



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

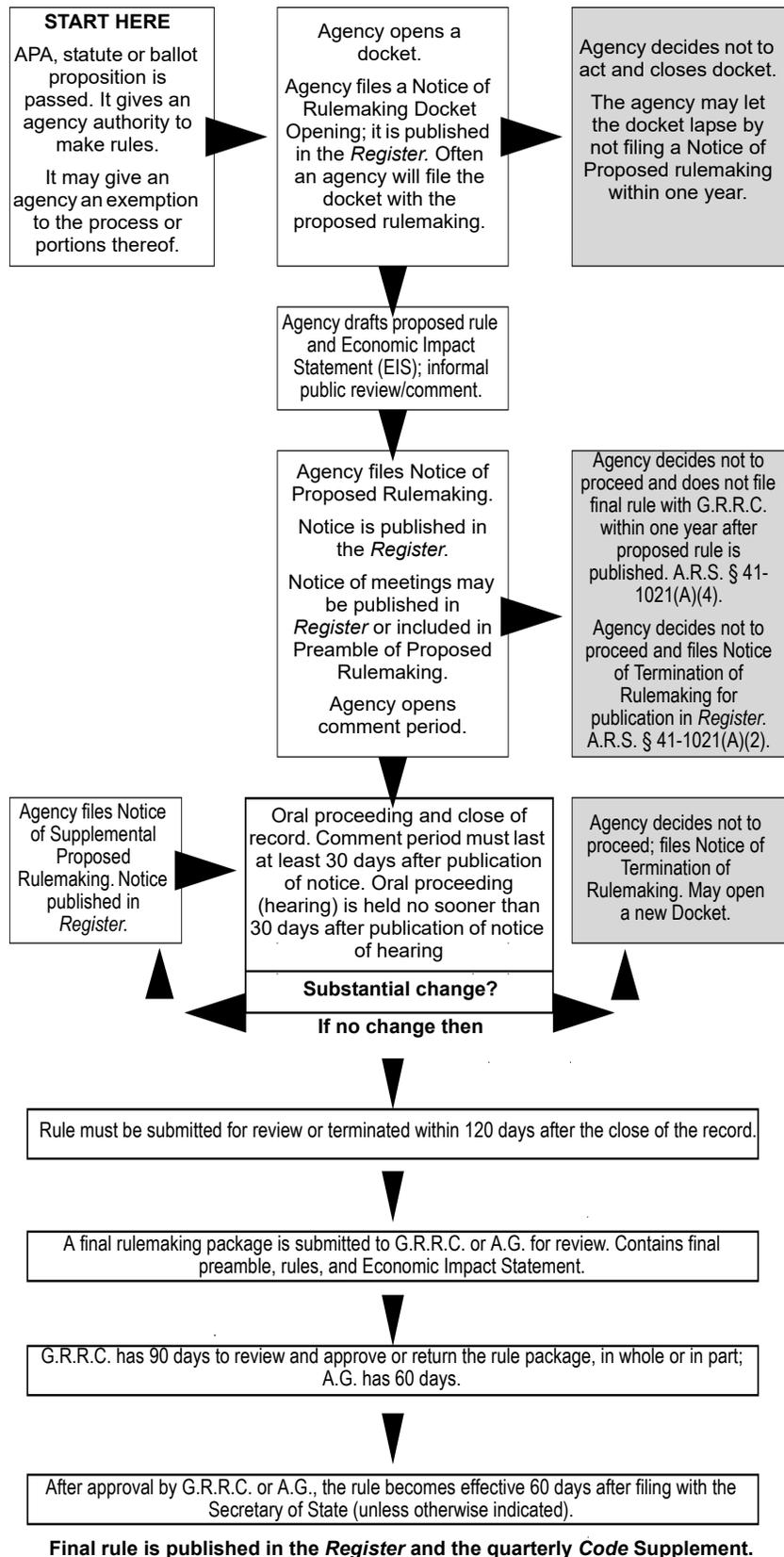
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED EXPEDITED RULEMAKING**

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

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

**NOTICE OF PROPOSED EXPEDITED RULEMAKING**

**TITLE 9. HEALTH SERVICES  
CHAPTER 3. DEPARTMENT OF HEALTH SERVICES  
CHILD CARE GROUP HOMES**

[R20-96]

**PREAMBLE**

- | <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R9-3-101  | Amend                           |
| R9-3-102  | Amend                           |
| Table 1.1   | Amend                           |
| R9-3-201  | Amend                           |
| R9-3-202  | Amend                           |
| R9-3-203  | Amend                           |
| R9-3-205  | Amend                           |
| R9-3-206  | Amend                           |
| R9-3-301  | Amend                           |
| R9-3-302  | Amend                           |
| R9-3-303  | Amend                           |
| R9-3-304  | Amend                           |
| R9-3-306  | Amend                           |
| R9-3-308  | Amend                           |
| R9-3-309  | Amend                           |
| R9-3-401  | Amend                           |
| R9-3-402  | Amend                           |
| R9-3-403  | Amend                           |
| R9-3-404  | Amend                           |
| Table 4.2   | Amend                           |
| R9-3-407  | Amend                           |
| R9-3-408  | Amend                           |
| R9-3-504  | Amend                           |
| R9-3-506  | Amend                           |
| R9-3-507  | 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. §§ 36-132(A)(1) and 36-136(G)  
 Implementing statute: A.R.S. §§ 36-897.01 through 36-897.13
- 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 expedited rule:**  
 Notice of Rulemaking Docket Opening: 26 A.A.R. 1232, June 19, 2020 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Thomas Salow, Branch Chief  
 Address: Department of Health Services  
 Division of Licensing Services  
 150 N. 18th Ave., Suite 400  
 Phoenix, AZ 85007  
 Telephone: (602) 364-1935  
 Fax: (602) 364-4808  
 E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)  
 or  
 Name: Stephanie Elzenga, Administrative Counsel



Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Stephanie.Elzenga@azdhs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41- 1027, to include an explanation about the rulemaking:

The five-year-review report (Report) for 9 A.A.C. 3 was approved by the Governor's Regulatory Review Council on December 3, 2019. The Report identified that the rules are effective, however could be improved to make clearer and increase understandability of the rules by simplifying and clarifying some requirements, updating antiquated language and outdated definition and references, and making minor technical and grammatical changes. Changes include adding and updating antiquated terms, such as "accredited," "enrolled children," "modification" and "positioning device." Other changes include clarifying fingerprint clearance cards, updating the Department of Agriculture Child and Adult Care Food Program Meal Patterns for children and infants, and clarifying adult staff member high school education requirement. Additionally, requirements related to child passenger restraint system will be changed to make consistent with A.R.S. § 28-907. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden. This rulemaking improves the health and safety of children residing at a child care group home. 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.

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:

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

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

Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:

Close of record: July 6, 2020 at 4:00 p.m.

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

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 rules are specific for licensure of small business that are child care group homes. The rules do not license individuals and do not require a general 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:

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

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

No such analysis was submitted.

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 3. DEPARTMENT OF HEALTH SERVICES**  
**CHILD CARE GROUP HOMES**

**ARTICLE 1. GENERAL**

Section	
R9-3-101.	Definitions
R9-3-102.	Time-frames
Table 1.1.	Time-frames (in <u>calendar</u> days)

**ARTICLE 2. CERTIFICATION**

Section	
R9-3-201.	Application for a Certificate
R9-3-202.	Fingerprinting and Central Registry <del>Background Check</del> Requirements
R9-3-203.	Certification Fees
R9-3-205.	Changes Affecting a Certificate
R9-3-206.	Inspections; Investigations

**ARTICLE 3. OPERATING A CHILD CARE GROUP HOME**

Section	
R9-3-301.	Certificate Holder and Provider Responsibilities
R9-3-302.	Staff Training
R9-3-303.	Enrollment of Children
R9-3-304.	Enrolled Child Immunization Requirements
R9-3-306.	Pesticides
R9-3-308.	Suspected Abuse or Neglect of an Enrolled Child
R9-3-309.	Medications

**ARTICLE 4. PROGRAM AND EQUIPMENT STANDARDS**

Section	
R9-3-401.	General Program, Equipment, and Health and Safety Standards
R9-3-402.	Supplemental Standards for Napping or Sleeping
R9-3-403.	Supplemental Standards for Care of an Enrolled Infant or One- or Two-Year-Old Child
R9-3-404.	Supplemental Standards for Care of an Enrolled Child with Special Needs
Table 4.2.	Meal Pattern Requirements for Children
R9-3-407.	General Food Service and Food Handling Standards
R9-3-408.	Field Trips and Other Trips Away from the Child Care Group Home

**ARTICLE 5. PHYSICAL ENVIRONMENT STANDARDS**

Section	
R9-3-504.	Fire Safety, Gas Safety, and Emergency Standards
R9-3-506.	General Cleaning and Sanitation Standards
R9-3-507.	Diaper-Changing Standards

**ARTICLE 1. GENERAL**

**R9-3-101. Definitions**

In addition to the definitions in A.R.S. § 36-897 and unless the context indicates otherwise, the following definitions apply in this Chapter:

1. "Abuse" has the meaning in A.R.S. § 8-201.
2. "Accident" means an unexpected occurrence that:
  - a. Causes physical injury to an enrolled child, and
  - b. May or may not be an emergency.
3. "Accredited" means approved by the:
  - a. ~~New England Association of Schools and Colleges~~, Commission of Institution of Higher Education
  - b. ~~Middle States Association of Colleges and Secondary Schools~~, Commission of Higher Education
  - c. ~~North Central Association of Colleges and Schools~~, the Higher Learning Commission
  - d. Northwest Association of Schools and Colleges,
  - e. ~~Southern Association of Colleges and Schools~~, Commission on Colleges, or
  - f. Western Association of Colleges and Schools.
4. "Activity" means an action planned by a certificate holder or staff member and performed by an enrolled child while supervised by a staff member.
5. "Adaptive device" means equipment used to augment an individual's use of the individual's arms, legs, sight, hearing, or other physical part or function.



6. "Adult" means an individual 18 years of age or older.
7. "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
8. "Applicant" means an individual or business organization requesting one of the following:
  - a. A certificate under R9-3-201, or
  - b. Approval of a change affecting a certificate under R9-3-205.
9. "Application" means the documents that an applicant is required to submit to the Department to request a certificate or approval of a request for a change affecting a certificate.
10. "Business organization" has the same meaning as "entity" in A.R.S. § 10-140.
11. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- ~~11-12.~~ "Capacity" means the maximum number of enrolled children authorized by the Department to be present at a child care group home during hours of operation.
- ~~12.~~ ~~"Certificate" means the written authorization issued by the Department to operate a child care group home in Arizona.~~
13. "Certificate holder" means a person to whom the Department has issued a certificate.
14. "Change in ownership" means a transfer of controlling legal or controlling equitable interest and authority in the operation of a child care group home.
15. "Child" means any individual younger than 13 years of age.
16. "Child care experience" means an individual's documented work with children in:
  - a. A child care facility or a child care group home that was licensed, certified, or approved by a state in the United States or by one of the Uniformed Services of the United States;
  - b. A public school, a charter school, a private school, or an accommodation school; or
  - c. A public or private educational institution authorized under the laws of another state where instruction was provided for any grade or combination of grades between pre-kindergarten and grade 12.
17. "Child care services" means the range of activities and programs provided by a certificate holder to an enrolled child, including personal care, supervision, education, guidance, and transportation.
18. "Child with special needs" means:
  - a. A child with a documented diagnosis from a physician, physician assistant, or registered nurse practitioner of a physical or mental condition that substantially limits the child in providing self-care or performing manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
  - b. A child with a "developmental disability" as defined in A.R.S. § 36-551; or
  - c. A "child with a disability" as defined in A.R.S. § 15-761.
19. "Clean" means:
  - a. To remove dirt or debris by methods such as washing with soap and water, vacuuming, wiping, dusting, or sweeping; or
  - b. Free of dirt and debris.
20. "Communicable disease" has the meaning in A.A.C. R9-6-101.
21. "Compensation" means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit, that is received as payment.
22. "Controlling person" has the meaning in A.R.S. § 36-881.
23. "Corporal punishment" means any physical act used to discipline a child that inflicts pain to the body of the child, or that may result in physical injury to the child.
24. "CPR" means cardiopulmonary resuscitation.
25. "Credit hour" means an academic unit earned through an accredited college or university for completing the equivalent of one hour of class time each week during a semester or equivalent shorter course term, as designated by the accredited college or university.
- ~~26.~~ ~~"Days" means calendar days, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.~~
- ~~27-26.~~ "Designated agent" means an individual who is authorized by an applicant or certificate holder to receive communications from the Department, including legal service of process, and to file or sign documents on behalf of the applicant or certificate holder.
- ~~28-27.~~ "Developmentally appropriate" means consistent with a child's physical, emotional, social, cultural, and cognitive development, based on the child's age and family background and the child's personality, learning style, and pattern and timing of growth.
- ~~29-28.~~ "Discipline" means the on-going process of helping a child develop self-control and assume responsibility for the child's own actions.
- ~~30-29.~~ "Documentation" means information in written, photographic, electronic, or other permanent form.
- ~~31-30.~~ "Emergency" means a potentially life-threatening occurrence involving an enrolled child or staff member that requires an immediate response or medical treatment.



- ~~32-31.~~ “Endanger” means to expose an individual to a situation where physical or mental injury to the individual may occur.
- ~~33-32.~~ “Enrolled child” means a child:
- Who is not a resident; and
  - Who has been placed by a parent or guardian, ~~who may be a staff member~~, to receive child care services ~~at the child care group home~~ regardless of payment.
- ~~34-33.~~ “Fall zone” means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.
- ~~35-34.~~ “Field trip” means travel for a specific activity to a location away from an area of the child care group home approved for providing child care services.
- ~~36-35.~~ “Food” means a raw, cooked, or processed edible substance or ingredient, including a beverage, used or intended for use in whole or in part for human consumption.
- ~~37-36.~~ “Guidance” means the ongoing direction, counseling, teaching, or modeling of generally accepted social behavior through which a child learns to develop and maintain the self-control, self-reliance, and self-esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
- ~~38-37.~~ “Hazard” means a source of endangerment.
- ~~39-38.~~ “High school equivalency diploma” means:
- A document issued by the Arizona ~~Department of Education~~ State Board of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B);
  - A document issued by another state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B); or
  - A document issued by another country to an individual who has completed that country’s equivalent of a 12th grade education, as determined by the Department based upon information obtained from American or foreign consulates or embassies or other governmental entities.
- ~~40-39.~~ “Hours of operation” means the specific days of the week and time period during a day when a certificate holder provides child care services on a regular basis.
- ~~41-40.~~ “Illness” means physical manifestation or signs of sickness such as pain, vomiting, rash, fever, discharge, or diarrhea.
- ~~42-41.~~ “Immediate” or “Immediately” means without restriction, delay, or hesitation.
- ~~43-42.~~ “Inaccessible” means:
- Out of an enrolled child’s reach, or
  - Locked.
- ~~43.~~ “Individual plan” means a written description of the daily activities required for an enrolled child with special needs.
- ~~44.~~ “Infant” means a child 12 months of age or younger.
- ~~45.~~ “Infestation” means the presence of lice, pinworms, scabies, or other parasites.
- ~~46.~~ “Licensed applicator” means an individual who complies with A.A.C. R3-8-201(C).
- ~~46-47.~~ “Mat” means a foam pad that has a waterproof cover.
- ~~47-48.~~ “Mechanical restraint” means a device, article, or garment attached or adjacent to a child’s body that the child cannot easily remove and that restricts the child’s freedom of movement or normal access to the child’s body, but does not include a device, article, or garment:
- Used for orthopedic purposes, or
  - Necessary to allow a child to heal from a medical condition.
- ~~48-49.~~ “Medication” means a substance prescribed by a physician, physician assistant, or registered nurse practitioner or that is available without a prescription for the treatment or prevention of illness or infestation.
- ~~49-50.~~ “Menu” means a written description of food that a child care group home provides and serves as a meal or snack.
- ~~50-51.~~ “Modification” means the substantial improvement, enlargement, reduction, alternation, or other substantial change in the facility or another structure on the premises at a child care group home.
- ~~50-52.~~ “Motor vehicle” has the meaning in A.R.S. § 28-101.
- ~~51-53.~~ “Neglect” has the meaning in A.R.S. § 8-201.
- ~~52-54.~~ “Outbreak” has the meaning in A.A.C. R9-6-101.
- ~~53-55.~~ “Parent” means:
- A natural or adoptive mother or father,
  - A legal guardian appointed by a court of competent jurisdiction, or
  - A “custodian” as defined in A.R.S. § 8-201.
- ~~54-56.~~ “Perishable food” means food that becomes unfit for human consumption if not stored to prevent spoilage.
- ~~55-57.~~ “Person” has the meaning in A.R.S. § 1-215.
- ~~56-58.~~ “Personal items” means those articles of property that belong to an enrolled child and are brought to the child care group home for that enrolled child’s exclusive use, such as clothing, a blanket, a sheet, a toothbrush, a pacifier, a hairbrush, a comb, a washcloth, or a towel.
- ~~57-59.~~ “Physician” means an individual licensed as a doctor of:



- a. Allopathic medicine under A.R.S. Title 32, Chapter 13;
- b. Naturopathic medicine under A.R.S. Title 32, Chapter 14;
- c. Osteopathic medicine under A.R.S. Title 32, Chapter 17;
- d. Homeopathic medicine under A.R.S. Title 32, Chapter 29; or
- e. Allopathic, naturopathic, osteopathic, or homeopathic medicine under the laws of another state.

~~58-60.~~“Physician assistant” means:

- a. The same as in A.R.S. § 32-2501, or
- b. An individual licensed as a physician assistant under the laws of another state.

~~61.~~ “Positioning device” means a belt or harness that prevents an enrolled infant’s movement.

~~59-62.~~“Premises” means a child care group home’s residence and the surrounding property, including any structures on the property, that can be enclosed by a single unbroken boundary line that does not encompass property owned or leased by another person.

~~60-63.~~“Registered nurse practitioner” means:

- a. The same as in A.R.S. § 32-1601, or
- b. An individual licensed as a registered nurse practitioner under the laws of another state.

~~64-64.~~“Regular basis” means at recurring, fixed, or uniform intervals.

~~62-65.~~“Residence” means a dwelling, such as a house, used for human habitation.

~~63-66.~~“Resident” means an individual who receives child care services and uses a child care group home as the individual’s principal place of habitation for 30 calendar days or more during the calendar year.

~~64-67.~~“Sanitize” means to use heat, a chemical agent, or a germicidal solution to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.

~~65-68.~~“School-age child” means a child who attends:

- a. A public school, as defined for “school” in A.R.S. § 15-101; or
- b. A private school, as defined in A.R.S. § 15-101.

~~66-69.~~“Separate” means to exclude a child from and have the child physically move away from other children, while keeping the child under supervision.

~~67-70.~~“Signed” means affixed with an individual’s signature or, if the individual is unable to write the individual’s name, with a symbol representing the individual’s signature.

~~68-71.~~“Sippy cup” means a lidded drinking container that is designed to be leak-proof or leak-resistant and from which a child drinks through a spout or straw.

~~69-72.~~“Space utilization” means the designated use of specific areas on the premises for providing child care services.

~~70-73.~~“Staff member” means an individual who works at a child care group home providing child care services, regardless of whether compensation is received by the individual in return for providing child care services, and includes a provider.

~~74-74.~~“Supervision” means:

- a. For a child who is awake, knowledge of and accountability for the actions and whereabouts of the child, including the ability to see or hear the child at all times, to interact with the child, and to provide guidance to the child;
- b. For a child who is asleep, knowledge of and accountability for the actions and whereabouts of the child, including the ability to see or hear the child at all times and to respond to the child;
- c. For a staff member who is not an adult, knowledge of and accountability for the actions and whereabouts of the staff member and the ability to interact with and provide guidance to the staff member; or
- d. For an individual other than a child or staff member, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual’s actions to prevent harm to enrolled children.

~~72-75.~~“Swimming pool” has the meaning in A.A.C. R18-5-201.

~~73-76.~~“Training” means instruction received through:

- a. Completion of a live or computerized conference, seminar, lecture, workshop, class, or course; or
- b. Watching a video presentation ~~and completing a Department provided form to document the video instruction.~~

~~74-77.~~“Week” means a seven-day period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m.

~~75-78.~~“Working day” means the period between 8:00 a.m. and 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.

**R9-3-102. Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Chapter is set forth in ~~Table 1~~ Table 1.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Chapter is set forth in ~~Table 1~~ Table 1.1 and begins on the date that the Department receives an application.
  - 1. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information or items needed to complete the application.



- b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is sent until the date that the Department receives all of the missing information or items from the applicant.
- c. If an applicant fails to submit to the Department all of the information or items listed in the notice of deficiencies within 180 calendar days after the date that the Department sent the notice of deficiencies, the Department shall consider the application withdrawn.
- 2. If the Department issues a certificate or other approval to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is set forth in Table 1 and begins on the date of the notice of administrative completeness.
  - 1. As part of the substantive review for an application for a certificate, the Department shall conduct an inspection that may require more than one visit to the child care group home or premises.
  - 2. As part of the substantive review for a request for approval of a change affecting a certificate that requires a change in the use of physical space at a child care group home, the Department shall conduct an inspection that may require more than one visit to the child care group home.
  - 3. The Department shall send a certificate or a written notice of approval or denial of a certificate or other request for approval to an applicant within the substantive review time-frame.
  - 4. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.
    - a. If the Department determines that an applicant, a child care group home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
    - b. An applicant shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of the corrections required in a statement of deficiencies, within 30 calendar days after the date of the comprehensive written request for additional information or the supplemental request for information.
    - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including, if applicable, documentation of corrections required in a statement of deficiencies.
    - d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of corrections required in a statement of deficiencies, within the time prescribed in subsection (C)(4)(b), the Department shall deny the application.
  - 5. The Department shall issue a certificate or approval if the Department determines that the applicant and the child care group home or premises are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, and the applicant submits documentation of corrections, which is acceptable to the Department, for any deficiencies.
  - 6. If the Department denies a certificate or approval, the Department shall send to the applicant a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. § 41-1076.

**Table 1.1. Time-frames (in calendar days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Certificate under R9-3-201	A.R.S. § 36-897.01	150	30	120
Approval of Change Affecting Certificate under R9-3-205(B)	A.R.S. §§ 36-897.01 and 36-897.02	75	30	45

**ARTICLE 2. CERTIFICATION**

**R9-3-201. Application for a Certificate**

An applicant for a certificate shall:

- 1. Be at least 21 years of age, and
- 2. Submit to the Department an application packet containing:
  - a. An application on a form provided by the Department that contains:
    - i. The applicant’s name and date of birth;
    - ii. The name to be used for the child care group home, if any;
    - iii. The address and telephone number of the residence;
    - iv. The mailing address of the applicant, if different from the address of the residence;
    - v. The applicant’s contact telephone number, if different from the telephone number of the residence;
    - vi. The applicant’s e-mail address, if applicable;
    - vii. The name of the provider, if different from the applicant;
    - viii. The requested capacity for the child care group home;



- ix. The anticipated hours of operation for the child care group home;
- x. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
- xi. Whether the applicant or any controlling person has been denied a certificate or license to operate a child care group home or child care facility in this state or another state or has had a certificate or license to operate a child care group home or child care facility revoked in this state or another state and, if so:
  - (1) The name of the individual who had the certificate or license denied or revoked,
  - (2) The reason for the denial or revocation,
  - (3) The date of the denial or revocation, and
  - (4) The name and address of the certifying or licensing agency that denied or revoked the certificate or license;
- xii. A statement that the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
- xiii. A statement that the applicant has sufficient financial resources to comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
- xiv. A statement that the information provided in the application packet is accurate and complete; and
- xv. The applicant's signature and date the applicant signed the application;
- b. A copy of the applicant's:
  - i. U.S. passport,
  - ii. Birth certificate,
  - iii. Naturalization documents, or
  - iv. Documentation of legal resident alien status;
- c. A copy of the applicant's valid fingerprint clearance card issued, both front and back, according to A.R.S. Title 41, Chapter 12, Article 3.1;
- d. A copy of the form required in A.R.S. § 36-897.03(B) for the applicant;
- e. A document issued by the Department showing that the applicant has completed Department-provided orientation training that included the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4, and this Chapter;
- f. A floor plan of the residence where child care services will be provided, showing:
  - i. The location and dimensions of each room in the residence, with designation of the rooms to be used for providing child care services;
  - ii. The location of each exit from the residence;
  - iii. The location of each sink and toilet available for use by enrolled children;
  - iv. The location of each smoke detector in the residence; and
  - v. The location of each fire extinguisher in the residence;
- g. A site plan of the premises showing:
  - i. The location and dimensions of the outdoor activity area;
  - ii. The height of the fence around the outdoor activity area;
  - iii. The location of each exit from the outdoor activity area;
  - iv. The location of the residence;
  - v. The location of each swimming pool, if applicable;
  - vi. The location and height of the fence around each swimming pool, if applicable; and
  - vii. The location and dimensions of any other building or structure on the premises, if applicable;
- h. If the child care group home is located within one-fourth of a mile of agricultural land:
  - i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the child care group home, and
  - ii. A copy of an agreement complying with A.R.S. § 36-897.01(B) for each parcel of agricultural land;
- i. The applicable fee in R9-3-203; and
- j. If the applicant is a business organization, a form provided by the Department that contains:
  - i. The name, street address, city, state, and zip code of the business organization;
  - ii. The type of business organization;
  - iii. The name, date of birth, title, street address, city, state, and zip code of the designated agent;
  - iv. The name, date of birth, title, street address, city, state, and zip code of each other controlling person;
  - v. A copy of the business organization's articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable; and
  - vi. Documentation of good standing issued by the Arizona Corporation Commission and dated no earlier than three months before the date of the application, if applicable.

**R9-3-202. Fingerprinting and Central Registry ~~Background Check~~ Requirements**

- A. A certificate holder shall ensure that:
  - 1. A staff member completes, signs, dates, and submits to the certificate holder before the staff member's starting date of employment or volunteer service:
    - a. The form required in A.R.S. § 36-897.03(B); and
    - b. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I); and
  - 2. An adult resident completes, signs, dates, and submits to the certificate holder before the resident's starting date of residency or the date of certification of the child care group home the form required in A.R.S. § 36-897.03(B).
- B. A certificate holder shall maintain documentation of a valid fingerprint clearance card issued under A.R.S. § 41-1758.03.
- C. Except as provided in A.R.S. § 41-1758.03, a certificate holder shall ensure that a staff member or adult resident submits to the certificate holder a copy of:



1. ~~The staff member's or adult resident's~~ A valid fingerprint clearance card, front and back, issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
  2. The fingerprint clearance card application that ~~staff member or adult resident~~ was submitted to the Department of Public Safety under A.R.S. § 41-1758.02:
    - a. For the staff member, within seven working days after the staff member's starting date of employment or volunteer service; and
    - b. For the adult resident, within seven working days after the resident's starting date of residency or the date of certification of the child care group home.
- D.** A certificate holder shall ensure that each individual who is a staff member or an adult resident submits to the certificate holder a copy of the individual's valid fingerprint clearance card each time the fingerprint clearance card is issued or renewed.
- E.** If a staff member or resident possesses a fingerprint clearance card that was issued before the staff member or resident became a staff member or resident at the child care group home, a certificate holder shall:
1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member or resident to determine whether the fingerprint clearance card is valid; and
  2. Document this determination, including the name of the staff member or resident, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- F.** If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a certificate holder shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.
- G.** A certificate holder shall not allow an adult individual to be a staff member or a resident if the individual:
1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1, and has not received an interim approval under A.R.S. § 41-619.55;
  2. Receives an interim approval under A.R.S. § 41-619.55 but is subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;
  3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
  4. Has been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;
  5. Has had a license to operate a child care facility or certificate to operate a child care group home in this state or another state revoked for reasons related to the endangerment of the health and safety of children;
  6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
  7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

**R9-3-203. Certification Fees**

- A.** Except as provided in subsection (B), the certification fee for a certificate holder is \$1,000.
- B.** If a certificate holder participates in a Department-approved program, the Department may discount the certification fee, based on available funding.
- C.** A certificate holder shall submit to the Department, every three years and no more than 60 calendar days before the anniversary date of the child care group home's certificate:
1. A form provided by the Department that contains:
    - a. The certificate holder's name;
    - b. The child care group home's name, if applicable, and certificate number; and
    - c. Whether the certificate holder intends to submit the applicable fee:
      - i. With the form, or
      - ii. According to the payment plan in subsection (C)(2)(b); and
  2. Either:
    - a. The applicable fee in subsection (A) or (B), or
    - b. One-half of the applicable fee in subsection (A) or (B) with the form and the remainder of the applicable fee due no later than 120 calendar days after the anniversary date of the child care group home's certificate.

**R9-3-205. Changes Affecting a Certificate**

- A.** For an intended change in a certificate holder's name or the name of a child care group home:
1. The certificate holder shall send the Department written notice of the name change at least 30 calendar days before the intended date of the name change; and
  2. Upon receipt of the written notice required in subsection (A)(1), the Department shall issue an amended certificate that incorporates the name change but retains the anniversary date of the certificate.
- B.** At least 30 calendar days before the date of an intended change in a child care group home's space utilization or capacity, a certificate holder shall submit to the Department a written request for approval of the intended change that includes:
1. The certificate holder's name;
  2. The child care group home's name, if applicable;
  3. The name, telephone number, e-mail address, and fax number of a point of contact for the request;
  4. The child care group home's certificate number;
  5. The type of change intended:
    - a. Space utilization, or
    - b. Capacity;
  6. A narrative description of the intended change; and



- 7. The following additional information, as applicable:
  - a. If requesting a change in capacity, the square footage of the outdoor activity area and the square footage of the indoor areas where child care services will be provided;
  - b. If requesting a change that involves a modification of the residence that requires a building permit, a copy of the building permit;
  - c. If requesting a change in space utilization that affects individual rooms:
    - i. A floor plan of the residence that complies with R9-3-201(2)(f) and shows the intended changes, and
    - ii. The square footage of each affected room; and
  - d. If requesting a change in space utilization that affects the outdoor activity area:
    - i. A site plan of the premises that complies with R9-3-201(2)(g) and shows the intended changes, and
    - ii. The square footage of the intended outdoor activity area.
- C. The Department shall review a request submitted under subsection (B) according to R9-3-102. If the intended change is in compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, the Department shall send the certificate holder an approval of the request and, if necessary, an amended certificate that incorporates the change but retains the anniversary date of the current certificate.
- D. A certificate holder shall not implement any change in subsection (B) until the Department issues an approval or amended certificate.
- E. ~~At least 30 days before the date of a change in ownership, a certificate holder shall send the Department written notice of the change in ownership.~~ At least 30 calendar days before the date of a change in ownership:
- F. ~~A person planning to assume operation of a child care group home shall obtain a new certificate as prescribed in R9-3-201 before beginning operation of the child care group home.~~
  - 1. A certificate holder shall send the Department written notice of the change in ownership; and
  - 2. A person planning to assume operation of a child care group home shall obtain a new certificate as specified in R9-3-201 before beginning operation of the child care group home.
- G.E. A certificate holder changing a child care group home's location shall:
  - 1. Apply for a new certificate as prescribed in R9-3-201, and
  - 2. Obtain a new certificate from the Department before beginning operation of the child care group home at the new location.
- H.C. Within 30 calendar days after the date of a change in the business organization information provided under R9-3-201(2)(j), other than a change in ownership, a certificate holder that is a business organization shall send the Department written notice of the change.

**R9-3-206. Inspections; Investigations**

- A. An applicant, certificate holder, or provider shall allow ~~the Department~~ immediate access to all areas of the premises that may affect the health, safety, or welfare of an enrolled child or to which an enrolled child may have access during hours of operation- to representatives from:
  - 1. The Department.
  - 2. The local health department.
  - 3. Arizona Department of Child Safety, or
  - 4. The local fire department or State Fire Marshal.
- B. A certificate holder or provider shall permit the Department to interview each staff member or enrolled child outside of the presence of others as part of an investigation.

**ARTICLE 3. OPERATING A CHILD CARE GROUP HOME**

**R9-3-301. Certificate Holder and Provider Responsibilities**

- A. A certificate holder shall:
  - 1. Designate a provider who:
    - a. Lives in the residence;
    - b. Is 21 years of age or older;
    - c. Has a high school diploma, high school equivalency diploma, associate degree, or bachelor degree;
    - d. Meets one of the following:
      - i. Has completed at least three credit hours in child growth and development, nutrition, psychology, or early childhood education;
      - ii. Has completed at least 60 hours of training in child growth and development, nutrition, psychology, early childhood education, or management of a child care business; or
      - iii. Has at least 12 months of child care experience; and
    - e. Has completed Department-provided orientation training that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
  - 2. Ensure that each staff member is 16 years of age or older;
  - 3. Ensure that each resident 12 years of age or older and each staff member submits, on or before the starting date of residency, employment, or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
    - a. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of residency, employment, or volunteer service, that includes the date and the type of tuberculosis screening test; or
    - b. If the resident or staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the resident or staff member is free from infectious active tuberculosis that is signed and dated by a physician, physician assistant, or registered nurse practitioner within six months before the starting date of residency, employment, or volunteer service; and
  - 4. Ensure that the provider:
    - a. Supervises or assigns an adult staff member to supervise each staff member who is not an adult;



- b. Maintains on the premises a file for each staff member, for 12 months after the date the staff member last worked at the child care group home, containing:
    - i. The staff member's name, date of birth, home address, and telephone number;
    - ii. The staff member's starting date of employment or volunteer service;
    - iii. The staff member's ending date of employment or volunteer service, if applicable;
    - iv. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
    - v. The form required in A.R.S. § 36-897.03(B);
    - vi. For an adult staff member, a copy of the staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1;
    - vii. Documents required by subsection (A)(3);
    - viii. Documentation of the requirements in A.R.S. § 36-897.03(C);
    - ix. If applicable:
      - (1) The form required in A.R.S. § 8-804(I);
      - (2) Documentation of the submission required in A.R.S. § 8-804(C) and the information received as a result of the submission; and
      - (3) Documentation of the completion of the Department-provided orientation training specified in subsection (A)(1)(e), if applicable;
    - x. Documentation of the training required in R9-3-302; and
    - xi. Documentation of a high school diploma, high school equivalency diploma, associate degree, or bachelor degree, if applicable;
  - c. Maintains on the premises a file for each resident, for 12 months after the date the resident last resided at the child care group home, containing:
    - i. The resident's name and date of birth;
    - ii. The resident's relationship to the provider;
    - iii. The date the resident began residing at the child care group home;
    - iv. The date the resident last resided at the child care group home, if applicable;
    - v. A written statement by the resident or, if the resident is a minor, the provider attesting to the resident's current immunity against measles, rubella, diphtheria, mumps, and pertussis;
    - vi. If the resident is an adult, the form required in A.R.S. § 36-897.03(B);
    - vii. If the resident is an adult, the documents required by R9-3-202(C)(2) or R9-3-202(D); and
    - viii. If the resident is 12 years of age or older, the documents required by subsection (A)(3);
  - d. Prepares a dated attendance record for each day and ensures that each staff member records on the attendance record the staff member's start time and end time of providing child care services for the child care group home;
  - e. Maintains on the premises the dated attendance record required in subsection (A)(4)(d) for 12 months after the date on the attendance record;
  - f. Except as specified in R9-3-408, provides child care services only in areas:
    - i. Designated as provided in R9-3-201(2)(f)(i) or R9-3-201(2)(g)(i), or
    - ii. Approved under R9-3-205(C);
  - g. Does not engage in outside employment during hours of operation or operate another business at or out of the residence during hours of operation;
  - h. Does not allow another staff member to engage in or operate another business at or out of the residence during the staff member's assigned work hours at the child care group home;
  - i. Does not allow the operation of another business on the premises during hours of operation unless the operation of the business does not involve persons coming onto the premises during hours of operation because of the business; and
  - j. Does not allow the cultivation of medical marijuana on the premises.
- B.** A certificate holder shall ensure that all of the records required to be maintained by this Chapter either are written in English or, if written in a language other than English, include an English translation.
- C.** A certificate holder shall:
- 1. Secure and maintain general liability insurance of at least \$100,000 for the child care group home; and
  - 2. Maintain on the premises documentation of the insurance coverage required in subsection (C)(1).
- D.** A certificate holder shall ensure that:
- 1. ~~An adult staff member with one of the following is on the premises and acting on behalf of the certificate holder when the provider is not present at the child care group home:~~ While acting on behalf of the certificate holder when the provider is not present at the child care group home, an adult staff member with a high school diploma or high school equivalency certificate and one of the following is on the premises:
    - a. At least six months of child care experience;
    - b. Two or more credit hours in child growth and development, nutrition, psychology, or early childhood education; or
    - c. At least 30 hours of training in child growth and development, nutrition, psychology, or early childhood education; and
  - 2. At least one adult staff member, in addition to the provider or the staff member specified in subsection (D)(1), is on the premises when six or more enrolled children are at the child care group home.
- E.** A certificate holder shall ensure that a parent, ~~of an enrolled child or~~ an individual designated in writing by the parent, or legal guardian of an enrolled child is allowed immediate access during hours of operation to the areas of the premises where the enrolled child is receiving child care services.
- F.** A certificate holder shall:
- 1. Prepare a document that includes the following information:



- a. The name and contact telephone number of the provider;
  - b. The hours of operation of the child care group home;
  - c. Charges, fees, and payment requirements for child care services;
  - d. Whether medications are administered at the child care group home and, if so, a description of what the parent is required to give to the child care group home;
  - e. Whether enrolled children go on field trips under the supervision of a staff member;
  - f. Whether the child care group home provides transportation for enrolled children to or from school, a school bus stop, or other locations;
  - g. The mechanism by which a staff member will verify that an individual contacting the child care group home by telephone claiming to be the parent of an enrolled child is the enrolled child's parent;
  - h. A statement that a parent has access to the areas on the premises where the parent's enrolled child is receiving child care services;
  - i. A statement that inspection reports for the child care group home are available for review at the child care group home; and
  - j. The local address and contact telephone number for the Department; and
2. Ensure that a staff member provides the document required in subsection (F)(1) to a parent of an enrolled child.
- G.** A certificate holder shall ensure that a staff member posts in a place that can be conspicuously viewed by individuals entering or leaving the child care group home:
- 1. The child care group home certificate;
  - 2. The name of the provider;
  - 3. The name of the staff member designated to act on behalf of the certificate holder when the provider is not present at the child care group home;
  - 4. The hours of operation for the child care group home;
  - 5. The weekly activity schedule required in R9-3-401(B)(4)(b);
  - 6. The amount of time in minutes enrolled children may watch television, videos, or DVDs at the child care group home; and
  - 7. The weekly menu, required in R9-3-406(F), before the first meal or snack of the week.
- H.** A certificate holder shall ensure that a staff member supervises any individual who is not a staff member and is on the premises where enrolled children are present.
- I.** A certificate holder shall ensure that a staff member who has current training in first aid and CPR is present during hours of operation when an enrolled child is on the premises or on a trip away from the premises under the supervision of a staff member.
- J.** A certificate holder shall ensure that if a staff member or resident lacks documentation of immunization or evidence of immunity that complies with A.A.C. R9-6-704 for a communicable disease listed in ~~A.A.C. R9-6-702(A)~~ A.A.C. R9-6-702:
- 1. The staff member or resident is excluded from the child care group home between the start and end of an outbreak of the communicable disease at the child care group home, or
  - 2. The child care group home is closed until the end of an outbreak at the child care group home.
- K.** Within 72 hours after changing a provider, a certificate holder shall send the Department written notice of the change, including the name of the new provider.
- L.** Except as provided in subsections (M) and (N), a certificate holder shall notify the Department in writing of a planned change in a child care group home's hours of operation at least three calendar days before the date of the planned change, including:
- 1. The certificate holder's name;
  - 2. The child care group home's certificate number; and
  - 3. The current and intended hours of operation.
- M.** A certificate holder is not required to notify the Department of a change in a child care group home's hours of operation when the change in the child care group home's hours of operation is due to the occurrence of a state or federal holiday on a day of the week the child care group home regularly provides child care services.
- N.** When the premises of a child care group home are left unoccupied during hours of operation or the child care group home is temporarily closed due to an unexpected event, a certificate holder shall ensure that a staff member notifies the Department before leaving the child care group home unoccupied or closing the child care group home, stating the period of time during which the child care group home will be unoccupied or closed.

**R9-3-302. Staff Training**

- A.** Within 10 calendar days after the starting date of employment or volunteer service, a certificate holder shall provide, and each staff member shall complete, training for new staff members that includes all of the following:
- 1. Names, ages, and developmental stages of enrolled children;
  - 2. Health needs, nutritional requirements, any known allergies, and information about adaptive devices of enrolled children;
  - 3. Guiding and disciplining children;
  - 4. Hand washing techniques;
  - 5. Diapering techniques and toileting, if any enrolled children are in diapers or require assistance in using the toilet;
  - 6. Sudden infant death syndrome awareness, if child care services are provided to an infant or a one-year-old child;
  - 7. Preparing, serving, and storing food;
  - 8. Preparing, handling, and storing infant formula and breast milk, if any enrolled children are fed infant formula or breast milk;
  - 9. Recognizing signs of illness and infestation;
  - 10. Detecting, preventing, and reporting child abuse or neglect;
  - 11. Responding to accidents and emergencies;
  - 12. Sun safety;
  - 13. Procedures for trips away from the child care group home, if applicable; and
  - 14. Staff responsibilities as required by A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter.



- B. A certificate holder shall ensure that a staff member's completion of the training required by subsection (A) is documented and signed by the provider, including the date of completion of the training.
- C. A certificate holder shall ensure that each staff member completes a total of 12 or more actual hours of training every 12 months after becoming a staff member in two or more of the following:
  - 1. Child growth and development, which may include sudden infant death prevention;
  - 2. Developmentally appropriate activities;
  - 3. Nutrition and developmentally appropriate eating habits;
  - 4. Responding to accidents and emergencies, including CPR and first aid for infants and children;
  - 5. Recognizing signs of illness and infestation;
  - 6. Detecting, preventing, and reporting child abuse or neglect;
  - 7. Guiding and disciplining children; and
  - 8. Availability of community services and resources, including those available to children with special needs.
- D. A certificate holder shall ensure that a staff member submits to the certificate holder documentation of training received as required by subsection (C) as the training is completed.
- E. A certificate holder shall ensure that a staff member required by R9-3-301(I) meets all of the following:
  - 1. The staff member obtains first aid training specific to infants and children;
  - 2. The staff member obtains CPR training specific to infants and children, which includes a demonstration of the staff member's ability to perform CPR;
  - 3. The staff member maintains current training in first aid and CPR; and
  - 4. The staff member provides the certificate holder with a copy of the front and back of the current card ~~issued by the agency or instructor~~ issued to the staff member upon completing first aid and CPR training as proof of completion of the requirements ~~of~~ in this subsection.

#### **R9-3-303. Enrollment of Children**

- A. A certificate holder shall require that a child be enrolled by the child's parent or by an individual authorized in writing by the child's parent.
- B. Except as required in ~~A.R.S. § 36-3009~~ A.R.S. § 36-309, before a child ~~receives child care services~~ is enrolled at a child care group home, a certificate holder shall require the individual enrolling the child to complete a Department-provided Emergency, Information, and Immunization Record card containing:
  - 1. The child's name, home address, city, state, zip code, sex, and date of birth;
  - 2. The date of the child's enrollment;
  - 3. The name, home address, city, state, zip code, and contact telephone number of each parent of the child;
  - 4. The name and contact telephone number of at least two individuals authorized by the child's parent to collect the child from the child care group home or to be contacted if the child's parent cannot be contacted;
  - 5. The name and contact telephone number of the child's physician, physician assistant, or registered nurse practitioner;
  - 6. Written authorization for emergency medical care of the child;
  - 7. The name of the individual to be contacted in case of injury or sudden illness of the child;
  - 8. A written description provided by a child's parent of the nutritional and dietary needs of the child;
  - 9. A written description provided by the child's parent noting the child's susceptibility to illness, physical conditions of which a staff member should be aware, and any individual requirements for health maintenance; and
  - 10. The dated signature of the individual completing the Emergency, Information, and Immunization Record card.
- C. A certificate holder shall maintain a current Emergency, Information, and Immunization Record card for each enrolled child on the premises in a place that provides a staff member ready access to the card in the event of an emergency at, or evacuation of, the child care group home.
- D. When a child is disenrolled from a child care group home, the certificate holder shall ensure that a staff member:
  - 1. Enters the date of disenrollment on the child's Emergency, Information, and Immunization Record card; and
  - 2. Maintains the records in subsection (D)(1) for 12 months after the date of disenrollment on the premises in a place separate from the current Emergency, Information, and Immunization Record cards.

#### **R9-3-304. Enrolled Child Immunization Requirements**

- A. A certificate holder shall not permit an enrolled child to receive child care services at a child care group home until the child care group home receives:
  - 1. An immunization record for the enrolled child with the information required in 9 A.A.C. 6, Article 7, stating that the enrolled child has received all current, age-appropriate immunizations required under 9 A.A.C. 6, Article 7, that is:
    - a. Provided by a physician, physician assistant, registered nurse practitioner, or another individual authorized by state law to administer immunizations; or
    - b. Generated from the Arizona State Immunization Information System, which is the Department's child immunization reporting system established in A.R.S. § 36-135; or
  - 2. An exemption affidavit for the enrolled child provided by the enrolled child's parent that contains:
    - a. A statement, signed by the enrolled child's physician, physician assistant, or registered nurse practitioner, that the immunizations required by 9 A.A.C. 6, Article 7 would endanger the enrolled child's health or medical condition; or
    - b. A statement, signed by the enrolled child's parent, that the enrolled child is being raised in a religion whose teachings are in opposition to immunization.
- B. A certificate holder shall ensure that a staff member attaches an enrolled child's written immunization record or exemption affidavit, required in subsection (A), to the enrolled child's Emergency, Information, and Immunization Record card, required in R9-3-303(B).
- C. A certificate holder shall ensure that a staff member updates an enrolled child's written immunization record required in subsection (A)(1)(a) each time the enrolled child's parent provides the child care group home with a written statement from the enrolled child's



physician, physician assistant, or registered nurse practitioner that the enrolled child has received an age-appropriate immunization required by 9 A.A.C. 6, Article 7.

- D. If an enrolled child's immunization record indicates that the enrolled child has not received an age-appropriate immunization required by 9 A.A.C. 6, Article 7, a certificate holder shall ensure that a staff member:
  1. Notifies the enrolled child's parent in writing that the enrolled child may attend the child care group home for not more than 15 calendar days after the date of the notification unless the enrolled child's parent complies with the immunization requirements in 9 A.A.C. 6, Article 7; and
  2. Documents on the enrolled child's Emergency, Information, and Immunization Record card the date on which the enrolled child's parent is notified of an immunization required by the Department.
- E. For an outbreak of a disease listed in ~~A.A.C. R9-6-702(A)~~ A.A.C. R9-6-702(A) at a child care group home, a certificate holder shall:
  1. Not allow an enrolled child to attend the child care group home between the start and end of the outbreak if the enrolled child lacks documentation of immunization or evidence of immunity to the disease that complies with A.A.C. R9-6-704, and
  2. Permit the enrolled child to attend the child care group home if a parent of the enrolled child provides any of the documents in A.A.C. R9-6-704 for the enrolled child.

**R9-3-306. Pesticides**

Except as prescribed by A.R.S. § 36-898(C), a certificate holder shall ensure that a staff member makes the following pesticide information available in writing to the parent of an enrolled child, upon the parent's request, at least 48 hours before a pesticide application occurs on the premises:

1. ~~The brand, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;~~ The name and telephone number of the pesticide business licensee and the name of the licensed applicator providing pesticide services;
2. The date and time of the pesticide application;
3. The pesticide label, including a warning label stating that the pesticide should not be applied when children are present, and the material safety data sheet; and
4. ~~The name and telephone number of the pesticide business licensee and the name of the licensed applicator.~~ The brand, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide.

**R9-3-308. Suspected Abuse or Neglect of an Enrolled Child**

A certificate holder shall ensure that:

1. The certificate holder or a staff member immediately reports suspected abuse or neglect of an enrolled child to ~~Child Protective Services, established within the Arizona Department of Economic Security under A.R.S. Title 8, Chapter 10, Article 1, or to a local law enforcement agency, as required by A.R.S. § 13-3620~~ under A.R.S. Title 8, Chapter 4, Article 8, or to a local law enforcement agency, as required by A.R.S. § 13-3620;
2. If a staff member or resident is suspected of abuse or neglect of an enrolled child, the certificate holder also reports the suspected abuse or neglect to the Department; and
3. Documentation of a report required in subsection (1) or (2) is maintained on the premises for 12 months after the date of the report.

**R9-3-309. Medications**

A. A certificate holder shall ensure that a document is prepared and maintained on the premises that specifies:

1. Whether prescription or nonprescription medications are administered to enrolled children; and
2. If prescription or nonprescription medications are administered, the requirements in subsection (B) for administering the prescription or nonprescription medications.

B. If prescription or nonprescription medications are administered at a child care group home, a certificate holder shall ensure that:

1. The provider or another staff member designated in writing by the provider is responsible for:
  - a. Administering medications at the child care group home,
  - b. Storing medications at the child care group home,
  - c. Supervising the ingestion of medications, and
  - d. Documenting the administration of medications;
2. At any given time, only one designated staff member at the child care group home is responsible for the duties described in subsection (B)(1);
3. The designated staff member does not administer a medication to an enrolled child unless the child care group home receives written authorization on a completed Department-provided authorization form that includes:
  - a. The child's first and last ~~names~~ name;
  - b. The name of the medication;
  - c. The prescription number, if any;
  - d. Instructions for administration specifying:
    - i. The dosage,
    - ii. The route of administration,
    - iii. The first and last dates that the medication is to be administered, and
    - iv. The times and frequency of administration;
  - e. The reason for the medication;
  - f. The signature of the child's parent; and
  - g. The date of signature; and
4. The designated staff member:



- a. Measures liquid medications for oral administration using a measuring cup, spoon, or dropper specifically made for measuring liquid medication;
  - b. Administers prescription medications provided by an enrolled child's parent to the enrolled child only from a container dispensed by a pharmacy and accompanied by a pharmacy-generated prescription label that includes the child's first and last ~~names~~ name and administration instructions;
  - c. Administers nonprescription medications provided by an enrolled child's parent to the enrolled child only from an original manufacturer's container labeled with the enrolled child's first and last ~~names~~ name;
  - d. Does not administer a medication that has been transferred from one container to another;
  - e. Does not administer a nonprescription medication to an enrolled child inconsistent with the instructions on the nonprescription medication's label, unless the child care group home receives written administration instructions from the enrolled child's physician, physician assistant, or registered nurse practitioner;
  - f. Documents each administration of medication to an enrolled child on the Department-provided form required in subsection (B)(3) including:
    - i. The name of the enrolled child;
    - ii. The name and amount of medication administered and the prescription number, if any;
    - iii. The date and time the medication was administered; and
    - iv. The signature of the staff member who administered the medication to the enrolled child; and
  - g. Maintains the record on the premises for 12 months after the date the medication is administered.
- C. A certificate holder shall allow an enrolled child to receive an injection at the child care group home only after obtaining written authorization from a physician, physician assistant, or registered nurse practitioner. The certificate holder shall maintain the written authorization on the premises for 12 months after the date of the last injection.
- D. An individual authorized by state law to give injections may give an injection to an enrolled child. In an emergency, an individual may give an injection to an enrolled child according to A.R.S. §§ 32-1421(A)(1) and 32-1631(2).
- E. A certificate holder shall return unused prescription or nonprescription medication to a parent when the medication is no longer being administered to the enrolled child or has expired, whichever comes first, or dispose of the medication according to state and federal laws, if the child is no longer enrolled at the child care group home and the certificate holder is unable to locate the child's parent.
- F. Except as provided in subsection (G), a certificate holder shall ensure that:
1. Medication belonging to an enrolled child is:
    - a. ~~stored in a locked, leak-proof storage cabinet or container that is used only for storing medications belonging to enrolled children; and~~ Stored in a locked, leak-proof storage cabinet or container that is used only for storing enrolled children's medication.
    - b. Stored in a secured refrigeration unit that is used only for storing enrolled children's medications that requires refrigeration.
  2. Medication belonging to a staff member or resident is stored in a locked, leak-proof storage cabinet or container that is separate from the storage container for enrolled children's medications.
- G. A certificate holder shall ensure that a staff member's or enrolled child's prescription medication necessary to treat life-threatening symptoms is kept in a location inaccessible to enrolled children except when the prescription medication is administered to treat the life-threatening symptoms.
- H. A certificate holder shall ensure that a child care group home does not stock a supply of prescription or nonprescription medications for administration to enrolled children.

#### ARTICLE 4. PROGRAM AND EQUIPMENT STANDARDS

##### R9-3-401. General Program, Equipment, and Health and Safety Standards

- A. In addition to complying with the requirements in this Chapter, a certificate holder shall ensure that the health, safety, or welfare of an enrolled child is not placed at risk of harm.
- B. A certificate holder shall ensure that:
  1. A staff member:
    - a. Supervises each enrolled child at all times,
    - b. Plays and communicates with an enrolled child throughout the day, and
    - c. Responds immediately to signs of distress from an enrolled child;
  2. The areas of the child care group home approved for providing child care services are maintained free from hazards;
  3. The toys, materials, and equipment for use by enrolled children:
    - a. Include, as appropriate to the ages of the enrolled children at the child care group home:
      - i. Arts supplies,
      - ii. Manipulatives to enhance small motor development,
      - iii. Indoor and outdoor equipment to enhance large motor development,
      - iv. Creative play materials,
      - v. Books, and
      - vi. Musical instruments;
    - b. Are sufficient in number and type to meet the needs of the enrolled children in attendance at the child care group home;
    - c. Are accessible to enrolled children; and
    - d. Are maintained free from hazards and in a condition that allows the toys, materials, and equipment to be used for their original purpose;
  4. The activities at the child care group home are:
    - a. Structured to meet the age and developmental level of each enrolled child; and
    - b. Based upon a written weekly schedule that includes:
      - i. Routines, such as meals, snacks, and rest periods, that follow a familiar and consistent pattern;



- ii. If weather and air quality permit, outdoor activities to enhance large muscle development;
  - iii. Stories, music, dancing, singing, and reading;
  - iv. Listening and talking opportunities; and
  - v. Creative activities such as water play, cutting and pasting, painting, coloring, dramatic play, and playing with blocks;
5. Clean clothing is available to an enrolled child; and
6. Drinking water is available to enrolled infants and one- or two-year-old children and is accessible to older enrolled children at all times.
- C. A certificate holder shall ensure that a staff member:
- 1. Monitors an enrolled child for overheating or overexposure to the sun and, if an enrolled child exhibits signs of overheating or overexposure to the sun, notifies a staff member who has current training in first aid to evaluate the enrolled child;
  - 2. When an enrolled child's clothing is wet or soiled:
    - a. Except for an enrolled child who can change the enrolled child's own clothing, changes the enrolled child's wet or soiled clothing;
    - b. If the clothing is soiled with feces, empties the feces into a flush toilet without rinsing the clothing;
    - c. Stores the enrolled child's wet or soiled clothing in a sealed plastic bag labeled with an identifier that is specific to the enrolled child; and
    - d. Sends the enrolled child's wet or soiled clothing home with the enrolled child or the enrolled child's parent;
  - 3. Bathes an enrolled child at the child care group home only if the child care group home has received written permission from the enrolled child's parent;
  - 4. Except as specified in subsection (C)(5), labels the personal items of an enrolled child with an identifier that is specific to the enrolled child and stores the personal items separately from the personal items of other enrolled children and residents;
  - 5. Stores diapering products in a location that is inaccessible to enrolled children but accessible for diaper changing; ~~and~~
  - 6. If a parent of an enrolled child permits or asks a staff member to apply sunscreen, diapering products, or other substances to the skin of an enrolled child, obtains:
    - a. The sunscreen, diapering products, or other substances from the enrolled child's parent; or
    - b. If the child care group home supplies the sunscreen, diapering products, or other substances, written permission from the enrolled child's parent for the application of the specific sunscreen, diapering products, or other substances; and
  - 7. Allows an enrolled school-age child to possess and use a topical sunscreen product if the parent of the enrolled school-age child provides notice to the child care group home without having to have a note or prescription from a licensed health care professional.

**R9-3-402. Supplemental Standards for Napping or Sleeping**

- A. A certificate holder shall ensure that:
- 1. Each enrolled child who naps or sleeps at the child care group home is furnished with a bed, cot, mat, or crib that accommodates the enrolled child's height and weight;
  - 2. The bed, cot, mat, or crib is not used by another individual while in use by the enrolled child;
  - 3. The cot, mat, or bed's mattress is covered with a clean sheet that is laundered when soiled, at least once every seven calendar days, and before use by a different enrolled child;
  - 4. The crib mattress is covered with a clean fitted-sheet designed for the crib mattress size that is laundered when soiled, at least once every 24 hours, and before use by a different enrolled child; and
  - 5. A clean blanket or sheet ~~is available for~~ is provided to each enrolled child.
- B. A certificate holder shall not allow an enrolled child to use:
- 1. A waterbed,
  - 2. The upper bed of a bunk bed, or
  - 3. A stacked crib.
- C. A certificate holder shall ensure that a crib used by an enrolled child:
- 1. Has bars or openings spaced no more than 2 3/8 inches apart;
  - 2. Has a crib mattress that is:
    - a. Measured to fit not more than 1/2 inch from the crib side, and
    - b. Commercially waterproofed or covered with a waterproof crib mattress cover;
  - 3. Is cleaned and sanitized when soiled; and
  - 4. Does not contain bumper pads, pillows, comforters, sheepskins, stuffed toys, or other soft products when an enrolled child is in the crib.
- D. When enrolled children are present at a child care group home during hours of operation, a certificate holder shall ensure that a staff member:
- 1. Remains awake until all enrolled children are asleep, and
  - 2. Is allowed to sleep only:
    - a. During the hours of 8:00 p.m. to 5:00 a.m., and
    - b. If the staff member can hear and respond to an enrolled child waking from sleep.

**R9-3-403. Supplemental Standards for Care of an Enrolled Infant or One- or Two-Year-Old Child**

- A. A certificate holder shall ensure that:
- 1. A staff member:
    - a. Does not allow an enrolled infant or one- or two-year-old child to spend more than 30 consecutive minutes of time while awake in a crib, playpen, swing, feeding chair, infant seat, or other confining piece of equipment;
    - b. Allows each enrolled infant to maintain an individual pattern of sleeping, waking, and eating, unless the enrolled infant's parent has instructed otherwise;



- c. If providing a bottle or sippy cup to an enrolled infant or one- or two-year-old child before the enrolled infant or one- or two-year-old child naps or sleeps:
    - i. Ensures that only water is in the bottle or sippy cup unless the written instructions required by subsection (A)(3)(b) state otherwise;
    - ii. Removes the used bottle or sippy cup from the enrolled infant or one- or two-year-old child's crib, bed, cot, or mat as soon as the enrolled infant or one- or two-year-old child finishes drinking or falls asleep; and
    - iii. Cleans the used bottle or sippy cup before the bottle or sippy cup is reused;
  - d. Checks the diaper of each enrolled infant or one- or two-year-old child throughout the day and changes a diaper as soon as it is wet or soiled;
  - e. Ensures that toys provided for an enrolled infant or one- or two-year-old child are too large to swallow; and
  - f. Does not permit an enrolled infant to use a walker;
2. When putting an enrolled infant to sleep, a staff member:
    - a. Places the enrolled infant on the enrolled infant's back to sleep, unless the enrolled infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing;
    - b. Provides a clean blanket or sheet to the enrolled infant;
    - ~~b-c.~~ Does not use a positioning device that restricts movement, unless the enrolled infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing; and
    - ~~e-d.~~ Does not use a mechanical restraint on the enrolled infant in a crib;
  3. When feeding an enrolled infant, a staff member:
    - a. Prepares and stores the enrolled infant's formula, breast milk, or other food according to written instructions from the enrolled infant's parent;
    - b. Feeds formula, breast milk, or other food to the enrolled infant according to current written instructions from the enrolled infant's parent; and
    - c. If the enrolled infant is younger than six months of age or cannot hold a bottle for feeding, holds the enrolled infant for feeding; and
  4. When feeding an enrolled infant who is no longer being held for feeding or an enrolled one- or two-year-old child, a staff member:
    - a. Seats the enrolled infant or one- or two-year-old child in a feeding chair or at a table with a chair that allows the enrolled infant or one- or two-year-old child to reach food while sitting; and
    - b. If the feeding chair is manufactured with a safety strap, fastens the safety strap around the enrolled infant or one- or two-year-old child while the enrolled infant or one- or two-year-old child is seated in the feeding chair.
- B.** A certificate holder shall ensure that a staff member:
1. Consults with an enrolled child's parent to establish a written plan for toilet training for the enrolled child,
  2. Implements the toilet training plan,
  3. Provides the parent with information about the enrolled child's progress in toilet training, and
  4. Ensures that toilet training is not forced on the enrolled child.
- R9-3-404. Supplemental Standards for Care of an Enrolled Child with Special Needs**
- A.** Before an enrolled child with special needs receives child care services at a child care group home, the certificate holder shall ensure that the ~~child care group home provider~~ obtains from the enrolled child's parent ~~written instructions for providing care~~ an individual plan for the enrolled child, ~~including as applicable for the enrolled child~~ that includes, as applicable, the following:
1. A medication schedule,
  2. Nutrition and feeding instructions,
  3. Instructions for medical equipment or adaptive devices used by the enrolled child,
  4. Emergency instructions,
  5. Toileting and personal hygiene instructions,
  6. Identification of specific child care services to be provided at the child care group home, and
  7. Instructions for fire and emergency evacuation drills.
- B.** A certificate holder shall ensure that:
1. At least one staff member receives instructions from the parent of an enrolled child with special needs that enables the staff member to interact with, feed, and care for the enrolled child with special needs;
  2. Documentation of the instructions required in subsection (B)(1) is maintained on the premises for 12 months after the child is disenrolled;
  3. When tube feeding an enrolled child, a staff member only uses:
    - a. Commercially prepackaged formula in a ready-to-use state, stored according to directions on the package;
    - b. Formula prepared by the enrolled child's parent and brought to the child care group home in an unbreakable container; or
    - c. Breast milk brought to the child care group home in an unbreakable container;
  4. Only a staff member who received the instructions required in subsection (B)(1):
    - a. Feeds an enrolled child who requires tube feeding using the enrolled child's tube-feeding apparatus, and
    - b. Cleans the enrolled child's tube-feeding apparatus; and
  5. A staff member:
    - a. Assists an enrolled child with special needs to enable the enrolled child to participate in activities at the child care group home; and
    - b. Ensures that the enrolled child is provided with developmentally appropriate toys, materials, and equipment.
- C.** In addition to complying with the requirements in R9-3-408, a certificate holder shall ensure that a staff member transporting an enrolled child with special needs in a wheelchair in a motor vehicle operated by the child care group home ensures that:
1. The enrolled child's wheelchair is manufactured to be secured in a motor vehicle;



2. The enrolled child’s wheelchair is secured in the motor vehicle using a minimum of four anchorages attached to the motor vehicle floor, and four securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
3. The enrolled child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
4. The enrolled child’s wheelchair is placed in a position in the motor vehicle that does not prevent access to the enrolled child in the wheelchair or passage to the front and rear of the motor vehicle.

**Table 4.2. Meal Pattern Requirements for Children**

Food Components	Ages 1 through 2 years	Ages 3 through 5 years	Ages 6 and Older
<b>Breakfast:</b> 1. Milk, fluid 2. Vegetable, fruit, or <del>full-strength juice</del> <sup>both</sup> 3. <del>Bread and bread alternates (whole grain or enriched):</del> <del>Bread</del> <del>or cornbread, rolls, muffins, or biscuits</del> <del>or cold dry cereal (volume or weight, whichever is less)</del> <del>or cooked cereal, pasta, noodle products, or cereal grains</del> <u>Grains</u>	1/2 cup 1/4 cup  1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz eq <sup>1</sup>	3/4 cup 1/2 cup  1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz eq <sup>1</sup>	1 cup 1/2 cup  1 slice 1 serving 3/4 cup 1/2 cup 1 oz eq <sup>1</sup>
<b>Lunch or Supper:</b> 1. Milk, fluid 2. <del>Vegetable</del> <u>Vegetables</u> and/or fruit (2 or more kinds) <del>Fruits</del> 3. <del>Bread and bread alternates (whole grain or enriched):</del> <del>Bread</del> <del>or cornbread, rolls, muffins, or biscuits</del> <del>or cold dry cereal (volume or weight, whichever is less)</del> <del>or cooked cereal, pasta, noodle products, or cereal grains</del> <u>Grains</u> 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter, or other nut or seed butter or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/meat alternates or yogurt	1/2 cup 1/4 cup total 1/8 cup 1/4 cup 1/8 cup  1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz eq <sup>1</sup> 1 oz. 1 oz. 1/2 egg 1/4 cup 2 tbsp** 1/2 oz.**  4 oz. 1 oz.	3/4 cup 1/2 cup total 1/4 cup 1/4 cup  1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz eq <sup>1</sup> 1 1/2 oz. 1 1/2 oz. 3/4 egg 3/8 cup 3 tbsp** 3/4 oz.**  6 oz. 1 1/2 oz.	1 cup 3/4 cup total 1/2 cup 1/4 cup  1 slice 1 serving 3/4 cup 1/2 cup 1 oz eq <sup>1</sup> 2 oz. 2 oz. 1 egg 1/2 cup 4 tbsp** 1 oz.**  8 oz. 2 oz.
<b>Snack: (select 2 of these 4 components)***</b> 1. Milk, fluid 2. <del>Vegetable</del> <u>Vegetables</u> , fruit, or full-strength juice <del>Fruits</del> 3. <del>Bread and bread alternates (whole grain or enriched):</del> <del>Bread</del> <del>or cornbread, rolls, muffins, or biscuits</del> <del>or cold dry cereal (volume or weight, whichever is less)</del> <del>or cooked cereal, pasta, noodle products, or cereal grains</del> <u>Grains</u> 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter, or other nut or seed butter or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/meat alternates or yogurt	1/2 cup 1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/2 oz. 1/2 oz. 1/2 oz. 1/2 egg 1/8 cup 1 tbsp 1/2 oz.  2 oz.	1/2 cup 1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/2 oz. 1/2 oz. 1/2 oz. 1/2 egg 1/8 cup 1 tbsp 1/2 oz.  2 oz.	1 cup 3/4 cup 3/4 cup 1 slice 1 serving 3/4 cup 1/2 cup 1 oz. 1 oz. 1 oz. 1/2 egg 1/4 cup 2 tbsp 1 oz.  4 oz.
<sup>1</sup> <u>Meat and meat alternates may be used to substitute the entire grains component a maximum of three times per week. Oz eq = ounce equivalents</u> * In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components. ** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat. *** Juice may not be served when milk is served as the only other component.			

**R9-3-407. General Food Service and Food Handling Standards**

- A. A certificate holder shall ensure that:
1. Except as provided in subsection (B), each staff member washes the staff member's hands with soap and running water before handling food, after handling potentially hazardous food, and before serving food;
  2. Except as provided in subsection (B), enrolled children, except infants and children with special needs who cannot wash their own hands, wash their hands with soap and running water before and after handling or eating food;
  3. A staff member:
    - a. Washes with a washcloth, paper towel, disposable wipe, or soap and running water the hands of an enrolled infant or child with special needs who cannot wash the child's own hands before and after the enrolled infant or child with special needs handles or eats food; and
    - b. If using a washcloth, paper towel, or disposable wipes, uses each washcloth, paper towel, or disposable wipe only once before it is laundered or discarded;
  4. A staff member:
    - a. Encourages, but never forces, an enrolled child to eat;
    - b. Assists each enrolled child who needs assistance with eating; and
    - c. Teaches self-feeding skills and habits of good nutrition to each enrolled child as necessary;
  5. Food served to an enrolled child younger than five years of age is prepared so as not to present a choking hazard;
  6. Each enrolled child is supplied with drinking and eating utensils for the child's own use;
  7. Each enrolled child's bottle or sippy cup is marked with an identifier that is specific to the enrolled child;
  8. An enrolled child is not allowed to drink from the bottle, sippy cup, cup, or glass of another individual;
  9. An enrolled child is not allowed to eat food directly off the floor, carpet, or ground;
  10. An enrolled child's parent is notified when the child consistently refuses to eat or exhibits unusual eating behavior;
  11. Each staff member is informed of a modified diet prescribed for an enrolled child by the child's parent, physician, physician assistant, or registered nurse practitioner, as specified in R9-3-303(B)(8), and is written and posted in the kitchen;
  12. The food served to an enrolled child is consistent with a modified diet prescribed for the child by the child's parent, physician, physician assistant, or registered nurse, as specified in R9-3-303(B)(8), and is written and posted in the kitchen;
  13. After each use, non-single-use utensils and equipment used in preparing, eating, or drinking food are:
    - a. Washed in an automatic dishwasher and air dried or heat dried; or
    - b. Washed in hot soapy water, rinsed in clean water, and air dried or heat dried;
  14. Single-use utensils and equipment are disposed of after being used;
  15. Perishable foods are covered and stored in a refrigerator;
  16. A refrigerator at the child care group home maintains a temperature of 41° F or below, as shown by a thermometer kept in the refrigerator at all times;
  17. A freezer at the child care group home maintains a temperature of 0° F or below, as shown by a thermometer kept in the freezer at all times;
  18. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:
    - a. Cold held at a temperature of 45° F or below or hot held at a temperature of 130° F or above until served, or
    - b. Cold held at a temperature of 45° F or below and then reheated to a temperature of at least 165° F before being served;
  19. ~~Fresh milk is served from the original, commercially filled container to a container used for meal service or a cup, and unused portions are not returned to the original container. When fresh milk is poured from the original-commercial milk container into a serving container used at a meal or a cup, the unused milk is not returned to the original-commercial milk container;~~
  20. Food leftover from a meal where enrolled children pass a serving container from individual to individual or from the provider's family meal is not served to an enrolled child; and
  21. A food is not served past its expiration date or after it has begun to spoil.
- B. If soap and running water are not available at the location where food is served, such as on a field trip, a staff member may use disposable wipes or hand sanitizer as a substitute for washing hands with soap and running water.

**R9-3-408. Field Trips and Other Trips Away from the Child Care Group Home**

- A. A certificate holder shall only allow a staff member to take an enrolled child away from an area of the child care group home approved for providing child care services during hours of operation with written permission from the enrolled child's parent as follows:
1. For a trip to drop off the enrolled child at or pick up the enrolled child from the enrolled child's school, bus stop, or another location, the written permission shall include:
    - a. The enrolled child's name;
    - b. The location where the enrolled child will be dropped off or picked up;
    - c. The time at which the enrolled child will be dropped off or picked up;
    - d. The time period, not to exceed 12 months, during which the permission is given; and
    - e. The dated signature of the enrolled child's parent; and
  2. For a field trip, the written permission shall include:
    - a. The enrolled child's name;
    - b. A description of the field trip;
    - c. The name of the field trip destination, if applicable;
    - d. The street address and, if available, the telephone number of the field trip destination, if applicable;
    - e. Either:



- i. The date or dates of the field trip; or
    - ii. The time period, not to exceed 12 months, during which the permission is given;
  - f. The projected time of departure from the child care group home;
  - g. The projected time of arrival back at the child care group home; and
  - h. The dated signature of the enrolled child’s parent.
- B.** A certificate holder shall ensure that a staff member maintains a copy of the written permission required in subsection (A) for 12 months after:
- 1. For a trip under subsection (A)(1), the date of the last trip; and
  - 2. For a trip under subsection (A)(2), the last date for which permission was given.
- C.** A certificate holder shall ensure that:
- 1. Each motor vehicle used by an individual to transport an enrolled child:
    - a. Is maintained in a mechanically safe condition;
    - b. Is free from hazards;
    - c. Is registered by the Arizona Department of Transportation as required by A.R.S. Title 28, Chapter 7;
    - d. Has documentation of current motor vehicle insurance coverage maintained inside the motor vehicle that includes the legal name of the child care group home or certificate holder and, if transporting enrolled children and infants, liability information;
    - e. Has an operational heating system;
    - f. Has an operational air-conditioning system; and
    - g. Is equipped with:
      - i. A first-aid kit that meets the requirements in R9-3-310; and
      - ii. Two large, clean towels or blankets;
  - 2. An enrolled child is not transported in a truck bed, camper, or trailer attached to a motor vehicle; and
  - 3. The Department is notified by telephone or other equally expeditious means within 24 hours after a motor vehicle accident that involves a motor vehicle transporting an enrolled child, including a description of the accident.
- D.** A certificate holder shall ensure that an individual who drives a motor vehicle used to transport an enrolled child:
- 1. Is 18 years of age or older, and
  - 2. Holds a valid driver’s license.
- E.** A certificate holder shall ensure that an individual transporting an enrolled child in a motor vehicle:
- 1. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
  - 2. Does not permit an enrolled child to be seated in front of a motor vehicle’s air bag;
  - 3. Requires that each enrolled child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;
  - 4. ~~Requires that each enrolled child younger than five years of age is secured in a child passenger restraint system, as required under A.R.S. § 28-907, before the motor vehicle is set in motion and while the motor vehicle is in motion;~~Uses a child passenger restraint system, as required under A.R.S. § 28-907, for each enrolled child who is:
    - a. Under eight years of age, and
    - b. Not more than four feet nine inches tall;
  - 5. ~~Requires that each enrolled child who is five years of age or older is secured with an individual adjustable lap belt or an individual integrated lap and shoulder belt, as required under A.R.S. § 28-909, before the motor vehicle is set in motion and while the motor vehicle is in motion;~~Requires that each enrolled child in subsection (E)(4) be secured before the motor vehicle is set in motion and while the motor vehicle is in motion;
  - 6. Does not permit an enrolled child to open or close a door or window in the motor vehicle;
  - 7. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;
  - 8. Ensures that each enrolled child is loaded into or unloaded from the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose; and
  - 9. Does not use audio headphones or a telephone while the motor vehicle is in motion.
- F.** A certificate holder shall ensure that a staff member taking enrolled children off the premises:
- 1. Carries the following:
    - a. A copy of the Emergency, Information, and Immunization Record card, including the attached immunization record, for each enrolled child accompanying the staff member; and
    - b. Drinking water in an amount sufficient to meet the needs of each individual going off the premises and sufficient cups or other drinking receptacles so that each individual can drink from a different cup or receptacle; and
  - 2. Accounts for each enrolled child while the enrolled child is off the premises.

**ARTICLE 5. PHYSICAL ENVIRONMENT STANDARDS****R9-3-504. Fire Safety, Gas Safety, and Emergency Standards**

- A.** A certificate holder shall ensure that:
1. The house number of the child care group home's residence is painted or posted on the premises so that it is visible from the street;
  2. A smoke detector is installed in each indoor area of the child care group home approved for providing child care services and in each hallway of the child care group home's residence;
  3. Each smoke detector required under subsection (A)(2):
    - a. Is maintained in an operable condition; and
    - b. Is either battery operated or, if hard-wired into the electrical system of the child care group home's residence, has a back-up battery;
  4. The child care group home's residence has at least two portable fire extinguishers:
    - a. One of which is labeled as rated at least 1A-10-BC by the Underwriters Laboratories ~~and~~ is mounted on the kitchen wall and maintained in the kitchen is easily accessible, and
    - b. One of which is labeled as rated at least 2A-10-BC by the Underwriters Laboratories and is maintained in a location accessible to staff members in an area of the child care group home approved for providing child care services;
  5. Each electrical outlet in an area of the child care group home approved for providing child care services is covered with a safety plug cover or insert when not in use;
  6. An appliance, light, or other device with a frayed or spliced electrical cord is not used at the child care group home;
  7. An electrical cord, including an extension cord, is not run under a rug or carpeting, over a nail, or from one room to another at the child care group home;
  8. Each electrical, cable, or telephone outlet at the child care group home is covered with a face plate;
  9. A wood-burning stove, the interior of a fireplace, or a chiminea is inaccessible to enrolled children when in use;
  10. An unvented space heater or open-flame space heater is not used in the child care group home's residence during hours of operation;
  11. An electric portable heater is not used in the child care group home's residence during hours of operation unless the electric portable heater:
    - a. Has:
      - i. Either a non-porous casing or a grill with a mesh small enough to prevent cloth or a child's finger from entering the casing,
      - ii. A tilt switch that shuts off power to the electric portable heater if the electric portable heater tips over,
      - iii. An automatic shutoff control to prevent overheating, and
      - iv. A thermostat control; and
    - b. Is plugged directly into a wall outlet;
  12. A candle or incense is not burned in the child care group home's residence during hours of operation; and
  13. Smoking is not permitted in the residence during hours of operation or in the presence or sight of enrolled children.
- B.** A certificate holder shall ensure that a staff member:
1. Tests the battery for each smoke detector required under subsection (A)(2) each month,
  2. Makes a record of each test performed,
  3. Replaces a smoke detector battery that is no longer charged, and
  4. Maintains the record of the test on the premises for 12 months after the date of the test.
- C.** A certificate holder shall:
1. Replace a disposable fire extinguisher when its indicator reaches the red zone; and
  2. Ensure that each rechargeable fire extinguisher in the child care group home's residence:
    - a. Is serviced at least once every 12 months, and
    - b. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher.
- D.** If there are gas pipes that run from a gas meter to an appliance or location on the premises:
1. Before an applicant for a child care group home is issued a certificate by the Department, the applicant shall obtain a gas inspection report by a licensed plumber or individual authorized by the local jurisdiction that verifies there are no gas leaks in the gas pipes that run from the gas meter to any appliance or location on the premises; and
  2. A certificate holder shall ensure that:
    - a. Each unused natural gas outlet at the child care group home has its valves removed by and is capped at the wall or floor by a licensed plumber or individual authorized by the local jurisdiction;
    - b. A licensed plumber or individual authorized by the local jurisdiction conducts a gas inspection that verifies there are no gas leaks in the gas pipes that run from the gas meter to any appliance or location on the premises at least once every 12 months after the date of the certificate; and
    - c. A copy of a current gas inspection report, including documentation of any repairs or corrections required by the gas inspection report, is maintained on the premises.
- E.** A certificate holder shall:
1. Prepare a fire and emergency plan, consisting of:
    - a. The child care group home's address and telephone number;
    - b. A list of emergency telephone numbers, including 9-1-1 and a poison control center;
    - c. A document or documents that include the contact telephone number for a parent of each enrolled child; and



- d. An evacuation plan for the child care group home, including a floor plan of the child care group home’s residence on which lines have been drawn showing the evacuation path from each area of the child care group home approved for providing child care services;
  - 2. Maintain the fire and emergency plan in a location accessible to staff members; and
  - 3. Post a copy of the floor plan showing the evacuation paths from the residence in each indoor area of the child care group home approved for providing child care services.
- F. A certificate holder shall ensure that:
- 1. ~~An unannounced fire and emergency evacuation drill is conducted at least once each month;~~An unannounced fire and emergency evacuation drill are:
    - a. At least once each month; and
    - b. Each fire drill and emergency evacuation drill at a different time of day than the fire and emergency evacuation drill conducted in the previous month;
  - 2. During the fire and emergency evacuation drill, each staff member and enrolled child at the child care group home is evacuated from the child care group home according to the evacuation plan;
  - 3. ~~Each fire and emergency evacuation drill is conducted at a different time of day than the previous fire and emergency evacuation drill;~~
  - 4.3. A record is made of each fire and emergency evacuation drill, including:
    - a. The date of the fire and emergency evacuation drill, and
    - b. The time of the fire and emergency evacuation drill; and
  - 5.4. ~~The record of the fire and emergency evacuation drill is maintained on the premises for 12 months after the date of the fire and emergency evacuation drill.~~

**R9-3-506. General Cleaning and Sanitation Standards**

A certificate holder shall ensure that:

- 1. All areas of the child care group home approved for providing child care services and the furnishings, equipment, supplies, materials, utensils, and toys in those areas are kept clean and free of insects and vermin;
- 2. All equipment, materials, and toys used by or accessible to enrolled children are cleaned and disinfected as often as necessary to maintain them in a clean and disinfected condition and, for items used by infants or one- or two-year-old children, at least once every 24 hours;
- 3. All plumbing fixtures at the child care group home are maintained in operating condition;
- 4. The plumbing at the child care group home supplies sufficient water pressure to meet the child care group home’s toileting and cleaning needs;
- 5. Each bathroom used by an enrolled child at the child care group home has the following within the reach of enrolled children:
  - a. Mounted toilet tissue,
  - b. Soap contained in a dispenser, and
  - c. Singly dispensed paper towels;
- 6. A staff member washes the staff member’s hands with soap and running water after toileting;
- 7. An enrolled child, other than an enrolled child with special needs who cannot wash the enrolled child’s own hands, washes the enrolled child’s hands with soap and running water after toileting;
- 8. After an enrolled child with special needs who cannot wash the enrolled child’s own hands uses the toilet, a staff member washes the enrolled child’s hands with a washcloth, cloth, or paper towel, or disposable wipes, using each washcloth, cloth, or paper towel, or disposable wipe on only one enrolled child and only one time before it is laundered or discarded;
- 9. Each toilet bowl and sink in a child care group home available for use by enrolled children is cleaned and disinfected daily or, if necessary, more often;
- 10. A bathtub is cleaned and disinfected before being used to bathe an enrolled child and, if used to bathe more than one enrolled child in one day, between each use;
- 11. Food waste at the child care group home is stored in a covered waterproof container that is clean and lined with a plastic bag; and
- 12. Food waste and other refuse is removed from the residence daily or, if necessary, more often.

**R9-3-507. Diaper-Changing Standards**

A. A certificate holder shall ensure that a staff member changes diapers only on a nonabsorbent, sanitizable diaper changing surface that:

- 1. Is kept clear of items not required for diaper changing;
- 2. Is in an area of the child care group home approved for providing child care services, but not in a kitchen or eating area; and
- 3. Provides access to running water that is not a kitchen sink and dispensed soap within 15 feet.

B. A certificate holder shall ensure that:

- 1. A staff member:
  - a. Cleans, sanitizes, and dries a diaper-changing surface using a single-use paper towel before and after each diaper change;
  - b. Washes the staff member’s hands with soap and running water before and after each diaper change;
  - c. Wears single-use non-porous gloves during each diaper change;
  - d. Washes an enrolled child’s hands with soap and running water or with a washcloth or disposable wipe after the enrolled child’s diaper is changed and uses each washcloth or disposable wipe on only one child and only one time before it is laundered or discarded; and
  - e. Documents the daily diaper changes for each enrolled child in a dated diaper-changing log after changing the enrolled child’s diaper;
- 2. The diaper-changing log is maintained on the premises for 12 months after the date of the last diaper change recorded in the diaper-changing log;



3. Soiled cloth diapers or plastic pants from an enrolled child are:
  - a. If soiled with feces, emptied into a flush toilet without rinsing the cloth diapers or plastic pants;
  - b. Placed in a plastic bag labeled with an identifier that is specific to the enrolled child;
  - c. Stored in a waterproof container that is tightly covered and lined with a plastic bag; and
  - d. Sent home with the enrolled child's parent; and
4. Soiled disposable diapers and disposable training pants are:
  - a. Stored in a waterproof container that is tightly covered and lined with a plastic bag; and
  - b. Removed from the diaper-changing area and discarded in an outside waste receptacle once daily or, if necessary, more often.



NOTICES OF FINAL EXPEDITED RULEMAKING

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

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

NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 1. DEPARTMENT OF HEALTH SERVICES
ADMINISTRATION

[R20-97]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-1-101 Amend
R9-1-102 Amend
R9-1-103 Amend
R9-1-201 Amend
R9-1-202 Amend
R9-1-203 Amend
R9-1-301 Amend
R9-1-302 Amend
R9-1-303 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. §§ 36-104(3), 36-136(A)(1), and 36-136(G)
Implementing statute: A.R.S. §§ 36-104(9), 36-105, 36-107, 36-136(H)(11), 36-351, 41-1002(C), 41-1003, 41-1029, 41-1033, 41-1092.08, and 41-1092.09
3. The effective date of the rules:
June 3, 2020
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:
Notice of Rulemaking Docket Opening: 26 A.A.R. 206, January 31, 2020
Notice of Proposed Expedited Rulemaking: 26 A.A.R. 501, March 20, 2020
5. The agency's contact person who can answer questions about the expedited rulemaking:
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
or
Name: Robert Lane, Administrative Counsel
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov
6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the expedited rulemaking:
The five-year-review report for 9 A.A.C. 1, Articles 1 through 3 was approved by the Governor's Regulatory Review Council in September 2019. In the report, the Department stated a plan to amend the rules to update outdated definitions and statutory references, and revise outdated language that will improve the clarity and effectiveness of the rules; update language to comply with Laws 2018, Ch. 337, which made revisions to Arizona Revised Statutes (A.R.S.) § 41-1033; and include language related to records



that are confidential under A.R.S. § 36-2810. After obtaining an exception from the rulemaking moratorium, established by Executive Order 2019, the Department is amending the rules as specified in the report. The changes identified do not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. The new rules meet the criteria for expedited rulemaking and implement a course of action proposed in the five-year-review report, as prescribed in A.R.S. § 41-1027(A)(7). The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons.

- 7. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
The Department did not review or rely on any study for this expedited rulemaking.
- 8. **A showing of good cause why the expedited rulemaking is necessary to promote a statewide interest if the expedited rulemaking will diminish a previous grant of authority of a political subdivision of this state.**  
This final expedited rulemaking does not diminish a previous grant of authority of a political subdivision of this state.
- 9. **A summary of the economic, small business, and consumer impact**  
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 10. **A description of any changes between the proposed expedited rulemaking, including supplemental notices, and the final expedited rulemaking:**  
Between the proposed expedited rulemaking and the final expedited rulemaking, no changes were made to the expedited rulemaking.
- 11. **Agency's summary of the public or stakeholder comments or objections made about the expedited rulemaking and the agency response to the comments:**  
The Department did not receive public or stakeholder comments about the expedited rulemaking.
- 12. **Any agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**  
There are no other matters prescribed by statute applicable specifically to the Department or this expedited rulemaking.
  - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**  
The rules do 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:**  
There are no federal rules applicable to the subject of the rule.
  - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**  
No such analysis was submitted.
- 13. **Incorporations by reference and their location in the rules:**  
None
- 14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**  
The rule was not previously made as an emergency rule.
- 15. **The full text of the rule follows:**

**TITLE 9. HEALTH SERVICES  
CHAPTER 1. DEPARTMENT OF HEALTH SERVICES  
ADMINISTRATION**

**ARTICLE 1. RULES OF PRACTICE AND PROCEDURE**

- Section
- R9-1-101. Definitions
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ARTICLE 3. DISCLOSURE OF MEDICAL RECORDS, PAYMENT RECORDS, AND PUBLIC HEALTH RECORDS

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ARTICLE 1. RULES OF PRACTICE AND PROCEDURE

R9-1-101. Definitions

- ~~A.~~ In this Chapter, addition to the definitions in A.R.S. §§ 41-1001 and 41-1092, the following definitions apply in this Chapter, unless otherwise specified:
  - ~~1.~~ “Day” means a calendar day, and excludes the:
    - ~~a.~~ Day of the act or event from which a designated period of time begins to run; and
    - ~~b.~~ Last day of the period if a Saturday, Sunday, or official state holiday.
  - 1. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
  - 2. “Department” means the Arizona Department of Health Services.
  - 3. “Director” means the Director of the Arizona Department of Health Services or an individual designated by the Director.
  - 4. “Rule” has the same meaning as A.R.S. § 41-1001(17).
- ~~B.~~ In this Article, unless otherwise specified:
  - ~~1.~~ “Administrative law judge” has the same meaning as in A.R.S. § 41-1092.
  - ~~2.~~ “Appealable agency action” has the same meaning as in A.R.S. § 41-1092.
  - ~~3.~~ “Contested case” has the same meaning as in A.R.S. § 41-1001.
  - 4. “Final administrative decision” has the same meaning as in A.R.S. § 41-1092.
  - ~~5.~~ “Party” has the same meaning as in A.R.S. § 41-1001.
  - ~~6.~~ “Recommended decision” means the written ruling made by an administrative law judge regarding a contested case or appealable agency action within 20 days after a hearing under ~~A.R.S. § 41-1092.07~~ A.R.S. § 41-1092.08.

R9-1-102. ~~Objection~~ Response to a Recommended Decision

- ~~A.~~ Upon receipt of a copy of a recommended decision for a contested case or an appealable agency action, the ~~The~~ Director may mail a copy of ~~the a~~ recommended decision to each party.
- ~~B.~~ A party has ten calendar days from the date the Director mails the recommended decision to submit a memorandum of objections response that states each reason why the Director should accept, reject, or modify the recommended decision ~~is in error~~, with information supporting the reason.
- ~~C.~~ The Director may consider ~~the memorandum of objections~~ a response in subsection (B) in determining whether to accept, reject, or modify the recommended decision.

R9-1-103. Rehearing or Review of a Final Administrative Decision

- ~~A.~~ A party who is aggrieved by a final administrative decision may file with the Director, not later than 30 calendar days after service of the final administrative decision, a written motion for rehearing or review of the final administrative decision specifying the grounds for rehearing or review.
- ~~B.~~ A party filing a motion for rehearing or review under this Section may amend the motion at any time before it is ruled upon by the Director.
- ~~C.~~ Any other party may file a response to the motion for rehearing or review in subsection (A) within 15 calendar days after the date the motion for rehearing or review is filed with the Director.
- ~~D.~~ The ~~director~~ Director may require that the parties file supplemental memoranda explaining the issues raised in ~~the a~~ motion or response in subsection (A) or (C) and may permit oral argument.
- ~~E.~~ The Director may grant a rehearing or review of the final administrative decision for any of the following reasons materially affecting the requesting party’s rights:
  - 1. Irregularity in the proceedings of the hearings or an abuse of discretion; that deprived the party of a fair hearing,
  - 2. Misconduct by the administrative law judge or the prevailing party,
  - 3. Accident or surprise that could not have been prevented by ordinary prudence,
  - 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing,
  - 5. Excessive or insufficient penalties,
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing, or
  - 7. That the decision is not supported by the evidence or is contrary to law.
- ~~D-E.~~ The Director shall rule on the motion for rehearing or review within 15 calendar days after ~~the a~~ response to the motion is filed. If no response to the motion for rehearing or review is filed, the Director shall rule on the motion for rehearing or review within five calendar days after the expiration of the response period in subsection (C).
- ~~E-G.~~ An order issued by the Director granting a rehearing or review shall specify the grounds for the rehearing or review.

ARTICLE 2. PUBLIC PARTICIPATION IN RULEMAKING

R9-1-201. Definitions

- In addition to the definitions in ~~R9-1-101(A)~~ R9-1-101, the following definitions apply in this Article, unless otherwise specified:
  - 1. “Amendment” means a change to a rule, including added or deleted text.
  - 2. “Arizona Administrative Code” means the publication described in A.R.S. § 41-1012.



3. "Citation" means the number that identifies a rule.
4. ~~"Person" means the same as in A.R.S. § 41-1001(13).~~
5. ~~"Rulemaking" means the same as in A.A.C. R1-1-101.~~
- 6.4. "Rulemaking record" means a file maintained by the Department as specified in A.R.S. § 41-1029.
7. ~~"Substantive policy statement means the same as in A.R.S. § 41-1001(20).~~
- 8.5. "Text" means a letter, number, symbol, table, or punctuation in a rule.

#### R9-1-202. Rulemaking Record

Except on a state holiday, an individual may review a rulemaking record at the Office of ~~the Director~~ Administrative Counsel and Rules, Monday through Friday, from 8:00 a.m. until 5:00 p.m.

#### R9-1-203. Petition for Department Rulemaking and Petition for Review of a Department Practice or Substantive Policy Statement

- A. A petition to the Department for rulemaking under A.R.S. § 41-1033 shall include:
  1. The name and address of the individual who submits the petition;
  2. An identification of the rulemaking, including:
    - a. A statement of the rulemaking sought,
    - b. The Arizona Administrative Code citation of each existing rule included in the petition, and
    - c. A description of each new rule included in the petition;
  3. The specific text of each new rule or amendment;
  4. The reasons for requesting the rulemaking, supported by:
    - a. Statistical data;
    - b. If the statistical data refers to exhibits, the exhibits;
    - c. An identification of the persons who would be affected by the rulemaking and the type of effect; and
    - d. Other information supporting the rulemaking;
  5. The signature of the individual who submits the petition;
  6. The date the petition is signed; and
  7. A copy of each existing rule included in the petition.
- B. A petition to the Department under A.R.S. § 41-1033 for review of a Department practice or substantive policy statement that allegedly constitutes a rule shall include:
  1. The name and address of the individual who submits the petition,
  2. ~~The reasons why the Department's~~ An identification of a Department practice or substantive policy statement that allegedly constitutes a rule,
  3. The signature of the individual who submits the petition,
  4. The date the petition is signed, and
  5. A copy of the Department's substantive policy statement or a description of the Department's practice.
- C. ~~According to A.R.S. § 41-1033(A), the~~ The Department shall notify an individual who submits a ~~subsection (A) or subsection (B)~~ petition according to A.R.S. § 41-1033 of the Department's decision in writing within 60 calendar days after receipt of the petition.
- D. If the Department denies a ~~subsection (A) or subsection (B)~~ petition submitted according to A.R.S. § 41-1033, the individual who submitted the petition may proceed according to ~~either A.R.S. § 41-1033(B) or A.R.S. § 41-1034 or according to both A.R.S. § 41-1033(B) and A.R.S. § 41-1034~~ A.R.S. §§ 41-1033 or 41-1034.

### ARTICLE 3. DISCLOSURE OF MEDICAL RECORDS, PAYMENT RECORDS, AND PUBLIC HEALTH RECORDS

#### R9-1-301. Definitions

In addition to the definitions in ~~R9-1-101(A)~~ R9-1-101, the following definitions apply in this Article, unless otherwise specified:

1. "Behavioral health services" means the ~~assessment, diagnosis, or treatment of an individual's mental, emotional, psychiatric, psychological, psychosocial, or substance abuse issues~~ same as in A.R.S. § 36-401.
2. "Business day" means the same as in A.R.S. § 10-140.
3. "Commercial purpose" means the same as in ~~A.R.S. § 39-121.03(D)~~ A.R.S. § 39-121.03.
4. "Consent" means permission by an individual or by the individual's parent, legal guardian, or other health care decision maker to have medical services provided to the individual.
5. ~~"Correctional facility" means the same as in A.R.S. § 13-2501(2).~~
- 6.5. "Court of competent jurisdiction" means a court with the authority to enter an order.
- 7.6. "De-identified" means a public health record from which the information listed in 45 CFR 164.514(b)(2)(i) for an individual and the individual's relatives, employers, or household members has been removed.
8. "Diagnosis" means ~~an identification of a disease or an injury by an individual authorized by law to make the identification.~~
- 9.7. "Disclose" means to release, transfer, provide access to, or divulge information in any other manner.
- 10.8. "Disclosure" means the release, transfer, provision of access to, or divulging of information in any other manner by the person holding the information.
- 11.9. "Disease" means ~~a condition or disorder that causes the human body to deviate from its normal or healthy state~~ the same as in R9-6-101.
- 12.10. "Documentation" means written supportive evidence.
- 13.11. "Emancipated minor" means an individual less than age 18 who:
  - a. Is determined to be independent of parents or legal guardians under A.R.S. Title 12, Chapter 15, Article 1, ~~as added by Laws 2005, Chapter 137, § 3, effective August 12, 2005;~~
  - b. Meets the requirements for recognition as an emancipated minor in A.R.S. § 12-2455, ~~as added by Laws 2005, Chapter 137, § 3, effective August 12, 2005;~~



- c. Has the ability to make a contract under A.R.S. § 44-131 or to consent to medical services under A.R.S. § 44-132; or
- d. Is married or is a U.S. armed forces enlisted member.
- ~~14-12.~~ "Employee" means an individual who works for the Department for compensation.
- ~~15-13.~~ "Enlisted member" means the same as in ~~32 U.S.C. 101(9)~~ 32 U.S.C. 101.
- ~~16-14.~~ "Epidemic" means ~~that~~ a disease ~~that~~ affects a disproportionately large number of individuals in a population, community, or region at the same time.
- ~~17-15.~~ "Estate" means the same as in ~~A.R.S. § 14-1201(16)~~ A.R.S. § 14-1201.
- ~~18.~~ "Financial institution" means a bank, a savings and loan association, a credit union, or a consumer lender.
- ~~19-16.~~ "Halfway house" means a residential ~~facility~~ setting that temporarily provides shelter, food, and other services to an individual after the individual completes a confinement in a correctional facility, as defined in A.R.S. § 13-2501, or a stay in a health care institution, as defined in A.R.S. § 36-401.
- ~~20-17.~~ "Health care decision maker" means the same as in ~~A.R.S. § 12-2291(3)~~ A.R.S. § 12-2291.
- ~~21.~~ "Health care institution" means the same as in ~~A.R.S. § 36-401(23).~~
- ~~22.~~ "Health care system" means the facilities, personnel, and financial resources in place in a state or other geographic area for delivering behavioral health services, medical services, nursing services, and health-related services to individuals in the state or other geographic area.
- ~~23.~~ "Health oversight activity" means:
  - ~~a. Supervision of the health care system;~~
  - ~~b. Determining eligibility for health-related government benefit programs;~~
  - ~~c. Determining compliance with health-related government regulatory programs; or~~
  - ~~d. Determining compliance with civil rights laws for which health-related information is relevant.~~
- ~~24.~~ "Health-related services" means the same as in ~~A.R.S. § 36-401(24).~~
- ~~25.~~ "Homeless minor" means an individual described in ~~A.R.S. § 44-132(C).~~
- ~~26.~~ "Homeless shelter" means the same as in ~~A.R.S. § 16-121(D).~~
- ~~27-18.~~ "Human Subjects Review Board" means individuals designated by the Director to:
  - a. Review human subjects research that is conducted, funded, or sponsored by the Department for consistency with 45 CFR Part 46, Subpart A, dealing with the protection of the human subjects;
  - b. Review requests for Department information from external entities conducting or planning to conduct human subjects research; and
  - c. Establish guidelines for the submission and review of human subjects research.
- ~~28-19.~~ "Incapacitated person" means the same as in ~~A.R.S. § 14-5101(1)~~ A.R.S. § 14-5101.
- ~~29-20.~~ "Incidence" means the rate of cases of a disease or an injury in a population, community, or region during a specified period.
- ~~30-21.~~ "Individually identifiable health information" means the information described in ~~42 U.S.C. 1320d(6)~~ 42 U.S.C. 1320d.
- ~~31-22.~~ "Injury" means trauma or damage to a part of the human body.
- ~~32.~~ "Jurat" means the same as in ~~A.R.S. § 41-311(6).~~
- ~~33-23.~~ "Legal guardian" means an individual:
  - a. Appointed by a court of competent jurisdiction under ~~A.R.S. Title 8, Chapter 10, Article 5~~ A.R.S. Title 8, Chapter 4, Article 12 or A.R.S. Title 14, Chapter 5;
  - b. Appointed by a court of competent jurisdiction under another state's laws for the protection of minors and incapacitated persons; or
  - c. Appointed for a minor or an incapacitated person in a probated will.
- ~~34-24.~~ "Medical records" means the same as in ~~A.R.S. § 12-2291(5)~~ A.R.S. § 12-2291.
- ~~35-25.~~ "Medical services" means the same as in ~~A.R.S. § 36-401(31)~~ A.R.S. § 36-401.
- ~~36-26.~~ "Minor" means the same as in ~~A.R.S. § 36-798(5)~~ A.R.S. § 36-798.
- ~~37.~~ "Nursing services" means the same as in ~~A.R.S. § 36-401(35).~~
- ~~38-27.~~ "Outbreak" means an unexpected increase in the incidence of a disease as determined by the Department or a health agency, as defined in A.R.S. § 36-671(5) A.R.S. § 36-671.
- ~~39-28.~~ "Parent" means a biological or adoptive mother or father of an individual.
- ~~40-29.~~ "Patient" means an individual receiving behavioral health services, medical services, nursing services, or health-related services, as defined in A.R.S. § 36-401.
- ~~41-30.~~ "Payment records" means the same as in ~~A.R.S. § 12-2291(6)~~ A.R.S. § 12-2291.
- ~~42.~~ "Person" means the same as in ~~A.R.S. § 41-1001(13).~~
- ~~43-31.~~ "Personal representative" means the same as in ~~A.R.S. § 14-1201(38)~~ A.R.S. § 14-1201.
- ~~44-32.~~ "Probated will" means a will that has been proved as valid in a court of competent jurisdiction.
- ~~45.~~ "Public health intervention" means ~~responding to and containing:~~
  - ~~a. Outbreaks or epidemics of disease, or~~
  - ~~b. The incidence of injury.~~
- ~~46.~~ "Public health investigation" means ~~identifying and examining:~~
  - ~~a. Outbreaks or epidemics of disease, or~~
  - ~~b. The incidence of injury.~~
- ~~47-33.~~ "Public health records" means information created, obtained, or maintained by the Department for:
  - a. Public health surveillance, public health investigation, or public health intervention to monitor the incidence and spread of a disease or an injury;
  - b. Public health investigation to identify and examine outbreaks or epidemics of disease or the incidence of injury;
  - c. Public health intervention to respond and contain outbreaks or epidemics of disease or the incidence of injury;
  - ~~b-d.~~ A system of public health statistics, as defined in A.R.S. § 36-301;



- e-c. A system of vital records, as defined in A.R.S. § 36-301; or
- ~~d-f.~~ Health oversight activities, which include the following:
  - i. Supervision of the health care system.
  - ii. Determining eligibility for health-related government benefit programs.
  - iii. Determining compliance with health-related government regulatory programs, or
  - iv. Determining compliance with civil rights laws for which health-related information is relevant; or
- g. Other public health activities required or authorized by state or federal law.
- ~~48.~~ “Public health surveillance” means monitoring the incidence and spread of a disease or an injury.
- ~~49-34.~~ “Research” means the same as in 45 CFR 164.501.
- ~~50-35.~~ “State” means the same as in A.R.S. § 36-841.
- ~~51-36.~~ “Surviving spouse” means the individual:
  - a. To whom a deceased individual was married at the time of death, and
  - b. Who is currently alive.
- ~~52.~~ “System of public health statistics” means the same as in A.R.S. § 36-301(31).
- ~~53.~~ “System of vital records” means the same as in A.R.S. § 36-301(32).
- ~~54-37.~~ “Third person” means a person other than:
  - a. The individual identified by medical records; or
  - b. The individual’s parent, legal guardian, or other health care decision maker.
- ~~55-38.~~ “Treatment” means a procedure or method to cure, improve, or palliate a disease or an injury.
- ~~56-39.~~ “Valid authorization” means written permission to disclose individually identifiable health information that contains all the elements described in 45 CFR 164.508(c)(1).
- ~~57.~~ “Veteran” means the same as in 38 U.S.C. 101(2).
- ~~58.~~ “Vital record” means the same as in A.R.S. § 36-301(33).
- ~~59-40.~~ “Volunteer” means an individual who works for the Department without compensation.
- ~~60-41.~~ “Will” means the same as in A.R.S. § 14-1201(59) A.R.S. § 14-1201.

#### **R9-1-302. Medical Records or Payment Records Disclosure**

- A. Except as provided in subsection (B), an employee or volunteer shall not disclose to a third person medical records or payment records containing individually identifiable health information ~~that the employee or volunteer~~ obtained or accessed as a result of the employment or volunteering.
- B. Unless otherwise prohibited by law, an employee or volunteer may disclose to a third person medical records or payment records containing individually identifiable health information:
  - 1. With the valid authorization of the individual identified by the information in the medical records or payment records, if the individual:
    - a. Is at least age 18 or an emancipated minor, and
    - b. Is not an incapacitated person;
  - 2. With the valid authorization of the parent, legal guardian, or other health care decision maker of the individual identified by the information in the medical records or payment records, if the individual is:
    - a. Less than age 18, other than an emancipated minor; or
    - b. An incapacitated person;
  - 3. With the valid authorization of the individual identified by the information in the medical records or payment records, regardless of age, if:
    - a. The information to be disclosed resulted from the consent given by the individual under ~~A.R.S. § 44-132.01~~ or A.R.S. § 36-663 or ~~A.R.S. § 44-132.01~~ and,
    - b. The individual is not an incapacitated person;
  - 4. With the valid authorization of the individual identified by information in the medical records or payment records if:
    - a. The information to be disclosed resulted from the individual’s treatment under A.R.S. § 44-133.01;
    - b. The individual was at least age 12 at the time of the treatment under A.R.S. § 44-133.01 as established by documentation, such as a copy of the individual’s:
      - i. Driver license issued by a state, or
      - ii. Birth certificate; and
    - c. The individual is not an incapacitated person;
  - 5. If the individual identified by the information in the medical records or payment records is deceased, upon the written request to the Department according to subsection (D) for disclosure of the deceased individual’s medical records or payment records to:
    - a. The deceased individual’s health care decision maker at the time of death;
    - b. The personal representative of the deceased individual’s estate; or
    - c. If the deceased individual’s estate has no personal representative, a person listed in ~~A.R.S. §§ 12-2294(D)(1) through 12-2294(D)(6)~~ ~~A.R.S. § 12-2294(D)~~;
  - 6. At the direction of the Human Subjects Review Board, if the medical records or payment records are sought for research and the disclosure meets the requirements of 45 CFR 164.512(i)(2); or
  - 7. As required by an order issued by a court of competent jurisdiction.
- C. For purposes of subsection (B)(1), an individual less than age 18 who claims emancipated minor status shall submit to the Department a valid authorization signed by the individual less than age 18 and:
  - 1. A copy of an order emancipating the individual issued by the Superior Court of Arizona;
  - 2. If the individual was an emancipated minor in a state other than Arizona:
    - a. Documentation establishing that the individual is at least age 16, such as a copy of the individual’s:
      - i. Driver license issued by a state, or



- ii. Birth certificate; and
- b. Documentation of the individual’s emancipation, such as a copy of:
  - i. An order emancipating the individual issued by a court of competent jurisdiction of a state other than Arizona,
  - ii. A real property purchase agreement signed by the individual as the buyer or the seller in a state other than Arizona,
  - iii. An order for the individual to pay child support issued by a court of competent jurisdiction of a state other than Arizona, or
  - iv. A ~~financial institution~~ loan agreement with a financial institution, such as a bank, savings and loan association, a credit union, or a consumer lender, signed by the individual as the borrower in a state other than Arizona;
- 3. A copy of the individual’s marriage certificate issued by a state;
- 4. If the individual is a homeless minor, as described in A.R.S. § 44-132, documentation such as:
  - a. A statement on the letterhead of a homeless shelter, as defined in A.R.S. § 16-121, or halfway house that:
    - i. Is dated within 10 calendar days before the date the Department receives the document,
    - ii. States the homeless shelter or halfway house is the individual’s primary residence,
    - iii. Is signed by an authorized signer for the homeless shelter or halfway house, and
    - iv. States the authorized signer’s title or position at the homeless shelter or halfway house; or
  - b. A statement signed by the individual that:
    - i. The individual does not live with the individual’s parents, and
    - ii. The individual lacks a fixed nighttime residence;
- 5. If the individual is a U.S. armed forces enlisted member, a copy of the individual’s U.S. armed forces:
  - a. Enlistment document, or
  - b. Identification card; or
- 6. If the individual is a U.S. armed forces veteran, as defined in 38 U.S.C. 101, a copy of the individual’s discharge certificate.
- D. A request to the Department under subsection (B)(5) to disclose medical records or payment records shall include:
  - 1. The name of the individual identified by the information in the medical records or payment records;
  - 2. A statement that the individual identified by the information in the medical records or payment records is deceased;
  - 3. The description and dates of the medical records or payment records requested;
  - 4. The name, address, and telephone number of the person requesting the medical records or payment records disclosure;
  - 5. Whether the person requesting the medical records or payment records disclosure:
    - a. Was the deceased individual’s health care decision maker at the time of death,
    - b. Is the personal representative of the deceased individual’s estate, or
    - c. Is a person listed in A.R.S. § 12-2294(D);
  - 6. The signature of the individual requesting the medical records or payment records disclosure;
  - 7. Documentation that the individual identified by the information in the medical records or payment records is deceased, such as a copy of:
    - a. The individual’s death certificate,
    - b. A published obituary notice for the individual, or
    - c. Written notification of the individual’s death; and
  - 8. Documentation establishing the relationship to the deceased individual indicated under subsection (D)(5), ~~such as a copy of which includes the following:~~
    - a. Appointment as the deceased individual’s legal guardian by a court of competent jurisdiction,
    - b. Appointment as the personal representative of the deceased individual’s estate by a court of competent jurisdiction,
    - c. The deceased individual’s birth certificate naming the person requesting the medical records or payment records as a parent,
    - d. The birth certificate of the person requesting the medical records or payment records naming the deceased individual as a parent, or
    - e. If the person requesting the medical records or payment records disclosure is the deceased individual’s surviving spouse:
      - i. A copy of the person’s marriage certificate naming the deceased individual as spouse, and
      - ii. ~~The person’s statement that the person and the deceased individual were not divorced or legally separated at the time of the deceased individual’s death, or~~
      - iii. ~~A copy of the deceased individual’s probated will naming the person as the deceased individual’s surviving spouse.~~
- E. The Department shall send a response to a request for medical records or payment records disclosure under subsection (B)(5) that meets the requirements of subsection (D):
  - 1. By regular mail,
  - 2. To the address provided under subsection (D)(4), and
  - 3. Within 30 days after the date the Department receives the request.

**R9-1-303. Public Health Records Disclosure**

- A. A.R.S. Title 39, Chapter 1, Article 2, governs the Department’s disclosure of public health records, except for:
  - 1. Disclosure of public health records under A.R.S. §§ 36-104(9) and 36-105;
  - 2. Disclosure of vital records, as defined in A.R.S. 36-301, under A.R.S. §§ 36-324, 36-342, and 36-351; ~~and~~
  - 3. At the direction of the Human Subjects Review Board, disclosure of public health records that are not de-identified when:
    - a. The public health records are sought for research, and
    - b. The disclosure meets the requirements of 45 CFR 164.512(i)(2);
  - 4. Disclosure of medical marijuana records under A.R.S. § 36-2810; or
  - 5. Other disclosures prohibited by state or federal law.
- B. For disclosure of public health records under A.R.S. Title 39, Chapter 1, Article 2, an individual shall submit to the Department a public records request that contains:



1. The request date;
  2. The requester's name, and if applicable, the requester's mailing address, e-mail address, and telephone number;
  3. If applicable, the name, address, and telephone number of the requester's organization;
  4. A specific identification of the public health records to be disclosed, including the description and dates of the records;
  5. Whether the public health records identified in subsection (B)(4) will be used for commercial purposes;
  6. If the requester indicates under subsection (B)(5) that the public health records will be used for commercial purposes, an explanation of each commercial purpose;
  7. The requester's signature; and
  8. If the requester indicates under subsection (B)(5) that the public health records will be used for a commercial purpose:
    - a. A jurat, as defined in A.R.S. § 41-311, completed by an Arizona notary; or
    - b. A notarization from another state indicating that the notary:
      - i. Verified the signer's identity,
      - ii. Observed the signing of the document, and
      - iii. Heard the signer swear or affirm the truthfulness of the document.
- C.** Within 15 business days after the Department receives a public records request that meets the requirements in subsection (B) or at a later time agreed upon by the Department and the individual requesting the records, the Department shall respond to the request by:
1. Sending by regular mail or electronic mail to the address provided in subsection (B)(2):
    - a. An acknowledgement that the Department received the public records request;
    - b. A list of categories of public health records that are not subject to disclosure; and
    - c. For the public health records requested that are subject to disclosure, a statement that the Department will notify the individual when disclosure will be provided; or
  2. Providing:
    - a. A list of categories of public health records that are not subject to disclosure; and
    - b. For the public health records requested that are subject to disclosure, disclosure of the records.
- D.** The Department shall ensure that public health records disclosed pursuant to a public records request are de-identified.
- E.** For copies of public health records disclosed pursuant to a public records request:
1. If the copies are for a commercial purpose, the Department shall charge:
    - a. The amount determined according to A.R.S. § 39-121.03, and
    - b. Based on the requester's explanation under subsection (B)(6);
  2. If the copies are not for a commercial purpose, the Department shall charge twenty-five cents per page; or
  3. If the copies are for a purpose stated in A.R.S. § 39-122(A), the Department shall not impose a charge.



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
CHILD CARE GROUP HOMES

[R20-98]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 3, Department of Health Services – Child Care Group Homes
Articles and their headings: 1, General; 2, Certification; 3, Operating a Child Care Group Home; 4, Program and Equipment Standards; 5, Physical Environment Standards
Section numbers: R9-3-101 through R9-3-102; R9-3-201 through R9-3-203; R9-3-205; R9-3-206; R9-3-301 through R9-3-304; R9-3-306; R9-3-308; R9-3-309; R9-3-401 through R9-3-404; R9-3-407; R9-3-408; R9-3-504; R9-3-506 and R9-3-507 (The Department may add, delete, or modify other Sections, as necessary)
2. The subject matter of the proposed rules: The five-year-review report (Report) for 9 A.A.C. 3 was approved by the Governor's Regulatory Review Council on December 3, 2019. The Report identified that the rules are effective, however could be improved to make clearer and increase understandability of the rules by simplifying and clarifying some requirements, updating antiquated language and outdated definition and references, and making minor technical and grammatical changes. Changes include adding and updating antiquated terms, such as "accredited" "enrolled children," "modification" and "positioning device." Other changes include clarifying fingerprint clearance cards, updating the Department of Agriculture Child and Adult Care Food Program Meal Patterns for children and infants, and clarifying adult staff member high school education requirement. Additionally, requirements related to child passenger restraint system will be changed to make consistent with A.R.S. § 28-907. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden.
3. A citation to all published notices relating to the proceeding: Notice of Proposed Expedited Rulemaking: 26 A.A.R. 1201, June 19, 2020 (in this issue)
4. The name and address of agency personnel with whom persons may communicate regarding the rules:
Name: Thomas Salow, Branch Chief
Address: Department of Health Services
Division of Licensing Services
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007
Telephone: (602) 364-1935
Fax: (602) 364-4808
E-mail: Thomas.Salow@azdhs.gov
or
Name: Robert Lane
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:**

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.



NOTICES OF PROPOSED DELEGATION AGREEMENTS

This section of the Arizona Administrative Register contains Notices of Proposed Delegation Agreements.

The Administrative Procedure Act requires the publication of notices of proposed delegation agreements in the Register. A delegation agreement is an agreement between an agency and a political subdivision that authorizes the political subdivision to exercise functions, powers, or duties conferred on the delegating agency by a provision of law.

Delegation agreements are not intergovernmental agreements pursuant to A.R.S. Title 11, Chapter 7, Article 3. For at least 30 days after publication of the Notice of Proposed Delegation Agreement in the Register, the agency shall provide persons the opportunity to submit in writing statements, arguments, data, and views on the proposed delegation agreement and shall provide an opportunity for a public hearing if there is sufficient interest. The delegating agency shall follow the procedures for delegation agreements specified in A.R.S. Title 41, Chapter 6, Article 8.

NOTICE OF PROPOSED DELEGATION AGREEMENT

[M20-28]

1. Name of the agency proposing the delegation agreement:

Department of Environmental Quality

2. The name of the political subdivision to which functions, powers and duties of the agency are proposed to be delegated:

Clay Springs Pinedale Fire District, P.O. Box 1267, Pinedale, AZ, 85934

3. The name, address, and telephone number of agency personnel to whom persons may direct questions or comments:

Balaji Vaidyanathan
Manager, Facilities Emissions Control Section
Department of Environmental Quality, Air Quality Division
1110 W. Washington St.
Phoenix, AZ 85007
Phone: (602) 771-4527
E-mail: bv1@azdeq.gov

4. A summary of the delegation agreement and the subjects and issues involved:

Pursuant to A.R.S. §§ 49-107 & 49-501(D), the Arizona Department of Environmental Quality proposes to delegate authority to Clay Springs Pinedale Fire District, the Local Agency ("LA"), the program elements listed below, subject to certain conditions and limitations described in the delegation agreement. The proposed delegated program elements include:

The Functions and Duties delegated to the LA by this Agreement are identified by A.R.S. § 49-501 and A.A.C. R18-2-602 pertaining to issuing permits for open burning.

5. Copies of the proposed delegation agreement may be obtained from the agency as follows:

A copy of the proposed Agreement may be obtained by request to the ADEQ Central Office for public records pertaining to the delegation of the issuance of open burn permits.

Or contact: Edwin Slade III, Administrative Counsel
Department of Environmental Quality
Office of Administrative Counsel
1110 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 771-2242

E-mail: slade.edwin@azdeq.gov

6. The schedule of public hearings on the proposed delegation agreement:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ is committed to complying with the Americans with Disabilities Act. If any individual with a disability needs any type of accommodation, please contact ADEQ at least 72 hours before the hearing at (602) 771-2300 or TDD (602) 771-4829 or contact us via the web at azdeq.gov.

ADEQ tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del len-



guaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con Ian Bingham, Title VI Nondiscrimination Coordinator al (602) 771-4322 o [idb@azdeq.gov](mailto:idb@azdeq.gov)

**NOTICES OF PUBLIC INFORMATION**

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

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

**NOTICE OF PUBLIC INFORMATION  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
PESTICIDES AND WATER POLLUTION CONTROL**

[M20-29]

- 1. Name of the Agency:** Department of Environmental Quality
- Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 6, Department of Environmental Quality - Pesticides and Water Pollution Control
- Article and its heading:** 3, Groundwater Protection List
- Section and its heading:** R18-6-301, Groundwater Protection List

**2. The public information relating to the listed statute:**

Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater. The statute requires the Department to place a pesticide identified under A.R.S. § 49-303(C)(2) and (3) on the GWPL, and to regulate the use of the pesticide if the pesticide is intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application be followed within 72 hours by flood or furrow irrigation.

**3. Draft 2020 Groundwater Protection List**

The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. An agricultural use pesticide active ingredient is placed on the GWPL for any of the following reasons: 1) it fails to comply with the established specific numeric values, 2) the environmental fate assessment indicates potential to leach to groundwater, or 3) an active ingredient or degradation product has been detected in groundwater consistent with established testing requirements.

Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2020 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2019 GWPL contained 100 active ingredients; the draft 2020 GWPL would add one active ingredients. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate a response to any comments submitted and consider making modifications to the GWPL in response to the comments. If no comments are received, the draft GWPL becomes final. If comments are received, the revised GWPL will then be re-published in the *Arizona Administrative Register*, including a summary of comments received and the Department’s response to the comments. The final 2020 GWPL will become effective on December 1, 2020, in accordance with R18-6-301(A)(3) and will be posted on the agency’s website at: <http://www.azdeq.gov/environ/water/permits/pesticide.html>

Draft 2020 Groundwater Protection List		
#	CAS Number	Chemical Name
1.	<b>94-75-7</b>	<b>2,4-D Acid</b>
2.	1928-43-4	2,4-D 2-Ethylhexyl Ester
3.	1929-73-3	2,4-D Butoxyethyl Ester
4.	5742-19-8	2,4-D Diethanolamine Salt
5.	2008-39-1	2,4-D Dimethylamine Salt
6.	5742-17-6	2,4-D Isopropylamine Salt
7.	94-11-1	2,4-D Isopropyl Ester of
8.	32341-80-3	2,4-D Trisopropanolamine Salt
9.	34256-82-1	Acetochlor
10.	135158-54-2	Acibenzolar-S-Methyl
11.	129909-90-6	Amicarbazone
12.	858956-08-8	Aminocyclopyrachlor
13.	<b>1912-24-9</b>	<b>Atrazine</b>
14.	131860-33-8	Azoxystrobin
15.	352010-68-5	Bicyclopyrone
16.	<b>314-40-9</b>	<b>Bromacil</b>



17.	53404-19-6	Bromacil, Lithium Salt
18.	<b>63-25-2</b>	<b>Carbaryl</b>
19.	128639-02-1	Carfentrazone-Ethyl
20.	50008-15-1	Chlorantraniliprole
21.	122453-73-0	Chlorfenapyr
22.	1702-17-6	Clopyralid
23.	57754-85-5	Clopyralid monoethanolamine salt
24.	1897-45-6	Chlorothalonil
25.	420-04-2	Cyanamide
26.	736994-63-1	Cyantraniliprole
27.	113136-77-9	Cyclanilide
28.	52918-63-5	Deltamethrin
29.	13684-56-5	Desmedipham
30.	<b>1918-00-9</b>	<b>Dicamba</b>
31.	25059-78-3	Dicamba, DEA Salt
32.	104040-79-1	Dicamba, DGA Salt
33.	2300-66-5	Dicamba, DMA Salt
34.	10007-85-9	Dicamba, Potassium Salt
35.	1982-69-0	Dicamba, Sodium Salt
36.	<b>110488-70-5</b>	<b>Dimethomorph</b>
37.	165252-70-0	Dimotefuran
38.	<b>330-54-1</b>	<b>Diuron</b>
39.	144-21-8	DSMA (Disodium Methanearsonate)
40.	137512-74-4	Emamectin Benzoate
41.	<b>115-29-7</b>	<b>Endosulfan</b>
42.	473798-59-3	Fenpyrazamine
43.	104040-78-0	Flazasulfuron
44.	158062-67-0	Flonicamid
45.	145701-21-1	Florasulam
46.	335104-84-2	Flubendiamide
47.	318290-98-1	Fluensulfone
48.	142459-58-3	Flufenacet (Thiaflumide)
49.	658066-35-4	Fluopyram
50.	193740-76-0	Fluoxastrobin
51.	951659-40-8	Flupyradifurone
52.	<b>66332-96-5</b>	<b>Flutolanil</b>
53.	76674-21-0	Flutriafol
54.	77182-82-2	Glufosinate-Ammonium
55.	112226-61-6	Halofenozide
56.	100784-20-1	Halosulfuron-Methyl
57.	<b>114311-32-9</b>	<b>Imazamox</b>
58.	104098-48-8	Imazapic
59.	<b>81335-77-5</b>	<b>Imazethapyr</b>
60.	101917-66-2	Imazethapyr, Ammonium Salt
61.	122548-33-8	Imazosulfuron
62.	<b>138261-41-3</b>	<b>Imidacloprid</b>
63.	950782-96-2	Indaziflam
64.	<b>330-55-2</b>	<b>Linuron</b>
65.	128-58-3	MAA (Methanearsonic Acid)
66.	374726-62-2	Mandipropamid
67.	12427-38-2	Maneb
68.	16484-77-8	Mecoprop-P (MCP-P)
69.	70630-17-0	Mefenoxam
70.	208465-21-8	Mesosulfuron-Methyl
71.	<b>16752-77-5</b>	<b>Methomyl</b>
72.	<b>161050-58-4</b>	<b>Methoxyfenozide</b>
73.	<b>21087-64-9</b>	<b>Metribuzin</b>
74.	2163-80-6	Monosodium Methanearsonate (MSMA)
75.	111991-09-04	Nicosulfuron
76.	<b>23135-22-0</b>	<b>Oxamyl</b>
77.	494793-67-8	Penflufen
78.	117428-22-5	Picoxystrobin
79.	<b>1610-78-0</b>	<b>Prometon</b>
80.	<b>7287-19-6</b>	<b>Prometryn</b>
81.	18311274-15-7	Propoxycarbazone-sodium
82.	94125-34-5	Prosulfuron
83.	123312-89-0	Pymetrozine
84.	175013-18-0	Pyraclostrobin
85.	221205-90-9	Pyrimisulfan*
86.	123343-16-8	Pyriithiobac Sodium
87.	447399-55-5	Pyroxasulfone
88.	84087-01-4	Quinclorac
89.	372137-35-4	Saflufenacil
90.	87392-12-9	S-Metolachlor



91.	81591-81-3	Sulfosate
92.	107534-96-3	Tebuconazole
93.	112410-23-8	Tebufenozide
94.	153719-23-4	Thiamethoxam
95.	317815-83-1	Thiencarbazone-methyl
96.	1101132-69-5	Tolpyralate
97.	210631-68-8	Topramezone
98.	55335-06-3	Triclopyr
99.	117718-60-2	Thiazopyr
100.	199119-58-9	Trifloxysulfuron-Sodium
101.	95266-40-3	Trinexapac-Ethyl

**Bold** text indicates ingredients that have been detected historically in Arizona groundwater.  
 Asterisk (\*) indicates new additions to the GWPL.

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

Name: Mohamed Hegazy, Ph.D., P.E., Pesticide Program Coordinator  
 Address: Arizona Department of Environmental Quality  
 1110 W. Washington St., 5415B-3  
 Phoenix, AZ 85007  
 E-mail: Hegazy.Mohamed@azdeq.gov

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

There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised 2020 GWPL in the *Arizona Administrative Register* and post on the agency’s website at: <http://www.azdeq.gov/notices>.



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  
 SPXM = Supplemental Proposed Exempt amended Section  
 SPX# = Supplemental Proposed Exempt renumbered Section

#### **FINAL EXEMPT RULEMAKING**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

### **CORRECTIONS**

C = Corrections to Published Rules

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

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### RULES EFFECTIVE DATES CALENDAR

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

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



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



### REGISTER PUBLISHING DEADLINES

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

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



## GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	<b>Wednesday</b> May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

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



**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE JUNE 2, 2020 MEETING**

[M20-30]

**A. CONSENT AGENDA ITEMS:**

**Rulemakings**

**1. DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 1, Articles 1-3

**Amend:** R9-1-101, R9-1-102, R9-1-103, R9-1-201, R9-1-202, R9-1-203,  
R9-1-301, R9-1-302, R9-1-303

**2. DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 5, Articles 1 and 5, Department of Health Services - Child Care Facilities

**Amend:** R9-5-101, R9-5-502, R9-5-516

**3. CITIZENS CLEAN ELECTIONS COMMISSION**

Title 2, Chapter 20, Article 7, Use of Funds and Repayment

**Amend:** R2-20-701

**4. CITIZENS CLEAN ELECTIONS COMMISSION**

Title 2, Chapter 20, Article 7, Use of Funds and Repayment

**Amend:** R2-20-702.01

**5. CITIZENS CLEAN ELECTIONS COMMISSION**

Title 2, Chapter 20, Article 7, Use of Funds and Repayment

**Amend:** R2-20-703.01

**6. DEPARTMENT OF AGRICULTURE**

Title 3, Chapter 8, Article 1, General and Administrative Provisions

**Amend:** R3-8-103

**Five Year Review Reports**

**7. ARIZONA COMMISSION FOR POSTSECONDARY EDUCATION**

Title 7, Chapter 3, Article 1, Rulemaking and Article 2, Adjudications

**One Year Review Reports**

**8. DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 10, Article 5, Intermediate Care Facilities for Individuals with Intellectual Disabilities

**COUNCIL ACTION: CONSENT AGENDA APPROVED**

**B. CONSIDERATION AND DISCUSSION OF RULES:**

**1. DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 8, Article 1, Food and Drink

**Amend:** Article 1

**Repeal:** R9-8-101, R9-8-103, R9-8-104, Table 1, R9-8-105, R9-8-106, R9-8-108,  
R9-8-109



- Renumber:** R9-8-102
- New Section:** R9-8-101, R9-8-102, R9-8-103, R9-8-104, R9-8-105, R9-8-106, R9-8-107, R9-8-108, R9-8-110, R9-8-111, R9-8-112, R9-8-113, R9-8-114, R9-8-115, R9-8-116, R9-8-117, R9-8-118, R9-8-119
- New Table:** Table 1.1

**COUNCIL ACTION: COUNCIL VOTED TO TABLE CONSIDERATION OF THIS RULEMAKING TO THE JUNE 30, 2020 STUDY SESSION AND JULY 7, 2020 COUNCIL MEETING**

**C. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:**

- 1. STATE LAND DEPARTMENT**  
Title 12, Chapter 5, Article 23, Board of Appeals

**COUNCIL ACTION: APPROVED**

- 2. STATE LAND DEPARTMENT**  
Title 12, Chapter 5, Article 12, Fees

**COUNCIL ACTION: APPROVED**

- 3. DEPARTMENT OF CHILD SAFETY**  
Title 21, Chapter 5, Articles 3, Department Adoption Services and Article 4, Adoption Entity Services

**COUNCIL ACTION: APPROVED**

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

**COUNCIL ACTION: COUNCIL VOTED NOT TO REQUEST A FIVE YEAR REVIEW REPORT OUTSIDE OF THE FIVE YEAR REVIEW REPORT PROCESS**

**E. CONSIDERATION AND DISCUSSION OF A.R.S. § 41-1033(E) APPEAL FROM LYNXX TECHNOLOGIES, INC. APPEALING A DECISION OF THE DIRECTOR OF THE DEPARTMENT OF REVENUE**

**COUNCIL ACTION: AT LEAST 4 COUNCIL MEMBERS DID NOT VOTE TO HEAR THE MATTERS RAISED IN LYNXX TECHNOLOGIES, INC.’S APPEAL IN A PUBLIC MEETING PURSUANT TO A.R.S. § 41-1033(H)**