15. “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity.



- 16. "ETSNEA" means Educational Testing Service National Examination in Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.
- 17. "ETSNESLP" means Educational Testing Service National Examination in Speech-Language Pathology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.
- 18. "Full-time" means 30 clock hours or more per week.
- 22. "~~Graduate level~~" means ~~leading to, or creditable towards, a master's or doctoral degree.~~
- 19. "Hearing aid dispenser examination" means the International Licensing Examination for Hearing Healthcare Professionals approved by the Department as complying with A.R.S. § 36-1924.
- 23-20. "Local education agency" means a school district governing board established by A.R.S. §§ 15-301 through 15-396 A.R.S. § 15-101 or A.R.S. Title 15, Chapter 3, Article 3.
- 24-21. "Monitoring" means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.
- 25-22. "On-site<sup>2</sup> observations" means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.
- 26-23. "Part-time equivalent" means:
  - a. 25-29 clock hours per week for 48 weeks,
  - b. 20-24 clock hours per week for 60 weeks, or
  - c. 15-19 clock hours per week for 72 weeks.
- 27. "Pupil" means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- 28-24. "Semester credit hour" means one earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.
- 29-25. "Semester credit hour equivalent" means one quarter credit, which is equal in value to 2/3 of a semester credit hour.
- 30-26. "State-supported institution" means a school receiving funding under A.R.S. §§ 15-901 through 15-1045 a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- 27. "Student" means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- 31-28. "Supervise" "Supervision" means being responsible for and providing direction to:
  - a. A clinical fellow during on-site observations or monitoring of the clinical fellow's performance of diagnostic and therapeutic procedures; or
  - b. An individual completing a clinical practicum.
- 32-29. "Supervisory activities" means evaluating and assessing a clinical fellow's performance of diagnostic and therapeutic procedures in assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.
- 33. "Week" means the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.

**R9-16-202. Application for an Initial License for an Audiologist Application**

- A. Except as provided in subsection (B), an applicant for an audiology license or an audiology license to fit and dispense shall submit to the Department:
  - 1. An application in a format provided by the Department that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - e. If applicable, the applicant's business address and telephone number;
    - d. If applicable, the name of applicant's employer, including the employer's business address and telephone number;
    - e. Whether the applicant is requesting an audiology license to fit and dispense;
    - f. Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
    - g. If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
      - i. The date of the conviction;
      - ii. The state or jurisdiction of the conviction;
      - iii. An explanation of the crime of which the applicant was convicted, and
      - iv. The disposition of the case;
    - h. Whether the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids in another state or country;
    - i. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
    - j. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
    - k. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant's practice of audiology;
    - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;
    - m. An attestation that the information submitted is true and accurate; and



- n. The applicant's signature and date of signature;
  - 2. If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
    - a. The date of the revocation or suspension;
    - b. The state or jurisdiction of the revocation or suspension, and
    - c. An explanation of the revocation or suspension;
  - 3. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensing;
    - b. The state or jurisdiction of the ineligibility for licensing, and
    - c. An explanation of the ineligibility for licensing;
  - 4. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's audiologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
    - a. The date of the disciplinary action;
    - b. The state or jurisdiction of the disciplinary action;
    - c. An explanation of the disciplinary action, and
    - d. Any other applicable documents, including a legal order or settlement agreement;
  - 5. If applicable, a list of all states and countries in which the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids;
  - 6. A copy of the applicant's:
    - a. U.S. passport, current or expired;
    - b. Birth certificate;
    - c. Naturalization documents; or
    - d. Documentation of legal resident alien status;
  - 7. One of the following:
    - a. A copy of the applicant's official transcript issued to the applicant by an accredited college or university after the applicant's completion of a doctoral degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940(A)(2); or
    - b. Documentation that the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(C), of the education and clinical rotation requirements in A.R.S. § 36-1940;
  - 8. Documentation:
    - a. Of a passing grade on a ETSNEA dated within three years before the date of application required in A.R.S. § 36-1902(E);
    - b. Of a current CCC completed by the applicant within three years before the date of application; or
    - c. The applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(D), of the audiology examination requirements in A.R.S. § 36-1940; and
  - 9. A nonrefundable \$100 application fee.
- B.** An applicant for an audiology license to fit and dispense hearing aids who was awarded a master's degree before December 31, 2007 shall submit to the Department:
- 1. An application in a format provided by the Department that contains the information in subsections (A)(1) through (A)(7) and (A)(9);
  - 2. A copy of the applicant's official transcript from an accredited college or university demonstrating the applicant's completion of a master's degree in audiology before December 31, 2007;
  - 3. Documentation that the applicant is eligible, according to A.R.S. § 36-1940.02(C), for a waiver of the education and clinical rotation requirements in A.R.S. § 36-1940;
  - 4. Documentation that the applicant:
    - a. Has a passing grade on a ETSNEA completed within three years before the date of application;
    - b. Has a CCC completed within three years before the date of application; or
    - c. Is eligible for a waiver, according to A.R.S. § 36-1940.02(D), of the audiology examination requirements in A.R.S. § 36-1940; and
  - 5. Documentation:
    - a. Of a passing grade obtained by the applicant on a Department designated written hearing aid dispenser's examination as required in A.R.S. § 36-1940(C); or
    - b. That the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(E), of the hearing aid dispensing examination requirements in A.R.S. § 36-1940.
- C.** The Department shall review the application packet for a license to practice as an audiologist, an audiologist to fit and dispense hearing aids, or an audiologist, who has a master's degree, to fit and dispense hearing aids, as applicable, according to R9-16-209 and Table 2-1.
- D.** An audiologist with a doctoral degree in audiology who is licensed to fit and dispense hearing aids shall take and pass a Department-provided jurisprudence and ethics examination within six months after the issue date of the audiologist's license.
- A.** An applicant for licensure shall submit to the Department:
- 1. An application in a Department-provided format that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - c. If applicable, the applicant's business addresses and telephone number;
    - d. The applicant's current employment, if applicable, including:
      - i. The employer's name,



- ii. The licensee’s position.
- iii. Dates of employment.
- iv. The address of the employer.
- v. The supervisor’s name.
- vi. The supervisor’s email address, and
- vii. The supervisor’s telephone number;
- e. If applicable, whether the applicant is requesting an audiology license to fit and dispense;
- f. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state;
- g. If the applicant has been convicted of a felony or a misdemeanor:
  - i. The date of the conviction,
  - ii. The state or jurisdiction of the conviction,
  - iii. An explanation of the crime of which the applicant was convicted, and
  - iv. The disposition of the case;
- h. Whether the applicant is or has been licensed as an audiologist, an audiologist to fit and dispense hearing aids, or a speech-language pathologist in another state or country:
  - i. Whether the applicant has had a license revoked or suspended by any state;
  - j. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
  - k. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant’s practice of audiology or a speech-language pathologist license;
  - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-214(C);
- m. An attestation that the information submitted as part of the application is true and accurate; and
- n. The applicant’s signature and date of signature;
- 2. If a license for the applicant has been revoked or suspended by any state documentation that includes:
  - a. The date of the revocation or suspension.
  - b. The state or jurisdiction of the revocation or suspension, and
  - c. An explanation of the revocation or suspension;
- 3. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
  - a. The date of the ineligibility for licensing.
  - b. The state or jurisdiction of the ineligibility for licensing, and
  - c. An explanation of the ineligibility for licensing;
- 4. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant’s license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
  - a. The date of the disciplinary action.
  - b. The state or jurisdiction of the disciplinary action.
  - c. An explanation of the disciplinary action, and
  - d. Any other applicable documents, including a legal order or settlement agreement;
- 5. Documentation of the applicant’s citizenship or alien status that complies with A.R.S. § 41-1080; and
- 6. A fee specified in R9-16-216.
- B.** In addition to complying with subsection (A), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
  - 1. The name of each state that issued the applicant a current license, including:
    - a. The license number of each current license, and
    - b. The date each current license was issued;
  - 2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
  - 3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
    - b. Has met minimum education requirements according to A.R.S. §§ 36-1940 or 36-1940.01;
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C.** The Department shall review the application and required documentation for a license according to R9-16-214 and Table 2.1.
- R9-16-203. Application for an Initial License for a Speech language Pathologist Initial Application for an Audiologist**
- A.** Except as provided in subsection (B), an applicant for a speech language pathologist license shall submit to the Department:
  - 1. An application in a format provided by the Department that contains:
    - a. The applicant’s name, home address, telephone number, and e-mail address;
    - b. The applicant’s Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - e. If applicable, the applicant’s business address and telephone number;
    - d. If applicable, the name of the applicant’s employer, including the employer’s business address and telephone number;
    - e. Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;



- f. If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
    - i. The date of the conviction;
    - ii. The state or jurisdiction of the conviction;
    - iii. An explanation of the crime of which the applicant was convicted, and
    - iv. The disposition of the case;
  - g. Whether the applicant is or has been licensed as a speech language pathologist in another state or country;
  - h. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
  - i. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
  - j. Whether a disciplinary action has been imposed by any state, territory, or district in this country for an act related to the applicant's speech language pathologist license;
  - k. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;
  - l. An attestation that the information submitted is true and accurate; and
  - m. The applicant's signature and date of signature;
2. If applicable, a list of all states and countries in which the applicant is or has been licensed as speech language pathologist;
  3. If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
    - a. The date of the revocation or suspension;
    - b. The state or jurisdiction of the revocation or suspension, and
    - e. An explanation of the revocation or suspension;
  4. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensing;
    - b. The state or jurisdiction of the ineligibility for licensing, and
    - e. An explanation of the ineligibility for licensing;
  5. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's speech language pathologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
    - a. The date of the disciplinary action;
    - b. The state or jurisdiction of the disciplinary action;
    - e. An explanation of the disciplinary action; and
    - d. Any other applicable documents, including a legal order or settlement agreement;
  6. A copy of the applicant's:
    - a. U.S. passport, current or expired;
    - b. Birth certificate;
    - e. Naturalization documents; or
    - d. Documentation of legal resident alien status;
  7. Documentation of the applicant's:
    - a. Official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities;
    - b. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b); and
    - e. One of the following:
      - i. Completion of clinical fellowship signed by the clinical fellowship supervisor as required in A.R.S. § 36-1940.01(A)(2)(c); or
      - ii. Completion of a CCC within three years before the date of the application;
  8. Documentation:
    - a. Of the applicant's passing score on the ETSNESLP; or
    - b. That the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(B), from the examination requirements in A.R.S. § 36-1940.01; and
  9. A nonrefundable \$100 application fee.
- B.** An applicant for a speech language pathologist license, limited to providing services to pupils under the authority of a local education agency or state supported institution, shall submit:
1. An application in a format provided by the Department that contains requirements in subsections (A)(1) through (6) and (A)(9);
  2. A copy of an employee agreement or employment contract, conditioned upon the applicant's receipt of a speech language pathologist license, with a local education agency or a state supported institution that includes the:
    - a. Applicant's name and Social Security number;
    - b. Name of the local education agency or state supported institution;
    - e. Classification title of the applicant;
    - d. Work dates or projected work dates of the employment contract; and
    - e. Signatures of the applicant and the individual authorized by the governing board to represent the local education agency or state supported institution; and
  3. A copy of a temporary or regular certificate in speech and language therapy issued by the State Board of Education to the applicant.
- C.** The Department shall review an application packet for a license to practice as a speech language pathologist according to R9-16-209 and Table 2-1.
- A.** In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist shall submit to the Department the following:



1. A transcript or equivalent documentation issued to the applicant from an accredited college or university after the applicant's completion of a doctoral degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940(A)(2) or documentation of the applicant's current CCC.
2. Documentation of a passing grade on a ETSNEA or current CCC dated within three years before the date of application required in A.R.S. §§ 36-1902(E) and 36-1940(A)(3) or current license from other state.
3. Documentation of completing supervised clinical rotation consistent with the standards of this state's universities required in A.R.S. § 36-1940(B)(2) or current CCC.
4. Whether the applicant is applying to fit and dispense hearing aids.
5. If applicable, a list of all states and countries in which the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids.

**B. In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist licensed to fit and dispense hearing aids who was awarded a master's degree before December 31, 2007 shall submit to the Department the following:**

1. A transcript or equivalent documentation issued to the applicant from an accredited college or university demonstrating the applicant's completion of a master's degree in audiology before December 31, 2007 or documentation of the applicant's current CCC;
2. Documentation of a passing grade on an ETSNEA or current CCC dated within three years before the date of application; and
3. Documentation of a passing grade obtained by the applicant on a written hearing aid dispenser examination as required in A.R.S. § 36-1940(C)(4).

**R9-16-204. Application for a Temporary License for a Speech Language Pathologist License Initial Application for a Speech-language Pathologist**

**~~A.~~ An applicant for a temporary speech language pathologist license shall submit to the Department:**

1. ~~An application in a format provided by the Department that contains:
 
  - a. ~~The applicant's name, home address, telephone number, and e-mail address;~~
  - b. ~~The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;~~
  - c. ~~If applicable, the applicant's business address and telephone number;~~
  - d. ~~If applicable, the name of the applicant's employer, including the employer's business address and telephone number;~~
  - e. ~~Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;~~
  - f. ~~If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
 
    - i. ~~The date of the conviction;~~
    - ii. ~~The state or jurisdiction of the conviction;~~
    - iii. ~~An explanation of the crime of which the applicant was convicted, and~~
    - iv. ~~The disposition of the case;~~~~
  - g. ~~Whether the applicant is or has been licensed as a speech language pathologist in another state or country;~~
  - h. ~~Whether the applicant has had a license revoked or suspended by any state within the previous two years;~~
  - i. ~~Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;~~
  - j. ~~Whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed by any state or country upon the applicant's speech language pathologist license;~~
  - k. ~~Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;~~
  - l. ~~An attestation that the information submitted is true and accurate; and~~
  - m. ~~The applicant's signature and date of signature;~~~~
2. ~~If applicable, a list of all states and countries in which the applicant is or has been licensed as a speech language pathologist;~~
3. ~~If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
 
  - a. ~~The date of the revocation or suspension;~~
  - b. ~~The state or jurisdiction of the revocation or suspension, and~~
  - e. ~~An explanation of the revocation or suspension;~~~~
4. ~~If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
 
  - a. ~~The date of the ineligibility for licensing;~~
  - b. ~~The state or jurisdiction of the ineligibility for licensing, and~~
  - e. ~~An explanation of the ineligibility for licensing;~~~~
5. ~~If the applicant has been disciplined by any state, territory or district of this country for an act related to the applicant's audiologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
 
  - a. ~~The date of the disciplinary action;~~
  - b. ~~The state or jurisdiction of the disciplinary action;~~
  - e. ~~An explanation of the disciplinary action; and~~
  - d. ~~Any other applicable documents, including a legal order or settlement agreement;~~~~
6. ~~A copy of the applicant's:
 
  - a. ~~U.S. passport, current or expired;~~
  - b. ~~Birth certificate;~~
  - e. ~~Naturalization documents; or~~
  - d. ~~Documentation of legal resident alien status;~~~~
7. ~~Documentation of the applicant's:
 
  - a. ~~Official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a); and~~~~



- b. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b);
- 8. A copy of the applicant's clinical fellowship agreement that includes:
  - a. The applicant's name, home address, and telephone number;
  - b. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiology or speech language pathology license number;
  - c. The name and address where the clinical fellowship will take place;
  - d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-210; and
  - e. The signatures of the applicant and the clinical fellowship supervisor;
- 9. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3); and
- 10. A nonrefundable \$100 application fee.
- B.** A temporary license issued is effective for 12 months from the date of issuance.
- C.** A temporary license may be renewed only once.
- D.** An applicant issued a temporary speech language pathologist license shall:
  - 1. Practice under the supervision of a licensed speech language pathologist, and
  - 2. Not practice under the supervision of individual who has a temporary speech language pathologist license.
- E.** The Department shall review an application packet for a temporary speech language pathologist license according to R9-16-209 and Table 2-1.

In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist shall submit to the Department the following:

1. A transcript or equivalent documentation issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a) or documentation of current CCC;
2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b) or documentation of current CCC;
3. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3) or documentation of current CCC; and
4. Documentation of the completion of clinical fellowship or documentation of current CCC.

**R9-16-205. License Renewal for an Audiologist Initial Application for a Temporary Speech-language Pathologist**

- A.** Except as provided in subsection (B) and before the expiration date of the audiologist's license, a licensed audiologist or audiologist who fits and dispenses hearing aids shall submit to the Department:
  1. A renewal application in a format provided by the Department that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. If applicable, the applicant's business address and telephone number;
    - c. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
    - d. The applicant's license number and date of expiration;
    - e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
    - f. If the applicant was convicted of a felony or a misdemeanor involving moral turpitude:
      - i. The date of the conviction;
      - ii. The state or jurisdiction of the conviction;
      - iii. An explanation of the crime of which the applicant was convicted, and
      - iv. The disposition of the case;
    - g. Whether the applicant has had, within two years before the renewal application date, an audiologist license suspended or revoked by any state;
    - h. An attestation that the information submitted is true and accurate; and
    - i. The applicant's signature and date of signature;
  2. Documentation of the continuing education required in R9-16-208, completed within the two years before the expiration date of the license, including:
    - a. The name of the individual or organization providing the course;
    - b. The date and location where the course was provided;
    - c. The title of each course attended;
    - d. A description of each course's content;
    - e. The name of the instructor;
    - f. The instructor's education, training, and experience background, if applicable; and
    - g. The number of continuing education hours earned for each course; and
  3. A \$200 license renewal fee.
- B.** In addition to the documentation and renewal fee in subsection (A), an applicant who submits a renewal application within 30 calendar days after the license expiration date shall submit a \$25 late fee.
- C.** An applicant who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-202.
- D.** If an applicant applies for a license according to R9-16-202 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
  1. Is not required to submit ETSNEA documentation, and
  2. Shall submit documentation of continuing education according to R9-16-208, completed within the two years before the date of application.
- E.** The Department shall review the application packet for a renewal license to practice as an audiologist or an audiologist to fit and dispense hearing aids according to R9-16-209 and Table 2-1.



- A.** In addition to complying with R9-16-202(A), an applicant for initial licensure as a temporary speech-language pathologist shall submit to the Department the following:
  - 1. A transcript or equivalent documentation issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a)
  - 2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b).
  - 3. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3).
  - 4. Documentation of the applicant's clinical fellowship agreement that includes:
    - a. The applicant's name, home address, and telephone number;
    - b. The clinical fellowship supervisor's name, business address, telephone number, and speech-language pathology license number;
    - c. The name and address where the clinical fellowship will take place;
    - d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-209; and
    - e. The signatures of the applicant and the clinical fellowship supervisor.
- B.** A temporary license issued is effective for 12 months from the date of issuance.
- C.** A temporary license may be renewed only once.
- D.** An applicant issued a temporary speech-language pathologist license shall:
  - 1. Practice under the supervision of a licensed speech-language pathologist, and
  - 2. Not practice under the supervision of an individual who has a temporary speech-language pathologist license.

**R9-16-206. License Renewal for a Speech Language Pathologist Requirements for a Speech-language Pathologist – Limited**

- A.** Except as provided in subsection (B) and before the expiration date of the speech language pathologist's license, a licensed speech language pathologist shall submit to the Department:
  - 1. A renewal application in a format provided by the Department that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. If applicable, the applicant's business address and telephone number;
    - c. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
    - d. The applicant's license number and date of expiration;
    - e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
    - f. If the applicant was convicted of a felony or a misdemeanor:
      - i. The date of the conviction;
      - ii. The state or jurisdiction of the conviction;
      - iii. An explanation of the crime of which the applicant was convicted, and
      - iv. The disposition of the case;
    - g. Whether the applicant had, within two years before the renewal application date, a speech language pathologist license suspended or revoked by any state;
    - h. An attestation that the information submitted is true and accurate; and
    - i. The applicant's signature and date of signature;
  - 2. Documentation of the continuing education required in R9-16-208, completed within the two years before the expiration date of the license, including:
    - a. The name of the individual or organization providing the course;
    - b. The date and location where the course was provided;
    - c. The title of each course attended;
    - d. The description of each course's content;
    - e. The name of the instructor;
    - f. The instructor's education, training, and experience background, if applicable; and
    - g. The number of continuing education hours earned for each course;
  - 3. If the applicant is limited to providing speech language pathology services to pupils under the authority of a local education agency or state-supported institution the documents required in R9-16-203(B); and
  - 4. A \$200 license renewal fee.
- B.** In addition to the documentation and renewal fee in subsection (A), an applicant who submits a renewal application within 30 calendar days after the license expiration date shall submit a \$25 late fee.
- C.** An applicant who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-203.
- D.** If an applicant applies for a license according to R9-16-203 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
  - 1. Is not required to submit ETSNESLP documentation, and
  - 2. Shall submit documentation of continuing education according to R9-16-208 completed within the two years before the date of application.
- E.** The Department shall review the application packet for a renewal license to practice as a speech language pathologist according to R9-16-209 and Table 2-1.

In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist – limited as specified in A.R.S. § 36-1940.01(B) shall submit to the Department the following:

- 1. A certificate in speech and language therapy awarded by the Department of Education.
- 2. A document representing an employee or contractor relationship with a local education agency or a state supported institution.

**R9-16-207. License Renewal for a Temporary Speech language Pathologist License Renewal**

- A.** Before the expiration date of the temporary speech language pathologist license, a licensed temporary speech language pathologist shall submit to the Department:
1. A renewal application in a format provided by the Department that contains:
    - a. The applicant's name, home address, e-mail address, and telephone number;
    - b. The applicant's license number and date of expiration;
    - c. The name of the applicant's employer, including the employer's business address, and telephone number;
    - d. The name, business address, telephone number, and license number of the speech language pathologist providing supervision to the applicant;
    - e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
    - f. If the applicant was convicted of a felony or a misdemeanor:
      - i. The date of the conviction;
      - ii. The state or jurisdiction of the conviction;
      - iii. An explanation of the crime of which the applicant was convicted, and
      - iv. The disposition of the case;
    - g. An attestation that the information submitted is true and accurate; and
    - h. The applicant's signature and date of signature;
  2. A statement signed and dated by the applicant's clinical fellowship supervisor agreeing to comply with R9-16-210; and
  3. A \$100 license renewal fee.
- B.** The Department shall review the application packet for a renewal temporary license to practice as a temporary speech language pathologist according to R9-16-209 and Table 2.1.
- A.** Before the expiration date of a license, a licensee shall submit to the Department:
1. A renewal application in a Department-provided format that contains:
    - a. The licensee's name, home address, telephone number, and e-mail address;
    - b. If applicable, the licensee's business address and telephone number;
    - c. The licensee's current employment, if applicable, including:
      - i. The employer's name,
      - ii. The licensee's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,
      - vi. The supervisor's email address, and
      - vii. The supervisor's telephone number;
    - d. The licensee's license number and date of expiration;
    - e. Since the previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state;
    - f. If the licensee was convicted of a felony or a misdemeanor:
      - i. The date of the conviction,
      - ii. The state or jurisdiction of the conviction,
      - iii. An explanation of the crime of which the licensee was convicted, and
      - iv. The disposition of the case;
    - g. Whether the licensee has had, within two years before the renewal application date, an audiology or speech-language pathology license suspended or revoked by any state;
    - h. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
      - i. The date of the disciplinary action,
      - ii. The state or jurisdiction of the disciplinary action,
      - iii. An explanation of the disciplinary action, and
      - iv. Any other applicable documents, including a legal order or settlement agreement;
    - i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and documentation of completion is available upon request;
    - j. The licensee agrees to allow the Department to submit supplemental requests for information under R9-16-214(C);
    - k. An attestation that the information submitted as part of the application is true and accurate; and
    - l. The licensee's signature and date of signature; and
  2. A renewal fee specified in R9-16-216.
- B.** A licensee licensed as a speech-language pathologist, whose practice is limited to providing services to students under the authority of a local education agency or state-supported institution, shall provide documentation required in A.R.S. § 36-1940.01(B);
- C.** If a licensee is renewing a temporary speech-language pathology license:
1. A statement signed and dated by the licensee's clinical fellowship supervisor agreeing to comply with R9-16-209; and
  2. The name, business address, telephone number, and license number of the speech language pathologist providing supervision to the licensee.
- D.** In addition to subsection (A), a licensee who submits a renewal application within 30 calendar days after the license expiration date shall submit a late fee specified in R9-16-216.



- E.** A licensee who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-202.
- F.** If a licensee applies for a license according to R9-16-202 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
  - 1. Is not required to submit ETSNEA or ETSNESLP documentation, and
  - 2. Shall submit an attestation of continuing education according to R9-16-208, completed within the twenty-four months before the date of application.
- G.** The Department shall review the application for a renewal license according R9-16-214 and Table 2.1.

**R9-16-208. Continuing Education**

- A.** ~~Every 24 months after the effective date of a regular license, a licensee shall complete continuing education approved by the Department.~~
  - 1. ~~Except as provided in (A)(2), a licensed audiologist shall complete at least 20 continuing education hours related to audiology;~~
  - 2. ~~A licensed audiologist who fits and dispenses hearing aids shall complete:~~
    - a. ~~At least 20 continuing education hours related to audiology and hearing aid dispensing, and~~
    - b. ~~No more than eight continuing education hours required in subsection (A)(2)(a) provided by a single manufacturer of hearing aids; and~~
  - 3. ~~A licensed speech language pathologist shall complete at least 20 continuing education hours in speech language pathology related courses.~~
- B.** ~~Continuing education shall:~~
  - 1. ~~Directly relate to the practice of audiology, speech language pathology, or fitting and dispensing hearing aids;~~
  - 2. ~~Have educational objectives that exceed an introductory level of knowledge of audiology, speech language pathology, or fitting and dispensing hearing aids; and~~
  - 3. ~~Consist of courses that include advances within the last five years in:~~
    - a. ~~Practice of audiology;~~
    - b. ~~Practice of speech language pathology;~~
    - c. ~~Procedures in the selection and fitting of hearing aids;~~
    - d. ~~Pre and post fitting management of clients;~~
    - e. ~~Instrument circuitry and acoustic performance data;~~
    - f. ~~Ear mold design and modification contributing to improved client performance;~~
    - g. ~~Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss;~~
    - h. ~~Auditory rehabilitation;~~
    - i. ~~Ethics;~~
    - j. ~~Federal and state statutes or rules, or~~
    - k. ~~Assistive listening devices.~~
- C.** ~~A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):~~
  - 1. ~~Hearing Healthcare Providers of Arizona;~~
  - 2. ~~Arizona Speech Language Hearing Association;~~
  - 3. ~~American Speech Language Hearing Association;~~
  - 4. ~~International Hearing Society;~~
  - 5. ~~International Institute for Hearing Instrument Studies;~~
  - 6. ~~American Auditory Society;~~
  - 7. ~~American Academy of Audiology;~~
  - 8. ~~Academy of Doctors of Audiology;~~
  - 9. ~~Arizona Society of Otolaryngology Head and Neck Surgery;~~
  - 10. ~~American Academy of Otolaryngology Head and Neck Surgery; or~~
  - 11. ~~An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).~~
- D.** ~~An applicant may request approval for a continuing education course by submitting the following to the Department:~~
  - 1. ~~The applicant's name, address, telephone number, and e-mail address, as applicable;~~
  - 2. ~~If the applicant is a licensee, the licensee's license number;~~
  - 3. ~~The title of the continuing education course;~~
  - 4. ~~A brief description of the course;~~
  - 5. ~~The name, educational background, and teaching experience of the individual presenting the course, if available;~~
  - 6. ~~The educational objectives of the course; and~~
  - 7. ~~The date, time, and place of presentation of the course.~~
- E.** ~~If an applicant submits the information in subsection (D), the Department shall review the request for approval for a continuing education course according to R9-16-209 and Table 2.1.~~
- F.** ~~The Department shall approve a continuing education course if the Department determines that the continuing education course:~~
  - 1. ~~Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in audiology, speech language pathology, or hearing aid dispensing;~~
  - 2. ~~Is developed and presented by individuals knowledgeable and experienced in the subject area; and~~
  - 3. ~~Contributes directly to the professional competence of a licensee.~~
- A.** Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.
  - 1. Except as provided in (A)(2), a licensed audiologist shall complete at least 20 continuing education hours related to audiology;
  - 2. A licensed audiologist who fits and dispenses hearing aids shall complete:
    - a. At least 20 continuing education hours related to audiology and hearing aid dispensing, and



- b. No more than eight continuing education hours required in subsection (A)(2)(a) provided by a single manufacturer of hearing aids; and
- 3. A licensed speech-language pathologist shall complete at least 20 continuing education hours in speech-language pathology related courses.
- B. Continuing education shall:**
  - 1. Directly relate to the practice of audiology, speech-language pathology, or fitting and dispensing hearing aids;
  - 2. Have educational objectives that exceed an introductory level of knowledge of audiology, speech-language pathology, or fitting and dispensing hearing aids; and
  - 3. Consist of courses that include advances within the last five years in:
    - a. Practice of audiology,
    - b. Practice of speech-language pathology,
    - c. Procedures in the selection and fitting of hearing aids,
    - d. Pre- and post-fitting management of clients,
    - e. Instrument circuitry and acoustic performance data,
    - f. Ear mold design and modification contributing to improved client performance,
    - g. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,
    - h. Auditory rehabilitation,
    - i. Ethics,
    - j. Federal and state statutes or rules, or
    - k. Assistive listening devices.
- C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):**
  - 1. Hearing Healthcare Providers of Arizona,
  - 2. Arizona Speech-Language-Hearing Association,
  - 3. American Speech-Language-Hearing Association,
  - 4. International Hearing Society,
  - 5. International Institute for Hearing Instruments Studies,
  - 6. American Auditory Society,
  - 7. American Academy of Audiology,
  - 8. Academy of Doctors of Audiology,
  - 9. Arizona Society of Otolaryngology, Head and Neck Surgery,
  - 10. American Academy of Otolaryngology-Head and Neck Surgery, or
  - 11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).

**R9-16-209. Time-frames Clinical Fellowship Supervisors**

- A.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the overall time frame described in A.R.S. § 41-1072(2):
  - 1. An applicant and the Department may agree in writing to extend the substantive review time frame and the overall time frame.
  - 2. The extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
- B.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the administrative completeness review time frame described in A.R.S. § 41-1072(1), which begins on the date the Department receives an application packet:
  - 1. The administrative completeness review time frame begins:
    - a. The date the Department receives an application packet required in this Article, or
    - b. The date the Department receives a request for continuing education course approval according to R9-16-208.
  - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time frame.
    - a. If a license application packet or request for continuing education course approval is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the license application packet or request for continuing education course approval.
    - b. A notice of deficiencies suspends the administrative completeness review time frame and the overall time frame from the date of the notice until the date the Department receives the missing information or documentation.
    - e. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the license application packet or request for continuing education course approval withdrawn.
  - 3. If the Department issues a license or approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the substantive review time frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness:
  - 1. Within the substantive review time frame, the Department shall provide a written notice to the applicant that the Department approved or denied the license or continuing education course approval.
  - 2. During the substantive review time frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and



- b. If the Department and the applicant agree in writing to allow one or more supplemental requests for additional information or documentation, the Department may make the number of supplemental requests agreed to between the Department and the applicant.
  - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time frame and the overall time frame from the date of the request until the date the Department receives all the information or documentation requested.
  - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
  - D. After receiving the written notice of approval in an applicant for a regular license or a temporary license shall send the required license fee to the Department. If the applicant does not submit the license fee within 30 calendar days after the date the Department sends the written notice of approval to the applicant, the Department shall consider the application withdrawn.
  - E. The Department shall issue a regular license or a temporary license:
    - 1. Within five calendar days after receiving the license fee, and
    - 2. From the date of issue, the license is valid for:
      - a. Two years, if a regular license, and
      - b. Twelve months, if a temporary license.
  - F. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship that include:
- 1. A minimum of 18 on-site observations,
  - 2. No more than six on-site observations in a 24-hour period, and
  - 3. A minimum of 18 monitoring activities.

Table 2.1. **Time frames (in calendar days) Repealed**

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness-Review Time-Frame	Time to Respond to Notice of Deficiency	Substantive Review Time-Frame	Time to Respond to Comprehensive Written Request
Application for an Initial License for an Audiologist (R9-16-202)	A.R.S. §§ 36-1904 and 36-1940	60	30	30	30	30
Application for an Initial License for a Speech language Pathologist (R9-16-203)	A.R.S. §§ 36-1904 and 36-1940.01	60	30	30	30	30
Application for Temporary License for a Speech language Pathologist (R9-16-204)	A.R.S. §§ 36-1904 and 36-1940.03	60	30	30	30	30
License Renewal for an Audiologist (R9-16-205)	A.R.S. § 36-1904	60	30	30	30	30
License Renewal for a Speech language Pathologist (R9-16-206)	A.R.S. § 36-1904	60	30	30	30	30
License Renewal for a Temporary Speech language Pathologist (R9-16-207)	A.R.S. §§ 36-1904 and 36-1940.03	60	30	30	30	30
Approval of Continuing Education Course (R9-16-208)	A.R.S. § 36-1904	45	30	30	15	30

**R9-16-210. Clinical Fellowship Supervisors Requirements for Supervising a Speech-language Pathologist Assistant**

In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall:

- 1. Complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship that include:
  - a. A minimum of 18 on-site observations;



- b. No more than six on-site observations in a 24-hour period, and
- e. A minimum of 18 monitoring activities;
- 2. Submit a copy of the clinical fellowship report to the Department within 30 calendar days after the completion of the clinical fellowship; and
- 3. Provide the Department and the clinical fellow with written notice within 72 hours of after the decision to stop supervising the clinical fellow if the clinical fellowship supervisor voluntarily stops supervising a clinical fellow before the completion of the clinical fellowship.

A licensed speech-language pathologist who provides direct supervision or indirect supervision to a speech-language pathologist assistant shall comply with A.R.S. § 36-1940.04(F) and (G):

- 1. Establish a record for each speech-language pathologist assistant who receives direct supervision and indirect supervision from the speech-language pathologist that includes:
  - a. The speech-language pathologist assistant's license number, name, home address, telephone number, and e-mail;
  - b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the speech-language pathologist assistant is expected to complete;
  - c. A document listing each occurrence of direct supervision or indirect supervision provided to the speech-language pathologist assistant that includes:
    - i. Business name and address where supervision occurred,
    - ii. The date and times when the supervision started and ended,
    - iii. The types of clinical interactions provided, and
    - iv. Notation of speech-language pathologist assistant's progress;
  - d. Documentation of evaluations provided to the speech-language pathologist assistant during the time supervision was provided; and
  - e. Documentation of when supervision was terminated; and
- 2. Maintain a speech-language pathologist assistant record:
  - a. Throughout the period that the speech-language pathologist assistant receives direct supervision and indirect supervision clinical interactions from the supervisor; and
  - b. For at least two years after the last date the speech-language pathologist assistant received clinical interactions from the supervisor.

**R9-16-211. Requirements for Supervising a Speech Language Pathologist Assistant Equipment; Records**

A licensed speech language pathologist who provides direct supervision or indirect supervision to a speech language pathologist assistant shall:

- 1. Have at least two years of full-time professional experience as a licensed speech language pathologist;
- 2. Provide direct supervision or indirect supervision to no more than two full-time or three part-time speech language pathologist assistants at one time;
- 3. Ensure that the amount and type of direct supervision and indirect supervision provided is consistent with:
  - a. The speech language pathologist assistant's skills and experience;
  - b. The needs of the clients served;
  - c. The setting where the services are provided, and
  - d. The tasks assigned;
- 4. Inform a client when the services of a speech language pathology assistant is being provided;
- 5. Document each occurrence of direct supervision and indirect supervision provided to a speech language pathology assistant, including:
  - a. The speech language pathologist assistant's name and license number;
  - b. The name and address of business where services occurred, and
  - c. The date and type of supervision provided;
- 6. Ensure that the amount and type of direct supervision and indirect supervision provided to a speech language pathology assistant is:
  - a. A minimum of 20 per cent direct supervision and 10 per cent indirect supervision during the first 90 days of employment; and
  - b. Subsequent to the first 90 days of employment, a minimum of 10 per cent direct supervision and 10 per cent indirect supervision;
- 7. If more than one licensed speech language pathologist provides direct supervision or indirect supervision to a speech language pathology assistant, designate one speech language pathologist as the primary speech language pathologist who is responsible for coordinating direct supervision and indirect supervision provided by other speech language pathologists;
- 8. Establish a record for each speech language pathologist assistant who receives direct supervision and indirect supervision from the speech language pathologist that includes:
  - a. The speech language pathologist assistant's name, home address, telephone number, and e-mail;
  - b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the speech language pathologist assistant is expected to complete;
  - c. A document listing each occurrence of direct supervision or indirect supervision provided to the speech language pathologist assistant that includes:
    - i. Business name and address where supervision occurred;
    - ii. The times when the supervision started and ended;



- iii. The types of clinical interactions provided; and
- iv. Notation of speech language pathologist assistant's progress;
- d. Documentation of evaluations provided to the speech language pathologist assistant during the time supervision was provided; and
- e. Documentation of when supervision was terminated; and
- 9. Maintain a speech language pathologist assistant record:
  - a. Throughout the period that the speech language pathologist assistant receives direct supervision and indirect supervision clinical interactions from the supervisor; and
  - b. For at least two years after the last date the speech language pathologist assistant received clinical interactions from the supervisor.

**A.** A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer's specifications.

**B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:

- 1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard - Specifications for Audiometers S3.6-2018, incorporated by reference and on file with the Department, with no future additions or amendments and available from the Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, September 20, 2018; and
- 2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

**C.** A licensee shall maintain the following records according to A.R.S. § 32-3211 for each client for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:

- 1. The client's name, address, and telephone number;
- 2. The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and
- 3. If a product such as a hearing aid, augmentative communication device, or laryngeal device is dispensed, a record of the following:
  - a. The name of the product dispensed;
  - b. The product's serial number, if any;
  - c. The product's warranty or guarantee, if any;
  - d. The refund policy for the product, if any;
  - e. A statement of whether the product is new or used;
  - f. The total amount charged for the product;
  - g. The name of the licensee; and
  - h. The name of the intended user of the product.

**R9-16-212. Equipment; Records Bill of Sale Requirements**

**A.** ~~A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech language pathology according to the manufacturer's specifications.~~

**B.** ~~If a licensee uses equipment that requires calibration, the licensee shall ensure that:~~

- 1. ~~The equipment is calibrated a minimum of every 12 months and according to the American National Standard—Specifications for Audiometers S3.6 2010, Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747 4300, November 2, 2010, incorporated by reference and on file with the Department and the Office of the Secretary of State with no future additions or amendments; and~~
- 2. ~~A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.~~

**C.** ~~A licensee shall maintain the following records according to A.R.S. § 32 3211 for each client for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech language pathology, or practice of fitting and dispensing hearing aids:~~

- 1. ~~The name, address, and telephone number of the individual to whom services are provided;~~
- 2. ~~The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and~~
- 3. ~~If a product such as a hearing aid, augmentative communication device, or laryngeal device is dispensed, a record of the following:~~
  - a. ~~The name of the product dispensed;~~
  - b. ~~The product's serial number, if any;~~
  - c. ~~The product's warranty or guarantee, if any;~~
  - d. ~~The refund policy for the product, if any;~~
  - e. ~~A statement of whether the product is new or used;~~
  - f. ~~The total amount charged for the product;~~
  - g. ~~The name of the licensee; and~~
  - h. ~~The name of the intended user of the product.~~

An audiologist who dispenses hearing aids shall provide a bill of sale to a client at the time the audiologist provides a hearing aid to the client or at a time requested by the client that complies with the requirements in R9-16-311(A)(7).

**R9-16-213. Bill of Sale Requirements Enforcement**

An audiologist who dispenses hearing aids shall provide a bill of sale to a client at the time the audiologist provides a hearing aid to the client or at a time requested by the client that complies with the requirements in R9-16-314.

**A.** The Department may, as applicable:

1. Deny, revoke, or suspend an audiology or speech-language pathology's license under A.R.S. § 36-1934;
2. Request an injunction under A.R.S. § 36-1937; or
3. Assess a civil money penalty under A.R.S. § 36-1939.

**B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:

1. The type of violation,
2. The severity of the violation,
3. The danger to the public health and safety,
4. The number of violations,
5. The number of clients affected by the violations,
6. The degree of harm to the consumer,
7. A pattern of noncompliance, and
8. Any mitigating or aggravating circumstances.

**C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.**R9-16-214. Disciplinary Actions Time-frames****A.** The Department may, as applicable:

1. Deny, revoke, or suspend an audiology or speech-language pathologist's license under A.R.S. § 36-1934;
2. Request an injunction under A.R.S. § 36-1937; or
3. Assess a civil money penalty under A.R.S. § 36-1939.

**B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:

1. The type of violation,
2. The severity of the violation,
3. The danger to the public health and safety,
4. The number of violations,
5. The number of clients affected by the violations,
6. The degree of harm to the consumer,
7. A pattern of noncompliance, and
8. Any mitigating or aggravating circumstances.

**C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.**D.** The Department shall notify a licensee's employer within five calendar days after the Department initiates a disciplinary action against a licensee.**A.** For each type of license issued by the Department under this Article, Table 2.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).

1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.

**B.** For each type of license issued by the Department under this Article, Table 2.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).

1. The administrative completeness review time-frame begins the date the Department receives an application required in this Article.
2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
  - a. If a license application is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the application.
  - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
  - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

**C.** For each type of license issued by the Department under this Article, Table 2.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.

1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department approved or denied.
2. During the substantive review time-frame:
  - a. The Department may make one comprehensive written request for additional information or documentation; and



- b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
- 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
- 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
- D. The Department shall issue a regular license or a temporary license:
  - 1. Within five calendar days after receiving the license fee, and
  - 2. From the date of issue, the license is valid for:
    - a. Two years, if a regular license, and
    - b. Twelve months, if a temporary license.
- E. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Table 2.1 Time-frames (in calendar days)**

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-Frame</u>	<u>Administrative Completeness Review Time-Frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-Frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Application for an Initial or Temporary License (R9-16-202)</u>	<u>A.R.S. §§ 36-1904 and 36-1940</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>License Renewal (R9-16-207)</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

**R9-16-215. Changes Affecting a License or a Licensee; Request for a Duplicate License**

- A. A licensee shall submit a notice to the Department in writing within 30 calendar days after the effective date of a change in:
  - 1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
  - 2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
    - a. Marriage certificate,
    - b. Divorce decree, or
    - e. Other legal document establishing the licensee’s new name; and
  - 3. The place or places, including address or addresses, where the licensee engages in the practice of audiology, speech language pathology, or fitting and dispensing hearing aids.
- B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a format provided by the Department that includes:
  - 1. The licensee’s name and address;
  - 2. The licensee’s license number and expiration date;
  - 3. The licensee’s signature and date of signature, and
  - 4. A \$25 duplicate license fee.
- A. A licensee shall submit to the Department a notice in a Department-provided format within 30 calendar days after the effective date of a change in:
  - 1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
  - 2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
    - a. Marriage certificate,
    - b. Divorce decree, or
    - c. Other legal document establishing the licensee’s new name; and
  - 3. The place or places, including address or addresses, where the licensee engages in the practice of audiology or speech-language pathology.
- B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a format provided by the Department that includes:
  - 1. The licensee’s name and address;
  - 2. The licensee’s license number and expiration date;
  - 3. The licensee’s signature and date of signature, and
  - 4. A duplicate license fee specified in R9-16-216.

**R9-16-216. Fees**

- A. An applicant shall submit to the Department the following nonrefundable fee for:
  - 1. An initial application as an audiologist, \$100;
  - 2. An initial application as a speech-language pathologist, \$100; and
  - 3. An initial application as a temporary speech-language pathologist, \$100.
- B. An applicant shall submit to the Department the following fee for:
  - 1. An initial license as an audiologist, \$200;
  - 2. An initial license as a speech-language pathologist, \$200; and



- 3. A temporary license as a speech-language pathologist, \$100.
- C. A licensee shall submit to the Department the following fee for:
  - 1. A renewal license as an audiologist, \$200;
  - 2. A renewal license as a speech-language pathologist, \$200; and
  - 3. A temporary renewal license as a speech-language pathologist, \$100.
- D. If a licensed audiologist or speech-language pathologist submits a renewal license application specified in subsection (C) within 30 calendar days after the license expiration date, the licensee shall submit with the renewal license application a \$25 late fee.
- E. The fee for a duplicate license is \$25.
- F. An applicant for initial licensure is not required to submit the applicable fee in subsection (A) and (B) if the applicant, as part of the applicable application in R9-16-202, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

**NOTICE OF FINAL EXPEDITED RULEMAKING  
TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

[R20-64]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R9-16-301   | Amend                           |
| R9-16-302   | Repeal                          |
| R9-16-302   | New Section                     |
| R9-16-303   | Repeal                          |
| R9-16-303   | New Section                     |
| R9-16-304   | Repeal                          |
| R9-16-304   | New Section                     |
| R9-16-305   | Repeal                          |
| R9-16-305   | New Section                     |
| R9-16-306   | Repeal                          |
| R9-16-306   | New Section                     |
| R9-16-307   | Repeal                          |
| R9-16-307   | New Section                     |
| R9-16-308   | Repeal                          |
| R9-16-308   | New Section                     |
| R9-16-309   | Repeal                          |
| R9-16-309   | New Section                     |
| R9-16-310   | Amend                           |
| R9-16-311   | Repeal                          |
| R9-16-311   | New Section                     |
| R9-16-312   | Repeal                          |
| R9-16-312   | New Section                     |
| R9-16-313   | Repeal                          |
| R9-16-313   | New Section                     |
| R9-16-314   | Repeal                          |
| R9-16-314   | New Section                     |
| Table 3.1   | New Table                       |
| R9-16-315   | Repeal                          |
| R9-16-315   | New Section                     |
| R9-16-316   | Repeal                          |
| R9-16-316   | New Section                     |
| Table 3.1   | Repeal                          |
| R9-16-317   | Repeal                          |
- 2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)  
 Implementing statute: A.R.S. §§ 36-1901 through 36-1910, 36-1921 through 36-1926; and 36-1934 through 36-1940.02.
  - 3. **The effective date of the rules:**  
 April 8, 2020



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

Notice of Rulemaking Docket Opening: 25 A.A.R. 3321, November 15, 2019

Notice of Proposed Expedited Rulemaking: 26 A.A.R. 148, January 24, 2020

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

Name: Thomas Salow, Branch Chief

Address: Department of Health Services  
Division of Licensing Services  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007

Telephone: (602) 364-1935

Fax: (602) 364-4808

E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)

or

Name: Stephanie Elzenga, Administrative Counsel

Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Stephanie.Elzenga@azdhs.gov](mailto:Stephanie.Elzenga@azdhs.gov)

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

The five-year-review report (Report) for 9 A.A.C. 16, Article 3 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated a plan to amend the rules as identified in the Report. Changes include consolidating and clarifying all fees including: initial application, initial licensing, renewal licensing, renewal for temporary licensing, renewal licensing late fee, and duplicate license. The changes do not increase a fee or the cost of regulatory compliance and do not reduce procedural rights of a regulated person. This rulemaking meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report specified in A.R.S. § 41-1027(A)(7). The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on September 26, 2019.

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

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

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

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

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

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

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

Between the proposed expedited rulemaking and the final expedited rulemaking, a change was made to correct a citation in R9-16-305(F). The Department changed "A.R.S. § 36-1928(D)" to "A.R.S. § 36-1926(D)." The Department also changed "A.R.S. § 36-1910" to "A.R.S. § 36-1904" in Table 3.1 for license renewal and added a strike to R9-16-317 Section title on page 40.

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

The Department did not receive public or stakeholder comments about the expedited rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Department or this specific expedited 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:**

The Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal**



**law and if so, citation to the statutory authority to exceed the requirements of federal law:**

There are no federal rules applicable to the subject of the rule.

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

No such analysis was submitted.

**13. Incorporations by reference and their location in the rules:**

None

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

The rule was not previously made as an emergency rule.

**15. The full text of the rule follows:**

**TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

**ARTICLE 3. LICENSING HEARING AID DISPENSERS**

Section	
R9-16-301.	Definitions
R9-16-302.	<del>Individuals to Act for Applicant</del> <u>Examination Requirements</u>
R9-16-303.	<del>Examination Requirements</del> <u>Application</u>
R9-16-304.	<del>Written Hearing Aid Dispenser Examination</del> <u>Requirements for an Initial Hearing Aid Dispenser License</u>
R9-16-305.	<del>Practical Examination</del> <u>Requirements for an Initial Temporary Hearing Aid Dispenser License</u>
R9-16-306.	<del>Application for an Initial License by Examination</del> <u>Application for Examination</u>
R9-16-307.	<del>Application for an Initial License by Reciprocity</del> <u>Initial Application for a Business Hearing Aid Dispenser License</u>
R9-16-308.	<del>Application for an Initial License to a Business Organization</del> <u>License Renewal</u>
R9-16-309.	<del>Application for a Temporary License</del> <u>Continuing Education</u>
R9-16-310.	Sponsors
R9-16-311.	<del>License Renewal</del> <u>Responsibilities of a Hearing Aid Dispenser</u>
R9-16-312.	<del>Continuing Education</del> <u>Equipment and Records</u>
R9-16-313.	<del>Responsibilities of a Hearing Aid Dispenser</del> <u>Enforcement</u>
R9-16-314.	<del>Equipment and Records</del> <u>Time-frames</u>
Table 3.1.	<u>Time-frames (in calendar days)</u>
R9-16-315.	<del>Disciplinary Actions</del> <u>Change Affecting a License or a Licensee; Request for Duplicate License</u>
R9-16-316.	<del>Time-frames</del> <u>Fees</u>
Table 3.1.	<u>Time-frames (in calendar days)</u> <del>Repealed</del>
R9-16-317.	<del>Change Affecting a License or a Licensee; Request for Duplicate License</del> <u>Repealed</u>

**ARTICLE 3. LICENSING HEARING AID DISPENSERS**

**R9-16-301. Definitions**

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. “Applicant” means an individual or a business organization that submits to the Department an approval to test, or initial, renewal or temporary license an application packet and required documentation for approval to practice as a hearing aid dispenser.
2. “Application packet” means the information, documents, and fees required by the Department to apply for a license.
- 3.2. “Business organization” means an entity identified in A.R.S. § 36-1910.
- 4.3. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- 5.4. “Continuing education” means a course that provides instruction and training that directly relates to the practice of fitting and dispensing hearing aids as specified in A.R.S. § 36-1904.
6. “Continuing education hour” means 50 minutes of continuing education.
7. “Controlling person” has the same meaning as in A.R.S. § 36-881.
8. “Course” means a workshop, seminar, lecture, conference, or class.
9. “Department designated written hearing aid dispenser examination” means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:
  - a. The International Licensing Examination for Healthcare Professionals, administered by the International Hearing Society; or
  - b. A test provided by the Department or other organization.
- 10.5. “Designated agent” means an individual who is:



- a. Is authorized by an applicant or hearing aid dispenser [a person] to receive communications from the Department, including legal service of process; and to
- b. file May file or sign documents on behalf of the applicant or hearing aid dispenser;
- c. Is a U.S. citizen or legal resident;
- d. Has an Arizona address; and
- e. Is a controlling person of the business organization, if applicable.
- 41-6. “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity a state specified in R9-16-311(A)(2) and (3) R9-16-308(A)(2).
- 7. “GED” means a general education development test.
- 8. “Hearing aid dispenser examination” means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:
  - a. The International Licensing Examination for Hearing Health Professionals, administered by the International Hearing Society; or
  - b. A test provided by the Department or other organization.
- 12- “In-service education” means organized instruction or information that is provided to a licensed hearing aid dispenser.
- 9. “Practical examination” means a test:
  - a. Designated by the Department that demonstrates an applicant’s proficiency in the practice of fitting and dispensing of hearing aids, and
  - b. Compliant with A.R.S. § 36-1924(A)(4).
- 10. “State licensing entity” means a state agency or board that approves licensure and takes disciplinary action of individuals or businesses that practice as a hearing aid dispenser.
- 11. “Temporary hearing aid dispenser” means a person who is licensed under A.R.S. Title 36, Chapter 17 and this Article for a specified period of time under the sponsorship of a hearing aid dispenser also licensed under A.R.S. Title 36, Chapter 17 and this Article.

**R9-16-302. Individuals to Act for Applicant Examination Requirements**

When an applicant or a hearing aid dispenser is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or hearing aid dispenser:

- 1. If the applicant or the hearing aid dispenser is an individual, the individual; or
- 2. If the applicant or hearing aid dispenser is a business organization, the designated agent who:
  - a. Is a controlling person of the business organization;
  - b. Is a U.S. citizen or legal resident, and
  - e. Has an Arizona address.
- A. Within two years after the date an applicant receives the approval notification in R9-16-306(B), or a temporary hearing aid dispenser receives the approval in R9-16-305(B), the applicant or temporary hearing aid dispenser shall take and obtain a passing score on the Department-designated:
  - 1. Written hearing aid dispenser examination required in subsection (B), and
  - 2. Practical examination required in subsection (B).
- B. An applicant approved to take the Department-designated practical examination or a temporary hearing aid dispenser approved to take the Department-designated practical examination shall:
  - 1. Arrive on the scheduled date and time of the examination.
  - 2. Provide proof of identity by a government-issued photographic identification card that is provided by the applicant or temporary hearing aid dispenser upon the request of the individual administering the examination, and
  - 3. Exhibit ethical conduct during the examination process.
- C. After the Department receives an applicant’s Department-designated written hearing aid dispenser examination results, the Department shall notify the applicant of:
  - 1. A passing score and approval to take the practical examination; or
  - 2. A failing score that includes, as applicable, approval to retake the written hearing aid dispenser examination.
- D. An applicant or temporary hearing aid dispenser who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.
- E. An applicant or temporary hearing aid dispenser taking the examination will receive a passing score on the examination if the applicant or temporary hearing aid dispenser demonstrates the proficiencies in A.R.S. § 36-1924, as determined by the Department.
- F. After the Department receives an applicant’s practical examination results, the Department shall notify the applicant whether the applicant received:
  - 1. A passing score; or
  - 2. A failing score and, as applicable, approval to retake the Department-designated practical examination for the examination sections that the applicant failed.
- G. The Department shall notify an applicant or temporary hearing aid dispenser that the applicant or temporary hearing aid dispenser may apply for an initial hearing aid dispenser license when the applicant or temporary hearing aid dispenser has received a passing score on both of the examinations in subsection (A).

**R9-16-303. Examination Requirements Application**

- A. Within two years after the date an applicant receives the approval notification in R9-16-304(C)(1), or a hearing aid dispenser with a temporary license receives the approval in R9-16-309(C), the applicant or hearing aid dispenser with a temporary license shall take and obtain a passing score on the Department-designated:
  - 1. Written hearing aid dispenser examination required R9-16-304, and
  - 2. Practical examination required in R9-16-305.



- B.** An applicant approved to take the Department designated practical examination according to R9-16-304(C)(1), the examination required in R9-16-307(E), or a hearing aid dispenser with a temporary license approved to take the Department designated practical examination according to R9-16-309 (F)(1) shall:
1. Arrive on the scheduled date and time of the examination;
  2. Provide proof of identity by a government issued photographic identification card that is provided by the applicant or hearing aid dispenser with a temporary license upon the request of the individual administering the examination, and
  3. Exhibit ethical conduct during the examination process.
- C.** An applicant or hearing aid dispenser with a temporary license who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.
- D.** An applicant or hearing aid dispenser with a temporary license taking the examination:
1. Required in R9-16-307(E), will receive:
    - a. A passing score if 75% or more of the responses are correct, as determined by the Department; or
    - b. A failing score if fewer than 75% of the responses are incorrect, as determined by the Department; and
  2. Required in R9-16-304(C)(1) or R9-16-309 (F)(1) will receive a passing score on the examination if the applicant or hearing aid dispenser with a temporary license demonstrates the proficiencies in A.R.S. § 36-1924(A)(4), as determined by the Department.
- E.** The Department shall notify an applicant or hearing aid dispenser with a temporary license that the applicant or hearing aid dispenser with a temporary license may apply for an initial hearing aid dispenser license when the applicant or hearing aid dispenser with a temporary license has received a passing score on both of the examinations in subsection (A).
- A.** An applicant for licensure shall submit to the Department:
1. An application in a Department-provided format that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - c. The applicant's current employment, if applicable, including:
      - i. The employer's name,
      - ii. The licensee's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,
      - vi. The supervisor's email address, and
      - vii. The supervisor's telephone number;
    - d. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
    - e. If the applicant was convicted of a felony or misdemeanor:
      - i. The date of the conviction,
      - ii. The state or jurisdiction of the conviction,
      - iii. An explanation of the crime of which the applicant was convicted, and
      - iv. The disposition of the case;
    - f. Whether a hearing aid dispenser license issued to the applicant has been suspended or revoked;
    - g. Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;
    - h. Whether the applicant has been disciplined by any state, territory or district in this country for an act upon the applicant's hearing aid dispenser license;
    - i. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-314;
    - j. An attestation that the information submitted as part of the application is true and accurate; and
    - k. The applicant's signature and date of signature;
  2. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080;
  3. Documentation that the applicant received a high school diploma, a high school equivalency diploma, an associate degree, or a higher degree;
  4. Whether a professional license or certificate has been revoked or suspended by another state or jurisdiction;
  5. If a license for an applicant has been revoked or suspended by any state, documentation that includes:
    - a. The date of the revocation or suspension,
    - b. The state or jurisdiction of the revocation or suspension, and
    - c. An explanation of the revocation or suspension;
  6. If an applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensing,
    - b. The state or jurisdiction of the ineligibility for licensing, and
    - c. An explanation of the ineligibility for licensing;
  7. If an applicant has been disciplined by any state, territory or district, in this country for an act upon the applicant's hearing aid dispenser license, documentation that includes:
    - a. The date of the disciplinary action,
    - b. The state or jurisdiction of the disciplinary action,
    - c. An explanation of the disciplinary action, and
    - d. Any other applicable documents, including a legal order or settlement agreement; and
  8. A nonrefundable application fee specified in R9-16-316.
- B.** The Department shall review an application and documentation for approval according to R9-16-314 and Table 3.1.



**R9-16-304. Written Hearing Aid Dispenser Examination Requirements for an Initial Hearing Aid Dispenser License**

- ~~A.~~ An applicant applying for an approval to take the Department designated written hearing aid dispenser examination shall submit to the Department:
  - 1. An application in a format provided by the Department that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
    - d. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction; and
    - e. If the applicant was convicted of a felony or misdemeanor:
      - i. The date of the conviction;
      - ii. The state or jurisdiction of the conviction;
      - iii. An explanation of the crime of which the applicant was convicted; and
      - iv. The disposition of the case;
    - f. Whether within the two years before the application date, a hearing aid dispenser license issued to the applicant was suspended or revoked;
    - g. Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;
    - h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-316;
    - i. An attestation that the information submitted as part of the application is true and accurate; and
    - j. The applicant's signature and date of signature;
  - 2. A copy of the applicant's:
    - a. U.S. passport, current or expired;
    - b. Birth certificate;
    - c. Naturalization documents; or
    - d. Documentation of legal resident alien status;
  - 3. Documentation that the applicant:
    - a. Received a high school diploma from an accredited high school;
    - b. Passed the general education development tests;
    - c. Completed an associate degree or higher from an accredited college or university; or
    - d. Continuously engaged in the practice of fitting and dispensing hearing aids during the three years before August 11, 1970;
  - 4. If the applicant was issued a hearing aid dispenser license in another state or jurisdiction, where the applicant was issued a hearing aid dispenser license; and
  - 5. A nonrefundable \$100 application fee.
- ~~B.~~ The Department shall review an application for an approval to take the Department designated written hearing aid examination according to R9-16-316 and Table 3.1.
- ~~C.~~ Within five calendar days after the Department receives the applicant's Department designated written hearing aid dispenser examination results, the Department shall provide written notification to the applicant of:
  - 1. A passing score that includes approval to take the Department designated practical examination in R9-16-305; or
  - 2. A failing score that includes, as applicable, approval to retake the Department designated written hearing aid dispenser examination.
- A. An applicant for initial licensure shall submit an application to the Department that includes:
  - 1. The information and documents required in R9-16-303;
  - 2. Documentation of passing the:
    - a. Written hearing aid dispenser examination, and
    - b. Practical examination; and
  - 3. The fees specified in R9-16-316.
- B. In addition to complying with subsections (A)(1) and (A)(3), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
  - 1. The name of each state that issued the applicant a current hearing aid dispenser license, including:
    - a. The license number of each current hearing aid dispenser license, and
    - b. The date each current hearing aid dispenser license was issued;
  - 2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
  - 3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
    - b. Has met minimum education requirements according to A.R.S. § 36-1923(A);
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C. An initial hearing aid dispenser license is valid for two years from the date of issue for licensure by examination or licensure by reciprocity.
- D. If the Department does not issue an initial hearing aid dispenser license to an applicant, the Department shall return the license fee to the applicant.



**R9-16-305. ~~Practical Examination Requirements for an Initial Temporary Hearing Aid Dispenser License~~**

- ~~A. After an applicant takes the Department designated practical examination required in R9-16-303(A), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:~~
- ~~1. A passing score; or~~
  - ~~2. A failing score and, as applicable, approval to retake the Department designated practical examination.~~
- ~~B. The Department shall administer the Department designated practical exam that complies with A.R.S. § 36-1924(A)(4):~~
- ~~1. In October each calendar year; and~~
  - ~~2. According to A.R.S. § 36-1923.~~
- A. In addition to complying with R9-16-303, an applicant for a temporary hearing aid dispenser license shall submit to the Department:
1. The sponsor's:
    - a. Name.
    - b. Business address.
    - c. Business telephone number, and
    - d. Arizona hearing aid dispenser license number.
  2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905.
- B. If the Department issues a temporary license to the applicant, the Department shall notify the applicant of approval to take the hearing aid dispenser examination as specified in R9-16-302.
- C. A temporary hearing aid dispenser may renew a temporary license according to A.R.S. § 36-1926.
- D. A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.
- E. A hearing aid dispenser whose temporary license is terminated according to subsection (D):
1. Shall not practice until issued a new license.
  2. May apply for an initial or temporary license as a hearing aid dispenser according to this Article; and
  3. May choose to:
    - a. Complete the two-year test period issued to the applicant with a previous temporary license, or
    - b. Restart the two-year test period on the date the Department approves the hearing aid dispenser's temporary license in subsection (E)(2); and
  4. If the applicant chooses to restart the two-year test period in subsection (3)(b), the previous test result obtained will not apply.
- F. An initial hearing aid dispenser license is valid for 12 months from the date of issue for a temporary license or in compliance with A.R.S. § 36-1926(D).

**R9-16-306. ~~Application for an Initial License by Examination~~ Application for Examination**

- ~~A. Within six months after receiving the written notice in R9-16-303(E), an applicant for an initial license by examination shall submit to the Department:~~
- ~~1. An application in a format provided by the Department that contains:~~
    - ~~a. The applicant's name, home address, telephone number, and e-mail address;~~
    - ~~b. An attestation that the information submitted as part of the application for approval to take the Department designated written hearing aid dispenser examination required in R9-16-304 is currently true and accurate; and~~
    - ~~c. The applicant's signature and date signed; and~~
  - ~~2. A license fee of \$200.~~
- ~~B. The Department shall review an application for an initial hearing aid dispenser license by examination according to R9-16-316 and Table 3.1.~~
- ~~C. If the Department does not issue an initial hearing aid dispenser license by examination to an applicant, the Department shall return the license fee to the applicant.~~
- ~~D. An initial hearing aid dispenser license is valid for two years from the date of issue.~~
- A. In addition to complying with R9-16-303, an applicant for initial licensure by examination shall submit an application to the Department that includes:
1. Information and documentation required in R9-16-303, and
  2. The fee in R9-16-316.
- B. If the Department approves the application, the Department shall notify the applicant of approval to take the written hearing aid dispenser examination as specified in R9-16-302.
- C. If the Department approves an application, the applicant shall not practice fitting and dispensing hearing aids without a license issued by the Department.

**R9-16-307. ~~Application for an Initial License by Reciprocity~~ Initial Application for a Business Hearing Aid Dispenser License**

- ~~A. An applicant for an initial license by reciprocity shall submit to the Department:~~
- ~~1. An application in a format provided by the Department that contains:~~
    - ~~a. The information required in R9-16-304(A)(1)(a) through (A)(1)(j);~~
    - ~~b. The name of each state that issued the applicant a current hearing aid dispenser license;~~
    - ~~c. The license number of each current hearing aid dispenser license; and~~
    - ~~d. The date each current hearing aid dispenser license was issued;~~
  - ~~2. The documents required R9-16-304(A)(2) through (A)(5);~~
  - ~~3. For each state named in subsection (A)(1)(b):~~
    - ~~a. A statement, on the letterhead of the state licensing entity that issued the hearing aid dispenser license and signed by an official of the state licensing entity, that the applicant holds a current hearing aid dispenser license in good standing;~~



- b. A copy of the written and practical portions of the Department-designated hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;
  - e. The state licensing entity's statement of:
    - i. The applicant's score on each section of the hearing aid dispenser examination taken by the applicant;
    - ii. The minimum passing score for each section of the hearing aid dispenser examination taken by the applicant; and
    - iii. The minimum passing score for the hearing aid dispenser examination taken by the applicant;
  - d. A copy of the applicant's current license;
  - e. An attestation that the information submitted as part of the application for an initial license by reciprocity is true and accurate; and
  - f. The applicant's signature and date of signature; and
4. A \$200 license fee.
- B.** ~~Based on the information submitted under subsections (A)(1) through (A)(3), the Department shall determine whether:~~
- 1. ~~The content of the examination taken by the applicant is substantially the same as the content of the Department's examinations in:~~
    - a. ~~The Department-designated written hearing aid dispenser examination; and~~
    - b. ~~The Department-designated practical examination;~~
  - 2. ~~The applicant's scores on the examinations in (A)(3)(c) meet the requirements in R9-16-303 for passing; and~~
  - 3. ~~The applicant complies with A.R.S. §§ 36-1922 and 36-1923(A), and this Article.~~
- C.** ~~The Department shall review an application for an initial license by reciprocity according to R9-16-316 and Table 3.1.~~
- D.** ~~If the Department does not issue an initial license by reciprocity to an applicant, the Department shall return the license fee to the applicant.~~
- E.** ~~If the Department issues an initial license by reciprocity to an applicant, the Department shall provide notification to the applicant that the applicant is approved to take and required to pass the examination identified in A.R.S. § 36-1922 within six months after the initial license by reciprocity is issued.~~
- F.** ~~After an applicant takes the examination in subsection (E), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:~~
- 1. ~~A passing score; or~~
  - 2. ~~A failing score and, as applicable, approval to retake the examination.~~
- G.** ~~An initial license by reciprocity issued to an applicant is valid for two years from the date of issue.~~
- A.** An applicant for a business hearing aid dispenser license shall submit to the Department:
- 1. An application in a Department-provided format that contains:
    - a. The name of the business organization;
    - b. The business organization's Arizona business name, address, e-mail address, and telephone number;
    - c. If the business organization has more than one location, provide the name, address, e-mail address, and telephone number for each location;
    - d. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
    - e. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;
    - f. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state;
    - g. Whether the business organization or a hearing aid dispenser working for the business organization is currently ineligible for licensing in any state due to a suspension or revocation;
    - h. An attestation that the:
      - i. Business organization allows the Department to make supplemental requests for additional information; and
      - ii. Information required as part of the application has been submitted and is true and accurate; and
    - i. The signature and date of signature from the designated agent; and
  - 2. An application and license fee specified in R9-16-316.
- B.** A business organization with more than one location shall submit a duplicate license fee for each additional location according to R9-16-315 and R9-16-316.
- C.** The Department shall review an application for an initial business hearing aid dispenser license according to R9-16-314 and Table 3.1.
- D.** A business organization licensed according to this Article shall comply with A.R.S. § 36-1910.
- E.** An initial license issued to a business organization according to this Section is valid for two years from the date of issue.
- R9-16-308. Application for an Initial License to a Business Organization License Renewal**
- A.** An applicant that is a business organization shall submit to the Department:
- 1. An application for an initial hearing aid dispenser license in a format provided by the Department that contains:
    - a. The name of the business organization;
    - b. The business organization's Arizona business name, address, and telephone number;
    - c. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
    - d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;
    - e. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;



- f. ~~Whether the business organization or a hearing aid dispenser working for the business organization currently is not eligible for licensing in any state due to a suspension or revocation;~~
- g. ~~An attestation that information required as part of the application has been submitted and is true and accurate; and~~
- h. ~~The signature and date of signature from the designated agent;~~
- 2. ~~A nonrefundable \$100 application fee; and~~
- 3. ~~A \$200 license fee.~~
- B.** ~~The Department shall review an application for an initial hearing aid dispenser license to a business organization according to R9-16-316 and Table 3.1.~~
- C.** ~~If the Department does not issue an initial hearing aid dispenser license to a business organization, the Department shall return the license fee in subsection (A)(3) to the applicant.~~
- D.** ~~A business organization licensed according to this Section shall comply with A.R.S. § 36-1910.~~
- E.** ~~An initial license issued to a business organization according to this Section is valid for two years from the date of issue.~~
- A.** A licensee, except for a temporary hearing aid dispenser, shall submit a renewal application in a Department-provided format that contains:
  - 1. For an individual licensed as a hearing aid dispenser:
    - a. The licensee's name, home address, telephone number, and e-mail address;
    - b. The licensee's current employment, if applicable, including:
      - i. The employer's name,
      - ii. The licensee's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,
      - vi. The supervisor's email address, and
      - vii. The supervisor's telephone number;
    - c. The licensee's license number and expiration date;
    - d. Since the hearing aid dispenser's previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
    - e. If the licensee was convicted of a felony or misdemeanor:
      - i. The date of the conviction,
      - ii. The state or jurisdiction of the conviction,
      - iii. An explanation of the crime of which the licensee was convicted, and
      - iv. The disposition of the case;
    - f. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
    - g. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
    - h. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-16-314;
    - i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and that documentation of completion is available upon request;
    - j. An attestation that the information required as part of the application has been submitted and is true and accurate; and
    - k. The licensee's signature and date of signature;
  - 2. Whether the licensee has, within the two years before the date of the application, had:
    - a. A license issued under this Article suspended or revoked; or
    - b. A professional license or certificate revoked by another state or jurisdiction; and
  - 3. A license renewal fee specified in R9-16-316; or
  - 4. For a business organization licensed as a hearing aid dispenser:
    - a. The information in subsection R9-16-307(A)(1), and
    - b. A license renewal fee specified in R9-16-316.
- B.** A licensee, except for a temporary hearing aid dispenser, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:
  - 1. The information and renewal fee required in subsection (A), and
  - 2. A late fee specified in R9-16-316.
- C.** A renewal license issued to a licensee, except for temporary hearing aid dispenser, is valid for two years after the expiration date of the previous license issued by the Department.
- D.** If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:
  - 1. The hearing aid dispenser may apply for a new license according to subsection (E), or
  - 2. The business organization may apply for a new license according to R9-16-307.
- E.** A licensee whose license is nonrenewable, according to subsection (D)(1), and is within one year after the expiration date of the hearing aid dispenser's license, the licensee shall submit:
  - 1. The information in R9-16-303(A);
  - 2. An attestation of continuing education, according to R9-16-309, completed with twenty-four months before the date of the date of application; and
  - 3. A nonrefundable application fee and a license fee specified in R9-16-316.
- F.** If allowed in R9-16-303, a temporary hearing aid dispenser shall submit at least 30 calendar days before the expiration date on the license, a renewal application to the Department in a Department-provided format that contains:
  - 1. The information in R9-16-303(A);
  - 2. The applicant's sponsor's:
    - a. Name,



- b. Business address.
- c. Business telephone number, and
- d. Arizona hearing aid dispenser license number;
- 3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
- 4. A license renewal fee specified in R9-16-316.

**G.** A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.

**H.** The Department shall review a renewal application according to R9-16-314 and Table 3.1.

**R9-16-309. Application for a Temporary License Continuing Education**

**A.** An applicant for a temporary license shall submit to the Department:

- 1. An application in a format provided by the Department that contains:
  - a. The information in R9-16-304(A)(1)(a) through (A)(5); and
  - b. The applicant's sponsor's:
    - i. Name;
    - ii. Business address;
    - iii. Business telephone number, and
    - iv. Arizona hearing aid dispenser license number;
- 2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
- 3. A \$100 license fee.

**B.** The Department shall review an application for a temporary license according to R9-16-316 and Table 3.1.

**C.** If the Department issues a temporary license to the applicant, the Department shall also provide written notification to the applicant of approval to take the Department-designated written hearing aid dispenser examination within six months after the temporary license is issued.

**D.** If the Department does not issue an applicant a temporary license, the Department shall return the license fee in subsection (A)(3) to the applicant.

**E.** If a hearing aid dispenser with a temporary license takes and fails the Department-designated written hearing aid dispenser examination required in subsection (C), the temporary hearing aid dispenser may:

- 1. Renew the temporary license once according to R9-16-311(F); and
- 2. Take the Department-designated written hearing aid dispenser examination within the six months after renewal of the temporary license.

**F.** Within five calendar days after the Department receives an individual's Department-designated written hearing aid dispenser examination results, the Department shall provide written notification to the individual of:

- 1. A passing score that includes approval to take the Department-designated practical examination; or
- 2. A failing score that includes, as applicable, approval to retake the Department-designated written hearing aid dispenser examination.

**G.** A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.

**H.** A hearing aid dispenser whose temporary license is terminated according to subsection (G), shall:

- 1. Not practice until issued a new license, and
- 2. May apply for an initial license as a hearing aid dispenser according to this Article or a temporary license according to this Section.

**I.** A temporary license is valid for 12 months from the date of issue.

**A.** Twenty-four months prior to submitting a renewal application, a licensee shall complete 24 continuing education hours that includes no more than eight continuing education hours provided by a single manufacturer of hearing aids.

**B.** Continuing education shall:

- 1. Directly relate to the practice of fitting and dispensing hearing aids;
- 2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
- 3. Consist of courses that include advances within the last five years in:
  - a. Procedures in the selection and fitting of hearing aids,
  - b. Pre- and post-fitting management of clients,
  - c. Instrument circuitry and acoustic performance data,
  - d. Ear mold design and modification contributing to improved client performance,
  - e. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,
  - f. Auditory rehabilitation,
  - g. Ethics,
  - h. Federal and state statutes or rules, or
  - i. Assistive listening devices.

**C.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):

- 1. Hearing Healthcare Providers of Arizona,
- 2. Arizona Speech-Language-Hearing Association,
- 3. American Speech-Language-Hearing Association,
- 4. International Hearing Society,
- 5. International Institute for Hearing Instruments Studies,
- 6. American Auditory Society.



7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Society of Otolaryngology, Head and Neck Surgery,
10. American Academy of Otolaryngology-Head and Neck Surgery, or
11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

#### R9-16-310. Sponsors

##### **A.** A sponsor shall:

1. Provide to a hearing aid dispenser with a temporary license a minimum of 64 hours per month of on-site training and supervision that:
  - a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the hearing aid dispenser with a temporary license; and
  - b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
2. Maintain a record that:
  - a. Is signed by the hearing aid dispenser with a temporary license;
  - b. Has the date, time, and content of the training and supervision provided to the hearing aid dispenser with a temporary license, as required in subsection (A)(1); and
  - c. Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; and
3. Not provide sponsorship to more than two hearing aid dispensers with temporary licenses, at one time.

##### **B.** When a sponsor terminates a sponsorship agreement with a hearing aid dispenser with a temporary license:

1. The sponsor shall:
  - a. Provide a written notice to the hearing aid dispenser with a temporary license indicating termination of the sponsorship agreement; and
  - b. Provide a copy of the written notice required in subsection (B)(1)(a), and documentation that the hearing aid dispenser with a temporary license received the written notice, to the Department; and
2. The hearing aid dispenser with a temporary license shall return the temporary license to the Department.

##### **A.** A sponsor shall:

1. Provide to a temporary hearing aid dispenser for on-site training and supervision that:
  - a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary hearing aid dispenser; and
  - b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
2. Maintain a training record that:
  - a. Is signed by the temporary hearing aid dispenser;
  - b. Has the date, time, and content of the training and supervision provided to the temporary hearing aid dispenser, as required in subsection (A)(1); and
  - c. Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; and
3. Not provide sponsorship to more than two temporary hearing aid dispenser licensees at one time.

##### **B.** When a sponsor terminates a sponsorship agreement with a temporary hearing aid dispenser, the sponsor shall:

1. Provide to the temporary hearing aid dispenser a:
  - a. Written notice indicating termination of the sponsorship agreement, and
  - b. Copy of the hearing aid dispenser's records in subsection (A)(2); and
2. Provide to the Department documentation of the notice required in subsection (B)(1)(a).

#### R9-16-311. License Renewal Responsibilities of a Hearing Aid Dispenser

##### **A.** A licensee, except for a hearing aid dispenser with a temporary license, shall submit a renewal application in a format provided by the Department that contains:

1. For an individual licensed as a hearing aid dispenser:
  - a. The applicant's name, home address, telephone number, and e-mail address;
  - b. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
  - c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
  - d. The applicant's license number and expiration date;
  - e. Since the hearing aid dispenser's previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state or jurisdiction;
  - f. If the applicant was convicted of a felony or misdemeanor involving moral turpitude:
    - i. The date of the conviction;
    - ii. The state or jurisdiction of the conviction;
    - iii. An explanation of the crime of which the applicant was convicted, and
    - iv. The disposition of the case;
  - g. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
  - h. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
  - i. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act upon the applicant's hearing aid dispenser license;
  - j. An attestation that information required as part of the application has been submitted and is true and accurate; and
  - k. The applicant's signature and date of signature;
2. In addition to the requirements in subsection (A)(1) an individual shall submit:
  - a. Documentation of 24 continuing education hours completed within the 24 months before the expiration date on the license, including:



- i. The name of the organization providing the course;
  - ii. The date and location where the course was provided;
  - iii. The title of each course attended;
  - iv. A description of each course's content;
  - v. Whether the course was taught in person;
  - vi. The name of the instructor;
  - vii. The instructor's education, training, and experience background, if available; and
  - viii. The number of continuing education hours earned for each course; and
- b. A \$200 license renewal fee; or
- 3. For a business organization licensed as a hearing aid dispenser:
    - a. The information in subsection R9-16-308(A)(1), and
    - b. A \$200 license renewal fee.
- B.** A licensee, except for a hearing aid dispenser with a temporary license, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:
    - 1. The information and renewal fee required in subsection (A), and
    - 2. A \$25 late fee.
- C.** A renewal license issued to a licensee, except for a hearing aid dispenser with a temporary license, is valid for two years after the expiration date of the previous license issued by the Department.
- D.** If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:
    - 1. The hearing aid dispenser may apply for a new license according to subsection (E), or
    - 2. The business organization may apply for a new license according to R9-16-308.
- E.** A licensee whose license is nonrenewable according to subsection (D)(1) and it is within one year after the expiration date of the hearing aid dispenser's license:
    - 1. The applicant shall submit an application in a format provided by the Department that contains:
      - a. The information required in R9-16-304(A)(1) through (A)(4), and
      - b. Documentation of continuing education according to R9-16-312; and
    - 2. A nonrefundable \$100 application fee and a \$100 license fee.
- F.** If allowed in R9-16-309(E)(1), a hearing aid dispenser with a temporary license shall submit at least 30 calendar days before the expiration date on the license, a renewal application in a format provided by the Department that contains:
    - 1. The information in R9-16-304(A)(1) through (A)(4);
    - 2. The applicant's sponsor's:
      - a. Name;
      - b. Business address;
      - c. Business telephone number, and
      - d. Arizona hearing aid dispenser license number;
    - 3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
    - 4. A \$100 license renewal fee.
- G.** A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.
- H.** The Department shall review a renewal application according to R9-16-316 and Table 3.1.
- A.** A hearing aid dispenser licensed shall:
    - 1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;
    - 2. Conspicuously post the license received in the hearing aid dispenser's office or place of business;
    - 3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:
      - a. Type, degree, and configuration of hearing loss;
      - b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
      - c. The client's most comfortable and uncomfortable loudness levels in decibels;
    - 4. Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:
      - a. Obtained within the previous 12 months for an adult, or
      - b. Within the previous six months for an individual under the age of 18;
    - 5. Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:
      - a. The client's young age, or
      - b. A physical or mental disability;
    - 6. Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;
    - 7. Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:
      - a. Information required in A.R.S. § 36-1909;
      - b. A complete description of:
        - i. Warranty information, and
        - ii. The conditions of any offer of a trial period with a money back guarantee or partial refund; and
      - c. The client's signature and date of signature; and



8. Not:
  - a. Practice without a license according to A.R.S. § 36-1907,
  - b. Commit unlawful acts according to A.R.S. § 36-1936, or
  - c. Commit actions described in A.R.S. § 36-1934(A).

**B.** The trial period described in subsection (A)(7)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.

**R9-16-312. Continuing Education Equipment and Records**

**A.** Continuing education shall:

1. Directly relate to the practice of fitting and dispensing hearing aids;
2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
3. Consist of courses that include advances within the last five years in:
  - a. Procedures in the selection and fitting of hearing aids;
  - b. Pre- and post-fitting management of clients;
  - c. Instrument circuitry and acoustic performance data;
  - d. Ear mold design and modification contributing to improved client performance;
  - e. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss;
  - f. Auditory rehabilitation;
  - g. Ethics;
  - h. Federal and state statutes or rules; or
  - i. Assistive listening devices.

**B.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (A):

1. Hearing Healthcare Providers of Arizona;
2. Arizona Speech Language Hearing Association;
3. American Speech Language Hearing Association;
4. International Hearing Society;
5. International Institute for Hearing Instrument Studies;
6. American Auditory Society;
7. American Academy of Audiology;
8. Academy of Doctors of Audiology;
9. Arizona Society of Otolaryngology Head and Neck Surgery;
10. American Academy of Otolaryngology Head and Neck Surgery; or
11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

**C.** A hearing aid dispenser shall comply with the continuing education requirements in A.R.S. § 36-1904.

**A.** A licensee shall maintain an audiometer and other hearing devices according to the manufacturer's specifications.

**B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:

1. The equipment is calibrated at least every 12 months and according to the American National Standard Institution/Acoustical Society incorporated by reference and on file with the Department, with no future additions or amendments, and available from the American National Standards Institution at <http://webstore.ansi.org>; and
2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

**C.** A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:

1. The name, address, and telephone number of the individual to whom services are provided;
2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;
3. For each audiometric test conducted for the client, the:
  - a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service;
  - b. Name of the individual who performed the audiometric tests, and
  - c. Signature of the individual who performed the audiometric tests;
4. A copy of the bill of sale required in R9-16-311(A)(7);
5. Documented verification of the effectiveness of the hearing aid required in R9-16-311(A)(6); and
6. The contracts, agreements, warranties, trial periods, or other documents involving the client.

**R9-16-313. Responsibilities of a Hearing Aid Dispenser Enforcement**

**A.** A hearing aid dispenser licensed according to subsections R9-16-306 or R9-16-307 shall:

1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;
2. Conspicuously post the license received according to subsections R9-16-306 or R9-16-307 in the hearing aid dispenser's office or place of business;
3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:
  - a. Type, degree, and configuration of hearing loss;
  - b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
  - c. The client's most comfortable and uncomfortable loudness levels in decibels;



- 4. Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:
    - a. Obtained within the previous 12 months for an adult; or
    - b. Within the previous six months for an individual under the age of 18;
  - 5. Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:
    - a. The client's young age; or
    - b. A physical or mental disability;
  - 6. Maintain documentation for three years from the date of receipt of the information, that supports the exclusion of specific audiometric tests according to subsections (A)(4) and (A)(5);
  - 7. Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;
  - 8. Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:
    - a. Information required in A.R.S. § 36-1909;
    - b. A complete description of:
      - i. Warranty information; and
      - ii. The conditions of any offer of a trial period with a money back guarantee or partial refund; and
    - c. The client's signature and date of signature; and
  - 9. Not:
    - a. Practice without a license according to A.R.S. § 36-1907;
    - b. Commit unlawful acts according to A.R.S. § 36-1936; or
    - c. Commit actions described in A.R.S. § 36-1934(A).
- B.** The trial period described in subsection (A)(8)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.
- A.** The Department may, as applicable:
- 1. Deny, revoke, or suspend a license under A.R.S. § 36-1934.
  - 2. Request an injunction under A.R.S. § 36-1937, or
  - 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A), the Department shall consider:
- 1. The type of violation.
  - 2. The severity of the violation.
  - 3. The danger to the public health and safety.
  - 4. The number of violations.
  - 5. The number of clients affected by the violations.
  - 6. The degree of harm to the consumer.
  - 7. A pattern of noncompliance, and
  - 8. Any mitigating or aggravating circumstances.
- C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- R9-16-314. Equipment and Records Time-frames**
- A.** A licensee shall maintain an audiometer that performs the audiometric tests as described in R9-16-313 according to the manufacturer's specifications.
- B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:
- 1. The equipment is calibrated at least every 12 months and according to the American National Standard—Specifications for Audiometers, S3.6-2010, Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, November 2, 2010, incorporated by reference and on file with the Department and the Office of the Secretary of State, with no future additions or amendments; and
  - 2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.
- C.** A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:
- 1. The name, address, and telephone number of the individual to whom services are provided;
  - 2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;
  - 3. For each audiometric test conducted for the client, the:
    - a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service;
    - b. Name of the individual who performed the audiometric tests; and
    - c. Signature of the individual who performed the audiometric tests;
  - 4. A copy of the bill of sale required in R9-16-313(A)(8);
  - 5. Documented verification of the effectiveness of the hearing aid required in R9-16-313 (A)(7); and
  - 6. The contracts, agreements, warranties, trial periods, or other documents involving the client.
- A.** For each type of license issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
- 1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.



- 2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.
- B.** For each type of license issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
  - 1. The administrative completeness review time-frame begins on the date the Department receives an application required in this Article.
  - 2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
    - a. If an application and required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
    - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
    - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
  - 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of license issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
  - 1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
  - 2. During the substantive review time-frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and
    - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
  - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
  - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.
- D.** An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Table 3.1. Time-frames (in calendar days)**

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Review Time-frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Initial Application for a Hearing Aid Dispenser</u>	<u>A.R.S. §§ 36-1904, 36-1923</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Initial Application for a Business Organization</u>	<u>A.R.S. § 36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>License Renewal</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

**R9-16-315. Disciplinary Actions Change Affecting a License or a Licensee; Request for Duplicate License**

- A.** The Department may, as applicable:
  - 1. Take an action under A.R.S. § 36-1934,
  - 2. Request an injunction under A.R.S. § 36-1937, or
  - 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
  - 1. The type of violation;
  - 2. The severity of the violation;
  - 3. The danger to the public health and safety;
  - 4. The number of violations;
  - 5. The number of clients affected by the violations;
  - 6. The degree of harm to the consumer;
  - 7. A pattern of noncompliance; and
  - 8. Any mitigating or aggravating circumstances.
- C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- D.** The Department shall notify a licensee’s employer within five days after the Department initiates a disciplinary action against a licensee.



- A.** A hearing aid dispenser licensee or temporary hearing aid dispenser licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
  - 1. The licensee's home address or e-mail address, including the new home address or e-mail address;
  - 2. The licensee's name, including a copy of one of the following with the licensee's new name:
    - a. Marriage certificate,
    - b. Divorce decree, or
    - c. Other legal document establishing the licensee's new name; or
  - 3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.
- B.** A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a Department-provided format that includes:
  - 1. The licensee's name and address,
  - 2. The licensee's license number and expiration date,
  - 3. The licensee's signature and date of signature, and
  - 4. A duplicate license fee specified in R9-16-316.
- C.** A business hearing aid dispenser licensee shall submit a written notice to the Department within 30 calendar days after the licensee:
  - 1. Has a change in the information provided in R9-16-307(A)(1)(b),
  - 2. Closes a location specified in R9-16-307(A)(1)(b) and (c), including the location address.
  - 3. Begins operating at new location, not specified in R9-16-307(A)(1)(c), including the new location address.

**R9-16-316. Time-frames Fees**

- A.** The overall time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1. The Department and an applicant may agree in writing to extend the substantive review time frame and the overall time frame. The substantive review time frame and the overall time frame may not be extended by more than 25 percent of the overall time frame.
- B.** The administrative completeness review time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1.
  - 1. The administrative completeness review time frame begins:
    - a. For an applicant submitting an application for approval to take the Department designated written hearing aid dispenser examination, when the Department receives the application required in R9-16-304(A);
    - b. For an applicant submitting an application for initial hearing aid dispenser license by examination, when the Department receives the application required in R9-16-306;
    - c. For an applicant submitting an application for initial hearing aid dispenser license by reciprocity, when the Department receives the application required in R9-16-307;
    - d. For a business organization submitting an application for an initial hearing aid dispenser license to a business organization, when the Department receives the application required in R9-16-308;
    - e. For an applicant submitting an application for a temporary license, when the Department receives the application required in R9-16-309;
    - f. For a licensed hearing aid dispenser applying to renew a hearing aid dispenser license, when the Department receives the application required in R9-16-311;
    - g. For a business organization applying to renew a business organization hearing aid dispenser license, when the Department receives the application required in R9-16-311; and
    - h. For a temporary hearing aid dispenser applying to renew a temporary license, when the Department receives the application required in R9-16-311.
  - 2. If an application is incomplete, the Department shall provide a notice of deficiencies to the applicant or licensee describing the missing documents or incomplete information. The administrative completeness review time frame and the overall time frame are suspended from the date of the notice until the date the Department receives the documentation or information listed in the notice of deficiencies. An applicant or licensee shall submit to the Department the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1 for responding to a notice of deficiencies.
  - 3. If the applicant or licensee submits the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall provide a written notice of administrative completeness to the applicant or licensee.
  - 4. If the applicant or licensee does not submit the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall consider the application withdrawn.
  - 5. When an application is complete, the Department shall provide a notice of administrative completeness to the applicant or licensee.
  - 6. If the Department issues a license or notice of approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time frame described in A.R.S. § 41-1072 is specified in Table 3.1 and begins on the date of the notice of administrative completeness:
  - 1. If an application complies with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a notice of approval to an applicant or a license to an applicant or licensee.
  - 2. If an application does not comply with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall make one comprehensive written request for additional information, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information. The substantive review time frame and the overall time frame are suspended from the date that the Department sends a comprehensive written request for additional or a supplemental request for information until the date that the Department receives all of the information requested.



3. An applicant or licensee shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information within the time specified in Table 3.1.
  4. If the applicant or licensee does not submit the additional information within the time specified in Table 3.1 or the additional information submitted by the applicant or licensee does not demonstrate compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall provide to the applicant or licensee a written notice of denial that complies with A.R.S. § 41-1092.03(A).
  5. If the applicant or licensee submits the additional information within the time specified in Table 3.1 and the additional information submitted by the applicant or licensee demonstrates compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a license to an applicant or licensee or a notice of approval to an applicant.
- A.** An applicant shall submit to the Department the following fee for:
1. A nonrefundable initial application, \$100;
  2. An initial license for a regular or business hearing aid dispenser, \$200;
  3. A renewal application for temporary hearing aid dispenser license, \$100.
  4. A regular or business hearing aid dispenser licensee for a renewal license, \$200.
- B.** If a renewal application is submitted within 30 calendar days after the license expiration date, a licensee shall submit with the renewal application a \$25 late fee.
- C.** The fee for a duplicate license is \$25.
- D.** An applicant, who is not a business organization, for initial licensure is not required to submit the applicable fee in subsection (A) if the applicant, as part of the applicable application in R9-16-303 or R9-16-306, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

**Table 3.1. Time frames (in calendar days) Repealed**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Time to Respond to Notice of Deficiency	Substantive Review Time-frame	Time to Respond to Comprehensive Written Request
Approval to take the Department-designated Written Hearing Aid Dispenser Examination	A.R.S. §§ 36-1923, 36-1924	60	30	60	30	30
Initial License by Examination	A.R.S. §§ 36-1904, 36-1923	60	30	30	30	15
Initial License by Reciprocity	A.R.S. § 36-1922	60	30	30	30	15
Initial License to a Business Organization	A.R.S. § 36-1910	60	30	30	30	15
Temporary License	A.R.S. § 36-1926	60	30	30	30	15
Renewal of a Hearing Aid Dispenser License	A.R.S. § 36-1904	60	30	30	30	15
Renewal of a Business Organization License	A.R.S. § 36-1910	60	30	30	30	15
Renewal of a Temporary License	A.R.S. § 36-1926	60	30	30	30	15

**R9-16-317. Change Affecting a License or a Licensee; Request for Duplicate License Repealed**

- A.** A licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
1. The licensee's home address or e-mail address, including the new home address or e-mail address;
  2. The licensee's name, including a copy of one of the following with the licensee's new name:
    - a. Marriage certificate;
    - b. Divorce decree, or
    - c. Other legal document establishing the licensee's new name; or
  3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.



- B.** A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a format provided by the Department that includes:
1. The licensee's name and address;
  2. The licensee's license number and expiration date;
  3. The licensee's signature and date of signature, and
  4. A \$25 duplicate license fee.

**NOTICE OF FINAL EXPEDITED RULEMAKING  
TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

[R20-65]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R9-16-501   | Amend                           |
| R9-16-502   | Amend                           |
| R9-16-503   | Amend                           |
| R9-16-504   | Amend                           |
| R9-16-505   | Repeal                          |
| R9-16-505   | New Section                     |
| Table 5.1   | Repeal                          |
| R9-16-506   | Repeal                          |
| R9-16-506   | New Section                     |
| Table 5.1   | New Table                       |
| R9-16-507   | Amend                           |
| R9-16-508   | New Section                     |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)  
 Implementing statute: A.R.S. §§ 36-1902(B)(5) and 36-1940.04
- 3. The effective date of the rules:**  
 April 8, 2020
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:**  
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3322, November 15, 2019  
 Notice of Proposed Expedited Rulemaking: 26 A.A.R. 165, January 24, 2020
- 5. The agency's contact person who can answer questions about the expedited rulemaking:**
- |            |   |
|------------|---|
| Name:      | Thomas Salow, Branch Chief  |
| Address:   | Department of Health Services<br>Division of Licensing Services<br>150 N. 18th Ave., Suite 400<br>Phoenix, AZ 85007             |
| Telephone: | (602) 364-1935  |
| Fax:       | (602) 364-4808  |
| E-mail:    | <a href="mailto:Thomas.Salow@azdhs.gov">Thomas.Salow@azdhs.gov</a>  |
| or         |   |
| Name:      | Stephanie Elzenga, Administrative Counsel   |
| Address:   | Department of Health Services<br>Office of Administrative Counsel and Rules<br>150 N. 18th Ave., Suite 200<br>Phoenix, AZ 85007 |
| Telephone: | (602) 542-1020  |
| Fax:       | (602) 364-1150  |
| E-mail:    | <a href="mailto:Stephanie.Elzenga@azdhs.gov">Stephanie.Elzenga@azdhs.gov</a>  |
- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the expedited rulemaking:**  
 The five-year-review report (Report) for 9 A.A.C. 16, Article 5 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated a plan to amend the rules as identified in the Report. Changes include consolidating



and clarifying all fees including: initial application, initial licensing, renewal licensing, renewal licensing late fee, and duplicate license. The changes also include clarifying reciprocity requirements. The changes do not increase a fee or the cost of regulatory compliance and do not reduce procedural rights of a regulated person. This rulemaking meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report specified in A.R.S. § 41-1027(A)(7). The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on October 25, 2019.

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

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

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

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

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

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

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

Between the proposed expedited rulemaking and the final expedited rulemaking the Department made one change. In Table 5.1, the Department changed “A.R.S. §§ 36-1904 and 36-1904.04” to “A.R.S. §§ 36-1904 and 36-1940.04.”

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

The Department did not receive public or stakeholder comments about the expedited rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Department or this specific expedited 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:**

The Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

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

There are no federal rules applicable to the subject of the rule.

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

No such analysis was submitted.

**13. Incorporations by reference and their location in the rules:**

None

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

The rule was not previously made as an emergency rule.

**15. The full text of the rule follows:**

**TITLE 9. HEALTH SERVICES  
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING**

**ARTICLE 5. LICENSING SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS**

Section	
R9-16-501.	Definitions
R9-16-502.	<del>Application for an Initial License</del> <u>Initial Application</u>
R9-16-503.	License Renewal
R9-16-504.	Continuing Education
R9-16-505.	<del>Time-frames</del> <u>Enforcement</u>
Table 5.1.	<del>Time-frames (in calendar days)</del> <u>Repealed</u>
R9-16-506.	<del>Disciplinary Actions</del> <u>Time-frames</u>
Table 5.1.	<u>Time-frames (in calendar days)</u>



- R9-16-507. Changes Affecting a License or a Licensee; Request for Duplicate License
- R9-16-508. Fees

**ARTICLE 5. LICENSING SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS**

**R9-16-501. Definitions**

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. "Accredited" means approved by the:
  - a. ~~New England Association of Schools and Colleges~~ Commission of Higher Education,
  - b. Middle States Commission on Higher Education,
  - c. ~~North Central Association of Colleges and Schools~~ Higher Learning Commission,
  - d. Northwest Commission on Colleges and Universities,
  - e. Southern Association of Colleges and Schools Commission on Colleges, or
  - f. ~~Western Association of Schools and Colleges~~ WASC Senior College and University Commission.
2. ~~"Applicant" means:~~
  - a. ~~An individual who submits a license application packet, or~~
  - b. ~~A person who submits a request for approval of a continuing education course.~~
2. "Applicant" means an individual who submits a license application and required documentation for approval to practice as a speech-language pathologist assistant.
3. ~~"Application packet" means the information, documents, and fees required by the Department to apply for a license.~~
- 4.3. ~~"Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.~~
5. ~~"Client" means an individual who receives speech-language pathology services from a speech-language pathologist assistant.~~
- 6.4. ~~"Continuing education" means a course that provides instruction and training that is designed to develop or improve a licensee's professional competence in disciplines that directly relate to the licensee's scope of practice.~~
7. ~~"Continuing education hour" means 50 to 60 minutes of continuous instruction.~~
- 8.5. ~~"Course" means a workshop, seminar, lecture, conference, or class.~~
- 9.6. ~~"Documentation" or "documented" means information in written, photographic, electronic, or other permanent form.~~
- 10.7. ~~"General education" means instruction that includes:~~
  - a. Oral communication,
  - b. Written communication,
  - c. Mathematics,
  - d. Computer instruction,
  - e. Social sciences, and
  - f. Natural sciences.
- 11.8. ~~"Observation" means to witness:~~
  - a. The provision of speech-language pathology services to a client, or
  - b. A demonstration of how to provide speech-language pathology services to a client.
- 12.9. ~~"Semester credit hour" means one earned academic unit of study completed, at an accredited college or university, by:~~
  - a. Attending a 50 to 60 minute class session each calendar week for at least 16 weeks, or
  - b. Completing practical work for a course as determined by the accredited college or university.
- 13.10. ~~"Speech-language pathologist" means an individual who is licensed under A.R.S. § 36-1940.01.~~
- 14.11. ~~"Speech-language pathology technical course work" means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:~~
  - a. Language acquisition,
  - b. Speech development,
  - c. Communication disorders,
  - d. Articulation and phonology, and
  - e. Intervention techniques for speech and language disorders.
- 15.12. ~~"Supervision" means instruction and monitoring provided by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04(E) and (F) to an individual training to become a speech-language pathologist assistant that includes:~~
  - a. ~~On-site observation and guidance; and~~
  - b. ~~Activities, such as consultation, record review, and review and evaluation of an audiotaped or videotaped screening evaluation or clinical session.~~

**R9-16-502. Application for an Initial License Initial Application**

- A. An applicant for a ~~speech-language pathologist assistant initial license~~ license shall submit to the Department ~~an application packet that includes:~~
  1. An application in a ~~format provided by the Department~~ Department-provided format that contains:
    - a. The applicant's name, home address, telephone number, and e-mail address;
    - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
    - c. If applicable, the name of the applicant's employer and the employer's business address and telephone number;
    - d. Whether the applicant has ever been convicted of a felony or of a misdemeanor ~~involving moral turpitude~~ in this state or another state;
    - e. If the applicant has been convicted of a felony or a misdemeanor ~~involving moral turpitude~~:
      - i. The date of the conviction,
      - ii. The state or jurisdiction of the conviction,



- iii. An explanation of the crime of which the applicant was convicted, and
  - iv. The disposition of the case;
  - f. Whether the applicant has had a license revoked or suspended by any state ~~within the previous two years;~~
  - g. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
  - h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under ~~R9-16-505~~ R9-16-506;
  - i. An attestation that the information submitted is true and accurate; and
  - j. The applicant's signature and date of signature;
2. If applicable, a list of all states and countries in which the applicant is or has been licensed as a speech-language pathologist assistant;
  3. If a license for an applicant has been revoked or suspended by any state ~~within the previous two years,~~ documentation that includes:
    - a. The date of the revocation or suspension,
    - b. The state or jurisdiction of the revocation or suspension, and
    - c. An explanation of the revocation or suspension;
  4. If the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensure,
    - b. The state or jurisdiction of the ineligibility for licensure, and
    - c. An explanation of the ineligibility for licensure;
  5. ~~A copy of the applicant's:~~ Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080.
    - ~~a. U.S. passport, current or expired;~~
    - ~~b. Birth certificate;~~
    - ~~c. Naturalization documents; or~~
    - ~~d. Documentation of legal resident alien status;~~
  6. ~~An official transcript~~ A transcript or equivalent documentation issued to the applicant from an accredited college or university, showing completion of at least 60 semester credit hours of general education and speech-language pathology technical course work, ~~as required specified in A.R.S. § 36.1940.04(A); that requires:~~
    - a. No less than 20 semester credit hours of general education, and
    - b. No less than 20 semester credit hours of speech-language pathology technical course work;
  7. Documentation, signed by a licensed speech-language pathologist as required in A.R.S. §36-1940.04 who provided supervision to the applicant, confirming the applicant's completion of at least 100 hours of clinical interaction that did not include observation; and
  8. ~~A nonrefundable \$100 application fee; and~~ The application and licensing fees specified in R9-16-508.
  9. ~~A \$200 license fee.~~
- B.** In addition to complying with subsection (A)(1) through (5), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
1. The name of each state that issued the applicant a current speech-language pathologist assistant, including:
    - a. The license number of each current speech-language pathologist assistant license, and
    - b. The date each current speech-language pathologist assistant license was issued;
  2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
  3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
    - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
    - b. Has met minimum education requirements according to A.R.S. § 36-1940.04;
    - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
    - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C.** A regular license is valid for two years from the date of issue.
- ~~B-D.~~** The Department shall review the application ~~packet~~ and required documentation for an initial license to practice as a speech-language pathologist assistant according to ~~R9-16-505~~ R9-16-506 and Table 5.1.
- ~~C-E.~~** If the Department does not issue an initial license to an applicant, the Department shall refund the license fee to the applicant.

### **R9-16-503. License Renewal**

- A. Before the expiration date of a speech-language pathologist assistant license, ~~an applicant a licensee~~ shall submit to the Department:
  1. An application in a Department-provided format for renewal of a speech-language pathologist assistant license ~~in a format provided by the Department~~ that contains:
    - a. ~~The applicant's licensee's name, home address, telephone number, and e-mail address;~~
    - b. ~~If applicable, the name of the applicant's employer and the employer's business address and telephone number; The licensee's current employment, if applicable, including:~~
      - i. The employer's name,
      - ii. The licensee's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,



- vi. The supervisor’s e-mail address, and
  - vii. The supervisor’s telephone number;
  - c. If applicable, the name of the ~~applicant’s~~ licensee’s supervising speech-language pathologist;
  - d. ~~The applicant’s~~ licensee’s license number and date of expiration;
  - e. Since the previous license application, whether the ~~applicant~~ licensee has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
  - f. If the ~~applicant~~ licensee has been convicted of a felony or a misdemeanor:
    - i. The date of the conviction,
    - ii. The state or jurisdiction of the conviction,
    - iii. An explanation of the crime of which the ~~applicant~~ licensee was convicted, and
    - iv. The disposition of the case;
  - g. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
  - h. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
  - ~~g-i.~~ Whether the ~~applicant~~ licensee agrees to allow the Department to submit supplemental requests for information under R9-16-505 R9-16-506;
  - j. An attestation that the licensee has completed continuing education required under A.R.S. 36-1904 and this Article and documentation of completion is available upon request;
  - ~~h-k.~~ An attestation that the information submitted is true and accurate; and required as part of the renewal application is true and accurate; and
  - ~~i-l.~~ The ~~applicant’s~~ licensee’s signature and date of signature;
  - 2. If a license for a licensee has been revoked or suspended by any state within the previous that two years, documentation that includes:
    - a. The date of the revocation or suspension.
    - b. The state or jurisdiction of the revocation or suspension, and
    - c. An explanation of the revocation or suspension;
  - 3. If the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensure.
    - b. The state or jurisdiction of the ineligibility for licensure, and
    - c. An explanation of the ineligibility for licensure;
  - 2. In a Department provided format, documentation of continuing education as required in R9-16-504 and completed within 24 months before the expiration date on the license, including:
    - a. The name of the individual or organization providing the course;
    - b. The date and location where the course was provided;
    - e. The title of each course attended;
    - d. A description of each course’s content;
    - e. The name of the instructor;
    - f. The instructor’s education, training, and experience background, if applicable; and
    - g. The number of continuing education hours earned for each course; and
  - ~~3-4.~~ A \$200 license renewal fee. A renewal fee specified in R9-16-508.
- B.** According to A.R.S. § 36-1904, the Department shall allow a speech-language pathologist assistant to renew a license within 30 calendar days after the expiration date of the license by submitting to the Department:
1. The renewal application ~~packet, including documentation~~ required in subsection (A), and
  2. ~~A \$25 late fee. Fees specified in R9-16-508.~~
- C.** An individual who does not submit a renewal application ~~packet, documentation; and fees~~ required ~~according to~~ in subsection (A) or (B), shall reapply for an initial license according to R9-16-502.

**R9-16-504. Continuing Education**

- A. ~~According to A.R.S. § 36-1904, a licensee shall complete at least 20 continuing education hours. Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.~~
- B. Continuing education shall:
  1. Directly relate to the practice of speech-language pathology;
  2. Have educational objectives that exceed an introductory level of knowledge of speech-language pathology; and
  3. Consist of courses that include advances within the last five years in:
    - a. Practice of speech-language pathology,
    - b. Auditory rehabilitation,
    - c. Ethics, or
    - d. Federal and state statutes or rules.
- C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
  1. Hearing Healthcare Providers of Arizona,
  2. Arizona Speech-Language-Hearing Association,
  3. American Speech-Language-Hearing Association,
  4. International Hearing Society,
  5. International Institute for Hearing Instrument Studies,
  6. American Auditory Society,
  7. American Academy of Audiology,
  8. Academy of Doctors of Audiology,



9. Arizona Society of Otolaryngology-Head and Neck Surgery Arizona Medical Association,
  10. American Academy of Otolaryngology-Head and Neck Surgery, or
  11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).
- D.** An applicant may request approval for a continuing education course by submitting the following to the Department:
1. The applicant's name, address, telephone number, and e-mail address, as applicable;
  2. If a licensee, the licensee's license number;
  3. The title of the continuing education course;
  4. A brief description of the course;
  5. The name, educational background, and teaching experience of the individual presenting the course, if available;
  6. The educational objectives of the course; and
  7. The date, time, and place of presentation of the course, if applicable.
- E.** If an applicant submits the information in subsection (D), the Department shall review the request for approval for a continuing education course according to R9-16-505 and Table 5.1.
- F.** The Department shall approve a continuing education course if the Department determines that the continuing education course:
1. Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in speech-language pathology;
  2. Is developed and presented by individuals knowledgeable and experienced in the presented subject area; and
  3. Contributes directly to the professional competence of a licensee.
- G.D.** A speech-language pathologist assistant shall comply with the requirements in A.R.S. § 36-1904.

#### **R9-16-505. Time-frames Enforcement**

- A.** For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the overall time frame described in A.R.S. § 41-1072(2):
1. A regular license is valid for two years.
  2. An applicant and the Department may agree in writing to extend the substantive review time frame and the overall time frame.
  3. An extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
- B.** For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the administrative completeness review time frame described in A.R.S. § 41-1072(1):
1. The administrative completeness review time frame begins on the date the Department receives:
    - a. An application packet required in R9-10-502 and R9-10-503, or
    - b. A request for continuing education course approval according to R9-10-504.
  2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time frame.
    - a. If a license application packet or request for continuing education course approval is not complete, the notice of deficiencies shall list each deficiency and the documents or information needed to complete the license application packet or request for continuing education course approval.
    - b. A notice of deficiencies suspends the administrative completeness review time frame and the overall time frame from the date of the notice until the date the Department receives the missing documents or information.
    - c. If the applicant does not submit to the Department all the information listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
  3. If the Department issues a license or approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the substantive review time frame described in A.R.S. § 41-1072(3), which begins on the date of the notice of administrative completeness:
1. Within the substantive review time frame, the Department shall provide a written notice to the applicant that the Department issued or denied the license or continuing education course approval.
  2. During the substantive review time frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and
    - b. If the Department and the applicant agree in writing to allow one or more supplemental requests for additional information or documentation, the Department may make the number of supplemental requests agreed to between the Department and the applicant.
  3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time frame and the overall time frame from the date of the request until the date the Department receives all the documents and information requested.
  4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
- D.** An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- A.** The Department may, as applicable:
1. Deny, revoke, or suspend an speech-language pathologist assistant license under A.R.S. § 36-1934;
  2. Request an injunction under A.R.S. § 36-1937; or
  3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
1. The type of violation.
  2. The severity of the violation.
  3. The danger to public health and safety.
  4. The number of violations.



- 5. The number of clients affected by the violations.
- 6. The degree of harm to a client.
- 7. A pattern of noncompliance, and
- 8. Any mitigating or aggravating circumstances.

Table 5.1. **Time frames (in calendar days) Repealed**

Type of Approval	Statutory Authority	Overall Time Frame	Administrative Completeness Review Time Frame	Time to Respond to Notice of Deficiency	Substantive Review Time Frame	Time to Respond to Comprehensive Written Request
Initial License (R9-16-502)	A.R.S. §§ 36-1904 and 36-1904.04	60	30	30	30	30
Renewal License (R9-16-503)	A.R.S. § 36-1904	60	30	30	30	30
Continuing Education (R9-16-504)	A.R.S. § 36-1904	45	30	30	45	30

**R9-16-506. Disciplinary Actions Time-frames**

- A.** The Department may, as applicable:
  - 1. Deny, revoke, or suspend an speech language pathologist assistant license under A.R.S. § 36-1934;
  - 2. Request an injunction under A.R.S. § 36-1937; or
  - 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
  - 1. The type of violation;
  - 2. The severity of the violation;
  - 3. The danger to public health and safety;
  - 4. The number of violations;
  - 5. The number of clients affected by the violations;
  - 6. The degree of harm to a client;
  - 7. A pattern of noncompliance, and
  - 8. Any mitigating or aggravating circumstances.
- C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- A.** For each type of license issued by the Department under this Article, Table 5.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
  - 1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
  - 2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B.** For each type of license issued by the Department under this Article, Table 5.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
  - 1. The administrative completeness review time-frame begins on the date the Department receives an application and required documentation required in this Article.
  - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
    - a. If an application or required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
    - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing documents or information.
    - c. If the applicant does not submit to the Department all or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
  - 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of license issued by the Department under this Article, Table 5.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date of the notice of administrative completeness.
  - 1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department issued or denied the license.
  - 2. During the substantive review time-frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and
    - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
  - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the documents and information requested.



- 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.

**D.** An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Table 5.1. Time-frames (in calendar days)**

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-Frame</u>	<u>Administrative Completeness Review Time-Frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-Frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Initial License (R9-16-502)</u>	<u>A.R.S. §§ 36-1904 and 36-1940.04</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Renewal License (R9-16-503)</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

**R9-16-507. Changes Affecting a License or a Licensee; Request for a Duplicate License**

- A. A licensee shall submit a notice to the Department in writing within 30 calendar days after the effective date of a change in:
  - 1. The licensee's home address or e-mail address, including the new home address or e-mail address;
  - 2. The licensee's name, including one of the following with the licensee's new name:
    - a. Marriage certificate,
    - b. Divorce decree, or
    - c. Other legal document establishing the licensee's new name; or
  - 3. The place or places, including address or addresses, where the licensee engages in the practice of speech-language pathology.
- B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a ~~format provided by the Department~~ Department-provided format that contains:
  - 1. The licensee's name and address,
  - 2. The licensee's license number and expiration date,
  - 3. The licensee's signature and date of signature, and
  - 4. ~~A \$25 duplicate license fee.~~ A duplicate license fee specified in R9-16-508.

**R9-16-508. Fees**

- A. An applicant shall submit to the Department the following fees:
  - 1. An initial nonrefundable application fee, \$100; and
  - 2. An initial license fee, \$200.
- B. An applicant shall submit to the Department a \$200 license fee for renewal.
- C. If an applicant submits a renewal license application specified in subsection (B) within 30 calendar days after the license expiration date, the applicant shall submit with the renewal license application a \$25 late fee.
- D. An applicant for initial licensure is not required to submit the applicable fee in subsection (A), if the applicant submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
- E. The fee for a duplicate license is \$25.



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

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

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

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

WHEREAS, in 2015, the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016, 2017, 2018 and 2019; and

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

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

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

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

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

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

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

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

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

- 1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent or abusive activities perpetrated against an agency.
j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least three existing rules to eliminate for every one additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency's website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

**ATTEST:**

**Katie Hobbs**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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

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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**

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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
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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
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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
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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://grrc.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.



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE APRIL 7, 2020 MEETING

[M20-24]

A. CONSENT AGENDA ITEMS:

Rulemakings:

1. DEPARTMENT OF HEALTH SERVICES (R20-0404)

Title 9, Chapter 16, Article 2, Licensing Audiologists and Speech-Language Pathologists

Amend: R9-16-201

Repeal: R9-16-202, R9-16-203, R9-16-204, R9-16-205, R9-16-206, R9-16-207, R9-16-208, R9-16-209, Table 2.1, R9-16-210, R9-16-211, R9-16-212, R9-16-213, R9-16-214, R9-16-215

New Section: R9-16-202, R9-16-203, R9-16-204, R9-16-205, R9-16-206, R9-16-207, R9-16-208, R9-16-209, R9-16-210, R9-16-211, R9-16-212, R9-16-213, R9-16-214, R9-16-215, R9-16-216

New Table: Table 2.1

2. DEPARTMENT OF HEALTH SERVICES (R20-0405)

Title 9, Chapter 16, Article 3, Licensing Hearing Aid Dispensers

Amend: R9-16-301

Repeal: R9-16-302, R9-16-303, R9-16-304, R9-16-305, R9-16-306, R9-16-307, R9-16-308, R9-16-309, R9-16-310, R9-16-311, R9-16-312, R9-16-313, R9-16-314, R9-16-315, R9-16-316, Table 3.1, R9-16-317

New Section: R9-16-302, R9-16-303, R9-16-304, R9-16-305, R9-16-306, R9-16-307, R9-16-308, R9-16-309, R9-16-310, R9-16-311, R9-16-312, R9-16-313, R9-16-314, R9-16-315, R9-16-316

New Table: Table 3.1

3. DEPARTMENT OF HEALTH SERVICES (R20-0406)

Title 9, Chapter 16, Article 5, Licensing Speech-Language Pathologist Assistants

Amend: R9-16-501, R9-16-502, R9-16-503, R9-16-504, R9-16-507

Repeal: R9-16-505, Table 5.1, R9-16-506

New Section: R9-16-505, R9-16-506, R9-16-508

New Table: Table 5.1

4. DEPARTMENT OF AGRICULTURE (R20-0402)

Title 3, Chapter 2, Articles 1-9, Department of Agriculture - Animal Services Division

Amend: R3-2-101, R3-2-102, R3-2-208, R3-2-302, R3-2-401, R3-2-402, R3-2-404, R3-2-405, R3-2-406, R3-2-407, R3-2-408, R3-2-409, R3-2-413, R3-2-501, R3-2-503, R3-2-504, R3-2-505, R3-2-602, R3-2-605, R3-2-606, R3-2-607, R3-2-609, R3-2-611, R3-2-612, R3-2-613, R3-2-614, R3-2-615, R3-2-616, R3-2-617, R3-2-618, R3-2-620, R3-2-701, R3-2-702, R3-2-703, R3-2-708, R3-2-801, R3-2-803, R3-2-804, R3-2-805, R3-2-807, R3-2-808, R3-2-901, R3-2-902, R3-2-906, R3-2-907, R3-2-908



**New Section:** R3-2-403

**Repeal:** R3-2-301, R3-2-410, R3-2-411, R3-2-412, R3-2-601, R3-2-603, R3-2-604, R3-2-608

**5. DEPARTMENT OF AGRICULTURE (R20-0401)**

Title 3, Chapter 2, Article 4, Animal Disease Prevention and Control

**New Section:** R3-2-410

**6. DEPARTMENT OF PUBLIC SAFETY (R20-0403)**

Title 13, Chapter 3, Article 9, Tow Truck Registration and Compliance Division

**Amend:** R13-3-902

**Five Year Review Reports**

**7. DEPARTMENT OF TRANSPORTATION (F20-0401)**

Title 17, Chapter 5, Article 5, Motor Carrier Financial Responsibility

**8. BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY (F20-0307)**

Title 4, Chapter 22, Articles 1-5, Board of Osteopathic Examiners in Medicine and Surgery

**9. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) (F20-0306)**

Title 9, Chapter 22, Article 16, Hospital Presumptive Eligibility

**10. GAME AND FISH COMMISSION (F20-0402)**

Title 12, Chapter 4, Article 8, Wildlife Areas and Department Property

**COUNCIL ACTION: CONSENT AGENDA APPROVED**

**B. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS**

**1. DEPARTMENT OF PUBLIC SAFETY (F20-0301)**

Title 13, Chapter 2, Articles 1-4, Private Investigators

**COUNCIL ACTION: APPROVED**