



Arizona Administrative REGISTER

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

Vol. 26, Issue 24

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 24

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

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

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

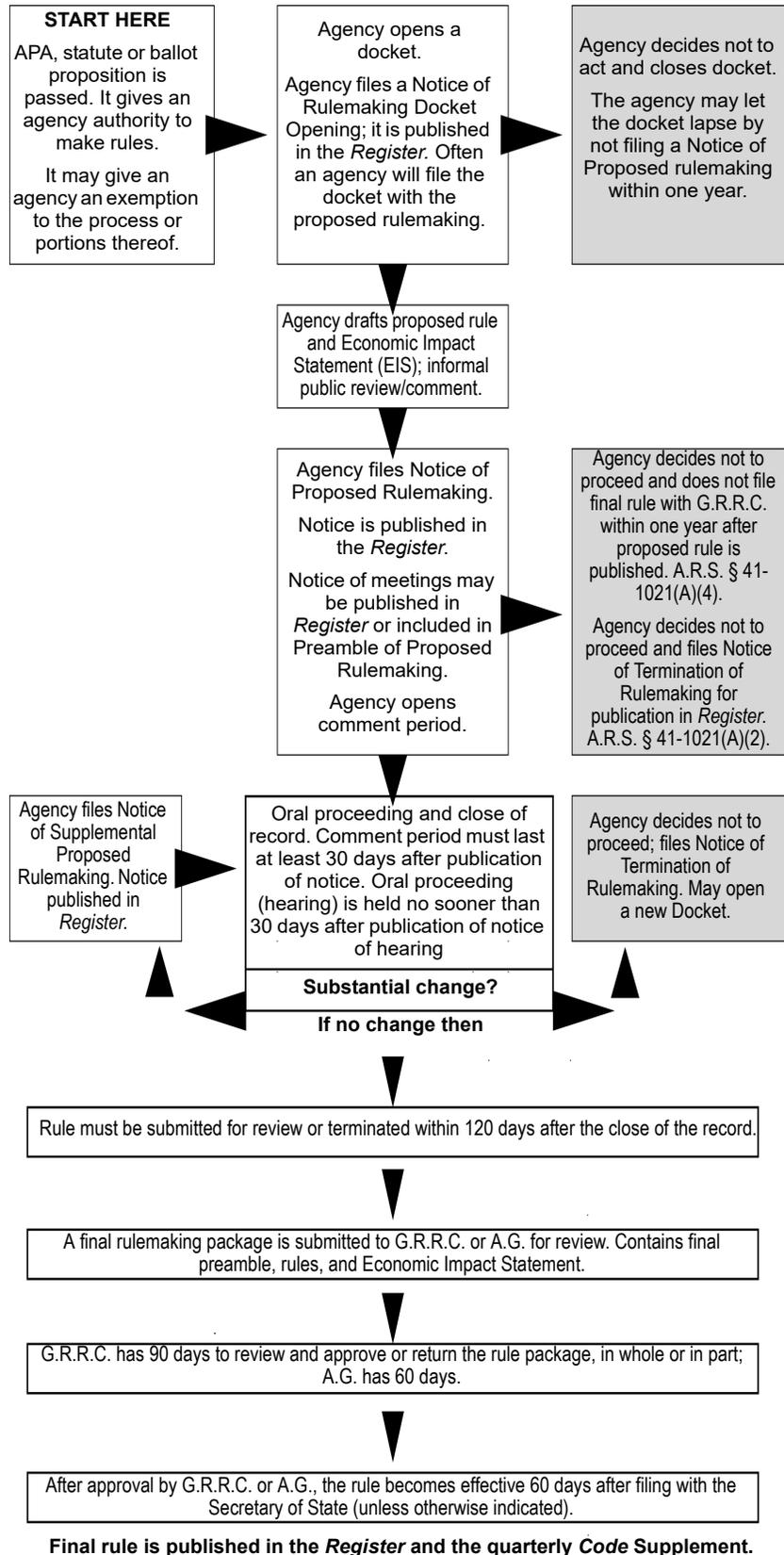
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 7. DEPARTMENT OF HEALTH SERVICES
RADIATION CONTROL**

[R20-88]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-7-1302 | Amend |
| R9-7-1303 | Amend |
| R9-7-1304 | Amend |
| R9-7-1306 | Amend |
| Table 13.1 | New Section |
| R9-7-1307 | Repeal |
| Table 1 | Repeal |
| Table 13.2 | 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. §§ 30-654(B)(5) and 36-136(G)
 Implementing statute: A.R.S. §§ 30-654, 30-656, 30-671, 30-672, 30-686, and 30-721
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 26 A.A.R. 762, April 24, 2020
- 4. The agency’s contact person who can answer questions about the rulemaking:**
- | | |
|------------|---|
| Name: | Brian D. Goretzki, Chief, Bureau of Radiation Control |
| Address: | Department of Health Services Public Health Licensing Services 4814 S. 40th St. Phoenix, AZ 85040 |
| Telephone: | (602) 255-4840 |
| Fax: | (602) 437-0705 |
| E-mail: | Brian.Goretzki@azdhs.gov |
| | or |
| Name: | Stephanie Elzenga, Acting Office Chief |
| Address: | Department of Health Services Office of Administrative Counsel and Rules 150 N. 18th Ave., Suite 200 Phoenix, AZ 85007 |
| Telephone: | (602) 542-1020 |
| Fax: | (602) 364-1150 |
| E-mail: | Stephanie.Elzenga@azdhs.gov |



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

Arizona Revised Statutes (A.R.S.) § 30-654(B)(5) requires rulemaking deemed necessary to administer A.R.S. Title 30, Chapter 4, Control of Ionizing Radiation. Laws 2017, Ch. 313, and Laws 2018, Ch. 234, made the Arizona Department of Health Services (Department) responsible for administering A.R.S. Title 30, Chapter 4, and specified the duties and authority of the Department. To clarify that the Department had assumed responsibility for regulating the use and users of ionizing and non-ionizing radiation, the Department recodified the rules related to radiation control that had been in Arizona Administrative Code (A.A.C.) Title 12, Chapter 1, into A.A.C. Title 36, Chapter 7, only making changes to refer to the Department or for cross-references. However, upon assuming responsibility for the control of ionizing and non-ionizing radiation, the Department discovered that the fees specified in the rules were insufficient to cover the expenses incurred by the Department in carrying out this function. Therefore, after receiving an exception from the rulemaking moratorium established by Executive Order 2018-02, the Department is now revising the rules in 9 A.A.C. 7, Article 13, to increase fees to cover the short-fall and making other corresponding changes to the rules to clarify requirements. The Department anticipates these changes will ensure sufficient funding for the Department to continue regulating the use and users of ionizing radiation in an efficient manner to protect the health and safety of Arizona's citizens. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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

The Department did not review or rely on any study for this rulemaking. However, the Department did review the fees charged by the U.S. Nuclear Regulatory Commission and by other states, as shown on their websites.

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

Not applicable

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

The Department anticipates that the rulemaking, which is increasing fees that have remained the same for over 10 years, may affect the Department; licensees or registrants who use, store, or dispose of sources of radiation; businesses that contract with licensees or registrants to perform activities covered under the rules in Chapter 7; employees of licensees or registrants or entities that contract with licensees or registrants; patients and their families; and the general public. Annual costs/revenues changes are designated as minimal when more than \$0 and \$2,000 or less, moderate when between \$2,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

As of December 31, 2019, the Department has issued 353 licenses to persons who use, store, or dispose of sources of radiation and 7,812 registrations to entities with a total of 20,982 devices that are sources of radiation, for a total of 8,165 licenses or registrations issued. Under the fees in the current rules, the Department receives revenue of approximately \$1,700,000. Of this amount, \$300,000 is deposited into the state general fund according to A.R.S. § 30-654(C). Of the remaining \$1,400,000, 90% (about \$1,260,000) is deposited into the health services licensing fund, established according to A.R.S. § 36-414, for use by the Department, and another 10% (about \$140,000) into the state general fund according to A.R.S. § 30-654(C).

Since assuming responsibility for the control of ionizing radiation and regulation over those using, storing, or disposing of sources of radiation in 2017, the Department's expenses have consistently been more than the revenue received, and this shortfall has reached the point where the Department has to increase fees or reduce regulatory activities. Such reduction in regulatory activity could include not inspecting facilities or investigating complaints in a timely manner, not being able to detect unsafe environmental conditions, and taking much more time to resolve problems with applications and to issue licenses or registrations. The Department believes this reduction in regulatory oversight may result in harm to the health and safety of the public, as well as causing a burden on the regulated community, businesses that contract with regulated entities, employees of a regulated entity or a business contracting with a regulated entity, patients and their families, and the general public. The fees specified in the proposed rules would be sufficient to cover the shortfall and allow the Department to continue to protect public health. They are also in line with the fees charged by other states. Therefore, the Department would receive a substantial benefit from the fee increase.

The Department licenses a wide variety of entities, including industrial businesses, academic institutions, medical/veterinary facilities, laboratories, and governmental entities, and these may range from a large national or international corporation to a small company. The Department believes that the increase in licensing costs caused by the new fees may result in a licensee incurring a minimal-to-moderate burden, depending on the type of license the licensee receives. The Department issues registrations to entities that use devices that are sources of radiation, including X-ray devices, particle accelerators, tanning devices, class 3b or class 4 lasers, or radiofrequency devices. Some fees are based on the type of facility, while others are based on the number of devices. The Department anticipates that one hospital with 85 registered X-ray machines may incur a substantial burden from the increase of the registration fee from \$125 to \$200 per device. Fewer than 40 other registrants are expected to incur a moderate burden from the increased fees, while the Department believes that all other registrants would incur a minimal burden from the fee increases in the new rules. The Department expects licensees and registrants to receive a significant benefit from improvements in the data system to be used for receiving and processing applications and communicating with licensees and registrants and from increased numbers of well-trained surveyors, which may result in shorter processing times for applications and amendments, as well as improved communication and answers to questions.

Businesses that contract with licensees or registrants to perform activities covered under the rules in 9 A.A.C. 7 may incur up to a moderate increase in contracting costs if a licensee or registrant passes along a portion of the fee increase to a business with which it contracts. However, because the fee increases will allow the Department to continue to provide adequate oversight of



sources of radiation in Arizona, the Department believes that these businesses may also receive a significant benefit from the oversight in ensuring the safe use of sources of radiation. Continued oversight by the Department may improve compliance and provide a safer work environment for an employee of a licensee or registrant or an entity employing a licensee or registrant. Therefore, the Department anticipates that such an employee may receive a significant benefit from the new rules. Patients who receive diagnostic or therapeutic procedures at facilities licensed under the rules in 9 A.A.C. 7 or with equipment registered under the rules and their families may also receive a significant benefit from increased safety due to the Department's continued oversight. If a facility passes any increased costs on to patients, these patients could incur a minimal burden from the increased fees. Similarly, the Department believes that the health and safety of the general public are protected by continued oversight by the Department of ionizing or non-ionizing radiation, and that the general public may receive a significant benefit from the fee changes.

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

Name: Brian D. Goretzki, Chief, Bureau of Radiation Control

Address: Department of Health Services
Public Health Licensing Services
4814 S. 40th St.
Phoenix, AZ 85040

Telephone: (602) 255-4840

Fax: (602) 437-0705

E-mail: Brian.Goretzki@azdhs.gov
or

Name: Stephanie Elzenga, Acting Office Chief

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

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: Stephanie.Elzenga@azdhs.gov

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

The Department has scheduled the following oral proceeding:

Date and time: Monday, July 13, at 11:00 a.m.

Location: 150 N. 18th Ave., Room ALS Training Room
Phoenix, AZ 85007

Teleconferencing: 1-567-281-8048 PIN: 425 226 650#

Close of record: Monday, July 13, at 4:00 p.m.

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Stephanie Elzenga at Stephanie.Elzenga@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

According to A.R.S. Title 30, Chapter 4, Article 2, as amended by Laws 2017, Ch. 313, the Department is authorized to issue licenses and registrations for sources of ionizing radiation and those persons using these sources. This licensing and registration must be compatible with requirements in the Agreement. The rules refer to permits both general and specific.

The general permit applies to certain levels of radioactive material, and specific permits are issued by rule for quantities and uses that are specific to the user and their training or scope of practice.

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

The rules are not more stringent than 10 CFR 170, the only applicable 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 business competitiveness analysis was received by the Department.

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

Not applicable

13. The full text of the rules follows:



TITLE 9. HEALTH SERVICES
CHAPTER 7. DEPARTMENT OF HEALTH SERVICES
RADIATION CONTROL

ARTICLE 13. LICENSE AND REGISTRATION FEES

Section
R9-7-1302. License and Registration Categories
R9-7-1303. Fee for Initial License and Initial Registration
R9-7-1304. Annual Fees for Licenses and Registrations
R9-7-1306. Table of Application Fees and Annual Fees
Table 13.1. Table of Fees
R9-7-1307. Special License Fees Repealed
Table 1. Small Entity Fees+ Repealed
Table 13.2. Small Entity Fees

ARTICLE 13. LICENSE AND REGISTRATION FEES

R9-7-1302. License and Registration Categories

- A. Category A licenses are those specific licenses which that authorize a school, college, university, or other teaching facility to possess and use radioactive materials for instructional or research purposes.
1. A broad academic class A license is any category A license which that meets the specifications of R9-7-310(A)(1).
2. A broad academic class B license is any category A license other than a broad academic class A license which that meets the specifications of R9-7-310(A)(2).
3. A broad academic class C license is any category A license other than a broad academic class A or B license which that meets the specifications of R9-7-310(A)(3).
4. A limited academic license is any category A license which that authorizes only those radioisotopes, forms, and quantities individually specified in the license.
B. Category B licenses are those specific or general licenses which that authorize the application of radioactive material or the radiation from it to a human being for medical diagnostic, therapeutic, or research purposes, or the use of radioactive material in medical laboratory testing.
1. A broad medical license is any category B license which that meets the specifications of R9-7-310(A)(1) and meets the requirements of 9 A.A.C. 7, Article 7.
2. A medical materials class A license is any specific category B license other than a broad medical license, which that authorizes the use of radiopharmaceuticals and sealed sources containing radioactive materials for a therapeutic purpose in quantities which that require hospitalization of the patient for radiation safety purposes.
3. A medical materials class B license is any specific category B license which that authorizes the diagnostic or therapeutic use, other than teletherapy, of radioactive materials only in limited quantities such that the patient need not be hospitalized for radiation safety purposes.
4. A medical materials class C license is any specific category B license which that authorizes possession of specified radioisotopes only in the form of sealed sources for treatment of the eye or skin or for use in diagnostic medical imaging devices.
5. A medical teletherapy license is a specific category B license which that solely authorizes radioisotopes in the form of multi-curie sealed sources for use in external beam therapy.
6. A general medical license is a registration of one that authorizes the use of radioactive material pursuant to R9-7-306(D) or R9-7-306(E).
C. Category C licenses are those specific or general licenses authorizing that authorize the use of radioactive materials in any activity other than those authorized by a category A, B, or D license.
1. A broad industrial class A license is any category C license which that meets the specifications of R9-7-310(A)(1).
2. A broad industrial class B license is any category C license other than a broad industrial class A license which that meets the specifications of R9-7-310(A)(2).
3. A broad industrial class C license is any category C license other than a broad industrial class A or B license which that meets the specifications of R9-7-310(A)(3).



4. A limited industrial license is a specific category C license ~~authorizing that authorizes~~ the possession of the radioactive materials authorized in R9-7-305(A), or R9-7-306(A), (C), or (F) for uses authorized in those subsections, but in quantities greater than authorized by those subsections.
 5. A portable gauge license is a specific category C license ~~which that~~ authorizes radioactive materials in the form of sealed sources for use in measuring or gauging devices designed and manufactured to be transported to the location of use. The Department may combine a portable gauge license with any broad scope industrial license or a fixed gauge class A license.
 6. A fixed gauge class A license is a specific category C license ~~which that~~ authorizes the possession of 50 or more measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
 7. A fixed gauge class B license is a specific category C license ~~which that~~ authorizes the possession of 1 through 49 measuring or gauging devices containing radioactive materials, where each device is permanently mounted for use at a single location.
 8. A leak detector license is a specific category C license ~~which that~~ authorizes the use of radioisotopes in the form of a gas to test hermetic seals on electronic packages.
 9. A gas chromatograph license is a specific category C license ~~which that~~ authorizes the use of radioactive materials as ionization sources in gas chromatography or electron capture devices.
 10. A general industrial license ~~means a registration of~~ is one that authorizes the use of a material, source, or device generally licensed pursuant to R9-7-305 or R9-7-306, except R9-7-305(B), R9-7-306(D), or R9-7-306(E).
 11. An industrial radiography class A license is a specific category C license ~~which that~~ authorizes industrial radiography using sealed radioisotope sources at specific facilities identified in the license conditions or at temporary field job sites.
 12. An industrial radiography class B license is a specific category C license ~~which that~~ authorizes industrial radiography using sealed radioisotope sources only at specific facilities identified in the license conditions.
 13. An open field irradiator license is a specific category C license ~~authorizing that authorizes~~ the use of radioisotopes in the form of sealed sources not permanently mounted within a shielding container, for irradiation of materials.
 14. A self-shielded irradiator license is a specific category C license ~~authorizing that authorizes~~ the use of radioisotopes in the form of sealed sources for irradiation of materials in a shielding device from which the sources are not removed during irradiation. The Department may combine a self-shielded irradiator license with any broad license.
 15. A well logging license is a specific category C license ~~which that~~ authorizes the use of radioactive material in sealed or unsealed sources for wireline services or field tracer studies.
 16. A research and development license is a specific category C license ~~which that~~ authorizes a licensee to utilize radioactive material in unsealed and sealed form for industrial, scientific, or biomedical research, not including administration of radiation or radioactive material to human beings.
 17. A laboratory license is a specific category C license ~~which that~~ authorizes a licensee to perform specific in-vitro or in-vivo medical or veterinary testing, while possessing quantities of radioactive material greater than the general license quantities authorized in R9-7-306.
- D.** Category D licenses are the following specific or general radioactive material licenses. Except for type D4, general industrial; type D5, depleted uranium; type D8 and D9, health physics; and type D14, additional facilities licenses, the Department shall not combine a category D license with any other category.
1. A distribution license is one ~~which that~~ authorizes the commercial distribution of radioactive materials or radioisotopes in products to persons holding an appropriate general or specific license. The Department shall ensure that a distribution license does not:
 - a. Authorize distribution of radiopharmaceuticals or distribution to persons exempt from regulatory control, or
 - b. Authorize any other use of the radioactive material. An appropriate category C license is required for possession of radioisotopes and their incorporation into products.
 2. A nuclear pharmacy license is one ~~which that~~ authorizes the preparation, compounding, packaging, or dispensing of radiopharmaceuticals for use by other licensees.
 3. A nuclear laundry license is one ~~authorizing that authorizes~~ the collection and cleaning of items contaminated with radioactive materials.
 4. A general industrial gauging device license is ~~a registration one that authorizes the use of~~ a gauging device in accordance with R9-7-306(A). The Department may combine a general industrial gauging device license with a ~~Class class~~ class A, B, or C broad industrial, limited industrial, portable gauge, or ~~Class class~~ class A or B fixed gauge license.
 5. A general depleted uranium ~~general~~ license is ~~a registration of one that authorizes~~ the use of the general license authorized pursuant to R9-7-305(C) or the use of depleted uranium as a concentrated mass or as shielding for another radiation source within a device or machine. The Department may combine a general depleted uranium ~~general~~ license with a medical teletherapy; ~~Class class~~ class A, B, or C broad industrial; portable gauge; ~~Class class~~ class A or B fixed gauge; ~~Class class~~ class A or B industrial radiography; or self-shielded irradiator license. For ~~registration licensing~~ purposes, an applicant shall follow the ~~registration instructions requirements~~ requirements in R9-7-305(C).
 6. A veterinary medicine license is one ~~which that~~ authorizes the use of radioactive materials for specific applications in veterinary medicine as authorized in the license.
 7. A general veterinary medicine license is ~~a registration of one that authorizes~~ the use of the general license authorized in R9-7-306(E) in veterinary medicine.
 8. A health physics class A license is one ~~which that~~ authorizes the use of radioactive materials for performing instrument calibrations, processing leak test or environmental samples, or providing radiation dosimetry services.



9. A health physics class B license is one ~~which that~~ authorizes only the collection, possession, and transfer of radioactive materials in the form of leak test samples for processing by others.
 10. A secondary uranium recovery license is one ~~which that~~ authorizes the extraction of natural uranium or thorium from an ore stream or tailing ~~which that~~ is being or has been processed primarily for the extraction of another mineral. The Department shall not combine a secondary uranium recovery license with any other license.
 11. A low-level, radioactive waste disposal facility license is a license that is issued for a “disposal facility,” as that term is used in R9-7-439 and R9-7-442, ~~which that~~ has a closure or long-term care plan and is constructed and operated according to the requirements in 10 CFR 61, revised January 1, 2015, incorporated by reference, ~~and~~ available under R9-7-101. ~~This incorporated material contains and containing~~ no future editions or amendments.
 12. A waste processor class A license is one ~~authorizing that authorizes~~ the incineration, compaction, repackaging, or any other treatment or processing of low-level radioactive waste prior to transfer to another person authorized to receive or dispose of the waste. The Department shall not combine a waste processor class A license with any other license.
 13. A waste processor class B license is one ~~which that~~ authorizes a waste broker to receive prepackaged, low-level radioactive waste from other licensees; combine the waste into shipments; and transfer the waste without treating or processing the waste in any manner and without repackaging except to place damaged or leaking packages into overpacks. The Department shall not combine a waste processor class B license with any other license.
 14. An additional ~~facility storage and use site~~ license is an endorsement, by license condition to an existing specific license, authorizing one or more additional separate facilities where radioactive material may be stored or used for a period exceeding six months.
 15. A possession-only license is a license of any other category ~~which that~~ authorizes only the possession in storage, but no use of, the authorized materials. A license ~~which that~~ has been suspended as an enforcement action is not considered a possession-only license.
 16. A reciprocal license is ~~the registration of~~ the general license authorized by R9-7-320. This license is subject to a special fee as provided by ~~R9-7-1307~~ R9-7-1306(C) but is exempt from annual fees.
 17. Reserved
 18. An “unclassified” radioactive material license is one ~~authorizing that authorizes~~ radioisotopes, physical or chemical forms, possession limits, or uses not included in any other type of license specified in this Section.
 19. A NORM commercial disposal site license is one that authorizes the receipt of waste material contaminated with naturally occurring radioactive material from other licensees for permanent disposal, provided the concentration of the radioactive material does not exceed 74kBq (2,000 picocuries)/gram.
- E. Category E registrations are those that register the possession of x-ray machine(s) under 9 A.A.C. 7, Article 2. The Department shall not combine ~~Category category~~ E registrations with any other registration.
1. An X-ray machine class A registration is one authorizing the possession of X-ray machines in a hospital or other facility offering inpatient care.
 2. An X-ray machine class B registration is one authorizing the possession of X-ray machines in a medical, osteopathic, or chiropractic office or clinic not offering inpatient care; or the possession of X-ray machines in a school, college, university, or other teaching facility.
 3. An X-ray machine class C registration is one authorizing the possession of X-ray machines in dental, podiatry, ~~and or~~ veterinarian offices or clinics.
 4. An industrial radiation machine registration is one authorizing the possession of X-ray machines, or the possession of particle accelerators not capable of producing a high radiation area, in a nonmedical facility.
 5. An accelerator facility registration is one authorizing the possession and operation of one or more particle accelerators of any kind capable of accelerating any particle and producing a high radiation area.
 6. ~~A An “other” ionizing radiation machine, “other,” registration~~ is one authorizing possession or use of an ionizing radiation machine not included in any other category specified in subsection (E).
- F. Category F registrations are those that register ~~nonionizing non-ionizing~~ radiation producing sources regulated under 9 A.A.C. 7, Article 14. The Department shall not combine ~~Category category~~ F registrations with any other registration categories that have a difference in fee per unit.
1. A tanning registration authorizes the commercial operation of ~~any number of~~ one or more tanning booths, beds, cabinets, or other devices in a single establishment.
 2. A Class A laser registration authorizes the operation of one to 10 laser devices subject to R9-7-1433.
 3. A Class B laser registration authorizes the operation of 11 to 49 laser devices subject to R9-7-1433.
 4. A Class C laser registration authorizes operation of 50 or more laser devices subject to R9-7-1433.
 5. A laser light show or laser demonstration registration authorizes the operation of a laser device subject to R9-7-1441.
 6. A medical laser registration authorizes the operation of one or more laser devices subject to R9-7-1440.
 7. A Class II surgical device registration authorizes the operation of one or more Class II surgical devices subject to R9-7-1438. A device is designated as a Class II surgical device by the USFDA and is labeled as such by the manufacturer.
 8. A medical cosmetic radiofrequency device registration authorizes the operation of one or more medical radiofrequency devices for non-ionizing cosmetic procedures.
 9. A class A industrial radiofrequency device registration authorizes the operation of one to five radiofrequency ~~heat sealers or industrial microwave ovens~~ devices.



- 10. A class B industrial radiofrequency device registration authorizes the operation of six to 20 radiofrequency ~~heat sealers or industrial microwave ovens~~ devices.
- 11. A class C industrial radiofrequency device registration authorizes the operation more than 20 radiofrequency ~~heat sealers or industrial microwave ovens~~ devices.
- 12. A class A medical radiofrequency device registration authorizes the operation of one or ~~two~~ more medical radiofrequency ~~diathermy or electrocoagulation units not used in non-ionizing cosmetic~~ devices for non-ionizing, non-cosmetic procedures.
- 13. A class B medical radiofrequency device registration authorizes the operation of three to nine radiofrequency ~~diathermy or electrocoagulation units not used in non-ionizing cosmetic~~ procedures.
- 14. A class C medical radiofrequency device registration authorizes the operation of 10 to 19 radiofrequency ~~diathermy or electrocoagulation units not used in non-ionizing cosmetic~~ procedures.
- 15. A class D medical radiofrequency device registration authorizes the operation of 20 or more radiofrequency ~~diathermy or electrocoagulation units not used in non-ionizing cosmetic~~ procedures.
- 16. ~~13.~~ An “other” ~~nonionizing non-ionizing~~ radiation device registration authorizes the operation of a ~~nonionizing non-ionizing~~ radiation device or other device not included in any other category specified in subsection (F).

R9-7-1303. Fee for Initial License and Initial Registration

An applicant shall remit for a new license or new registration the appropriate fee as prescribed in R9-7-1306 and Table 13.1.

R9-7-1304. Annual Fees for Licenses and Registrations

- A. Each license or registration issued by the Department shall identify the category by a letter and number corresponding to the appropriate subsection of R9-7-1302 or the category and type listed in R9-7-1306 Table 13.1.
- B. Except for ~~types D16 and D17 as specified in R9-7-1306(C), (D), and (E)~~, each licensee or registrant shall submit payment of the annual fee in the amount prescribed in ~~R9-7-1306(A) Table 13.1~~ on or before January 1 of each year. This single annual fee will cover any and all renewals, amendments, and regular inspections of the license during the forthcoming calendar year.
- C. If a licensee or registrant fails to pay the annual fee by January 1, the license is not current.
- D. If a licensee or registrant fails to pay the annual fee by April 1, the Department shall apply administrative sanction provisions of ~~9 A.A.C. 7, Article 12 of this Chapter~~.
- E. A licensee who is required to pay an annual fee under this Article may qualify as a small entity and pay the reduced annual fee in Table 13.2 if the licensee has the following characteristics:
 - 1. For a business not engaged in manufacturing or a not-for-profit organization, having a three-year average of gross annual receipts of \$6.5 million or less;
 - 2. For an entity engaged in manufacturing, having an annual average of no more than 500 employees;
 - 3. For a government jurisdiction, not including publicly supported educational institutions, having no more than 50,000 residents in the jurisdiction;
 - 4. For a publicly supported educational institution, having no more than 50,000 faculty, staff, and students; and
 - 5. For an educational institution that is not publicly supported, having no more than 500 faculty and staff.
- F. A licensee who seeks to establish status as a small entity for the purpose of paying an annual fee in Table 13.2, rather than the annual fee in Table 13.1, shall file with the Department a certification statement annually on Department Form 333, accessed through the Department website at <https://azdhs.gov/documents/licensing/radiation-regulatory/forms/ram-small-entity-form.pdf>, for each license under which the licensee is billed.
- G. If a licensee qualifies as a small entity and provides the Department with ~~proper~~ the certification required in subsection (F) along with its annual fee payment, the licensee may pay the applicable reduced annual fees as fee shown in Table 1 to this Article 13.2. Failure to file a small entity certification, according to subsection (F), in a timely manner may result in ~~the denial of any refund~~ the licensee being required to pay the applicable fee in Table 13.1.

R9-7-1306. Table of Application Fees and Annual Fees

- A. The application ~~fee and or~~ annual fee for each category and type are ~~is~~ shown in Table 13.1.

Table 13.1

| Category | Type | Annual Fee |
|----------|---------------------------|------------|
| A1 | Broad academic Class A | \$5,800 |
| A2 | Broad academic Class B | \$5,800 |
| A3 | Broad academic Class C | \$5,800 |
| A4 | Limited academic | \$1,000 |
| B1 | Broad medical | \$11,000 |
| B2 | Medical materials class A | \$1,900 |
| B3 | Medical materials class B | \$1,900 |
| B4 | Medical materials class C | \$1,900 |
| B5 | Medical teletherapy | \$5,200 |
| B6 | General medical | \$250 |
| C1 | Broad industrial class A | \$11,400 |



| | | |
|-----|---|-----------|
| E2 | Broad industrial class B | \$11,400 |
| E3 | Broad industrial class C | \$3,200 |
| E4 | Limited industrial | \$700 |
| E5 | Portable gauge | \$1,000 |
| E6 | Fixed gauge class A | \$1,000 |
| E7 | Fixed gauge class B | \$1,000 |
| E8 | Leak detector | \$1,330 |
| E9 | Gas chromatograph | \$1,000 |
| E10 | General industrial | No Fee |
| E11 | Industrial Radiography class A | \$5,500 |
| E12 | Industrial Radiography class B | \$5,500 |
| E13 | Open field irradiator | \$3,000 |
| E14 | Shelf shielded irradiator | \$1,500 |
| E15 | Well logging | \$2,000 |
| E16 | Research and development | \$2,100 |
| E17 | Laboratory | \$1,000 |
| D1 | Distribution | \$2,600 |
| D2 | Nuclear Pharmacy | \$4,600 |
| D3 | Nuclear laundry | \$10,300 |
| D4 | General industrial (with fee) | \$300 |
| D5 | General depleted uranium | \$200 |
| D6 | Veterinary medicine | \$1,000 |
| D7 | General veterinary medicine | \$200 |
| D8 | Health physics class A | \$3,200 |
| D9 | Health physics class B | \$1,000 |
| D10 | Secondary uranium recovery | \$5,100 |
| D11 | Low level radioactive waste disposal site | (3) |
| D12 | Waste processor class A | \$4,600 |
| D13 | Waste processor class B | \$3,600 |
| D14 | Additional storage and use site | (1) |
| D15 | Possession only | (2) |
| D16 | Reciprocal | (3) |
| D17 | Reserved | |
| D18 | Unclassified | Full Cost |
| D19 | NORM commercial disposal site | \$600,000 |
| E1 | X ray machine class A (per tube) | \$75 |
| E2 | X ray machine class B (per tube) | \$51 |
| E3 | X ray machine class C (per tube) | \$42 |
| E4 | Industrial radiation machine (per device) | \$42 |
| E5 | Accelerator facility | \$750 |
| E6 | Other ionizing radiation machine | Full cost |
| F1 | Tanning device (per device) | \$28 |
| F2 | Class A (1 to 10 laser devices) | \$175 |
| F3 | Class B (11 to 49 laser devices) | \$408 |
| F4 | Class C (50 or more laser devices) | \$699 |
| F5 | Laser light show or laser demonstration | \$408 |
| F6 | Medical laser (per laser device) | \$47 |
| F7 | Class II surgical (per device) | \$47 |
| F8 | Medical RF surgical and cosmetic (per device) | \$47 |
| F9 | Class A industrial (1 to 5 radiofrequency devices) | \$70 |
| F10 | Class B industrial (6 to 20 radiofrequency devices) | \$210 |



| | | |
|-----|---|-----------|
| F11 | Class C industrial (more than 20 radiofrequency devices) | \$349 |
| F12 | Class A medical (1 or 2 non-cosmetic radiofrequency devices) (per device) | \$0 |
| F13 | Class B medical (3 to 9 non-cosmetic radiofrequency devices) (per device) | \$0 |
| F14 | Class C medical (10 to 19 non-cosmetic radiofrequency devices) (per device) | \$0 |
| F15 | Class D medical (20 or more non-cosmetic radiofrequency devices) (per device) | \$0 |
| F16 | Other nonionizing radiation device or other device | Full Cost |

Notes:

- (1) An additional 30% of the annual base fee is added to the annual base fee for each additional site.
- (2) The fee is 50% of the annual base fee for the category under which the radioactive material will be stored.
- (3) See R9-7-1307.

B. The fee for a category D11 license, for a low-level radioactive waste disposal site, is \$6,000,000 for years one through five. Based on data gathered during the first five years, the Department shall set a reasonable fee after consideration of the following factors:

1. Unrecovered costs that the Department may charge under A.R.S. § 30-654(B)(18), and
2. Actual costs incurred by the Department in regulating the licensee.

C. The fee for a category D16 license, providing reciprocal recognition under R9-7-320 of a radioactive materials license issued by the NRC or another Agreement state, is half of the annual fee for an Arizona license of the appropriate category and type. If there is no Arizona license of the appropriate category and type, the Department shall assess the “Full Cost” fee according to subsection (D) or (E), as applicable. The fee is due and payable at the time reciprocity is requested, and the general license does not become current until the fee is paid.

B,D. The application fee for a licensee or registrant is the annual fee as shown in R9-7-1306. “Full Cost” for an application fee is based on professional personnel time for preparation, travel, onsite inspection, any reports, review of findings, and preparation of the license or registration or denial charged at \$99 per hour and mileage charged at 44.5¢ per mile. The Department shall assess the licensee or registrant 90% of the estimated full cost of issuing the license or registration. The Department will assess for any remaining costs when it is prepared to issue the license, registration, denial, or if Department costs for the requested activity exceed \$10,000.

C,E. The annual fee for a licensee or registrant for which the scheduled fee is “Full Cost” for an annual fee is based on professional personnel time for preparation, travel, onsite inspection, preparation of reports, review of findings, and preparation for any inspections or completion of any amendments to the license, registration or denials charged at \$99 per hour and mileage charged at 44.5¢ per mile for the preceding 12 months.

Table 13.1. Table of Fees

| Category | Type | Application/Annual Fee |
|----------|--------------------------------|------------------------|
| A1 | Broad academic class A | \$10,000 |
| A2 | Broad academic class B | \$10,000 |
| A3 | Broad academic class C | \$10,000 |
| A4 | Limited academic | \$2,500 |
| B1 | Broad medical | \$20,000 |
| B2 | Medical materials class A | \$4,000 |
| B3 | Medical materials class B | \$4,000 |
| B4 | Medical materials class C | \$4,000 |
| B5 | Medical teletherapy | \$8,000 |
| B6 | General medical | \$500 |
| C1 | Broad industrial class A | \$20,000 |
| C2 | Broad industrial class B | \$20,000 |
| C3 | Broad industrial class C | \$6,000 |
| C4 | Limited industrial | \$1,500 |
| C5 | Portable gauge | \$2,000 |
| C6 | Fixed gauge class A | \$2,000 |
| C7 | Fixed gauge class B | \$2,000 |
| C8 | Leak detector | \$2,000 |
| C9 | Gas chromatograph | \$2,000 |
| C10 | General industrial | \$300 |
| C11 | Industrial radiography class A | \$10,000 |
| C12 | Industrial radiography class B | \$10,000 |
| C13 | Open field irradiator | \$10,000 |
| C14 | Shelf-shielded irradiator | \$5,000 |



| <u>Category</u> | <u>Type</u> | <u>Application/Annual Fee</u> |
|-----------------|---|--|
| <u>C15</u> | <u>Well logging</u> | <u>\$5,000</u> |
| <u>C16</u> | <u>Research and development</u> | <u>\$5,000</u> |
| <u>C17</u> | <u>Laboratory</u> | <u>\$3,000</u> |
| <u>D1</u> | <u>Distribution</u> | <u>\$5,000</u> |
| <u>D2</u> | <u>Nuclear pharmacy</u> | <u>\$10,000</u> |
| <u>D3</u> | <u>Nuclear laundry</u> | <u>\$25,000</u> |
| <u>D4</u> | <u>General industrial gauging device</u> | <u>\$500</u> |
| <u>D5</u> | <u>General depleted uranium</u> | <u>\$200</u> |
| <u>D6</u> | <u>Veterinary medicine</u> | <u>\$2,000</u> |
| <u>D7</u> | <u>General veterinary medicine</u> | <u>\$500</u> |
| <u>D8</u> | <u>Health physics class A</u> | <u>\$5,000</u> |
| <u>D9</u> | <u>Health physics class B</u> | <u>\$3,000</u> |
| <u>D10</u> | <u>Secondary uranium recovery</u> | <u>\$8,000</u> |
| <u>D11</u> | <u>Low-level radioactive waste disposal facility</u> | <u>According to R9-7-1306(B)</u> |
| <u>D12</u> | <u>Waste processor class A</u> | <u>\$10,000</u> |
| <u>D13</u> | <u>Waste processor class B</u> | <u>\$8,000</u> |
| <u>D14</u> | <u>Additional storage and use site</u> | <u>30% of the applicable fee for each additional site</u> |
| <u>D15</u> | <u>Possession-only</u> | <u>50% of the applicable fee for the category under which storage will occur</u> |
| <u>D16</u> | <u>Reciprocal</u> | <u>According to R9-7-1306(C)</u> |
| <u>D17</u> | <u>Reserved</u> | |
| <u>D18</u> | <u>Unclassified radioactive material</u> | <u>Full Cost, according to R9-7-1306(D) or (E)</u> |
| <u>D19</u> | <u>NORM commercial disposal site</u> | <u>\$600,000</u> |
| <u>E1</u> | <u>X-ray machine class A (per tube)</u> | <u>\$200</u> |
| <u>E2</u> | <u>X-ray machine class B (per tube)</u> | <u>\$150</u> |
| <u>E3</u> | <u>X-ray machine class C (per tube)</u> | <u>\$100</u> |
| <u>E4</u> | <u>Industrial radiation machine (per device)</u> | <u>\$100</u> |
| <u>E5</u> | <u>Accelerator facility</u> | <u>\$2,500</u> |
| <u>E6</u> | <u>Other ionizing radiation machine</u> | <u>Full Cost, according to R9-7-1306(D) or (E)</u> |
| <u>F1</u> | <u>Tanning device (per device)</u> | <u>\$50</u> |
| <u>F2</u> | <u>Class A laser (1 to 10 laser devices)</u> | <u>\$300</u> |
| <u>F3</u> | <u>Class B laser (11 to 49 laser devices)</u> | <u>\$600</u> |
| <u>F4</u> | <u>Class C laser (50 or more laser devices)</u> | <u>\$1,000</u> |
| <u>F5</u> | <u>Laser light show or laser demonstration</u> | <u>\$500</u> |
| <u>F6</u> | <u>Medical laser (per laser device)</u> | <u>\$100</u> |
| <u>F7</u> | <u>Class II surgical device (per device)</u> | <u>\$100</u> |
| <u>F8</u> | <u>Cosmetic radiofrequency device (per device)</u> | <u>\$100</u> |
| <u>F9</u> | <u>Class A industrial (1 to 5 radiofrequency devices)</u> | <u>\$150</u> |
| <u>F10</u> | <u>Class B industrial (6 to 20 radiofrequency devices)</u> | <u>\$350</u> |
| <u>F11</u> | <u>Class C industrial (more than 20 radiofrequency devices)</u> | <u>\$600</u> |
| <u>F12</u> | <u>Medical radiofrequency device</u> | <u>\$100</u> |
| <u>F13</u> | <u>Other non-ionizing radiation device</u> | <u>Full Cost, according to R9-7-1306(D) or (E)</u> |



R9-7-1307. Special License Fees Repealed

- A:** The fee for a Type D16 license providing reciprocal recognition under R9-7-320 of a radioactive materials license issued by the U.S. NRC or another state is half of the annual fee for an Arizona license of the appropriate type. The fee is due and payable at the time reciprocity is requested, and the general license does not become current until the fee is paid.
- B:** For a low-level radioactive waste disposal site the initial application fee is \$6,000,000. The annual fee for the second through fifth years is \$6,000,000. The Department shall promulgate a new fee rule for years subsequent to year five. Based on data gathered during the first five years, the Department shall set a reasonable fee after consideration of the following factors:
 1. Unrecovered costs which the Department may charge under A.R.S. § 30-654(B)(18).
 2. Actual costs incurred by the Department.

Table 1. Small Entity Fees[†] Repealed

Small Businesses Not Engaged in Manufacturing and Small Not for profit Organizations (Gross Annual Receipts, three year average):

| | |
|----------------------------|---------------------------------|
| >\$6.5 million | Pay the fee listed in R9-7-1306 |
| \$350,000 to \$6.5 million | \$2,200 |
| <\$350,000 | \$500 |

Manufacturing Entities that Have an Annual Average of 500 Employees or Less:

| | |
|---------------------|---------------------------------|
| >500 employees | Pay the fee listed in R9-7-1306 |
| 35 to 500 employees | \$2,200 |
| <35 employees | \$500 |

Small Government Jurisdictions (including publicly supported educational institutions) (Population in Jurisdiction):

| | |
|------------------|---------------------------------|
| >50,000 | Pay the fee listed in R9-7-1306 |
| 20,000 to 50,000 | \$2,200 |
| <20,000 | \$500 |

Educational Institutions that Are Not State or Publicly Supported, and Have 500 Employees or Less:

| | |
|---------------------|---------------------------------|
| >500 employees | Pay the fee listed in R9-7-1306 |
| 35 to 500 employees | \$2,200 |
| <35 employees | \$500 |

[†]A licensee who seeks to establish status as a small entity for the purpose of paying the annual fees required under R9-7-1304 as shown in R9-7-1306 must file a certification statement with the Department each year. The licensee must file the required certification on Department Form 333 for each license under which it was billed. Department Form 333 can be accessed through the Department website at <http://www.azdhs.gov/licensing/radiation-regulatory/index.php>. For licensees who cannot access the Department website, Department Form 333 may be obtained by writing to the Department or by telephoning the Department at (602) 255-4845.

Table 13.2. Small Entity Fees

| | |
|--|---|
| Licensee qualifying as a small entity under R9-7-1304(E)(1) | |
| Gross Annual Receipts | Gross Annual Receipts |
| \$350,000 to \$6.5 million | \$350,000 to \$6.5 million |
| <\$350,000 | <\$350,000 |
| Licensee qualifying as a small entity under R9-7-1304(E)(2) | |
| Number of Employees | Number of Employees |
| 35 to 500 employees | 35 to 500 employees |
| <35 employees | <35 employees |
| Licensee qualifying as a small entity under R9-7-1304(E)(3) | |
| Number of Residents | Number of Residents |
| 20,000 to 50,000 | 20,000 to 50,000 |
| <20,000 | <20,000 |
| Licensee qualifying as a small entity under R9-7-1304(E)(4) | |
| Number of Faculty, Staff, and Students | Number of Faculty, Staff, and Students |
| 20,000 to 50,000 | 20,000 to 50,000 |
| <20,000 | <20,000 |
| Licensee qualifying as a small entity under R9-7-1304(E)(5) | |
| Number of Faculty and Staff | Number of Faculty and Staff |
| 35 to 500 employees | 35 to 500 employees |
| <35 employees | <35 employees |



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

[R20-89]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
4. The agency's contact person who can answer questions about the rulemaking:
5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Over the past few months, COVID-19, the disease caused by novel coronavirus, SARS-CoV-2, has spread to all parts of the globe. On March 11, 2020, the World Health Organization officially declared a pandemic due to COVID-19, with 124,908 total confirmed cases and 4,591 deaths. Over 1,500,000 cases have now been confirmed in the United States. As of May 20, 2020, almost 15,000 cases of COVID-19 have been confirmed in Arizona. Most at risk for serious morbidity and increased mortality due to the disease are the elderly and those with complicating medical conditions.

To address this public health emergency, on March 11, 2020, the Governor declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak and issued Executive Order 2020-07, which directed the Arizona Department of Health Services (Department) to conduct emergency rulemaking to adopt requirements designed to prevent the spread of COVID-19 to vulnerable Arizonans residing in nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, or assisted living facilities. The Department completed the emergency rulemaking with a rule that establishes requirements in A.A.C. Title 9, Chapter 10, Health Care Institutions, designed to protect these vulnerable individuals in nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, and assisted living facilities from exposure to COVID-19. This rule became effective as of March 16, 2020, and will expire on September 13, 2020, unless renewed.

Concurrent with this emergency action, the Department has initiated a regular rulemaking to ensure continued protection of these vulnerable individuals past September 13, 2020. As in the emergency rule, the Department is adopting requirements for establishing, documenting, and implementing policies and procedures to help prevent exposure to the virus and the spread of COVID-19 in these health care institutions. These include policies and procedures to require screening and triage before entry of personnel members, employees, visitors, and any other individuals entering the facility. The Department is also specifying requirements for disinfection of frequently touched surfaces and for distancing residents who exhibit symptoms of COVID-19 from other residents. However, as part of this rulemaking, the Department is revising the rule to address issues that were identified during implementation. These include clarifying that emergency medical care technicians responding to a call for emergency medical services do not need to be screened before entry into a nursing care institution, intermediate care facility for individuals with intellectual disabilities, or assisted living facility. Emergency medical services providers and ambulance services already screen their employees, so additional screening by the health care institution is unnecessary to protect residents and may delay the provision of emergency medical services. The new rule will conform to rulemaking format and style requirements of the Governor's Regula-



tory Review Council and the Office of the Secretary of State.

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

The Department did not review or rely on any study related to this rulemaking package. However, the Department relied on the data being compiled on the incidence of COVID-19 in Arizona, as specified on the Department's webpage at <https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>.

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

Not applicable

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

Annual cost/revenue changes are designated as minimal when \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification. The Department anticipates that persons affected by the rulemaking include the Department; the Arizona Health Care Cost Containment System (AHCCCS) and other third-party payors; the Department of Economic Security (DES); licensed nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, and assisted living facilities; administrators or managers, personnel members, employees, visitors, and any other individuals entering a nursing care institution, an intermediate care facility for individuals with intellectual disabilities, or an assisted living facility; residents of a nursing care institution, an intermediate care facility for individuals with intellectual disabilities, or an assisted living facility and their families; and the general public.

The Department will receive a significant benefit from having a rule that specifically addresses measures to prevent the spread of COVID-19. Since AHCCCS pays for a large proportion of health care costs in Arizona, the Department believes that AHCCCS may receive up to a substantial cost savings through a reduction in the number of hospitalizations or emergency department visits from individuals suffering from COVID-19. Other third-party payors may also receive up to a substantial cost savings, depending on the number of subscribers who are spared from getting COVID-19 because of the rule. Almost all intermediate care facilities for individuals with intellectual disabilities in Arizona are run under contract with DES. The Department anticipates that DES may incur up to a substantial cost from implementing the rule, but may also receive a significant benefit from protecting residents, as well as staff, from infection.

For most licensed nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, and assisted living facilities, the Department believes that making changes to their policies and procedures to specifically require the infection control measures required in the rule will cause these facilities to incur minimal costs. However, the Department anticipates that a facility may incur up to substantial costs to implement the required infection control procedures. Because these procedures may reduce the spread of COVID-19 within the facility and protect both residents and staff of the facility, a facility may also receive a significant benefit from implementing the requirements in the rule. Because the proposed rule clarifies that emergency medical care technicians (EMCTs) do not need to be screened before entry, the proposed rule may provide a minimal benefit to a facility over the current emergency rule in time saved otherwise trying to screen an EMCT responding to a call be help. Although it may be thought that an EMCT is included in those who are required to be screened for COVID-19 before entering a facility, the Department has not been enforcing the rule as such. The employers of these individuals have instituted their own screening procedures to protect both their employees and those receiving emergency medical services or ambulance transport from EMCTs. Therefore, it is redundant to require additional screening every time an EMCT arrives at one of these facilities in response to a call. As stated above, the proposed rule clarifies that EMCTs do not need to be screened before entry. Thus, the proposed rule may provide a significant benefit to an EMCT over the current emergency rule in time saved otherwise explaining that it is unnecessary to be screened or receiving an unnecessary screening.

Residents of nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, and assisted living facilities are predominantly elderly. Others have chronic medical conditions. The elderly and those with chronic medical conditions are most at risk for serious symptoms of infection and have a much higher probability of dying from COVID-19. In Arizona, only about 23% of diagnosed cases of COVID-19 are aged 65 or older. However, almost 80% of those dying of the infection are 65 or older. Therefore, a resident of a nursing care institution, an intermediate care facility for individuals with intellectual disabilities, or an assisted living facility is most at risk of dying from COVID-19. The requirements in the rule were designed to reduce the spread of COVID-19 to residents of these facilities. Thus, the Department anticipates that a resident of one of these facilities may receive a significant benefit from the requirements in the rule.

Personnel members, employees, and others entering one of these facilities for a business-related reason, including the administrators or managers of these facilities, may experience the inconvenience of having to be screened for infection before entering a facility. However, the Department believes that these individuals also receive a significant benefit from having a safer work environment and lower chance of being infected or infecting others in the facility. Similarly, a friend or relative of a resident of one of these facilities may be inconvenienced by screening but receive a significant benefit of knowing that measures are in place to protect a resident from becoming infected by someone entering the facility.

Since the requirements in the rule were designed to improve public health and safety and reduce the spread of a potentially deadly disease, the Department anticipates that the general public will receive a significant benefit from the rule.

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

Name: Colby Bower, Assistant Director

Address: Department of Health Services



Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007

Telephone: (602) 542-6383
Fax: (602) 364-4808
E-mail: Colby.Bower@azdhs.gov
or

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

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

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

The Department has scheduled the following oral proceeding:

Date and time: Monday, August 10, 2020, 11:00 a.m.
Location: 150 N. 18th Ave., Room 540A
Phoenix, AZ 85007
Teleconferencing: 1-561-614-1183 PIN: 384 124 992#
Close of record: Monday, August 10, 2020, 4:00 p.m.

A person may submit written comments on the proposed rule no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

The rule does not require a permit.

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

Not applicable

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

No business competitiveness analysis was received by the Department.

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

None

13. The full text of the rules follows:

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

ARTICLE 1. GENERAL

Section
R9-10-121. Disease Prevention and Control

ARTICLE 1. GENERAL

R9-10-121. Disease Prevention and Control

A. This Section applies to health care institutions licensed under Article 4, 5, or 8 of this Chapter.

B. The following definitions apply in this Section:

- 1. "Communicable disease" has the same meaning as in A.A.C. R9-6-101.**
- 2. "Infection" has the same meaning as in A.A.C. R9-6-101.**
- 3. "Respiratory symptoms" means coughing, shortness of breath, or wheezing not known to be caused by asthma or another chronic lung-related disease.**



- C. An administrator or manager, as applicable, shall ensure that policies and procedures are established, documented, and implemented, to protect the health and safety of a resident, that:
 1. Cover screening and triage of personnel members, employees, visitors, and, except as provided in subsection (E), any other individuals entering the facility;
 2. Cover the manner and frequency of assessing residents to determine a change in a resident’s medical condition;
 3. Establish disinfection protocols and schedules for frequently touched surfaces; and
 4. Specify requirements for distancing residents who exhibit symptoms of a communicable disease from other residents to reduce the chance for infection of another individual.
- D. An administrator or manager, as applicable, shall ensure that:
 1. Except as provided in subsection (E), before entering the facility, each individual, including a personnel member, employee, or visitor, is screened for fever or respiratory symptoms indicative of a communicable disease;
 2. If an individual refuses to be screened, the individual is excluded from entry to the facility;
 3. If an individual is determined to have a fever or respiratory symptoms, the individual is excluded from entry to the facility until symptoms have resolved or the individual has been evaluated and cleared by a medical practitioner;
 4. If an individual, other than a resident, develops a fever or respiratory symptoms while in the facility, the individual is required to leave the facility and not return until symptoms have resolved or the individual has been evaluated and cleared by a medical practitioner; and
 5. If insufficient personnel members are available to meet the needs of all residents in the facility, the administrator or manager, as applicable, implements the disaster plan required in R9-10-424, R9-10-523, or R9-10-818, as applicable, which may include moving a resident to a different facility.
- E. An administrator or manager, as applicable, may allow an emergency medical care technician, as defined in A.R.S. § 36-2201, to enter the facility without screening if the emergency medical care technician is responding to a call for providing emergency medical services, as defined in A.R.S. § 36-2201, to a resident or other individual in the facility.
- F. An administrator or manager, as applicable, shall ensure that:
 1. An assessment of a resident includes whether the resident has a fever or respiratory symptoms indicative of a communicable disease and is documented in the resident’s medical record; and
 2. If a resident is found to have a fever or respiratory symptoms indicative of a communicable disease:
 - a. The resident is evaluated by a medical practitioner within 24 hours to determine what services need to be provided to the resident and what precautions need to be taken by the facility, and the evaluation is documented in the resident’s medical record;
 - b. To reduce the chance for infection of another individual, the resident is:
 - i. Kept at a distance of at least six feet from other residents; or
 - ii. If not possible to keep the resident at a distance from other residents, required to wear a facemask;
 - c. A personnel member:
 - i. Takes precautions, which may include the use of gloves and a facemask or other personal protection equipment, while providing services to the resident; and
 - ii. Removes and, if applicable, disposes of the personal protection equipment and washes the personnel member’s hands with soap and water for at least 20 seconds or, if soap and water are not available, uses a hand sanitizer containing at least 60% alcohol immediately after providing services to the resident and before providing services to another resident;
 - d. Linens, dishes, utensils, and other items used by the resident are:
 - i. Kept separate from similar items used by a resident who does not have a fever or respiratory symptoms indicative of a communicable disease, and
 - ii. Disinfected or disposed of in a manner to reduce the chance for infection of another individual; and
 - e. Surfaces touched by the resident are disinfected before another individual touches the surface.
 - G. An administrator or manager, as applicable, shall ensure that door handles, tables, chair backs and arm rests, light switches, and other frequently touched surfaces are cleaned and disinfected, according to policies and procedures, with:
 1. An alcohol solution containing at least 70% alcohol;
 2. A bleach solution containing four teaspoons of bleach per quart of water; or
 3. An EPA-approved household disinfectant specified in a list, which is incorporated by reference and available at https://www.epa.gov/sites/production/files/2020-03/documents/sars-cov-2-list_03-03-2020.pdf.

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

[R20-90]

PREAMBLE

| 1. Article, Part, or Section Affected (as applicable) | Rulemaking Action |
|--|--------------------------|
| R9-16-401 | Amend |
| R9-16-402 | Amend |
| R9-16-405 | Amend |
| R9-16-407 | Amend |



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

Authorizing statute: A.R.S. 36-136(G)
Implementing statute: A.R.S. § 36-136.01

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

Notice of Rulemaking Docket Opening: 25 A.A.R. 3322, November 15, 2019

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

Name: Eric Thomas, Office Chief
Address: Department of Health Services
Division of Public Health Services, Public Health Preparedness
Office of Environmental Health
150 N. 18th Ave., Suite 140
Phoenix, AZ 85007-3232

Telephone: (602) 364-3142
Fax: (602) 364-3146
E-mail: Eric.Thomas@azdhs.gov

or

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

Telephone: (602) 542-8819
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) § 36-136.01 requires the Department to establish a sanitarians council and establish rules for the registration of sanitarians. The rules were originally promulgated September 29, 1976; substantially amended effective May 16, 2002; and last amended effective October 05, 2017. The current rules contain definitions; examination, registration, and renewal registration requirements; continuing education requirements; time-frames; registered sanitarian’s responsibilities; and criteria for the denial, suspension, or revocation of a sanitarian registration. For licensure as an environmental health sanitarian, the Department contracted with the National Environmental Health Association (“NEHA”) to provide applicants with a written examination prescribed in 9 A.A.C. 16, Article 4, Registration of Environmental Health Sanitarians. NEHA was incorporated in 1937 as a national professional society for environmental health practitioners used to establish a standard of excellence for its developing profession. Their standard, known as the Registered Environmental Health Specialist/Registered Sanitarian credential, is recognized by states and many states use and accept the NEHA sanitarian examination for licensure. While under contract with NEHA until December 2019, the Department administered NEHA written-paper examinations four times each calendar year. In mid-2018, NEHA informed the Department that NEHA would be transitioning away from written-paper examinations to only computer-based examinations. The last written-paper examination administered by the Department occurred in January 2020. At this time, NEHA examinations are administered by third party testing centers. The eligibility criteria to sit for the examination, the determination of a passing score, the number of continuing education requirements, and other policy considerations remain the responsibility of the Department. The Department entered into an agreement with NEHA for Arizona applicants to take the NEHA examination through a third party testing center and the NEHA examination fee for applicants will increase from \$140 to \$280. The Department plans to maintain a passing examination score of 630 rather than use the NEHA passing examination score of 650. The Department will continue to collect the examination fee and send payment to NEHA when invoiced as specified in the agreement between the Department and NEHA. The new rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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

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

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

Not applicable

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

As used in the 2020 Economic, Small Business, and Consumer Impact Statement, annual costs and benefits associated with the 9 A.A.C. 16, Article 4 rulemaking are designated as minimal when more than \$0 and less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater. A cost or benefit is indicated as significant when meaningful or important and not readily subject to quantification. No new FTEs are required due to this rulemaking. The Department identifies affected persons as the Department, county health departments, applicants seeking licensure as a registered environmental health sanitarian, and the general public. The Department anticipates that the Department will most likely receive a significant benefit for



applicants who will incur the cost of the sanitarian examination equal to the sanitarian examination fee established by agreement between National Environmental Health Association (NEHA) and the Department. The sanitarian examination fee, previously \$140, increased to \$280. The Department expects that even though some applicants may incur a higher sanitarian examination fee, those applicants will most likely receive a significant benefit for paying a reduced sanitarian examination fee required by the Department rather than the sanitarian examination fee required by NEHA. NEHA's registered sanitarian fees for a non-member includes an application fee of \$130, a sanitarian examination of \$335, and a third-party testing center fee of \$110 – totaling \$575. Applicants taking a sanitarian examination by register application from the Department will save \$295. Additionally, the Department anticipates that counties who incur the cost of a sanitarian examination on behalf of an employee may incur-receive a similar cost-benefit as applicants who are seeking licensure as an environmental health sanitarian and pay for a sanitarian examination out-of-pocket. The Department anticipates that applicant's may receive a significant benefit for keeping the same eligibility criteria to sit for the examination and the determination of a passing score of 630 rather than NEHA's passing score of 650. The Department does not expect the general public to incur any additional costs, and rather expect the general public to receive a significant benefit for no longer having to pay the difference between what an applicant pays to take the sanitarian examination when administered by the Department and what the Department pays NEHA for the sanitarian examination the Department administers to applicants. The Department has determined that the benefits outweigh potential costs associated with this rulemaking.

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

Name: Eric Thomas, Office Chief
 Address: Department of Health Services
 Division of Public Health Services, Public Health Preparedness
 Office of Environmental Health
 150 N. 18th Ave., Suite 140
 Phoenix, AZ 85007-3232
 Telephone: (602) 364-3142
 Fax: (602) 364-3146
 E-mail: Eric.Thomas@azdhs.gov
 or
 Name: Robert Lane, Chief
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-8819
 Fax: (602) 364-1150
 E-mail: Robert.Lane@azdhs.gov

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

The Department has scheduled the following oral proceeding:
 Date and time: Wednesday, July 15, 2020 at 11:00 a.m.
 Location: Teleconference
 Phone Number: (US)+1 978-593-3607; PIN: 236 107 048#
 Close of record: 4:00 p.m., July 15, 2020

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items #4 and #9. A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-8819. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

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

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 competitive-ness of business in this state to the impact on business in other states:

No business competitiveness analysis was submitted to the Department.

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

Not applicable



13. The full text of the rules follows:

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

ARTICLE 4. REGISTRATION OF ENVIRONMENTAL HEALTH SANITARIANS

Section
R9-16-401. Definitions
R9-16-402. Eligibility and Responsibilities for a Registered Environmental Health Sanitarian
R9-16-405. Application for Sanitarian Examination and Registration
R9-16-407. Time-frames
Table 4.1 Time-frames (in calendar days)

ARTICLE 4. REGISTRATION OF ENVIRONMENTAL HEALTH SANITARIANS

R9-16-401. Definitions

The following definitions apply in this Article, unless otherwise specified:

- 1. "Accredited" means that an educational institution is recognized by the U.S. Department of Education as providing standards necessary to meet acceptable levels of quality for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice.
2. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
3. "Applicant" means an individual who submits an application packet or renewal application packet for registration as an environmental health sanitarian.
4. "Application packet" means the information, documents, and fees required by the Department to apply for approval to:
a. Determine eligibility to take take a sanitarian examination, and
b. Be registered as an environmental health sanitarian.
5. "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 and 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. "Continuing education" means a course that provides instruction and training that is designed to develop or improve a registered environmental health sanitarian's professional competence in disciplines directly related to the practice of a registered environmental health sanitarian.
7. "Continuing education hour" means 50 to 60 minutes of continuous course work.
8. "Course" means a workshop, seminar, lecture, conference, or other learning program activities as approved by the Department.
9. "Department" means the Arizona Department of Health Services established in A.R.S. § 36-104 and the Sanitarians Council established in A.R.S. § 36-136.01.
10. "Environmental health" means the science and practice of preventing human injury and illness and promoting well-being by identifying sources that produce potential hazardous physical, chemical, and biological agents in air, water, soil, food, and other conditions; and eliminating or minimizing exposure to the sources that adversely affect or may adversely affect human health.
11. "Environmental health sanitarian aide" means an individual who performs and assists with environmental health services as described and under the supervision of an individual in R9-16-403.
12. "Hazardous environmental agent" means a material, whether liquid, solid, gas, or sludge, that contains properties that make the material potentially harmful to public health or the environment.
13. "Immediate family member" means an individual related by birth, marriage, or adoption.
14. "License or licensed" means a permit, certificate, or similar form of approval issued by a state agency according to state law that an individual may practice in the profession indicated by the approval.
15. "Natural science" means a branch of science that deals with the physical world, including life, physical, and health sciences.
16. "Overall time-frame" has the same meaning as in A.R.S. § 41-1072.
17. "Practice of a registered environmental health sanitarian" means acting under the authority of R9-16-402.
18. "Registered environmental health sanitarian" means the same as a "registered sanitarian" in A.R.S. § 36-136.01.
19. "Renewal application packet" means the information, documents, and fees required by the Department to apply for a renewal registration as an environmental health sanitarian.
20. "Sanitarian examination" means a test that consists of questions related to environmental health including natural sciences, facility and system inspections, investigations, compliance, responding to emergencies, and promoting environmental public health awareness.
21. "Semester credit" means one earned academic unit of study or equivalent, with a grade of "C" or better, 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 class as determined by the accredited college or university.
22. "Substantive review time-frame" has the same meaning as in A.R.S. § 41-1072.
23. "Supervision" means being responsible for and providing direction to an individual who:
a. Performs and assists a registered environmental health sanitarian with environmental health services as described in R9-16-403, and
b. Is employed as an environmental health sanitarian aide in a position directly related to environmental health.



24. "Testing center" means a facility, approved by the Department that provides a proctored computer-based sanitarian examination.

R9-16-402. Eligibility and Responsibilities for a Registered Environmental Health Sanitarian

- A. An individual is eligible to be a registered environmental health sanitarian, if the individual meets at least one of the following:
1. Has completed at least 30 semester credits at an accredited college or university in the natural sciences or the equivalent credits from a college or university from outside the United States or its territories verified by a Department-approved third party evaluation service;
 2. Has completed at least five years of employment as a sanitarian aide in a position directly related to environmental health;
 3. Has completed at least five years of active military service in the field of environmental health;
 4. Is currently licensed as a sanitarian in another jurisdiction, has passed a sanitarian examination that is equivalent to this state's examination ~~with a score of 70% or more as specified in A.R.S. § 36-136.01~~, and has completed at least one of the requirements identified in subsections (A)(1), (2), or (3); or
 5. Has received a copy of ~~an official notice~~ sanitarian examination test results from a testing ~~organization approved by the Department~~ center that contains the sanitarian examination test results with a score of 70% or more and has completed at least one of the requirements identified in subsections (A)(1), (2), or (3).
- B. An individual who is eligible to be a registered environmental health sanitarian according to subsection (A)(1) through (3) shall pass a sanitarian examination ~~administered by the Department or administered by a testing organization approved by the Department center~~.
- C. The practice of a registered environmental health sanitarian may include:
1. Investigate, sample, measure, and assess hazardous environmental agents;
 2. Recommend and apply protective interventions that control hazards to health;
 3. Develop, promote, and enforce guidelines, policies, rules, statutes, and regulations;
 4. Perform system analysis;
 5. Interpret research utilizing science and evidence to understand the relationship between health and environment; or
 6. Interpret data and prepare technical summaries and reports.
- D. A registered environmental health sanitarian shall:
1. Comply with A.R.S. § 41-1009;
 2. Comply with A.A.C. Title 9, Chapter 8; and
 3. Review and, as applicable, sign reports prepared by a sanitarian aide.

R9-16-405. Application for Sanitarian Examination and Registration

- A. An individual may apply to take the sanitarian examination for registration as a sanitarian if the individual meets one of the eligibility requirements in ~~R9-16-402(A)~~ R9-16-402(A)(1) through (A)(3).
- B. At least seven calendar days before a Sanitarians Council meeting, an applicant for environmental health sanitarian registration shall submit an application packet to the Department containing:
1. The following information in a Department-provided format:
 - a. The applicant's name, address, e-mail address, and telephone number;
 - b. If applicable, applicant's former names;
 - c. The applicant's social security number, required under A.R.S. §§ 25-320 and 25-502;
 - d. If applicable, the applicant's current employment information:
 - i. The employer's name, address, e-mail address, and telephone number;
 - ii. The applicant's position title; and
 - iii. The applicant's employment start date;
 - e. If an applicant meets the eligibility requirement in R9-16-402(A)(1), the following for each college or university where the applicant completed semester credits or the equivalent credits from a college or university:
 - i. The college or university's name, address, e-mail address, and telephone number;
 - ii. The number of natural science semester credits completed; and
 - iii. If applicable, the degree obtained;
 - f. If an applicant meets the eligibility requirement in R9-16-402(A)(2), the following for each employer during the five years the applicant was employed as a sanitarian aide:
 - i. The employer's name, address, e-mail address, and telephone number;
 - ii. The name, title, e-mail address, and telephone number of a contact individual for the employer;
 - iii. The applicant's position and description of responsibilities; and
 - iv. The months and years of employment;
 - g. If an applicant meets the eligibility requirement in R9-16-402(A)(3), the following for each active military service assignment during the five years the applicant held a military job position in the field of environmental health:
 - i. The military branch name, address, e-mail address, and telephone number;
 - ii. The name, title, e-mail address, and telephone number of a contact individual from the military branch;
 - iii. The applicant's military job position and description of responsibilities; and
 - iv. The months and years of active military service assignments;
 - h. If an applicant meets the eligibility requirement in R9-16-402(A)(4), the following for a sanitarian licensed in another state or jurisdiction:
 - i. The state, county, and city that issued the applicant's current license as a sanitarian;
 - ii. The testing organization that administered the sanitarian examination;
 - iii. The name of the sanitarian examination;
 - iv. The sanitarian examination administration date;
 - v. The number of sanitarian examination questions;



- vi. The sanitarian examination score;
- vii. The other eligibility requirement in R9-16-402(A)(1), ~~(2), or (3)~~ through (A)(3) met by the applicant; and
- viii. As applicable, the information required in subsection (B)(1)(e), (f), or (g);
- i. ~~Whether an applicant who is eligible according to subsection (B)(1)(e) through (g) has passed a sanitarian examination administered by a training organization approved by the Department.~~ If an applicant meets the eligibility requirement in R9-16-402(A)(5), ~~the following for an official notice from a Department-approved testing organization that contains a sanitarian examination test results with a score of 70% or more~~ an applicant shall provide the following information:
 - i. ~~The name of the testing organization center;~~
 - ii. The date the sanitarian examination was completed;
 - iii. The sanitarian examination score; and
 - iv. As applicable, the information required in subsection (B)(1)(e), (f), or (g);
- j. Whether the applicant is or has been licensed as a sanitarian in another state or jurisdiction;
- k. Whether the applicant has had an application for licensure as a sanitarian denied in a state or jurisdiction;
- l. If the applicant has had an application for licensure as a sanitarian denied, the:
 - i. Reason for denial;
 - ii. Date of the denial; and
 - iii. Name, address, and telephone number of the licensing agency that denied the applicant's application;
- m. Whether the applicant has had a license as a sanitarian suspended or revoked by a state or jurisdiction or entered into a consent agreement with a state or jurisdiction;
- n. If the applicant has had a license as a sanitarian suspended or revoked or entered into a consent agreement, the:
 - i. Reason for the suspension, revocation, or consent agreement;
 - ii. Date of the suspension, revocation, or consent agreement; and
 - iii. Name, address, and telephone number of the licensing agency that suspended, revoked, or entered into a consent agreement with the applicant;
- o. Whether the applicant has been convicted of a felony or a misdemeanor related to the functions of the applicant's employment or occupation as a sanitarian in this state or another state;
- p. If the applicant has been convicted of a felony or a misdemeanor in subsection (o):
 - 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;
- q. Whether the applicant agrees to allow the Department to submit supplemental requests for additional information or documentation in R9-16-407;
- r. An attestation that:
 - i. The applicant authorizes the Department to verify all information provided in the application packet, and
 - ii. The information submitted as part of the application packet is true and accurate; and
- s. The applicant's signature and date of signature;
- 2. In addition to the application in subsection (B)(1), the following:
 - a. A copy of applicant's Social Security card;
 - b. Proof of U.S. citizenship or alien status according to A.R.S. § 41-1080;
 - c. If applicable, a copy of an applicant's sanitarian license issued by another state or jurisdiction;
 - d. If an official transcript is issued by a college or university from outside of the United States or its territories, documentation from a third party evaluation service verifying equivalent credits identified in subsection ~~(d)~~ (B)(1)(e);
 - e. If applicable, a letter verifying an applicant's start and end dates of employment for each employer identified in subsection (B)(1)(f);
 - f. If applicable, a letter verifying an applicant's start and end dates of the military job position for each active military service assignment identified in subsection (B)(1)(g);
 - g. If applicable, documentation of the completed sanitarian examination, including the sanitarian examination test results, from the ~~Department approved testing organization center~~ or jurisdiction that administered the sanitarian examination required by another state or jurisdiction in subsection (B)(1)(h); and
 - h. If applicable, a copy of the official notice from a ~~Department approved testing organization center~~ in subsection (B)(1)(i); and
- 3. The nonrefundable \$25 application fee.
- C. If an official transcript documents natural science semester credit hours identified in subsection (B)(1)(e), an applicant shall instruct the college or university to send the official transcript to the Department.
- D. The Department shall review an application packet for an applicant to take a sanitarian examination according to R9-16-407 and Table 4.1.
- E. The Department shall review a sanitarian examination for an applicant licensed by another state or jurisdiction for approval for the applicant to practice as a registered environmental health sanitarian according to R9-16-407 and Table 4.1.
- ~~F. The Department shall:~~
 - ~~1. Administer the sanitarian examination at least four times each calendar year;~~
 - ~~2. By January 1 of each calendar year, provide the annual sanitarian examination schedule;~~
 - ~~3. If a scheduled sanitarian examination requires rescheduling, provide a notice at least 14 calendar days before a scheduled sanitarian examination date in subsection (2) occurs that includes information about the revised sanitarian examination; and~~
 - ~~4. By January 1 of each calendar year, provide a list of Department approved testing organizations.~~
- ~~G.E.~~ An applicant approved to take a sanitarian examination shall:



1. Determine whether the applicant will take a sanitarian examination administered by the Department or administered by a testing organization approved by the Department;
 - a. If the applicant determines to take a sanitarian examination administered by the Department, the applicant shall:
 - i. Submit a nonrefundable \$140 sanitarian examination fee to the Department at least 30 calendar days before taking a scheduled sanitarian examination;
 - ii. Take a scheduled sanitarian examination administered by the Department, and
 - iii. Submit the completed sanitarian examination to the Department; or
 - b. If the applicant determines to take a sanitarian examination administered by a testing organization approved by the Department, the applicant shall:
 - i.1. Select a testing organization center from the Department approved list,
 - ii.2. Take a scheduled sanitarian examination administered by the testing organization center, and
 - iii.3. Pass the sanitarian examination with a score of 70% or more and submit a copy of the applicant's official notice from the testing organization that contains the sanitarian examination test results to the Department, and
 2. Take the sanitarian examination within 6 months after the date the applicant received the notice of approval to take the sanitarian examination.
 3. Pass the sanitarian examination with a score of 70% or more.
- H-G.** The Department shall review a sanitarian examination an application packet for approval for an applicant to practice as a registered environmental health sanitarian according to R9-16-407 and Table 4.1.
- I-H.** An applicant, who does not submit a sanitarian examination or a copy of an official notice from a testing organization sanitarian examination test results to the Department in subsection ~~(G)~~ (F) within 6 months after the date that the applicant received the notice of approval to take the sanitarian examination, shall submit a new application packet according to R9-16-405(B).
- J-L.** An applicant, who submits a sanitarian examination or a copy of an official notice from a testing organization sanitarian examination test results to the Department in subsection ~~(G)~~ (F) within 6 months after the date that the applicant received the notice of approval to take the sanitarian examination and does not score 70% or more, shall:
1. Have 12 months from the date of the approval letter the applicant received from the Department to resubmit a sanitarian examination or provide a copy of an official notice from a testing organization sanitarian examination test results in subsection ~~(G)~~ (F); and
 2. Comply with ~~subsections~~ subsection ~~(G)(1)(a) or (b)~~ (F)(1) through (F)(3) to retake the sanitarian examination.
- R9-16-407. Time-frames**
- A.** The overall time-frame begins, for:
1. A sanitarian examination approval, on the date the Department receives an application packet in R9-16-405;
 2. An environmental health sanitarian registration approval, on the date the Department receives ~~an official notice for an~~ the applicant's sanitarian examination test ~~result~~ results administered by:
 - a. A testing organization center described in R9-16-405(B)(1)(i) or ~~(G)~~ (F), or
 - b. A testing organization or jurisdiction that administered the sanitarian examination required by another state or jurisdiction described in R9-16-405(B)(1)(h);
 3. A continuing education deferral approval, on the date the Department receives the continuing education deferral request in R9-16-404; and
 4. A renewal registration approval, on the date the Department receives a renewal application packet in R9-16-406.
- B.** The applicant and the Department 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% of the overall time-frame.
- C.** Within the administrative completeness review time-frame in Table 4.1, the Department shall:
1. Provide a notice of administrative completeness to an applicant; or
 2. Provide a notice of deficiencies to an applicant, including a list of the missing information or documents.
- D.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended after the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant;
 2. If the applicant submits the missing information or documents to the Department within the time-frame in Table 4.1, the substantive review time-frame resumes on the date the Department receives the missing information or documents; and
 3. If the applicant does not submit the missing information or documents to the Department within the time-frame in Table 4.1, the Department shall consider the application or the request withdrawn.
- E.** If the Department issues a registration or notice of an approval during the administrative completeness review time-frame, the Department may not issue a separate written notice of administrative completeness.
- F.** Within the substantive review time-frame specified in Table 4.1, the Department:
1. Shall approve an:
 - a. Applicant's request for registration as an environmental health sanitarian or
 - b. Applicant, who did not score 70% or more on the sanitarian examination, to resubmit a sanitarian examination according to R9-16-405(J);
 2. Shall deny an applicant's request for registration as an environmental health sanitarian;
 3. May make a written comprehensive request for additional information or documentation; and
 4. May make supplemental requests for additional information and documentation if agreed to by the applicant.
- G.** If the Department provides a written comprehensive request for additional information or documentation or a supplemental request to the applicant:
1. The substantive review time-frame and overall time-frame are suspended from the date of the written comprehensive request or supplemental request until the date the Department receives the information and documents requested; and



- 2. The applicant shall submit to the Department the information and documents listed in the written comprehensive request within 15 calendar days after the date of the written comprehensive request or supplemental request.
- H. The Department shall issue:
 - 1. An approval to an applicant who submits:
 - a. An application packet to take a sanitarian examination that complies with the requirements in R9-16-405;
 - b. An application packet and a sanitarian examination with a score of 70% or more from a testing organization approved by the Department center that complies with the requirements in R9-16-405;
 - c. An application packet and a sanitarian examination test results from the testing organization or jurisdiction that administered the sanitarian examination that complies with the requirements in R9-16-405;
 - d. A continuing education deferral request that complies with the requirements in R9-16-404; and
 - e. An application for renewal registration that complies with the requirements R9-16-406; or
 - 2. A denial to an applicant, including the reason for the denial and the appeal process in A.R.S. Title 41, Chapter 6, Article 10, if:
 - a. The applicant does not submit all of the information and documentation listed in a written comprehensive request or supplemental request for additional information or documentation; or
 - b. The applicant does not comply with A.R.S. § 36-136.01 and this Article.

Table 4.1. Time-frames (in calendar days)

| Type of Approval | Statutory Authority | Overall Time-frame | Administrative Completeness Review Time-frame | Time to Respond to Deficiency Notice | Substantive Review Time-frame | Time to Respond to Written Comprehensive Request |
|---|-----------------------|--------------------|---|--------------------------------------|-------------------------------|--|
| Sanitarian Examination (R9-16-405) | A.R.S. § 36-136.01(B) | 150 | 30 | 30 | 120 | 15 |
| Initial Registration (R9-16-405) | A.R.S. § 36-136.01(B) | 35 40 | 5 10 | 15 | 30 | 15 |
| Registration by Reciprocity (R9-16-405) | A.R.S. § 36-136.01(C) | 150 | 30 | 30 | 120 | 15 |
| Deferred Continuing Education (R9-16-404) | A.R.S. § 36-136.01(E) | 45 | 30 | 15 | 15 | 15 |
| Renewal Registration (R9-16-406) | A.R.S. § 36-136.01(D) | 75 | 60 | 15 | 15 | 15 |



NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

[R20-94]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
- Article and its heading:** 1, General
- Section numbers:** R9-10-121 (*The Department may add, delete, or modify other Sections, as necessary.*)

2. The subject matter of the proposed rules:
To address the COVID-19 public health emergency, on March 11, 2020, the Governor declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak and issued Executive Order 2020-07. The Executive Order directed the Arizona Department of Health Services (Department) to conduct emergency rulemaking to adopt requirements designed to prevent the spread of COVID-19 to vulnerable Arizonans residing in nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, or assisted living facilities. The Department completed the emergency rulemaking with a rule that establishes requirements in A.A.C. Title 9, Chapter 10, Health Care Institutions, designed to protect these vulnerable individuals in nursing care institutions, intermediate care facilities for individuals with intellectual disabilities, and assisted living facilities from exposure to COVID-19. This rule became effective as of March 16, 2020, and will expire on September 13, 2020, unless renewed.

Concurrent with this emergency action, the Department is now initiating a regular rulemaking to ensure continued protection of these vulnerable individuals past September 13, 2020. As in the emergency rule, the Department is adopting requirements for establishing, documenting, and implementing policies and procedures to help prevent exposure to the virus and the spread of COVID-19 in these health care institutions. The Department is also specifying requirements for disinfection of frequently touched surfaces and for distancing residents who exhibit symptoms of COVID-19 from other residents. However, as part of this rulemaking, the Department is revising the rule to address issues that were identified during implementation. These include clarifying that emergency medical care technicians responding to a call for emergency medical services do not need to be screened before entry into these health care institutions. Emergency medical services providers and ambulance services already screen their employees, so additional screening by the health care institution is unnecessary to protect residents and may delay the provision of emergency medical services. (The Department may add, delete, or modify other Sections, as necessary.)

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 26 A.A.R. 1168, June 12, 2020 (*in this issue*)

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

- Name: Colby Bower, Assistant Director
- Address: Department of Health Services
Public Health Licensing Services
150 N. 18th Ave., Suite 510
Phoenix, AZ 85007
- Telephone: (602) 542-6383
- Fax: (602) 364-4808
- E-mail: Colby.Bower@azdhs.gov
- or
- Name: Robert Lane, Chief
- Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
- Telephone: (602) 542-1020
- Fax: (602) 364-1150



E-mail: Robert.Lane@azdhs.gov

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.

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

See the Notice of Proposed Rulemaking (in this issue) beginning on page 1168.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
ARIZONA MEDICALLY UNDERSERVED AREA HEALTH SERVICES**

[R20-91]

1. Title and its heading:

9, Health Services

Chapter and its heading:

24, Department of Health Services - Arizona Medically Underserved Area Health Services

Article and its heading:

2, Arizona Medically Underserved Areas
3, Coordinating Medical Providers

Section numbers:

R9-24-201, R9-24-202, R9-24-203, R9-24-204, R9-24-205,
R9-24-301, and R9-24-302 (*The Department may add, delete, or modify other Sections, as necessary.*)

2. The subject matter of the proposed rules:

Arizona Administrative Code (A.A.C.) Title 9, Chapter 24, Article 2 rules establish the criteria for designating primary care areas and Arizona medically underserved areas; criterion and scoring measures used to determine designation of a Arizona medically underserved area; and requirements to determine the boundaries of all primary care areas for the state. A.A.C. Title 9, Chapter 24, Article 3 rules establishes definitions that pertain to the only Article 3 and establishes a coordinating medical provider’s role and functions. On January 14, 2020, the Governor’s Regulatory Review Council approved the five-year-review report (Report) for 9 A.A.C. 24. The Department, in its 2019 Arizona Medically Underserved Area Health Service Report identified that the rules are effective; however, the rules could be improved to make clearer and increase understandability of the rules by simplifying and clarifying some requirements; updating antiquated language and outdated definitions and references; and making minor technical and grammatical changes. On May 15, 2020, the Department received an exception from the rulemaking moratorium, established by Executive Order 2020-02, to amend the rules through expedited rulemaking to clarify confusing requirements related to the primary care index and primary care boundaries determination and update obsolete criterion used for designating primary care areas, the value ranges within each criterion, and the points attached to each value within a criterion. The expedited rulemaking will also include other changes identified in the Report. The proposed amendments will conform to rulemaking format/style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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

None

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

Name: Patricia Tarango, Bureau Chief
Address: Department of Health Services
Division of Public Health Services, Public Health Prevention
Bureau of Women’s and Children’s Health
150 N. 18th Ave., Suite 320
Phoenix, AZ 85007-3248

Telephone: (602) 542-1436
Fax: (602) 364-1496
E-mail: Patricia.Tarango@azdhs.gov

or

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

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

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.



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

The Department plans to submit the Notice of Final Expedited Rulemaking to the Governor's Regulatory Review Council as specified in the Notice of Proposed Expedited Rulemaking (not yet published in the *Administrative Register*).



NOTICES OF PUBLIC INFORMATION

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

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

**NOTICE OF PUBLIC INFORMATION
ARIZONA STATE LAND DEPARTMENT**

[M20-27]

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

P05-02 Noncompetitive Oil and Gas Lease Applications; "8:00 A.M." Simultaneous Filings

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

The Arizona State Land Department is rescinding the substantive policy statement specified in item 1 (above), effective as of May 21, 2020. It is no longer necessary due to the expiration of A.A.C. R12-5-2105, which was effective January 15, 2020.

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

Name: Angela Calabresi, Administrative Counsel
Address: Arizona State Land Department
1616 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-2632
E-mail: acalabresi@azland.gov



GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

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

[M20-01]

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Douglas A. Ducey
GOVERNOR

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

ATTEST:
Katie Hobbs
SECRETARY OF STATE



REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING

PROPOSED SUMMARY

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

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
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FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
 FXM = Final Exempt amended Section
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EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

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TERMINATION OF RULES

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RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

| Deadline Date (paper only) Friday, 5:00 p.m. | Register Publication Date | Oral Proceeding may be scheduled on or after |
|---|--------------------------------------|---|
| February 7, 2020 | February 28, 2020 | March 30, 2020 |
| February 14, 2020 | March 6, 2020 | April 6, 2020 |
| February 21, 2020 | March 13, 2020 | April 13, 2020 |
| February 28, 2020 | March 20, 2020 | April 20, 2020 |
| March 6, 2020 | March 27, 2020 | April 27, 2020 |
| March 13, 2020 | April 3, 2020 | May 4, 2020 |
| March 20, 2020 | April 10, 2020 | May 11, 2020 |
| March 27, 2020 | April 17, 2020 | May 18, 2020 |
| April 3, 2020 | April 24, 2020 | May 26, 2020 |
| April 10, 2020 | May 1, 2020 | June 2, 2020 |
| April 17, 2020 | May 8, 2020 | June 8, 2020 |
| April 24, 2020 | May 15, 2020 | June 15, 2020 |
| May 1, 2020 | May 22, 2020 | June 22, 2020 |
| May 8, 2020 | May 29, 2020 | June 29, 2020 |
| May 15, 2020 | June 5, 2020 | July 6, 2020 |
| May 22, 2020 | June 12, 2020 | July 13, 2020 |
| May 29, 2020 | June 19, 2020 | July 20, 2020 |
| June 5, 2020 | June 26, 2020 | July 27, 2020 |
| June 12, 2020 | July 3, 2020 | August 3, 2020 |
| June 19, 2020 | July 10, 2020 | August 10, 2020 |
| June 26, 2020 | July 17, 2020 | August 17, 2020 |
| July 3, 2020 | July 24, 2020 | August 24, 2020 |
| July 10, 2020 | July 31, 2020 | August 31, 2020 |
| July 17, 2020 | August 7, 2020 | September 8, 2020 |
| July 24, 2020 | August 14, 2020 | September 14, 2020 |
| July 31, 2020 | August 21, 2020 | September 21, 2020 |
| August 7, 2020 | August 28, 2020 | September 28, 2020 |
| August 14, 2020 | September 4, 2020 | October 5, 2020 |
| August 21, 2020 | September 11, 2020 | October 13, 2020 |
| August 28, 2020 | September 18, 2020 | October 19, 2020 |



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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