



# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

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

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

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

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

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

## LEGAL CITATIONS AND FILING NUMBERS

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

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

# Arizona Administrative REGISTER

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

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

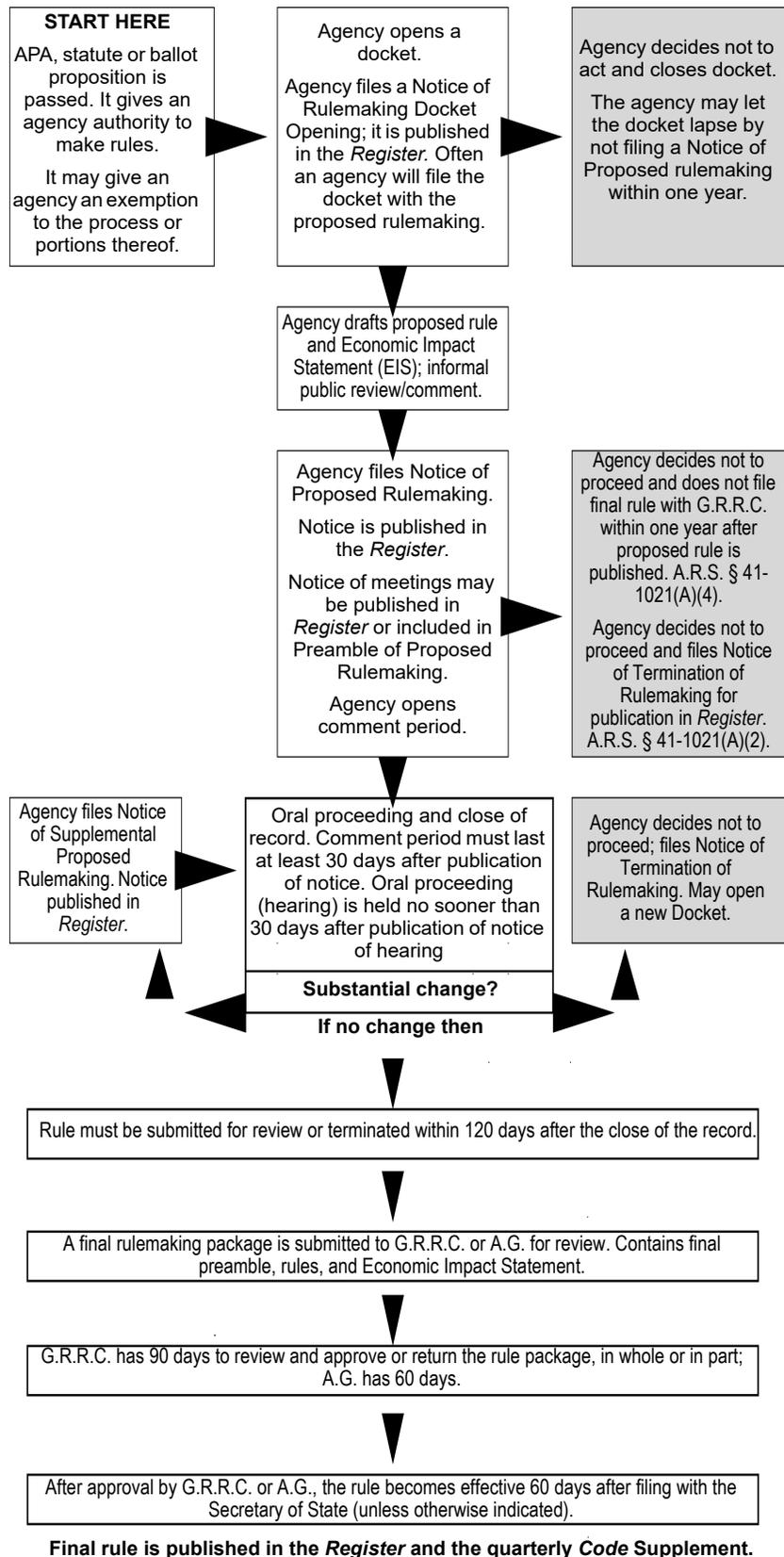
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



**NOTICES OF PROPOSED RULEMAKING**

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

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

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

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

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

**NOTICE OF PROPOSED RULEMAKING  
TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 10. BOARD OF COSMETOLOGY**

[R20-134]

**PREAMBLE**

| <b><u>1. Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|---|---------------------------------|
| R4-10-101   | Amend                           |
| R4-10-102   | Amend                           |
| R4-10-104   | Amend                           |
| R4-10-105   | Amend                           |
| R4-10-108   | Amend                           |
| R4-10-110   | Amend                           |
| R4-10-111   | Amend                           |
| R4-10-112   | Amend                           |
| R4-10-114   | Amend                           |
| R4-10-201   | Amend                           |
| R4-10-202   | Amend                           |
| R4-10-203   | Amend                           |
| R4-10-204   | Amend                           |
| R4-10-205   | Amend                           |
| R4-10-206   | Amend                           |
| R4-10-206.1   | Amend                           |
| R4-10-207   | Amend                           |
| R4-10-208   | Amend                           |
| R4-10-209   | Amend                           |
| R4-10-210   | New Section                     |
| R4-10-301   | Amend                           |
| R4-10-302   | Amend                           |
| R4-10-303   | Amend                           |
| R4-10-304   | Amend                           |
| R4-10-304.1   | Amend                           |
| R4-10-305   | Amend                           |
| R4-10-306   | Amend                           |
| R4-10-401   | Amend                           |
| R4-10-402   | Amend                           |
| R4-10-403   | Amend                           |
| R4-10-404   | Amend                           |
| R4-10-405   | 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. § 32-504(A)(1)  
 Implementing statute: A.R.S. §§ 32-501, 32-504, 32-512.01, 32-513, 32-517, 32-531, 32-532, 32-543, 32-551, 32-572, and 32-574



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

Notice of Rulemaking Docket Opening: 26 A.A.R. 1590, August 7, 2020

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

Name: Kimberly Scoplitte, Executive Director  
Address: Board of Cosmetology  
1740 W. Adams, Suite 4400  
Phoenix, AZ 85007  
Telephone: (480) 784-4632  
Fax: (480) 784-4962  
E-mail: kscoplitte@azboc.gov  
Website: www.boc.az.gov

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

This rulemaking continues the work started in a rulemaking approved by the Council on October 3, 2017. In this rulemaking, the Board amends rules to make them consistent with statute (See A.R.S. §§ 41-1080 and 41-1092.09), Board practice, and industry standards. It also makes changes identified as needed in a 5YRR approved by the Council on August 5, 2016, and makes the rules consistent with current rulemaking standards. Because the Board lacks authority to approve an applicant to take an examination, the time frame for that approval is deleted. The time frame for an application for licensure by examination is increased to match the deleted time frame. The rulemaking includes a new fee that is specifically authorized under A.R.S. § 32-507. The Board is also making amendments to address recent statutory changes dealing with training by apprenticeship (See Laws 2019, Chapter 109) and licensure by universal recognition (See Laws 2019, Chapter 55). An exemption from EO2019-01 was provided for this rulemaking by Emily Rajakovich in an e-mail dated February 26, 2019. A final approval from the governor's office of the NPR was provided by Trista Guzman Glover in an e-mail dated July 20, 2020.

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

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

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

Not applicable

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

The Board expects the economic impact of the rulemaking to be minimal because there are no substantive changes to the current rules. The Board, licensees, and applicants will benefit from having rules that are clear, concise, and understandable and consistent with statute. The Board made some changes to reduce the regulatory burden for applicants and licensees. These include:

- Obtaining e-mail addresses and encouraging electronic submission of documents;
- Allowing online access to study materials rather than requiring hard copies;
- Allowing virtual learning as a means to teach and learn the theory portion of cosmetology classes;
- Accepting money orders and credit cards rather than only checks for payment of fees;
- Deleting the requirement that an application to operate a school be notarize;
- Increasing the amount of time a license can be inactive and then reactivated without applying for a new license;
- Deleting burdensome requirements regarding personal and establishment cleanliness;
- Deleting burdensome requirement for a school licensee to submit a new operating schedule at the time of license renewal;
- Deleting burdensome requirements for a school licensee regarding filing cabinets and personal storage for students and instructors;
- Deleting burdensome requirements for a school licensee regarding student records;
- Deleting burdensome requirements specifying the size of tables and mirrors in a school;
- Deleting restrictions regarding having a salon in a residence.

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

Name: Kimberly Scoplitte, Executive Director  
Address: Board of Cosmetology  
1740 W. Adams, Suite 4400  
Phoenix, AZ 85007  
Telephone: (480) 784-4632  
Fax: (480) 784-4962  
E-mail: kscoplitte@azboc.gov  
Website: www.boc.az.gov



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

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

Date: Wednesday, September 23, 2020

Time: 9:00 a.m.

Location: The oral proceeding will occur virtually. To participate, call 1-628-400-4597 and when prompted, enter the passcode 349 045 137#

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

None

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

The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board’s statutes to each person that is qualified by statute (See A.R.S. §§ 32-510, 32-511, 32-512, 32-512.01, 32-531, 32-541, and 32-551) and rule.

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

There is no federal law directly applicable to the subject of this rulemaking. The U.S. Environmental Protection Agency requires certain disinfectants be registered and this rulemaking requires licensees to use EPA-registered disinfectants; 42 U.S.C. 7412 establishes a list of hazardous air pollutants and R4-10-112(M) is consistent with the list; and 34 CFR Part 600 establishes procedures used to determine whether an educational institution qualifies to participate in certain programs. A school operated by a school licensee under R4-10-201 is qualified.

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

No analysis was submitted.

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

None

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 10. BOARD OF COSMETOLOGY**

**ARTICLE 1. GENERAL PROVISIONS**

Section

- R4-10-101. Definitions
- R4-10-102. Fees and Charges
- R4-10-104. Application for License by Application
- R4-10-105. Application for License by Reciprocity; Application for License by Universal Recognition
- R4-10-108. Pre-screening Review; Licensing Examination
- R4-10-110. Reactivating an Inactive License
- R4-10-111. Display of Licenses and Signs
- R4-10-112. Infection Control and Safety Standards
- R4-10-114. ~~Disciplinary Action~~ Board Inspection

**ARTICLE 2. SCHOOLS**

Section

- R4-10-201. Application for a ~~School~~ License to Operate a School; Renewal
- R4-10-202. School Closure
- R4-10-203. General School Requirements
- R4-10-204. School Records
- R4-10-205. Aesthetic School Requirements
- R4-10-206. Cosmetology School Requirements
- R4-10-206.1. Hairstyling School Requirements
- R4-10-207. Nail Technology School Requirements
- R4-10-208. Combined School Requirements
- R4-10-209. Demonstrators; Exclusions
- R4-10-210. Changes Affecting a License to Operate a School

**ARTICLE 3. STUDENTS**

Section

- R4-10-301. Instruction; Licensed Individuals



- R4-10-302. Instructor Curriculum Required Hours
- R4-10-303. Aesthetics Curriculum Required 600 Hours
- R4-10-304. Cosmetology Curriculum Required 1600 Hours
- R4-10-304.1. Hairstyling Curriculum Required 1000 Hours
- R4-10-305. Nail Technology Curriculum Required 600 Hours
- R4-10-306. Curricula Hours

ARTICLE 4. SALONS

Section

- R4-10-401. Application for a ~~Salon~~ License to Operate a Salon
- R4-10-402. Changes Affecting a ~~Salon~~ License to Operate a Salon
- R4-10-403. Salon Requirements and Minimum Equipment
- R4-10-404. Mobile Services
- R4-10-405. Shampoo Assistants

ARTICLE 1. GENERAL PROVISIONS

R4-10-101. Definitions

The definitions in A.R.S. §§ 32-501, 32-516, and 32-572 apply to this Chapter. Additionally, in this Chapter unless otherwise specified:

1. "Accredited" means approved by ~~the~~ any regional or national accreditation organization.
  - ~~a. New England Association of Schools and Colleges;~~
  - ~~b. Middle States Association of Colleges and Secondary Schools;~~
  - ~~c. North Central Association of Colleges and Schools;~~
  - ~~d. Northwest Association of Schools and Colleges;~~
  - ~~e. Southern Association of Colleges and Schools; or~~
  - ~~f. Western Association of Schools and Colleges.~~
2. "Administrative completeness review" means the Board's process for determining that an applicant has provided all information and documents required by Board statute or rule for an application.
3. "Applicant" means an individual or any of the following seeking licensure by the Board:
  - a. If a corporation, any two officers of the corporation;
  - b. If a partnership, any two of the partners; or
  - c. If a limited liability company, the designated corporate contact person, or if no contact person is designated, any two members of the limited liability company.
4. "Application packet" means the forms and documents the Board requires an applicant to submit.
5. "Bracing" means to use a support that helps to steady or strengthen while performing a procedure.
- ~~5-6.~~ "Certification of hours" means a document that states the total number of hours completed at a school, including:
  - a. A written statement of the hours or credits a student received in a the licensed school, ~~or credits a student received~~, signed by the administrator of the agency authorized to record hours in the jurisdiction in which the applicant received certified or accredited vocational or academic training, affixed with the agency's official seal; or
  - b. If a student is transferring from one Arizona school to another under A.R.S. § 32-560, a transfer application that reflects the hours or credits a student received, signed by the administrator of the school where the applicant received certified or accredited training.
- ~~6-7.~~ "Certification of licensure" means the status of the license, signed by the administrator of the agency authorized to issue cosmetology, hairstyling, nail technician, aesthetics, or instructor licenses in the jurisdiction in which the applicant received a license, affixed with the agency's official seal.
8. "Classroom" means an area in which instruction or demonstration is provided regarding theory and practice on models.
- ~~7-9.~~ "Clinic" means the area where a student practices cosmetology, hairstyling, nail technology, or aesthetics on the general public for a fee.
- ~~8-10.~~ "Course" means an organized subject matter in which instruction is offered within a given period of time and for which credit toward graduation or certification is given.
- ~~9-11.~~ "Credit" means one earned academic unit of study based on:
  - ~~a. completing~~ Completing a high school's required number of class sessions per calendar week in a course; ~~or an earned academic unit of study based on attending~~
  - Attending a one-hour class session per calendar week at a community college, an accredited college or university, or a high school.
12. "Crossover hours" means hours of training obtained by a licensed aesthetician, cosmetologist, hair stylist, or nail technician that a school licensee accepts as hours of training required for licensure in a different profession.
- ~~10-13.~~ "Days" means calendar days.
- ~~11-~~ "Double bracing" means ~~using a stable base of support and two points of contact for the hand while performing a procedure.~~
- ~~12-~~ "Establishment" means ~~a business that functions as a school or a salon at least an average of 20 hours a week for the majority of the year.~~
- ~~13-14.~~ "Graduation" or "graduated from a school" means completion of the criteria established by a cosmetology, hairstyling, aesthetics, or nail technology school for the course in which the applicant was enrolled including completion of the required curriculum hours.
- ~~14-15.~~ "High school equivalency" means:
  - a. A high school diploma from a school recognized by the basic education authority or the Department of Education in the jurisdiction in which the school is located,



- b. A ~~total passing score of 45 points~~ on a high school equivalency general educational development test or its equivalent as required by the Department of Education,
  - c. An associate degree or 15 academic credits from a junior college recognized by the basic education authority in the jurisdiction in which the college is located, or
  - d. Any degree from a college or university recognized by the basic education authority in the jurisdiction in which the college or university is located.
- ~~15-16.~~ "Hour" means one clock hour.
- ~~16-17.~~ "Instructor training" means the courses specified in R4-10-302.
- ~~17-18.~~ "Licensed in another state of the United States or foreign country" means:
- a. A governmental regulatory agency in the state or country is authorized to examine the competency of individuals who graduate from a licensed cosmetology, hairstyling, nail technology, or aesthetics school, or instructors for these disciplines; and
  - b. The governmental regulatory agency issues licenses over which the state or country has regulatory and disciplinary jurisdiction.
19. "Licensed salon or licensed school" means an establishment for which the Board has issued a license to a person under A.R.S. § 32-541 or 32-551, as applicable.
- ~~18-20.~~ "Manager" means an individual ~~licensed by the Board~~ who is responsible for ensuring an ~~establishment's compliance~~ establishment complies with A.R.S. §§ 32-501 et seq. and this Chapter.
- ~~19-21.~~ "Model" means ~~a person an individual~~ or a mannequin on ~~whom~~ which an applicant performs demonstrations for the practical section of a licensing examination ~~or lab~~.
- ~~20.~~ "Owner" means ~~an individual or entity that has a controlling legal or equitable interest and authority and is responsible for ensuring an establishment's compliance with A.R.S. § 32-501 et seq. and this Chapter.~~
- ~~21.~~ "Patron" means ~~any client of an establishment or student of a school.~~
22. "Personal knowledge" means actual observation of an individual who practiced aesthetics, cosmetology, hairstyling, or nail technology in any state or country.
23. "Practice" means engaging in the profession of aesthetics, cosmetology, hairstyling, nail technology, or instructor.
24. "Reciprocity" means the procedure for granting an Arizona license to an applicant who received the required hours from a school licensed in another state of the United States or a foreign country or is currently licensed in another state of the United States or a foreign country.
- ~~25.~~ "Salon suite" means multiple individually operated and licensed salons that share a physical address except for suite number.
- ~~25-26.~~ "Substantive review" means the Board's process for determining whether an applicant for licensure meets the requirements for the license for which application is made including, if applicable, taking and passing an examination ~~given~~ required by the Board.
- ~~26-27.~~ "Tenth grade equivalency" means:
- a. Ten high school credits, including two in English, from any school recognized by the basic education authority or the Department of Education in the jurisdiction in which the credits were obtained;
  - b. Proof the prospective student is at least 18 years old. Satisfactory proof of age is shown by a government-issued driver's license or identification card, birth certificate, or passport; or
  - c. High school equivalency.
- ~~27-28.~~ "Transfer application," as used in A.R.S. § 32-560, means an application that documents the transfer of a student from one Arizona cosmetology, hairstyling, nail technology, or aesthetics school to another and contains the student's name, address, identification number, telephone number, and number of hours of instruction received.
29. "Virtual learning" means the use of technology to teach students who may or may not be physically present in a classroom.

#### R4-10-102. Fees and Charges

- A. Under the specific authority provided by A.R.S. § 32-507(A) and subject to R4-10-103(E), the Board establishes and shall collect the following fees:
- 1. Initial personal license: ~~\$70.00~~ \$60.00
  - 2. Personal licensing renewal fees: \$60.00
  - 3. Delinquent personal license renewal: ~~\$90.00~~ (\$60 for personal license renewal as specified under subsection (A)(4) (A)(2) plus \$30 for delinquent renewal) for every two years or portion of two years that the license is inactive to a maximum of ~~four~~ 10 years
  - 4. Personal reciprocity or universal recognition license: ~~\$140.00~~ \$60.00
  - 5. Salon initial license: \$110.00
  - 6. Salon renewal: \$50.00
  - 7. Salon delinquent renewal: \$80.00
  - 8. School license: \$600.00
  - 9. School renewal: ~~\$500.00~~ \$250.00
  - 10. Delinquent school renewal: ~~\$600.00~~ \$350.00
- B. An applicant for licensure by examination shall pay directly to the national professional organization with which the Board contracts the amount charged to administer and grade the written and practical examinations.
- C. Under the specific authority provided by A.R.S. § 32-507(B) and subject to R4-10-103(E), the Board establishes and shall collect the following charges for the services provided:
- 1. Board administered educational classes: \$25.00
  - ~~2. Review of examination: \$50.00~~
  - ~~3. Re-grading of examination: \$25.00~~
  - ~~4-2.~~ Certification of licensure or hours: \$30.00
  - ~~5-3.~~ For use of an alternative method of payment: \$3.00 per transaction
  - ~~6-4.~~ For copying public documents: 50¢ per page



7-5. For audiotapes, videotapes, computer discs, or other media used for recording sounds, images, or information: \$15 per tape, disc, or other medium

8-6. For a list of licensees' names and addresses: 25¢ per name

9-7. ~~Duplicate Board-issued duplicate license: \$20.00~~ \$10.00

8. Issuing an updated license following receipt of a notice of salon-suite change: \$20

D. As authorized by A.R.S. § 44-6852, the Board shall charge a service fee of \$20.00 for the return of a dishonored check or the failure of any other means of payment to be honored plus the actual charges assessed by the financial institution dishonoring the check or other means of payment.

**R4-10-103. Payment of Fees**

A. A fee is not considered paid until the Board receives the amount required. The Board shall not provide services, administer examinations, or issue certifications or licenses until it receives the required fee.

B. The Board shall accept personal ~~checks~~ check, money order, or credit card only for license renewals.

~~C.~~ If a check for a license renewal is returned because it is dishonored ~~for any reason including insufficient funds~~, the renewal application is incomplete, and any license renewal ~~that has been~~ issued is void effective the date the Board mails written notice to the licensee that the license is void.

~~C-D.~~ An applicant or licensee whose fee payment to the Board is dishonored for any reason, ~~including an insufficient funds,~~ check is not entitled to a further service, ~~examination,~~ certification, or license until the Board receives the following:

1. The amount of the fee for which the payment was dishonored;
2. The ~~penalty~~ service charge provided in R4-10-102(21) (D); and
3. If applicable, the delinquent fee for each year or part of a year the license was inactive for the type of license to be renewed.

~~D-E.~~ Fees are nonrefundable except if A.R.S. § 41-1077 applies.

~~E-F.~~ The Board shall not refund fees tendered for \$5.00 or less over the amount specified in R4-10-102, except the Board shall refund fees paid over the amount specified as the maximum fee in A.R.S. § 32-507.

**R4-10-104. Application for License by Examination**

A. An applicant for an aesthetics, cosmetology, hairstyling, nail technology, or instructor license by examination shall submit to the Board:

1. The fee required for an initial personal license in R4-10-102; and
2. An application provided by the Board that contains:
  - a. A passport quality photo of the applicant;
  - b. The applicant's name, address, e-mail address, telephone number, Social Security number, gender, and birth date;
  - c. The name and address of each licensed school attended by the applicant;
  - d. The name of course completed, the name of the school where completed, and the starting date and date of graduation;
  - e. If previously licensed by the Board, type of license, license number, license expiration date, and the name used on the license;
  - f. A statement of whether the applicant has ever had an aesthetics, cosmetology, hairstyling, nail technology, or instructor license suspended or revoked in any state of the United States or foreign country;
  - g. A statement by the applicant verifying the truthfulness of the information provided by the applicant; and
  - h. The applicant's signature; and
3. Documentation specified under A.R.S. § 41-1080 indicating the applicant's presence in the United States is authorized under federal law.

B. In addition to complying with the requirements in subsection (A), an applicant for an aesthetics, cosmetology, hairstyling, or nail technology license by examination shall:

1. Comply with A.R.S. § 32-510, 32-511, 32-512, or 32-512.01 by submitting documentation of 10th grade equivalency; ~~and~~
2. Comply with A.R.S. § 32-510, 32-511, 32-512, or 32-512.01 by submitting a copy of one of the following:
  - a. If the applicant graduated from a course presented by a school licensed by the Board, a written statement signed by the administrator of the school that documents proof of graduation and completion of all required hours; ~~or~~
  - b. If the applicant attended more than one licensed school in Arizona, a copy of a transfer application or certification of hours from each school attended that includes the starting and ending dates, and a written statement signed by the administrator of each school that documents proof of the total number of hours completed at the school, and, if applicable, proof of graduation; ~~and~~
  - c. If the applicant completed an apprenticeship program as described under A.R.S. § 32-511(3)(c), ensure the Department of Economic Security provides notice to the Board that the applicant completed the described program; and
  - d. Comply with R4-10-102 regarding examination fees.

C. In addition to complying with the requirements in subsection (A), an applicant for an instructor license by examination shall:

1. Comply with A.R.S. § 32-531 by submitting the following:
  - a. Documentation, as specified in subsection (C)(3), of required work experience;
  - b. Proof of current licensure in the profession in which work experience was gained;
  - c. Proof of licensure during the period work experience was gained; and
  - d. Proof of attainment of 18 years of age; or
  - e. Proof of high school equivalency.
2. If qualifying under A.R.S. § 32-531(3)(a), submit a copy of the following:
  - a. ~~Documentation of graduation from a Board-licensed school by a certification~~ Certification of graduation from a licensed school, on a form supplied by the Board, including the starting and ending dates, total number of hours completed, and signature of the administrator of the school; and



- b. If the applicant attended more than one licensed school in Arizona, a copy of a transfer application or certification of hours from each school attended, including the starting and ending dates, total number of hours completed, and signature of the administrator of the school; ~~and~~
3. Documentation of the work experience required by A.R.S. § 32-531, ~~which~~ shall be signed by an owner or manager of a licensed salon, an individual, or a supplier of cosmetology products with personal knowledge of the applicant's licensed experience in the profession for which the applicant seeks an instructor license. The person providing the documentation verifying the applicant's experience shall also indicate the following:
  - a. Profession in which applicant gained the experience;
  - b. Starting and ending dates of applicant's experience in the profession;
  - c. Name of licensed salon and address where applicant gained experience in the profession; and
  - d. License number and name of the licensed individual completing the form; or
  - e. Name, address, and telephone number of the individual ~~completing~~ providing the information.

**R4-10-105. Application for License by Reciprocity; Application for License by Universal Recognition**

- A.** An applicant for an aesthetics, cosmetology, hairstyling, nail technology, or instructor license by reciprocity shall submit the applicable fee required in R4-10-102 and all of the following to the Board:
1. An application provided by the Board and signed by the applicant that contains:
    - a. The applicant's name, address, e-mail address, telephone number, gender, ~~passport quality photo~~, Social Security number, and birth date;
    - b. A passport quality photo of the applicant;
    - ~~b-c.~~ If previously licensed by the Board, the type of license, license number, license expiration date, and the name used on the license; ~~and~~
    - ~~e-d.~~ A statement of whether the applicant has ever had an aesthetics, cosmetology, hairstyling, nail technology, or instructor license suspended or revoked in any state of the United States or foreign country; ~~and~~
    - e. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
  2. A certification of hours and proof of graduation or licensure in another state of the United States or a foreign country that shows the number of hours received in a school or the initial and final dates of licensure; ~~and~~
  3. Documentation specified under A.R.S. § 41-1080 indicating the applicant's presence in the United States is authorized under federal law.
- B.** An applicant for an aesthetics, cosmetology, hairstyling, nail technology, or instructor license by universal recognition, as described at A.R.S. § 32-4302, shall submit the applicable fee required in R4-10-102 and all of the following to the Board:
1. An application provided by the Board and signed by the applicant that contains:
    - a. The applicant's name, address, e-mail address, telephone number, gender, Social Security number, and birth date;
    - b. A passport quality photo of the applicant; and
    - c. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
  2. A list of all states in which the applicant is currently licensed and certification from the licensing states that the applicant's license is in good standing;
  3. Proof of Arizona residency; and
  4. Documentation specified under A.R.S. § 41-1080 indicating the applicant's presence in the United States is authorized under federal law.

**R4-10-106. Licensing ~~Time frames~~ Time Frames**

- A.** The overall, ~~administrative completeness, and substantive review time frame~~ time frames described in A.R.S. § 41-1072 for each type of ~~approval license~~ granted by the Board ~~is set forth~~ are listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall ~~time frame~~ time frame. The substantive review ~~time frame~~ time frame may not be extended by more than 25% ~~percent~~ of the overall ~~time frame~~ time frame.
- B.** ~~The administrative completeness time frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.~~
- ~~1.~~ The administrative completeness review ~~time frame~~ time frame begins:
    - a. ~~For approval to take an examination, approval or denial of school or salon license, or approval or denial of a license by reciprocity, when the Board receives an application packet; or~~
    - b. ~~For approval or denial of a license by examination, when the applicant takes an examination.~~
  - ~~2-1.~~ If an application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review ~~time frame~~ time frame and the overall ~~time frame~~ time frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  - ~~3-2.~~ If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
  - ~~4-3.~~ If the Board grants a license ~~or approval~~ during the ~~time provided to assess~~ administrative completeness ~~time frame~~, the Board shall not issue a separate written notice of administrative completeness.
- C.** The substantive review ~~time frame~~ time frame described in A.R.S. § 41-1072(3) ~~is set forth in Table 1 and~~ time frame begins on the postmark date of notice of administrative completeness.
1. As part of the substantive review for a ~~school~~ license to operate a school, the Board shall conduct an inspection that may require more than one visit to the school.
  2. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information or documentation. If the applicant has applied for licensure by examination, the Board shall request evidence of passing the examination required under R4-10-108. The ~~time frame~~ time frame for the Board to complete the substantive review



is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.

- 3. If an applicant meets the requirements of A.R.S. ~~§ 32-501 through § 32-575~~ Title 32, Chapter 5 and this Chapter, the Board shall send written notice ~~of approval granting a license to the applicant. If an applicant is applying for approval to take an examination, the notice shall include the date, time, and place the applicant is scheduled to take an examination.~~
- 4. If an applicant does not meet the requirements of A.R.S. ~~§ 32-501 through § 32-575~~ Title 32, Chapter 5 and this Chapter, the Board shall send a written notice ~~of denial denying a license to the applicant. The Board shall include in the notice of denial including a the basis for the denial and an explanation of the applicant's right to appeal as prescribed in under~~ A.R.S. § 41-1076 Title 41, Chapter 6, Article 10.

- D. The Board shall consider an application withdrawn if within 180 days from the application submission date the applicant fails to:
  - 1- ~~Supply~~ supply the missing information under subsection ~~(B)(2) (B)(1) or (C)(2); or~~
  - 2- ~~Take an examination.~~
- ~~E.~~ An applicant who does not wish an application withdrawn may request a denial in writing within 180 days from the application submission date.
- ~~F.E.~~ An individual shall not practice as an aesthetician, cosmetologist, hairstylist, instructor, or nail technician until the individual receives and posts the license at the individual's place of employment.
- ~~G.F.~~ If a ~~time frame's~~ the last day of a time frame falls on a Saturday, Sunday, or a legal holiday, the Board shall consider the next business day the ~~time frame's~~ last day of the time frame.

**R4-10-107. License Renewal**

- A. An aesthetician, cosmetologist, hairstylist, nail technician, or instructor licensee shall postmark or electronically submit an application for renewal to the Board on or before the licensee's birthday every two years.
  - 1. If a licensee's birthday falls on a Saturday, Sunday, or legal holiday, the licensee may file the renewal application on the next business day following the licensee's birthday.
  - 2. A renewal application consists of:
    - a. A form provided by the Board that contains: ~~the licensee's name, address, e-mail address, Social Security number, and signature or Personal Identification Number (PIN) supplied by the Board if filed electronically;~~
    - b. A copy of a government-issued identification containing a photograph of the licensee;
    - c. If the documentation previously submitted under R4-10-104(A)(3) or R4-10-105(3) did not establish citizenship in the United States or was not a non-expiring work authorization, documentation specified under A.R.S. § 41-1080 that the licensee's presence in the United States continues to be authorized under federal law;
    - ~~b.d.~~ A statement of whether the licensee has changed the licensee's name since the previous application and, if name has changed, a copy of a legal document, such as a marriage license or divorce decree, showing the name change; and
    - ~~e.c.~~ The fee required in R4-10-102.
- B. An establishment licensee shall annually postmark or electronically submit to the Board an application for renewal ~~and the fee required in R4-10-102~~ on or before the license renewal date.
  - 1. If the license renewal date falls on a Saturday, Sunday, or legal holiday, the licensee may file the application on the next business day following the license renewal date.
  - 2. A renewal application consists of:
    - ~~a.~~ a ~~A~~ form provided by the Board that contains:
      - ~~a.~~ i. ~~The establishment's name and license number;~~
      - ii. The licensee's license number; and
      - ~~b.~~ iii. ~~If the owner licensee is an individual or partnership, the signature and tax identification number of the owner licensee; or if the owner licensee is a corporation or limited liability company, the signature of the authorized signer and the tax identification number of the corporation or limited liability company; if filed electronically, the Personal Identification Number (PIN) supplied by the Board may be used in place of the signature. and~~
    - b. The fee required in R4-10-102.

**R4-10-108. Pre-screening Review; Licensing Examination**

- A. A student planning to apply to the Board for licensure may, but is not required to, request that the Board complete a pre-screening review of whether the student is qualified to take the licensing examination. The student may request the pre-screening review before the student graduates from a licensed school but the student shall not be issued an examination date until the student has completed a minimum of:
  - 1. 1450 hours of cosmetology training,
  - 2. 750 hours of hairstyling training,
  - 3. 500 hours of aesthetics or nail technology training, or
  - 4. 350 hours of cosmetology, hairstyling, aesthetics, or nail technology instructor training.
- B. After the Board completes the pre-screening review and determines the student has completed the number of hours specified in subsection (A), the Board or national professional organization with which the Board contracts to administer the licensing examination shall issue an examination date to the student. However, the Board shall not allow the student to take the examination until the student applies for licensure and provides a certification of graduation to the Board.
- C. If a student who has been issued an examination date fails to apply for licensure and provide a certification of graduation by the examination date or fails to appear at the examination site at the scheduled examination time, the examination fee is forfeited.
- D. A request for a pre-screening review is not an application for licensure and does not guarantee the Board will issue a license.
- E. The Board or national professional organization with which the Board contracts to administer the licensing examination shall provide written notice to an applicant of the date, time, and location for the examination.



- F. An applicant shall provide photographic identification ~~upon~~ when entering the examination site. The following U.S.-issued forms of identification are acceptable: passport, driver license, bank identification card, military identification, or other government-issued identification card.
- G. The licensing examination consists of both a written and practical section. An applicant shall perform a live demonstration on a model during the practical section of the licensing examination. ~~During the live demonstration, the applicant shall:~~
- ~~1. Provide the model required for the demonstration. If the applicant provides a live model for the demonstration, the live model shall not be a current or former student of aesthetics, cosmetology, or nail technology or a current or former licensee;~~
  - ~~2. Provide all equipment, supplies, tools, or instruments required for the demonstration; and~~
  - ~~3. Comply with all infection control and safety standards specified in R4-10-112, including those regarding blood spills. If an applicant fails to follow proper blood spill procedures during the demonstration, the examination administrator shall dismiss the applicant from the examination and cause the examination fee to be forfeited.~~
- H. If an applicant fails to appear for a licensing examination as scheduled, the applicant forfeits the examination fee. If an applicant arrives at an examination site after the scheduled examination begins, the examination administrator shall not allow the applicant to take the examination. An applicant may reschedule a missed examination by paying another examination fee.
- I. An applicant may cancel a scheduled examination date once by providing notice of cancellation at least 48 hours before the examination start time. The Board does not require another examination fee to reschedule a canceled examination.
- J. Neither the Board nor the examination administrator shall make examination materials available for inspection or copying by any person. A person shall not attempt to obtain or provide examination materials.
- K. An applicant shall not bring and the examination administrator shall not allow written material or recording media to either the written or practical section of the licensing examination. The examination administrator may exclude from the written or practical section of the licensing examination any items the examination administrator believes may impede the fair administration or security of the examination. The examination administrator shall dismiss an applicant who seeks to impede the fair administration of the examination, or copies or asks for information from another applicant and cause the examination fee to be forfeited.
- L. If an applicant passes the examination but fails to complete the licensure process within one year after the date of the examination, the Board shall void the examination scores.
- M. If application is made for licensure by reciprocity, the Board shall accept a score on a written or practical examination from another jurisdiction if the examination:
1. Is the same national examination administered in Arizona,
  2. The score obtained by the applicant is at least the same as the passing score required by the Board at the time the applicant took the examination in the other jurisdiction, and
  3. The applicant provides the Board with documentation from the other jurisdiction verifying the passing score and that the score was received within one year before the application for licensure by reciprocity.
- N. The Board or national professional organization with which the Board contracts to administer the licensing examination shall conduct:
- ~~1. The~~ the practical section of the licensing examination in English and an applicant shall submit answers in English;
  - ~~2. The written section of the licensing examination in English and other is conducted in languages specified by the national professional organization. An~~ and chosen by the applicant ~~may choose to take the written section of the licensing examination in any of the offered languages.~~

#### R4-10-110. Reactivating an Inactive License

- A. A cosmetology, hairstyling, nail technology, aesthetics, or instructor license that has been inactive for less than two years may be reactivated by paying the delinquent renewal fee.
- B. A cosmetology, hairstyling, nail technology, aesthetics, or instructor license that has been inactive for more than two years, but less than five 10 years, may be reactivated by the inactive licensee paying the delinquent renewal fee, as described in R4-10-102(A)(3), and paying for and completing the infection protection class and law review class, offered by the Board.
- ~~C. A cosmetology, hairstyling, nail technology, aesthetics, or instructor license that has been inactive for more than five years, but less than 10 years, may be reactivated by the inactive licensee if the licensee does all of the following:~~
- ~~1. Provides a certification of licensure;~~
  - ~~2. Completes the infection protection class and law review class given by the Board;~~
  - ~~3. Takes and passes the Board examination pertaining to the type of license formerly held; and~~
  - ~~4. Pays for the classes required under subsection (C)(2) and the delinquent renewal fee.~~
- ~~D-C.~~ If a cosmetology, hairstyling, nail technology, aesthetics, or instructor license has been inactive for more than 10 years, the inactive licensee shall pay 10 years of delinquent renewal fees and comply with all application requirements in R4-10-104 before practicing or teaching cosmetology in Arizona.

#### R4-10-111. Display of Licenses and Signs

- A. ~~The~~ An establishment licensee shall ensure the name on an ~~the~~ establishment's exterior sign, advertising, and publications ~~shall be~~ is the same as the name on the establishment license to operate the establishment issued by the Board. The establishment's exterior sign shall ~~contain lettering at least 2 1/2 inches in height be prominently posted.~~
- B. A school licensee shall: ~~prominently~~
- ~~1. Prominently post a class course schedule that lists the names of instructors and classes courses; and~~
  - ~~2. The school shall display Display the licenses of the school licensee and instructor licenses all instructors near the school entrance, visible to the public.~~
- C. A salon licensee shall:
- ~~1. prominently~~ Prominently post the license of the salon licensee licensee, and
  - ~~2. ensure~~ Ensure that the personal license of each licensee performing services in the salon is posted at the licensee's work station.
- D. A licensee performing mobile services shall prominently display in the area where mobile services are provided:



- 1. ~~a duplicate~~ A photocopy of the licensee’s personal license or the licensee’s Board-issued, wallet-size license card, and establishment
- 2. A photocopy of the Board-issued license to operate a salon or Board-issued, wallet-size license card to operate a salon in the area where mobile services are provided. The licensee’s original license shall be prominently displayed in the salon from which the licensee was dispatched in accordance with subsection (C).
- E. A copy of R4-10-112 shall be prominently posted in each establishment.
- F. ~~A~~ If applicable, a salon licensee shall prominently post a notice sign that reads: “These of salon services that are not regulated by the Arizona Board of Cosmetology” and include a list services provided but not regulated and that are provided at the salon.

**R4-10-112. Infection Control and Safety Standards**

- A. An establishment licensee shall ensure the establishment ~~have~~ has and ~~maintain~~ maintains the following minimum equipment and supplies:
  - 1. Non-leaking, solid-side waste receptacles with liners, which ~~shall be~~ are emptied, cleaned, and disinfected daily;
  - 2. Ventilated, covered, containers for soiled linens including towels and capes;
  - 3. ~~Closed~~ Covered, clean containers or cabinets to hold clean linens including towels and capes;
  - 4. ~~A covered~~ Covered, wet disinfectant container ~~made of stainless steel or a material recommended by the manufacturer of the wet disinfectant that:~~
    - a. ~~Is large enough to contain sufficient disinfectant solution to allow for the total immersion of tools and instruments;~~
    - b.a. ~~Is set up with disinfectant solution at all times the establishment is open, and~~
    - e.b. ~~Is changed as determined by the manufacturer’s instructions or when visibly cloudy or contaminated; and~~
  - 5. An Environmental Protection Agency (EPA)-registered bactericidal, virucidal, or fungicidal, and pseudomonacidal (formulated for hospitals)-disinfectant effective against HIV and human hepatitis B virus, which shall be mixed and used according to manufacturer’s directions on all tools, instruments, and equipment, ~~except those that have come in contact with blood or other body fluids; and,~~
  - 6. ~~An EPA-registered disinfectant that is effective against HIV 1 and Human Hepatitis B Virus, or Tuberculocidal which shall be mixed and used according to the manufacturer’s directions on tools, instruments, and equipment that come in contact with blood or other body fluids.~~
- B. Procedure for disinfecting non-electrical equipment. A licensee or student shall disinfect non-electrical equipment by:
  - 1. ~~Non-electrical equipment shall be disinfected by cleaning~~ Cleaning with soap or detergent and warm water, rinsing with clean water, and patting dry; and
  - 2. ~~Totally immersing in the wet disinfectant required under subsection (A)(5) or (A)(6) following manufacturer’s recommended directions.~~
- C. Procedure for ~~storage of~~ storing tools and instruments. A licensee or student shall:
  - 1. ~~A~~ Place a tool or implement instrument that has been used on a client or soiled in any manner ~~shall be placed~~ in a covered properly labeled receptacle that is labeled “dirty”; and
  - 2. ~~A~~ Place a disinfected implement instrument ~~shall be stored~~ in a disinfected, dry, covered container that is labeled “ready to use” and isolate the disinfected instrument from contaminants.
- D. Procedure for disinfecting electrical equipment, which shall be in good repair, before each use. A licensee or student shall disinfect electrical equipment by:
  - 1. ~~Remove~~ Removing all foreign matter from the equipment;
  - 2. ~~Clean~~ Cleaning and ~~spray~~ spraying or ~~wipe~~ wiping with ~~a~~ an EPA-registered bactericidal, virucidal, or fungicidal disinfectant, compatible with electrical equipment, as required in subsection (A)(5) ~~or (A)(6), ensuring the electrical equipment is in contact with the disinfectant for the time specified on the disinfectant label;~~
  - 3. Storing the disinfected electrical equipment in a clean place separated from cords for the electrical equipment; and
  - 3.4. ~~Disinfect~~ If the electrical equipment has removable parts, disinfecting the removed parts as described in subsection (B).
- E. Tools, instruments, and supplies. A licensee or student shall:
  - 1. ~~All~~ Dispose of all tools, instruments, or supplies that come into direct contact with a client and cannot be disinfected (for example, cotton pads, sponges, porous emery boards, and neck strips) ~~shall be disposed of by placing them~~ in a waste receptacle immediately after use;
  - 2. ~~Disinfected~~ Not store or carry disinfected tools and instruments ~~shall not be stored~~ in a leather or cloth storage pouch or pocket;
  - 3. ~~A~~ Dispose of a sharp cosmetology tool or implement that is to be disposed of shall be sealed instrument by sealing the tool or instrument in a rigid, puncture-proof container and ~~disposed~~ disposing of in a manner that keeps licensees, students, and clients, and sanitation workers safe;
  - 4. ~~An instrument or supply shall not be carried in or on a garment while practicing in the establishment;~~
  - 5.4. ~~Clips~~ Not place clips or other tools and instruments ~~shall not be placed in mouths~~ the mouth, pockets pocket, or other ~~unsanitized holders~~ holder that cannot be cleaned and disinfected;
  - 6.5. ~~Pencil~~ Sharpen pencil cosmetics ~~shall be sharpened~~ before each use and clean and disinfect the sharpener after each use; and
  - 7. ~~All supplies, equipment, tools, and instruments shall be kept clean, disinfected, free from defects, and in good repair;~~
  - 8. ~~Cutting equipment shall be kept sharp; and~~
  - 9.6. A client’s personal cosmetology tools and instruments that are brought into and used in the establishment shall comply with these rules.
- F. If there is a ~~blood spill or~~ exposure to blood or other body fluids during a service, ~~licensees and students~~ a licensee or student shall stop the service and:
  - 1. ~~Before returning to service, If the wound is on the licensee’s or student’s hand, the licensee or student shall:~~
    - a. ~~clean~~ Clean the wound with an antiseptic solution;
    - 2. b. Cover the wound with a sterile bandage; and



3. ~~c.~~ c. If the wound is on a licensee's or student's hand in an area that can be covered by Cover the wounded area with a glove or finger cover, the licensee or student shall wear a clean, fluid-proof protective glove or finger cover. If the wound is on the client, the licensee or student providing service to the client shall wear gloves on both hands;
4. ~~2.~~ 2. Blood-stained Discard all blood-stained tissue or cotton or other blood-contaminated material shall be placed in a sealed plastic bag and that plastic bag shall be placed into another plastic bag (double bagged), labeled with a red or orange biohazard warning, and discarded;
5. ~~3.~~ 3. All Disinfect all equipment, tools, and instruments that ~~have come~~ came in contact with blood or other body fluids ~~shall be disinfected~~ as discussed in subsections (A)(~~6~~) (A)(5) and (B); and
6. ~~4.~~ 4. Electrical Disinfect electrical equipment ~~shall be disinfected~~ as discussed in subsection (D).
- G. All An establishment licensee shall ensure all circulating and non-circulating tubs or spas shall be are cleaned as follows using the disinfectant in subsection (A)(5) or (6):
1. After each client or service, complete all of the following:
    - a. Drain the tub;
    - b. Clean the tub according to manufacturer's instructions, taking special care to remove all film, especially at the water line;
    - c. Rinse the tub;
    - d. Fill the tub with water and disinfectant as in subsection (A)(5) ~~or (6)~~; and
    - e. Allow the disinfectant to stand for non-circulating tubs or to circulate for circulating tubs for the time specified in manufacturer's instructions.
  2. At the end of the day, complete all of the following:
    - a. ~~Drain the tub;~~
    - ~~a-b.~~ Remove all filters, screens, drains, jets, and other removable parts;
    - ~~b-c.~~ Scrub all removed parts with a brush and soap or detergent until free from debris;
    - ~~e-d.~~ Rinse the removed parts;
    - ~~d-e.~~ Completely immerse the removed parts in the ~~solution described in~~ disinfectant listed under subsection (A)(5);
    - ~~e-f.~~ Rinse the tub;
    - f. ~~Air dry; and~~
    - g. Replace the disinfected parts ~~in the tubs or store in a disinfected, dry, covered container.;~~
    - h. Fill the tub with clean water and the amount of disinfectant proper for the volume of water;
    - i. Circulate the water and disinfectant for the full contact time listed on the manufacturer's label. If the tube does not have jets, allow the water and disinfectant to stand for the full contact time listed on the manufacturer's label; and
    - j. Drain the tub.
- H. Personal cleanliness. A licensee or student shall:
1. ~~A licensee or student shall thoroughly~~ Thoroughly wash his or her hands with soap and warm water or any equally effective ~~cleansing agent~~ hand sanitizer immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating, or using the restroom;
  2. ~~A licensee or student shall wear clothing and shoes;~~
  3. ~~2.~~ 3. A client's skin upon which services will be performed shall be washed Wash a client's skin on which services will be performed with soap and warm water or ~~wiped~~ wipe the skin with ~~disinfectant or~~ waterless hand cleanser sanitizer approved for use on skin before a nail technology service, including a pedicure service, is provided; and
  4. ~~3.~~ 4. A licensee or student shall wear Wear clean, fluid-proof, single-use, protective gloves while performing any service if any bodily discharge is present from the licensee, student, or client or if any discharge is likely to occur from the client because of services being performed. Discard gloves immediately after use.
- I. Disease and infestation. A licensee or student shall not perform a service on an individual:
1. ~~A licensee or student who has a contagious disease shall not perform services on a client until the licensee or student takes medically approved measures to prevent transmission of the disease; and~~
  2. ~~1.~~ 2. Services shall not be performed on an individual who Who has a contagious disease that may be transmitted by the performing of the ~~services~~ service on the individual; or
  2. Who is exhibiting a sign of infection such as reddened, erupted, or open skin.
- J. Client protection. A licensee or student shall:
1. ~~A~~ Protect a client's clothing ~~shall be protected~~ from direct contact with shampoo bowls or headrests by ~~the use of~~ using clean linens, capes, robes, or protective neck strips;
  2. Infection Maintain infection control ~~shall be maintained~~ and perform services ~~shall be performed~~ safely to protect the licensee or student and client;
  3. ~~Double~~ Use bracing ~~shall be used~~ around a client's eyes, ears, lips, fingers, and toes; and
  4. ~~A~~ Provide a client ~~shall receive~~ a pre- and post-analysis that includes appropriate instructions for follow-up.
- K. Care and storage of linens including towels, robes, and capes. An establishment licensee shall ensure:
1. Clean linens ~~shall be are~~ provided for each client and laundered after each use;
  2. Soiled linens ~~shall be are~~ stored in a ventilated receptacle;
  3. Laundering ~~shall include~~ includes disinfecting washing linens by using detergent and bleach; and
  4. Clean linens ~~shall be are~~ stored in ~~closed~~ covered containers or closets.
- L. Care and storage of products including liquids, creams, powders, cosmetics, chemicals, and disinfectants. An establishment licensee shall ensure:
1. All products ~~shall be are~~ stored in a container that is clean and free of corrosion, ~~and~~ labeled to identify contents, and in compliance with state and local laws and manufacturer's instruction;
  2. All products containing poisonous substances ~~shall be are~~ distinctly marked;



- 3. When only a portion of a cosmetic product is to be used, the portion ~~shall be~~ is removed from the container in a way that does not contaminate the remaining product; and
- 4. Once dispensed, a product ~~shall not be~~ is not returned to the original container.
- M. Prohibited hazardous substances and use of products. An establishment licensee shall ensure:
  - 1. ~~An establishment shall not have on the premises~~ No cosmetic products containing hazardous substances banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products, including liquid methyl methacrylate monomer and methylene chloride, ~~are on the establishment premises; and~~
  - 2. ~~Product shall be~~ All products are used only in a manner approved by the FDA, EPA, or other regulatory agency; and
  - 3. Instructions on the manufacturer's label are followed at all times.
- N. Care of headrests, shampoo bowls, and treatment tables. An establishment licensee shall ensure:
  - 1. Headrests of chairs and treatment tables ~~shall be~~ are disinfected at least daily; ~~and treatment~~
  - 2. Treatment tables are covered with a clean linen or paper sheet for each client;
  - 2-3. Shampoo bowls and neck rests ~~shall be cleansed~~ are cleaned with soap and warm water or other detergent and disinfected after each use and kept in good repair; and
  - 3-4. Shampoo neck rests ~~shall be~~ are disinfected with a solution ~~described in listed under~~ subsection (A)(5) ~~or (A)(6)~~ before each use.
- O. Prohibited devices, tools, or chemicals; invasive procedures. An establishment licensee shall ensure:
  - 1. Except as provided in this subsection and subsection (O)(2), all of the following devices, tools, or chemicals are ~~prohibited from being not~~ present in or used in a salon:
    - a. A device, tool, or chemical ~~that is~~ designed or used to pierce the dermis; and
    - b. A low-frequency, or low-power ultrasonic, or sonic device except one intended for skin cleansing, exfoliating, or product application.
  - 2. A ~~salon or~~ licensee that provides an invasive procedure, using a device, tool, or chemical described in subsection (O)(1), that is otherwise allowed under Arizona law, complies shall ensure that the performance of the procedure complies with statutes and rules governing the procedure, training, or supervision as required by the relevant, regulatory authorities.
- P. Skin peeling. A licensee shall:
  - 1. Except as provided in ~~subsections (O)(1) and subsection (O)(2),~~ remove only the non-living, uppermost layer of skin, known as the epidermis, ~~may be removed by any method or means and only for the purpose of beautification;~~
  - 2. ~~A~~ Not use a skin removal technique or practice that affects the dermal layer of the skin ~~is prohibited;~~
  - 3. ~~Skin removal products shall not be mixed~~ Not mix or combined combine skin removal products except as required by manufacturer instructions and approved by the FDA; and
  - 4. Only Use only commercially available products for the removal of epidermis for the purpose of beautification ~~shall be used.~~
- Q. Restricted use tools and instruments. A licensee shall use:
  - 1. ~~Nippers shall be used~~ Nippers only to remove loose cuticles; and
  - 2. Pre-sterilized, disposal lancets ~~shall be used~~ only to dilate follicles and release sebaceous debris from the follicle.
- R. Cleanliness An establishment licensee shall maintain cleanliness and repair of the establishment shall be maintained according to the following guidelines:
  - 1. ~~After each client,~~ Discard hair and nail clippings ~~shall immediately be discarded after each client;~~
  - 2. All areas of the establishment, including storerooms and passageways, shall be well lighted, ventilated, and free from infectious agents;
  - 3. Floors, walls, woodwork, ceilings, furniture, furnishings, and fixtures ~~shall be clean and in good repair;~~
  - 4-2. Shampoo Clean and disinfect shampoo bowls ~~shall be clean and disinfected by using a disinfectant discussed in listed under~~ subsection (A)(5) ~~or (A)(6)~~ and ensure drains ~~shall be~~ are free running;
  - 5-3. Counters Disinfect counters and all work areas ~~shall be disinfected~~ after each client by using a disinfectant discussed in subsection (A)(5) ~~or (A)(6); and~~
  - 6. Waste or refuse shall be removed timely ~~so there is no accumulation.~~
- S. Building An establishment licensee, including the licensee of a salon in a residence, shall ensure compliance with the following building standards:
  - 1. There ~~shall is be a direct an~~ entrance into the establishment from the outside. ~~If the establishment is a salon in a residence, the entrance may be, not through living quarters, into the establishment;~~
  - 2. ~~If connected to a residence, all passageways between the living quarters and the establishment shall have a door that remains closed during business hours;~~
  - 3-2. ~~The~~ Except for a salon in a residence, an establishment shall not be used for residential or other living purposes;
  - 4-3. The establishment ~~shall have has~~ a restroom open and available for employees' and clients' use during business hours. ~~The restroom that has a wash basin, running water, liquid soap, and disposable towels; is kept clean and sanitary at all times; and is in close enough proximity to the salon establishment to ensure safety for cosmetology procedures during use; and is open and available for use by employees and clients of the salon;~~
  - 5-4. ~~Any excess~~ Extra material stored in a the establishment restroom ~~shall be in a is~~ locked in a cabinet;
  - 6-5. The establishment, including a mobile unit, ~~shall have has~~ sufficient hot and cold running water;
  - 7. ~~A mobile unit shall have sufficient water at all times; and~~
  - 8-6. The establishment ~~shall have has~~ a natural or mechanical ventilation and air filtration system that provides free flow of air to each room, prevents the build-up of emissions and particulates, keeps odors and diffusions from chemicals and solutions at a safe level, and provides sufficient air circulation and oxygen.
- T. General An establishment licensee shall ensure compliance with the following general requirements.
  - 1. ~~The establishment shall have a~~ A first-aid kit that contains, at a minimum, small bandages, gauze, antiseptic, and antibiotic cream; is present in the establishment and easily accessible; ~~and a blood spill kit that contains disposable bags, gloves, and hazardous waste stickers;~~



2. ~~No bird or animal, except~~ Only fish in aquariums and service animals, are allowed in the establishment; and
3. The establishment ~~shall comply~~ complies with federal and state requirements.

#### R4-10-113. Establishment Management

- A. The manager of ~~each an~~ establishment shall ensure ~~that~~:
1. Licenses, notices, and the Board's most recent inspection sheet are prominently displayed;
  2. The establishment and all licensees in a salon, school, or a mobile service area have current licenses;
  3. Infection control and safety standards are maintained.
- B. The Board shall hold the ~~salon and school owner~~ establishment licensee and ~~salon and school~~ manager or director shall be responsible for all violations of requirements enumerated in subsection (A), ~~occurring that occur~~ within the ~~salon, school, or mobile service areas~~ establishment.
- C. If a salon ~~owner licensee~~ rents or leases space within the salon to a person who obtains a separate ~~salon~~ license to operate a salon, the Board shall hold the ~~that~~ second licensee and ~~their salon~~ manager and the owner shall ~~each~~ be responsible for all violations of requirements enumerated in subsection (A) ~~occurring that occur~~ within the portion of the salon the second licensee's licensed portion of the salon, and are each responsible for the common areas licensee is licensed to operate.

#### R4-10-114. Disciplinary Action Board Inspection

- A. Licensees A licensee or manager of an establishment shall permit ~~an~~ a Board inspector or Board representative to inspect the premises of ~~any salon or school the establishment regardless of whether the establishment has been identified in a complaint, or other location identified by a complaint or the~~.
- B. A Board, inspector or representative may inspect the premises of a location alleged to be alleging the location is operating as a salon or school without a license from the Board.
- ~~B-C.~~ Board action is required to dismiss a complaint.

#### R4-10-115. Rehearing or Review of Decisions a Board Decision

- A. ~~Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in such case may file with the Board, not later than 15 calendar days after service of the decision, a written motion for rehearing or review of the decision specifying particular grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party's last known residence or place of business. The Board shall provide for a rehearing or review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.~~
- B. Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a Board decision, within 30 calendar days after service of the decision, to exhaust the party's administrative remedies.
- ~~B-C.~~ A motion for rehearing or review may be amended at any time before it is ruled ~~upon on~~ by the Board. A response may be filed within ~~10 15~~ calendar days after service of ~~such a~~ motion or amended motion by any party. The Board may require the filing of written briefs ~~upon~~ regarding the issues raised in the motion and may provide for oral argument.
- ~~C-D.~~ The Board may grant a rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings ~~of the agency or its hearing officer or the prevailing party~~, or any order or abuse of discretion, ~~whereby that deprived~~ the moving party ~~was deprived~~ of a fair hearing;
  2. Misconduct of the Board ~~or its staff, or its an administrative hearing officer, or the~~ prevailing party;
  3. Accident or surprise ~~which that~~ could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence ~~which 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 administrative hearing or during the progress of the proceedings; or
  7. A decision ~~which that~~ is not justified by the evidence or is contrary to law.
- ~~D-E.~~ Not later than 10 calendar days after the Board's receipt of a motion for rehearing or review, the The Board may affirm or modify the decision or grant a rehearing or review to any of the parties ~~and~~ on all or part of the issues for any of the reasons ~~set forth~~ in subsection (C) (D). An order granting a rehearing or review The Board shall specify with particularity the ground or particular grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified for any order modifying a decision or granting a rehearing or review. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the date on the order granting the rehearing.
- ~~E-F.~~ Not ~~No~~ later than ~~15 30~~ calendar days after the date of a decision is rendered and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. ~~In either case the~~ An order granting such a rehearing or review shall specify the grounds therefor on which the rehearing or review is granted.
- ~~F-G.~~ When a motion for rehearing or review is based ~~upon on~~ affidavits, they shall be served with the motion. An opposing party may, within ~~10 20~~ calendar days after ~~such~~ service, serve opposing affidavits, ~~which period. This time~~ may be extended for an additional period not exceeding 20 calendar days by the Board ~~for when there is a showing of good cause shown or by~~ written stipulation of the parties. Reply affidavits may be permitted.
- ~~G-H.~~ If in a particular decision the Board makes a specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the finding that a particular decision needs to be effective immediately to preserve public peace, health, or safety and that a rehearing or review of the decision is impractical, unnecessary, or contrary to the public interest, the Board may issue



the decision may be issued as a final decision without an opportunity for rehearing or review. An application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.

~~H-I.~~ For purposes of this Section, the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001. A Board order is final on expiration of the time for filing a motion for review or rehearing or on denial of a motion for review or rehearing, whichever is later. A party that has exhausted the party's administrative remedies may appeal a final order of the Board under A.R.S. Title 12, Chapter 7, Article 6.

~~J.~~ A person that files a complaint with the Board against a licensee:

- ~~1. Is not a party to:~~
  - ~~a. A Board administrative action, decision, or proceeding; or~~
  - ~~b. A court proceeding for judicial review under A.R.S. Title 12, Chapter 7, Article 6; and~~
- ~~2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.~~

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

| Type of Approval                                | Statutory Authority                                 | Overall <del>Time-frame</del> <b>Time Frame</b> | Administrative Completeness <del>Time-frame</del> <b>Time Frame</b> | Substantive Review <del>Time-frame</del> <b>Time Frame</b> |
|---|---|---|---|--|
| Approval to Take an Examination                 | A.R.S. §§ 32-514, 32-515, 32-533                    | 90  | 60  | 30   |
| License by Examination                          | A.R.S. §§ 32-510, 32-511, 32-512, 32-512.01, 32-531 | <del>60</del> 90                                | <del>30</del> 60  | 30   |
| License by Reciprocity or Universal Recognition | A.R.S. §§ 32-513, 32-532, 32-4302                   | 60  | 30  | 30   |
| School License                                  | A.R.S. § 32-551                                     | 90  | 30  | 60   |
| License Renewal                                 | A.R.S. §§ 32-517, 32-535, 544, 32-564               | 75  | 45  | 30   |
| Salon License                                   | A.R.S. §§ 32-541, 32-542                            | 90  | 30  | 60   |
| License Reactivation                            | A.R.S. § 32-518                                     | 30  | 15  | 15   |

**ARTICLE 2. SCHOOLS**

**R4-10-201. Application for a School License to Operate a School; Renewal**

- A. An applicant for a school license to operate a school shall submit the documents required in A.R.S. § 32-551 and:
  - 1. An application, on a form provided by the Board, which is signed by the applicant; and notarized that contains provides the following information:
    - a. The applicant's name, address, e-mail address, federal tax identification number, and telephone number;
    - b. If the applicant is a partnership, each partner's name, ~~and~~ address, and an identification of whether each is a limited or general partner;
    - c. If the applicant is a corporation, the state of incorporation and ~~the~~ name, title, and address of at least two officers of the corporation and the statutory agent;
    - d. If the applicant is a limited liability company, name and address of each member, manager, and statutory agent;
    - e. If the applicant is an Arizona school district or community college:
      - i. Office address of the school district or community college, and
      - ii. Number of the school district and name of the superintendent, or
      - iii. Name of the community college dean;
    - ~~e.f.~~ The name under which the school will be operated as registered with the Arizona Secretary of State;
    - ~~e.g.~~ The name and Board-issued license number of the instructor in charge of the school;
    - ~~f.h.~~ If an existing school, the date the applicant will be assuming ownership; ~~and~~
    - ~~g.i.~~ If a new school, the scheduled date for opening the school; and
    - j. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
  - 2. ~~If a partnership, a copy of the partnership agreement; The following evidence of business organization, as applicable:~~
    - a. Copy of the partnership agreement for a partnership.
    - b. Copy of the articles of incorporation and a Certificate of Good Standing from the Arizona Corporation Commission for a corporation, or
    - c. Copy of the articles of organization for a limited liability company.
  - 3. ~~If a corporation, the articles of incorporation and a Certificate of Good Standing from the Corporation Commission;~~
  - 4. ~~A signed statement that the establishment has the equipment required by statute and rule for the a school;~~
  - 5. ~~An unexpected unexecuted student-school contract form, as required by under A.R.S. § 32-558;~~



- 6-5. ~~A~~ An operating schedule that includes the hours of each day and each day of a calendar week during which the school will be open for instruction;
- 7-6. A proposed schedule of ~~classes~~ courses to be taught at the school;
- 8-7. The name, address, e-mail address, and telephone number of ~~the~~ a bonding company, as required under A.R.S. § 32-551, and a copy of the bond;
- 9-8. A copy of all school policies and procedures;
- 10-9. A school catalog that contains the information required ~~by~~ under A.R.S. § 32-559 and:
- The number of days during course enrollment ~~that are~~ necessary to complete the course hours ~~for the course~~;
  - The days and hours of operation, vacation periods, and holidays;
  - ~~A listing of policies~~ Policies regarding leaves of absence, refunds, and vacation approval for students;
- 11-10. Demonstrate evidence of compliance with A.R.S. §§ 32-551 through 32-575 and these rules through a school inspection conducted by the Board; and
- 12-11. The fee required in R4-10-102.
- B. In addition to the requirements in R4-10-107, when renewing a license, a licensee shall submit ~~the following when renewing a license~~:
- ~~The most recent school catalog that~~ A statement that indicates:
    - ~~Indicates where any~~ Any modifications, additions, or deletions ~~from to~~ the previously submitted catalog ~~may be found~~;
    - ~~Contains an index that shows where the information required by A.R.S. § 32-559 is located in the catalog~~ Any changes that have occurred regarding the school's accrediting or approving organization; and
    - ~~Contains the name of each accrediting or approving organization; and~~ The school continues to maintain all equipment required by statute and rule;
    - ~~Provides a signed statement that the establishment has the equipment required by statute and rule for the school.~~
  - A subject description for each new course ~~and its schedule~~, if applicable;
  - ~~A new operating schedule if changes will occur beginning with the new license year;~~
  - ~~3.~~ The name, and address, and e-mail address of any a new statutory agent if the statutory agent will change will take effect beginning with the new license year;
  - ~~5-4.~~ The name and license number of the ~~current licensed~~ instructor in charge of the school; and
  - ~~6-5.~~ The name, address, e-mail address, and telephone number of the bonding company, the bond number, ~~the~~ expiration date of the bond, and a copy of the bond.
- C. The ~~owner of a school licensee~~ shall submit to the Board the terms and conditions of any management contract entered into for the school after the contract is executed;
- D. Within five days after a change occurs during the license year, the ~~owner of a school licensee~~ shall submit to the Board ~~the a~~ subject description of any new course; the name of any new statutory agent; ~~or any a description of a change to the catalogue, catalog or school policies, procedures, or hours of operation.~~ generic a copy of the student-school contract, policies, procedures, hours of operation, or a copy of the bond.

#### R4-10-202. School Closure

- A. For purposes of A.R.S. § 32-563, the Board may consider a school to be closed if ~~it~~ the school licensee fails for five consecutive school days to ~~provide~~ ensure instruction ~~is provided~~ in accordance with ~~its~~ the schedule of operations on file with the Board.
- ~~All~~ The school licensee shall notify all enrolled students and employees ~~shall be notified by the school~~ in writing of a pending closure at least five calendar days before closure of the school, unless the time of ~~such~~ closure could not have been anticipated. A copy of the notice shall be sent to the Board at the time it is delivered to ~~the~~ students and employees.
  - ~~The licensee of a closed school shall release~~ students' and employees' personal belongings, including equipment, tools, and ~~implements shall be released to each student or employee~~ instruments immediately upon request when requested.
  - ~~3.~~ Student records as specified by As required under A.R.S. § 32-563, the licensee of a closed school shall be sent electronically deliver or otherwise send the following student records to the Board within 10 calendar days after the school ~~closure, including~~ closure:
    - ~~Copies As specified in R4-10-204, copies~~ of hour sheets documenting all student hours and the current time cards or time records received by the student after the last monthly report before the school ~~closure~~ closed as specified by R4-10-204;
    - ~~A As specified in R4-10-204, a copy of the file of each student who was enrolled the last school day prior to before closure as specified by R4-10-204. If a teachout teach-out was arranged with another school which agreed to complete the training, the licensee of the closed school shall transfer the student's file shall be transferred~~ to that school; and
    - A written statement signed by each enrolled student verifying the ~~school's~~ school licensee's compliance with subsection (A)(1) as it applies to students.
- B. ~~Failure~~ The Board shall consider failure to comply with subsection (A) ~~may be~~ as possible grounds for refusal to issue a school license to an owner, manager, director, or instructor of the school at the time of ~~the school~~ closure.

#### R4-10-203. General School Requirements

- A. ~~An~~ The licensee of an aesthetics, cosmetology, hairstyling, or nail technology school shall ensure the school complies with R4-10-112 and has the following minimum facilities, equipment, supplies, and materials:
- One area of instruction for every 20 students;
  - A licensed instructor as manager or director;
  - A desk, or table and chair, or other instructional fixtures and facilities for each student during theory instruction;
  - ~~Filing cabinets to hold all school and student records;~~
  - ~~An instruction~~ A board in each room used for on which to write or post materials during instruction;
  - ~~6-5. At least two cubic feet of an individual locked area with a different locking device for each enrolled student and each instructor to store personal objects and training kits~~ A secured area for personal items of students and instructors;



- 7-6. A sink area for each 50 students in attendance for the preparation, mixing, and dispensing of supplies and chemicals, and for the disinfection of small tools or instruments;
- 8-7. At least one restroom that meets the requirements of R4-10-112; and
- 9-8. Separate receptacles for garbage and soiled linens; and
- 10. ~~One container for wet disinfectant for each student performing aesthetics or nail technology.~~
- B. The school licensee shall furnish equipment, tools, instruments, materials, and supplies needed to perform assignments and for instructional purposes, except ~~that the school may require~~ each student may be required to furnish small tools or instruments. ~~All~~ The school licensee shall ensure all equipment, tools, and materials ~~shall be~~ are salon quality and maintained in good repair at all times.
- C. The school licensee shall ~~have~~ ensure students have access to the following materials whether in a school library for student use which contains at least the following materials relating to the courses offered by the school or electronically:
  1. Standard dictionary;
  2. Medical dictionary;
  3. Anatomy chart on bones, muscles, nerves, hands, arms, nails, veins, arteries, circulatory system, hair, and skin;
  4. Three current periodicals on the art and science of cosmetology;
  5. Current cosmetology instruction manuals or textbooks;
  6. Current Arizona Board of Cosmetology statutes and rules; and
  7. A cosmetology dictionary.
- D. ~~Each~~ The school licensee shall maintain at the school a complete file on all current curriculum requirements.
- E. ~~A~~ The school licensee shall not pay an enrolled student for time while the student is taking ~~classes~~ courses or receiving credit.
- F. ~~A licensed~~ The school licensee may offer a postgraduate or advanced continuing education aesthetics, cosmetology, hairstyling, or nail technology course to currently licensed individuals without a licensed instructor present and to students currently enrolled in the school with a licensed instructor present.
  - 1. ~~A~~ The school licensee shall not report ~~post-graduate~~ postgraduate credit hours to the Board or apply the hours toward graduation.
- 2-G. ~~Currently~~ The school licensee shall not allow enrolled students ~~shall not~~ to perform services upon on a person without ~~an~~ a licensed instructor present.
  3. ~~A student file is not required for licensed individuals.~~
  4. ~~Each licensee shall have the licensee's current Board-issued license number onsite.~~
- G-H. ~~An~~ A school licensee may enroll an individual licensed by the Board ~~may re-enroll in a licensed~~ the school for a refresher course as a current student. ~~Credit and shall submit to the Board a record of hours for training received shall be submitted by the school to the Board in the refresher course.~~
- H-I. A school licensee shall establish a periodic grading schedule and ~~keep~~ ensure student transcripts ~~are kept~~ current.
- I-J. A school licensee shall schedule a minimum of four hours of theory ~~classes~~ courses each week for each full-time student and a minimum of two hours of theory ~~classes~~ courses each week for each part-time student.
- J-K. A school licensee shall ~~teach~~ ensure safety and infection control measures relating to each subject ~~are taught~~ in conjunction with that subject.
- K-L. A school licensee shall not solicit students for enrollment at other school sites.
- L-M. ~~While~~ A school licensee shall ensure that while teaching, instructors ~~shall~~ wear a tag indicating the instructor's name and courses taught.
- M-N. A school licensee shall ensure compliance with the following:
  1. A student ~~shall~~ does not attend school more than 56 hours in any one week.
  2. A student ~~shall only operate~~ operates only safe equipment in good repair.
  3. A student of aesthetics, cosmetology, hairstyling, or nail technology performs services within the enrolled course, ~~upon on~~ the public or fellow students, only in the presence of a licensed instructor and, except for shampooing, only after completing the basic training specified in R4-10-303, R4-10-304, R4-10-304.1, or R4-10-305.
  4. ~~A school shall~~ student is not prevent prevented or discourage a student discouraged from making a complaint to the Board.
  5. ~~A school student shall is~~ not dismiss a student dismissed from a scheduled theory instruction or written or practical examination to perform clinical services for the public;
  6. While in school, each student ~~shall wear~~ wears a tag indicating the student's name and the course in which the student is enrolled; and
  7. If the school has a distant classroom, the ~~school shall ensure that~~ equipment ~~for each in the distant~~ classroom is the same as that required ~~for each course of instruction in the school under this Section;~~ and:
    - a. Private postsecondary and public educational facilities ~~shall do not extend the school facilities beyond .5 miles apart as verified by Global Positioning System map readings~~ Arizona boundaries;
    - b. Public educational facilities shall not extend the school beyond the school designated campus;
    - e-b. ~~A duplicate photocopy of the Board-issued school license to operate a school or Board-issued, wallet-size license card to operate a school shall be posted in each distant facility;~~
    - d-c. Duplicate instructor licenses are not required in a distant classroom; and
    - e-d. ~~Clinic No clinic, retail, all public services, and appointments by the or public services are prohibited~~ allowed in a distant classroom.

**R4-10-204. School Records**

- A. A school licensee shall maintain a student's records at the school where the student is enrolled. The Board may inspect the records at any time the school is open.
- B. ~~When~~ A school licensee shall ensure that when a student transfers from one school to another or withdraws, the school from which the student is transferring ~~shall~~ or withdrawing:
  1. ~~Keep~~ Keeps a copy of the student's transcript,



2. ~~Forward~~ Forwards one copy of the student's hours to the student and another copy to the Board within three days of the date of transfer or withdrawal, and
  3. ~~Withdraw~~ Removes the student ~~on from~~ the school records and ~~the~~ monthly report submitted to the Board in the month following the transfer or withdrawal.
- C. ~~Each~~ A school licensee shall ~~keep~~ ensure the following are maintained:
1. A complete and accurate record of the time devoted by each student to the enrolled course of study, including hours devoted to alternative learning and field trips;
  2. A complete and accurate record that shows the ~~school's~~ basis for certification of the student hours. A school licensee shall certify only ~~those~~ hours of training the student receives ~~in that at the licensee's~~ school or hours the school licensee accepts as received in another state or country;
  3. A complete and accurate individual student file for each student enrolled containing:
    - a. ~~Contract and enrollment agreement~~ Executed student-school contract;
    - b. Financial aid transcript;
    - c. Proof of 10th grade equivalency for a student enrolled in an aesthetics, cosmetology, hairstyling, or nail technology course or proof of high school equivalency or 18 years of age for a student enrolled in an instructor course;
    - d. ~~Identification number~~;
    - e-d. Proof of one year of licensed work experience for a student instructor;
    - f-e. A statement signed by a school administrator and the student that provides a list of the supplies contained in the training kit provided to the student. ~~The contract shall set forth the contents of the kit including~~ and the following information:
      - i. ~~The price of items contained in the kit~~;
      - ii-i. When the items shall training kit will be distributed to the student;
      - iii. ~~The manufacturer of the products~~;
      - iv-ii. The retail value of the training kit; and
      - v-iii. A statement that if substitutions occur made after the contract statement is signed, the substitutions shall will be of comparable value; and
    - g-f. A record of completed hours, including proof of cosmetology, hairstyling, nail technology, aesthetics, or instructor hours earned in another state or country and accepted by the school licensee; and
  4. Complete and accurate academic transcripts and attendance and hour records or time cards.
- D. ~~The~~ A school licensee shall electronically deliver to the Board a complete and accurate monthly report, containing the following information, no later than the 10th day of each month. ~~The monthly report shall include~~:
1. ~~For~~ Only for each student enrolled since the prior monthly report only:
    - a. Name;
    - b. ~~Student identification number~~;
    - e-b. Enrollment date;
    - d-c. Address and e-mail address;
    - e-d. Telephone number;
    - f-e. Type of educational documentation that meets the requirements of R4-10-104;
    - g-f. Proof of hours received from another Board licensed school for which the Board issued a license to operate, or a school in another state, or country; and certified by the school licensee, if applicable;
    - h-g. Proof Acceptance of crossover hours necessary to qualify for R4-10-306, if applicable; and
    - i-h. Birth date.
  2. The enrollment category of each student;
  3. The name, license number, and work schedule of the instructor in charge of the school; and name of the custodian of records;
  4. The name, license number, and work schedule of each instructor employed by the school licensee;
  5. The signature of the instructor who prepares and certifies ~~that~~ the report is correct;
  6. The name of ~~student instructors~~, the scheduled attendance, and the Board-issued license number for each student instructor;
  7. For each demonstration given, the name of the demonstrator, ~~the~~ name of the observing instructor, ~~the~~ name of the process or product demonstrated, ~~the~~ number of students in attendance, and ~~the~~ name of the course in which the demonstration was given;
  8. Hours received by each student for the prior month, the current month, and total cumulative hours. The school licensee shall not amend total hours without satisfactory proof of error;
  9. Signature of each student verifying approval of the certified hours;
  10. The ~~school's~~ school licensee's certification of the students who meet ~~the~~ graduation requirements ~~of the school~~, including the day, month, and year of graduation; and
  11. The notation "transferred," "withdrawn," or "leave of absence" for students who discontinue training, and the day, month, and year training was discontinued. ~~The school shall provide certification to the student within one week of the hours earned by the student before the student withdraws or takes a leave of absence.~~
- E. A school licensee shall credit a student with additional hours earned after graduation if the student completes the required hours for graduation, registers for the Board required examination, and stays in school until the date of the examination.
- F. A school licensee is not required to maintain a student file for licensed individuals.

#### R4-10-205. Aesthetic School Requirements

- A. ~~Schools~~ The licensee of a school that provide provides aesthetics 600-hour training for students, 350-hour training for instructors, or both, shall ~~provide~~ ensure the following minimum facilities, equipment, supplies, and materials are provided in addition to ~~that those~~ required by under R4-10-203 and R4-10-204:
1. A work station for each student in attendance to perform aesthetics services to the public for a fee, each having:
    - a. A facial chair or table;
    - b. A supported table top ~~that is 12" x 18" or larger~~;



- c. A dry, disinfected, covered container to store disinfected tools and instruments as specified under R4-10-112, and
- d. A labeled receptacle for contaminated tools ~~or~~ and instruments as specified under R4-10-112.
- 2. One steamer machine for each group of four students in attendance during ~~lab~~ classroom instruction and two students in attendance during clinic instruction;
- 3. One microdermabrasion machine to be used at a non-invasive level;
- 4. One magnifying lamp of at least 5 diopters for each group of two students in attendance during ~~lab~~ classroom instruction and each group of four students in attendance during clinic instruction;
- 5. Cleansers;
- 6. Massage medium;
- 7. Toner; and
- 8. ~~Exfolients~~ Exfoliants and masks; and,
- 9. ~~Depilatories~~.

B. ~~Each~~ A school licensee shall ~~provide~~ ensure a nonreturnable student training kit ~~for~~, containing at least the following, is provided to each enrolled aesthetics student. ~~The kit shall contain at a minimum, the following:~~

- 1. ~~One~~ Access to an electronic or standard textbook for professional aestheticians;
- 2. ~~One~~ Access to an electronic or hard copy of the Arizona ~~cosmetology~~ Board of Cosmetology statutes and rules;
- 3. One disinfected, covered container to store disinfected tools and instruments as specified by under R4-10-112; and
- 4. ~~A~~ One container for contaminated tools ~~or~~ and instruments as specified under R4-10-112.

**R4-10-206. Cosmetology School Requirements**

A. ~~Schools~~ The licensee of a school that ~~provide~~ provides cosmetology 1600-hour training for students, 350-hour training for instructors, or both, shall ~~provide~~ ensure the following minimum facilities, equipment, supplies, and materials are provided in addition to ~~that~~ those specified by under R4-10-203 and R4-10-204:

- 1. A work station for each student in attendance ~~performing to perform~~ performing to perform cosmetology services to the public for a fee, each having:
  - a. A mirror ~~that is at least 18" by 30" when performing services on a~~ for client services;
  - b. A table top or counter;
  - c. A client chair;
  - d. A dry, disinfected, covered receptacle to store disinfected tools and instruments as specified under R4-10-112; and
  - e. A container for contaminated tools ~~or~~ and instruments as specified under R4-10-112;
- 2. One shampoo basin for each group of 10 students in attendance during ~~lab~~ classroom or clinic instruction;
- 3. One hand-held hair dryer for each student in attendance during ~~lab~~ classroom or clinic instruction;
- 4. ~~One hooded dryer for each group of 20 students in attendance during lab or clinic instruction;~~
- 5. ~~One high frequency Tesla or violet ray unit, including a facial and scalp electrode, for each group of 20 students in attendance during practical instruction;~~
- 6. ~~Two~~ One electric clippers in the school;
- 7. ~~Depilatories;~~
- 8. ~~Chemical hair straighteners;~~
- 9. ~~One nail technology table with a 12" x 18" or larger top for each group of 10 students in attendance during practical instruction;~~
- 10. ~~A facial work station for each group of 10 students in attendance and receiving lab classroom or clinic aesthetics instruction;~~
- 11. ~~A receptacle; large enough to completely immerse two feet for each group of 10 students in attendance during lab classroom or clinic nail technology instruction;~~
- 12. ~~Two~~ One electronic nail drills file for filing and buffing ~~in the school~~; and
- 13. ~~Nail products for acrylics, gels, tips, wraps, and polishing.~~

B. ~~Each~~ A school licensee shall ~~provide~~ ensure a nonreturnable student training kit ~~for~~, containing at least the following, is provided to each enrolled cosmetology student ~~a nonreturnable student training kit. The kit shall contain at a minimum, the following:~~

- 1. ~~One~~ Access to an electronic or standard textbook for professional cosmetologists;
- 2. ~~One~~ Access to an electronic or hard copy of the Arizona ~~cosmetology~~ Board of Cosmetology statutes and rules;
- 3. One disinfected, covered container to store disinfected tools and instruments as specified under R4-10-112; and
- 4. A container for contaminated tools ~~or~~ and instruments as specified under R4-10-112.

**R4-10-206.1. Hairstyling School Requirements**

A. ~~A~~ The licensee of a school that provides hairstyling 1000-hour training for students, 350-hour training for instructors, or both, shall ensure the minimum facilities, equipment, supplies, and materials listed under R4-10-206(A)(1) through (6) are provided in addition to those specified under R4-10-203 and R4-10-204.

B. A school licensee shall ensure a nonreturnable student training kit, containing at least the following, is provided to each enrolled hair-styling student:

- 1. ~~Reasonable access~~ Access to an online electronic or standard textbook for professional hairstylists;
- 2. ~~Reasonable access~~ Access to an electronic or a hard copy of the Arizona Board of Cosmetology statutes and rules;
- 3. One disinfected, covered container to store disinfected tools and instruments as specified under R4-10-112; and
- 4. A container for contaminated tools and instruments as specified under R4-10-112.

**R4-10-207. Nail Technology School Requirements**

A. ~~A~~ The licensee of a school that provides nail technology 600-hour training for students, 350-hour training for instructors, or both, shall ~~provide~~ ensure the following minimum facilities, tools, instruments, equipment, supplies, and materials are provided, in addition to those required by specified under R4-10-203 and R4-10-204:

- 1. A work station to perform nail technology services for the public for a fee for each student in attendance containing:
  - a. A nail technology table ~~with a top 32" x 16" or larger;~~



- b. A client chair;
  - c. A nail technology chair or stool;
  - d. A disinfected, covered container to store disinfected tools and instruments as specified ~~in~~ under R4-10-112;
  - e. A container with wet disinfectant as specified ~~in~~ under R4-10-112;
  - f. A container for soiled tools ~~or and~~ instruments as specified ~~in~~ under R4-10-112;
  - g. A waste receptacle as specified ~~in~~ under R4-10-112; and
  - h. A disinfectant for blood or body-fluid exposure as specified ~~in~~ under R4-10-112.
2. One container large enough to ~~completely~~ immerse two feet completely, for every five students in attendance during ~~practical training clinic instruction~~;
3. Nail products for acrylics, gels, tips, wraps, and polishing; and
4. One ultraviolet light.
- B.** ~~Each~~ A school licensee shall ensure a nonreturnable student training kit, containing at least the following, is provided to each enrolled nail technology student ~~shall have a training kit containing~~:
- 1. One simulated hand;
  - 2. Disinfected tools and instruments including pusher, nipper, file or porous emery boards, tweezer, nail brush, and finger bowl;
  - 3. One covered container to store disinfected tools and ~~implements instruments~~ as specified ~~by~~ under R4-10-112;
  - 4. A container for soiled tools and instruments as specified ~~in~~ under R4-10-112;
  - 5. ~~A current instruction manual or~~ Access to an electronic or standard textbook ~~of for professional~~ nail technology and access to an electronic or hard copy of the Arizona cosmetology laws Board of Cosmetology statutes and rules;
  - 6. Artificial nail enhancement kit with remover, wrap kit, two dappen dishes, polish kit, nail forms, finishing tools and instruments, and one brush product applicator; and
  - 7. One electric nail file.

#### **R4-10-208. Combined School Requirements**

- A.** A ~~licensed~~ school licensee shall ensure ~~that~~ the following hours are taught to a student enrolled in the specific curriculum before allowing the student to graduate:
- 1. Aesthetics course - 600 hours,
  - 2. Aesthetics instructor course - 350 hours,
  - 3. Cosmetology course - 1600 hours,
  - 4. Cosmetology instructor course - 350 hours,
  - 5. Hairstyling course – 1000 hours,
  - 6. Hairstyling instructor course – 350 hours,
  - 7. Nail technology course - 600 hours, and
  - 8. Nail technology instructor course - 350 hours.
- B.** A school licensee that provides training in all of the above courses shall have the minimum records, facilities, equipment, supplies, and materials required ~~by~~ under:
- 1. R4-10-203,
  - 2. R4-10-204,
  - 3. R4-10-205 except subsection (A)(1) is one work station for each two aesthetics students in attendance,
  - 4. R4-10-206,
  - 5. R4-10-206.1, and
  - 6. R4-10-207 except subsection (A)(1) is one work station for each two nail technology students in attendance.
- C.** A school licensee that provides the curriculum specified in subsections (A)(3) through (A)(8) only shall have the minimum records, facilities, equipment, supplies, and materials required under:
- 1. R4-10-203,
  - 2. R4-10-204,
  - 3. R4-10-206,
  - 4. R4-10-206.1, and
  - 5. R4-10-207 except subsection (A)(1) is one work station for each two nail technology students in attendance.
- D.** A school licensee that provides the curriculum specified in subsections (A)(1) through (A)(6) only shall have the minimum records, facilities, equipment, supplies, and materials required under:
- 1. R4-10-203,
  - 2. R4-10-204,
  - 3. R4-10-205 except subsection (A)(1) is one work station for each two aesthetics students in attendance,
  - 4. R4-10-206, and
  - 5. R4-10-206.1.
- E.** A school licensee that provides the curriculum specified in subsections (A)(1), (A)(2), (A)(7) and (A)(8) only shall have the minimum records, facilities, equipment, supplies, and material required under:
- 1. R4-10-203,
  - 2. R4-10-204,
  - 3. R4-10-205, and
  - 4. R4-10-207.

#### **R4-10-209. Demonstrators; Exclusions**

- A.** A school licensee shall ensure only an individual person who does not hold holds an instructor license shall not or a student instructor is allowed to teach in a school.



- ~~B.~~ A school licensee shall ensure an unlicensed individual may demonstrate to enrolled students any who demonstrates a process, product, or appliance to enrolled students presents the demonstration only when ~~an~~ a licensed instructor is present and observing the demonstration.
- ~~B.C.~~ When demonstrating A school licensee shall ensure an unlicensed individual who conducts a demonstration on a model, the demonstrations shall be confined to an confines the demonstration to an explanation of the products, procedures, and appliances being promoted.

**R4-10-210. Changes Affecting a License to Operate a School**

- A. A licensee shall apply for a new license to operate a school when any of the following occurs:
  1. The school address changes;
  2. The name of the school changes;
  3. If the school licensee is a corporation, the controlling ownership is transferred or the corporation is reorganized; or
  4. If the school licensee is a corporation, limited liability company, or partnership, a corporate officer, partner, or statutory agent changes.
- B. A school licensee and the instructor in charge shall ensure a Board-issued license to operate a school, indicating the correct ownership of the license, is posted in the school before the school is opened for business.

**ARTICLE 3. STUDENTS**

**R4-10-301. Instruction; Licensed Individuals**

~~Licensed schools~~ A school licensee that provide provides instruction a course for licensed individuals pursuant to licensed under this Article shall:

1. Keep a record of the ~~date;~~
  - a. Date, time, title, and name of the provider of the course; and along with the attendee's name
  - b. Names and license number numbers of all attendees;
2. Ensure ~~that the instruction course~~ consists of professional development related to scope of practice as specified ~~by~~ under A.R.S. § 32-501; and
3. Ensure ~~that~~ hours are not granted toward licensing unless ~~it is~~ the hours are part of the approved a course required for licensing and provided by or in the presence of a licensed instructor.

**R4-10-302. Instructor Curriculum Required Hours**

- A. A school licensee shall ensure each student in an aesthetics, cosmetology, hairstyling, or nail technology instructor course completes 350 curriculum hours that includes include the following:
  1. Orientation and review of the Arizona Board of Cosmetology statutes and rules;
  2. Theory, preparation, and practice curriculum development. This includes:
    - a. Developing and using educational aids;
    - b. Practical and written presentation principles;
    - c. Classroom management evaluation, assessment, and remediation methods;
    - d. Diversity in learning including cultural differences;
    - e. Methods of teaching;
    - f. Professional development including ethics; and
    - g. Alternative learning;
  3. Classroom and clinic oversight.
- B. A school licensee may allow a student in an instructor course to satisfy, in part, curriculum hours required under subsection (A)(2) by completing a course at an accredited college or university or an educational institution described under R4-10-101(14)(15)(c) and (d). Hours obtained under this subsection are subject to the following limits:
  1. No more than nine credit hours for cosmetology, hairstyling, or aesthetics;
  2. No more than six credit hours for nail technology; and
  3. Each ~~college~~ credit hour equals no more than 30 of the clock hours required under subsection (A).
- C. A school licensee may allow a student in an instructor course to satisfy the curriculum hours required under subsection (A)(2) by participating in virtual learning.
- ~~C.D.~~ All A school licensee shall ensure all instruction given by a student instructor shall be is under the direct supervision and observation of a licensed instructor.
- ~~D.~~ A student instructor as a student for the purpose of determining the maximum allowed ratio of 40 students during a theory class and 20 students during a lab or clinic for each licensed instructor in the school.
- E. A school licensee shall not allow a student instructor shall not to instruct students or check student services performed on the public until the student instructor has received at least 80 hours of basic-instructor training.

**R4-10-303. Aesthetics Curriculum Required 600 Hours**

- A. Each student in an aesthetics course shall complete the following curriculum:
  1. Theory of aesthetics, infection control, anatomy, physiology and histology of the body, diseases and disorders, and Arizona ~~cosmetology laws~~ Board of Cosmetology statutes and rules; and
  2. Clinical and ~~laboratory~~ classroom aesthetics including theory ~~that involves~~ involving all skin types:
    - a. Principles and practices of infection control and safety;
    - b. Recognition of diseases and the treatment of disorders of the skin;
    - c. Interpersonal skills and professional ethics;
    - d. Clinical and ~~laboratory~~ classroom practice that includes face and body;
    - e. Morphology and treatment of skin, including face and body, by hand and machine;
    - f. Product pharmacology and chemistry interaction, formulation, composition, and hazards;



- g. Aesthetics machines, tools, and instruments and their ~~related~~ uses;
- h. Alternative skin technology;
- i. ~~Pre- Client pre-~~ and ~~post-client~~ service consultation, documentation, and analysis;
- j. Spa body modalities;
- k. Exfoliation modalities;
- l. Body and face massage and manipulations;
- m. Body and facial hair removal except by electrolysis;
- n. Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;
- o. Cosmetic enhancement applications; and
- p. Required industry standards and ecology, including monitor duties.

**B.** ~~A school licensee may allow a student in an aesthetics course to satisfy the curriculum hours required under subsection (A)(1) by participating in virtual learning.~~

~~B-C.~~ ~~An aesthetics~~ A school licensee shall not receive remuneration for a an aesthetics student performing clinical services ~~to~~ for the public until the student has received at least 120 hours of aesthetics training; and

~~C-D.~~ ~~Each~~ A school licensee shall ensure each student ~~shall be~~ is evaluated for progress and ~~provided suggested remediation of suggestions~~ are provided to the student for remediating deficiencies.

#### **R4-10-304. Cosmetology Curriculum Required 1600 Hours**

- A. Each student in a cosmetology course shall complete the following curriculum:
1. Theory of cosmetology, infection control, anatomy, physiology and histology of the body, ~~electricity~~, diseases and disorders, and Arizona ~~cosmetology laws~~ Board of Cosmetology statutes and rules; and
  2. Clinical and ~~laboratory~~ classroom cosmetology including theory that involves nails, hair, and skin:
    - a. Principles and practices of infection control and safety;
    - b. Recognition of diseases and the treatment of disorders of the hair, skin, and nails;
    - c. Morphology and treatment of hair, skin, and nails;
    - d. Interpersonal skills and professional ethics;
    - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
    - f. Cosmetology machines, tools, and instruments and their ~~related~~ uses;
    - g. Chemical texturizing;
    - h. Changing existing hair color;
    - i. Hair and scalp care;
    - j. Fundamentals of hairstyling including braiding and extensions;
    - k. Body, scalp, and facial massage and manipulations;
    - l. Hair cutting fundamentals;
    - m. Fundamental aesthetics of the body and face;
    - n. Fundamentals of nail technology;
    - o. Clinical and ~~laboratory~~ classroom practice that includes hair, skin, and nails;
    - p. Alternative hair, skin, and nail technology;
    - q. ~~Pre- Client pre-~~ and ~~post-client~~ service consultation, documentation, and analysis;
    - r. Body and facial hair removal except by electrolysis;
    - ~~s-~~ ~~Introduction to electricity and light therapy for cosmetic purposes including laser/Intense Pulsed Light (IPL) procedures and devices;~~
    - ~~t-s.~~ Cosmetology technology; and
    - ~~u-t.~~ Required industry standards and ecology, including monitor duties.

**B.** ~~A school licensee may allow a student in a cosmetology course to satisfy the curriculum hours required under subsection (A)(1) by participating in virtual learning.~~

~~B-C.~~ A ~~cosmetology~~ school licensee shall not receive remuneration for a cosmetology student performing ~~any~~ clinical services, except shampooing, ~~to~~ for the public until the student has received at least 300 hours of cosmetology training; and

~~C-D.~~ ~~Each~~ A school licensee shall ensure each student ~~shall be~~ is evaluated for progress and ~~provided suggested remediation of suggestions~~ are provided to the student for remediating deficiencies.

#### **R4-10-304.1. Hairstyling Curriculum Required 1000 Hours**

- A. Each student in a hairstyling course shall complete the following curriculum:
1. Theory of hairstyling, infection control, anatomy, diseases and disorders, and Arizona Board of Cosmetology statutes and rules; and
  2. Clinical and classroom instruction in hairstyling including theory that involves hair:
    - a. Principles and practices of infection control and safety;
    - b. Recognition of diseases and the treatment of disorders of the hair and scalp;
    - c. Morphology and treatment of hair;
    - d. Interpersonal skills and professional ethics;
    - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
    - f. Hairstyling machines, tools, and instruments and their uses;
    - g. Chemical texturizing;
    - h. Changing existing hair color;
    - i. Hair and scalp care;
    - j. Fundamentals of hairstyling including braiding and extensions;



- k. Neck and scalp massage and manipulations;
- l. Hair cutting fundamentals;
- m. Clinical and classroom practice that includes hair;
- n. Alternative hair technology;
- o. Client pre- and post-service consultation, documentation, and analysis;
- p. Hairstyling technology;
- q. Facial hair removal except by electrolysis; and
- ~~q.~~ Required industry standards and ecology, including monitor duties.

**B.** A school licensee may allow a student in a hairstyling course to satisfy the curriculum hours required under subsection (A)(1) by participating in virtual learning.

~~**B-C.**~~ A school licensee shall not receive remuneration for a hairstyling student performing clinical services, except shampooing, for the public until the student has received at least 300 hours of hairstyling training; and

~~**C-D.**~~ A school licensee shall ensure each student is evaluated for progress and suggestions are provided to the student for remediating deficiencies.

**R4-10-305. Nail Technology Curriculum Required 600 Hours**

**A.** Each student in a nail technology course shall complete the following curriculum:

- 1. Theory of nail technology; infection control; diseases and disorders of the nails and skin; anatomy; physiology and histology of the limbs, nails, and skin structures; and ~~Arizona state cosmetology laws~~ Board of Cosmetology statutes and rules; and
- 2. Clinical and ~~laboratory~~ classroom instruction in nail technology including theory that involves nails, skin, and limbs:
  - a. Principles and practices of infection control and safety;
  - b. Recognition of diseases and the treatment of disorders of the nail and skin;
  - c. Massage and manipulation of the limbs;
  - d. Interpersonal skills and professional ethics;
  - e. Product pharmacology and chemistry interaction, formulation, composition, and hazards;
  - f. Nail technology machines, tools, and instruments and their ~~related~~ uses;
  - g. Clinical and ~~laboratory~~ classroom practice that includes nails, skin, and limbs;
  - h. ~~Pre- Client pre-~~ and ~~post-client~~ treatment consultation, documentation, and analysis;
  - i. Manicuring, including use of nippers;
  - j. Pedicuring, including use of nippers;
  - k. Artificial nail enhancements (application and removal);
  - l. Alternative nail technology;
  - m. Electric file use;
  - n. Pedicure spa modalities;
  - o. Exfoliation modalities on limbs or the body; and
  - p. Required industry standards and ecology, including monitor duties.

**B.** A school licensee may allow a student in a nail technology course to satisfy the curriculum hours required under subsection (A)(1) by participating in virtual learning.

~~**B-C.**~~ A ~~nail technology~~ school licensee shall not receive remuneration for ~~students~~ a nail technology student performing clinical services ~~to~~ for the public until the student has received at least 80 hours of nail technology training; and

~~**C-D.**~~ ~~Each~~ A school licensee shall ensure each student ~~shall be~~ is evaluated for progress and ~~provided suggested remediation of suggestions~~ are provided to the student for remediating deficiencies.

**R4-10-306. Curricula Hours**

**A.** A school licensee shall ensure hours of training received in an aesthetics, cosmetology, hairstyling, or nail technology course are not applied toward hours required to obtain an instructor’s license.

**B.** A school licensee shall ensure hours of training received in an instructor course are not applied toward hours required to obtain an aesthetician, cosmetologist, hairstylist, or nail technician license. Hours received in an instructor course may apply toward hours required to reactivate an aesthetics, cosmetology, hairstyling, or nail technology license if the instructor hours are received after inactive status occurs.

**C.** When evaluating an application for licensure, the Board shall ~~allow the following hours to apply toward licensure:~~ accept crossover hours. The Board shall accept an hour of training as a crossover hour only once.

- 1. ~~100% of the hours of training received in a nail technology course toward a cosmetologist license;~~
- 2. ~~100% of the hours of training received in an aesthetics course toward a cosmetologist license;~~
- 3. ~~100% of the hours of training received in a combined aesthetics and nail technology course toward a cosmetologist license to a maximum of 600 hours;~~
- 4. ~~100% of the hours of training received in a hairstyling course toward a cosmetologist license;~~
- 5. ~~100% of the hours of training received in a cosmetology course toward a hairstylist license;~~
- 6. ~~15% of the hours of training received in a cosmetology course toward a nail technician license;~~
- 7. ~~15% of the hours of training received in a cosmetology course toward an aesthetician license;~~
- 8. ~~33% of the hours of training received in a nail technology course toward an aesthetician license;~~
- 9. ~~66% of the hours of training received in an aesthetics course toward a nail technologist license;~~
- 10. ~~50% of the hours of training received in a barber course toward a cosmetologist license;~~
- 11. ~~200 hours of training received for a registered nurse (RN) or clinical nurse specialist (CNS) license toward an aesthetician license;~~



12. 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward an aesthetics instructor license. The Board shall require the remaining hours needed for an aesthetics instructor license to be obtained in an aesthetics or cosmetology instructor course;
  13. 100% of the hours of training received by a licensed cosmetologist in a nail technology instructor course toward a cosmetology instructor license. The Board shall require the remaining hours needed for a cosmetology instructor license to be obtained in a cosmetology instructor course;
  14. 100% of the hours of training received by a licensed cosmetologist in an aesthetics instructor course toward a cosmetology instructor license. The Board shall require the remaining hours needed for a cosmetology instructor license to be obtained in a cosmetology instructor course;
  15. 100% of the hours of training received in a barber instructor course toward a cosmetology instructor license. The Board shall require the remaining hours needed for a cosmetology instructor license to be obtained in a cosmetology instructor course. For the purpose of qualifying for the cosmetology instructor examination specified under A.R.S. § 32-531, the Board shall accept one year of licensed barber experience as one year of licensed cosmetology experience; and
  16. Hours transferred to another course shall be used only once.
- D. A school licensee shall ensure that when a student completes a course of instruction, the cumulative hours for the student equal, at a minimum, those specified in this Article, as applicable.
  - E. ~~Infection~~ A school licensee shall ensure that infection control, disinfection procedures, and safety issues ~~shall be~~ are taught with every subject and every procedure.
  - F. Alternative learning hours are hours ~~that~~ a school licensee may authorize to enable a student to pursue knowledge of cosmetology in an alternative format or at a location other than a salon. A school licensee shall ensure a student is not ~~credit a student~~ credited with more than 20% percent of the total hours required for graduation, ~~earned during enrollment at the school~~, as alternative learning hours. The school licensee shall ensure the record of alternative learning hours required under R4-10-204(C) is maintained.
  - G. A school licensee that ~~provides~~ authorizes alternative ~~format or location in learning hours under~~ subsection (F) shall include details of the alternative learning format ~~and~~ or location in the school ~~policy policies~~ and procedures in the school catalog.
  - H. ~~Up to~~ A school licensee may grant a maximum of 16 hours of obtained during field trips ~~may be granted~~ toward licensing the hours required for graduation if the field trips for which those hours were granted are part of the approved course of instruction and are provided by or in the presence of a licensed instructor. The school licensee shall ensure the record of field trip hours required under R4-10-204(C) is maintained.
  - I. If a school ~~is~~ physically ~~eloses~~ closed while ~~providing curricula in an~~ alternative format or location learning hours or while ~~conducting~~ a field trip is provided, the school licensee shall ensure:
    1. ~~Post a~~ A notice ~~that is~~ visible to the public and students is posted; and
    2. ~~Send a~~ A notice is sent to the Board indicating the ~~times~~ time and location ~~where the curricula is being conducted of the alternative learning hours or field trip.~~
  - J. A student instructor may obtain ~~lab~~ classroom (~~clinic~~) hours in a licensed school other than the licensed school in which the student instructor is enrolled if the student:
    1. Has available proof of enrollment in a licensed school to show to a Board inspector, and
    2. Earns no more than the ~~lab~~ classroom (~~clinic~~) hours required ~~by~~ under R4-10-302.

#### ARTICLE 4. SALONS

##### R4-10-401. Application for a ~~Salon~~ License to Operate a Salon

An applicant for a ~~salon~~ license to operate a salon shall submit:

1. An application on a form provided by the Board ~~that contains~~, which is signed by the applicant and provides the following information:
  - a. The applicant's name, address, e-mail address, telephone number, federal tax identification number, and signature;
  - b. If the applicant is a partnership, each partner's name, address, and an identification of whether each is a limited or general partner;
  - c. If the applicant is a corporation, the state of incorporation and ~~the~~ name, title, and address of each officer of the corporation and the statutory agent;
  - ~~d.~~ If the applicant is a limited liability company, name and address of each member, manager, and statutory agent;
  - ~~e.~~ The name of under which the salon will be operated as registered with the Arizona Secretary of State;
  - ~~f.~~ If a the location change of the salon is changing, the previous address;
  - ~~g.~~ A history of the salon including:
    - i. If the location was previously licensed by the Board, the name of the previous establishment;
    - ii. The name of each business operating at the salon address; and
    - iii. A statement of whether a cosmetology license of the applicant, or any partner of the applicant, or any corporate officer, or member or manager of the applicant has ever been suspended or revoked by any state or foreign country;
  - ~~h.~~ A statement of the kind of salon to be operated: cosmetology, aesthetics, hairstyling, or nail technology; and
  - ~~i.~~ A statement by the applicant verifying the truthfulness of the information provided by the applicant.
2. ~~If a corporation, the articles of incorporation and a Certificate of Good Standing from the Corporation Commission; The following evidence of business organization, as applicable:~~
  - a. Copy of the partnership agreement for a partnership,
  - b. Copy of the articles of incorporation and a Certificate of Good Standing from the Arizona Corporation Commission for a corporation, or
  - c. Copy of the articles of organization for a limited liability company.
3. ~~If a partnership, a copy of the partnership agreement;~~



- 4.3. A signed statement that the establishment is in compliance with all Board statutes and rules and has all of the following in the salon:
  - a. Wet disinfectant;
  - b. A dry, closed, disinfected container to store disinfected tools and instruments;
  - c. A sink or shampoo bowl with hot and cold running water that is not also used as a dispensary or restroom sink as required by under R4-10-403;
  - d. A work station;
  - e. A restroom that meets the standards specified under R4-10-112(S); and
  - f. ~~Notice posted for activities performed in the salon but not regulated by the Board~~ The notice required under R4-10-111(F); and
- 5.4. The fee required in R4-10-102.

**R4-10-402. Changes Affecting a ~~Salon~~ License to Operate a Salon**

- A. ~~An owner~~ A licensee shall apply for a new ~~salon~~ license to operate a salon and pay the fee for an initial salon license specified in R4-10-102 when any of the following occur:
  - 1. The salon address changes;
  - 2. The name of ~~a~~ the salon changes;
  - 3. ~~The~~ If the salon licensee is a corporation, the controlling ownership ~~in the corporation~~ is transferred or the corporation is reorganized; or
  - 4. ~~The~~ If the salon licensee is a corporation, limited liability company, or partnership, ~~has a change of any~~ a corporate officer, partner, or statutory agent changes.
- B. A licensee shall apply for an updated license and pay the fee specified at R4-10-102(C)(8) when the suite number of the salon changes.
- ~~B.C.~~ The ~~A salon owner licensee and the manager shall ensure that~~ a Board-issued license to operate a salon, indicating proper the correct ownership of the license, is posted in the salon before opening the salon is opened for business.

**R4-10-403. Salon Requirements and Minimum Equipment**

- A. A salon licensee shall ~~perform ensure all~~ services performed at the salon for the public ~~according to~~ are consistent with the type of license issued to the licensee. A salon licensee shall ensure that, except as provided in R4-10-405, all services are performed for the public by an individual who holds a Board-issued license.
- B. ~~Salons~~ A salon licensee shall have ensure the salon has enough equipment, materials, supplies, tools, and instruments to ensure control infection ~~control~~ and protect the safety ~~for of~~ the public and employees.
- C. A salon licensee shall ensure the salon has:
  - 1. A work station for each ~~employee or person~~ licensee using space within the salon;
  - 2. If licensees using space in the salon ~~is a~~ are performing cosmetology or hairstyling ~~salon services,~~ at least one shampoo bowl and one hair dryer, which may be a blow dryer; and
  - 3. If licensees using space in the salon ~~is a~~ are performing aesthetics or nail technology ~~salon services,~~ at least one sink in addition to the restroom ~~and dispensary sinks.~~
- D. A salon licensee shall ensure licensed aestheticians, cosmetologists, hairstylists, and nail technicians have enough equipment, materials, supplies, tools, and instruments to provide services, control infection, and disinfect between clients.

**R4-10-404. Mobile Services**

- A. If a salon licensee provides mobile services are provided as an extension of ~~a licensed~~ the salon, the salon licensee shall advertise the mobile service shall advertise using the ~~licensed~~ name of the salon on the Board-issued license. The licensed salon owner licensee and manager shall ensure that the mobile services comply with the Arizona Board's Board of Cosmetology statutes and rules.
  - 1. A salon licensee providing mobile cosmetology, hairstyling, nail technology, or aesthetics services shall ensure licenses are posted as required under R4-10-111.
  - 2. A salon licensee providing mobile services shall make ensure client appointments are made through the ~~licensed~~ salon using an appointment book that lists the appointments and locations where services are performed.
  - 3. Mobile services are subject to inspection by the Board at any time.
  - 4. If a retrofitted ~~mobile motor~~ vehicle is used to provide mobile services, the salon owner licensee and manager shall ensure that the vehicle has the same equipment as specified by under R4-10-403 and complies with safety and infection control requirements specified by under R4-10-112.
  - 5. If mobile services are provided in a location other than a retrofitted ~~mobile motor~~ vehicle, the salon owner licensee and manager shall ensure that equipment is disinfected before use and stored as specified in under R4-10-112.
- B. If a retrofitted motor vehicle is used exclusively as a mobile facility ~~that is~~ dispatched from a business an establishment address, the owner salon licensee and manager of the mobile facility shall:
  - 1. Comply with all salon requirements, including infection control and equipment requirements, specified in this Chapter;
  - 2. Comply with all infection control and equipment requirements;
  - 3. ~~2.~~ Maintain a complete and current list of appointment locations at the business establishment address and display ensure the list is displayed in a location listed on as specified in the salon application for a license to operate a salon and that is available to an inspector at all times when the retrofitted motor vehicle is open for business; and
  - 4. ~~3.~~ Comply with other the Arizona Board of Cosmetology statutes and rules of the Board.

**R4-10-405. Shampoo Assistants**

- A. ~~People who are~~ A salon licensee may hire an individual who is not licensed by the Board may be hired as a shampoo ~~assistants~~ assistant to shampoo and apply ~~cream rinse conditioner~~ to an individual's hair, comb the hair to remove tangles, and remove rollers and elippies.



- B. Shampoo assistants A salon licensee shall not ensure a shampoo assistant does not:
1. apply conditioners, reconstructors, Apply hair color, or permanent wave solution or neutralizer; or remove
  2. Remove rods, tint, relaxers, or other chemical solutions from the hair.

**NOTICE OF PROPOSED RULEMAKING  
TITLE 16. TAX APPEALS  
CHAPTER 4. STATE BOARD OF EQUALIZATION**

[R20-139]

**PREAMBLE**

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

|           |             |
|-----------|-------------|
| Article 1 | New Article |
| R16-4-101 | New Section |
| R16-4-102 | New Section |
| R16-4-103 | New Section |
| R16-4-104 | New Section |
| R16-4-105 | New Section |
| R16-4-106 | New Section |
| R16-4-107 | New Section |
| R16-4-108 | New Section |
| R16-4-109 | New Section |
| R16-4-110 | New Section |
| R16-4-111 | New Section |
| R16-4-112 | New Section |
| R16-4-113 | New Section |
| R16-4-114 | New Section |
| R16-4-115 | New Section |
| R16-4-116 | New Section |
| R16-4-117 | New Section |
  
2. **Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 42-16154(C)  
 Implementing statute: A.R.S. §§ 42-16157, 42-16158, and 42-16159
  
3. **Citations to all related notices published in the Register as specified in R1-1-409 that pertain to the record of the proposed rule:**  
 Notice of Rulemaking Docket Opening 26 A.A.R. 1708, August 21, 2020 (*in this issue*)
  
4. **The agency’s contact person who can answer questions about the rulemaking:**

|            |   |
|------------|---|
| Name:      | George Shook  |
| Address:   | State Board of Equalization<br>100 N. 15th Ave., Suite 130<br>Phoenix, AZ 85007 |
| Telephone: | (602) 364-1600  |
| Fax:       | (602) 364-1616  |
| E-mail:    | gshook@sboe.az.gov  |
| Website:   | https://sboe.az.gov   |
  
5. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
 The State Board of Equalization (SBOE) is required under A.R.S. § 42-16154(C) to make rules of procedure for hearings before the SBOE. In 1996, the SBOE made the required rules using the emergency rulemaking procedure. Under the provisions of A.R.S. § 41-1026, the rules expired on July 30, 1996. Since then, the SBOE has functioned with procedures that have not been formally promulgated as rules. In this rulemaking, the SBOE makes the required rules.  
  
 Mara Mellstrom, Policy Advisor to the Governor, provided an exemption from Executive Order EO2016-03 by e-mail dated February 8, 2017 and Trista Guzman Glover provided an exemption from Executive Order EO2020-02 by e-mail dated on May 5, 2020.
  
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 SBOE does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.
  
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision:**  
 Not applicable



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

The economic impact of the rulemaking will be positive for the SBOE, petitioners, and respondents. All parties will have rules on which to rely regarding procedures before the SBOE. This will create efficiencies in functioning for the SBOE and eliminate uncertainty caused by failure to have the required procedural rules.

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

Name: George Shook  
Address: State Board of Equalization  
100 N. 15th Ave., Suite 130  
Phoenix, AZ 85007  
Telephone: (602) 364-1600  
Fax: (602) 364-1616  
E-mail: gshook@sboe.az.gov  
Website: https://sboe.az.gov

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

The board will conduct oral proceedings regarding the proposed rules as follows:

Date: Tuesday, September 29, 2020  
Time: 8:30 a.m. to 11:30 a.m.  
Location: 100 N. 15th Ave., Suite 136  
Phoenix, AZ 85007  
Date: Thursday, October 1, 2020  
Time: 8:30 a.m. to 11:30 a.m.  
Location: 400 W. Congress, Suite 121  
Tucson, AZ 85701

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

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

None of the rules in the rulemaking requires a permit.

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

No federal law is applicable to the subject on any rule in this rulemaking.

**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:**

An analysis was not 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 16. TAX APPEALS**

**CHAPTER 4. STATE BOARD OF EQUALIZATION**

**ARTICLE 1. EMERGENCY EXPIRED PROCEDURES BEFORE THE STATE BOARD OF EQUALIZATION**

Section  
R16-4-101. ~~Emergency Expired~~Definitions  
R16-4-102. ~~Emergency Expired~~Jurisdiction of the SBOE  
R16-4-103. ~~Emergency Expired~~Representation Before the SBOE  
R16-4-104. ~~Emergency Expired~~Filing a Petition; Filing Deadlines  
R16-4-105. ~~Emergency Expired~~Motion  
R16-4-106. ~~Emergency Expired~~Hearing  
R16-4-107. ~~Emergency Expired~~On-the-record Hearing; Failure to Appear  
R16-4-108. ~~Emergency Expired~~Hearing Procedure  
R16-4-109. ~~Emergency Expired~~Rules of Evidence  
R16-4-110. ~~Emergency Expired~~Proof  
R16-4-111. ~~Emergency Expired~~Subpoenas  
R16-4-112. ~~Emergency Expired~~Records of a Hearing  
R16-4-113. ~~Emergency Expired~~Withdrawal  
R16-4-114. ~~Emergency Expired~~Ex Parte Communications



- R16-4-115. Board Decision  
R16-4-116. Review or Rehearing of the SBOE Decision  
R16-4-117. Board Member Participation in Matters Before the SBOE

#### **ARTICLE 1. ~~EMERGENCY EXPIRED~~ PROCEDURES BEFORE THE STATE BOARD OF EQUALIZATION**

##### **R16-4-101. ~~Emergency Expired~~ Definitions**

“Assessor” means the county assessor of the county in which the property at issue in an appeal is located.

“Department” means the Arizona Department of Revenue.

“Motion” aside from parliamentary procedures, “motion” means a written or oral request to the SBOE for an order or ruling regarding an appeal.

“On-the-record” means a hearing conducted by reviewing submitted materials rather than taking oral testimony.

“Petitioner” means a taxpayer or other person, as defined at A.R.S. § 1-215, qualified to file an appeal and appear before the SBOE and, if applicable, an authorized representative of the taxpayer.

“Respondent” means a person or entity qualified to answer an appeal filed by a petitioner.

“Review” means a quasi-judicial consideration of an appeal or petition.

“SBOE” means:

The State Board of Equalization,

A member of the SBOE,

A panel of members of the SBOE, or

A hearing officer employed by the SBOE under A.R.S. § 41-16155 to hear appeals.

##### **R16-4-102. ~~Emergency Expired~~ Jurisdiction of the SBOE**

**A.** The SBOE hears appeals regarding the valuation or legal classification of real and certain personal property made by the assessor or the Department.

**B.** The SBOE hears appeals from petitioners regarding the following:

1. A.R.S. § 42-15105. A notice from the assessor regarding valuation or legal classification of new construction, property assessment changes, or changes in use of real property;
2. A.R.S. § 42-16053. The rejection by the assessor of a petition for failure to include substantial information;
3. A.R.S. § 42-16056. The taxpayer’s right to appeal the decision by the assessor for a petition for review of valuation or legal classification;
4. A.R.S. § 42-16157 or 42-16158. An appeal of the annual valuation or legal classification of property as determined by the assessor or the Department;
5. A.R.S. § 42-16252: The review of a Notice of Proposed Correction issued by the assessor or the Department regarding a property valuation or legal classification;
6. A.R.S. § 42-16254: The review of failure to agree on a Taxpayer Notice of Claim regarding an error in valuation or legal classification by the assessor or the Department;
7. A.R.S. § 42-19052: The valuation or legal classification by the assessor of personal property; and
8. A.R.S. § 42-19156: The valuation by the assessor of a mobile home.

**C.** The SBOE hears an appeal from an assessor under A.R.S. § 42-16159 regarding an equalization order issued by the Department.

**D.** The SBOE hears an appeal from the Department under A.R.S. § 42-16157 regarding a proposed valuation or legal classification or change in a valuation or legal classification made by the assessor.

**E.** If the SBOE lacks jurisdiction regarding an appeal, the SBOE shall dismiss the appeal on its own motion. The said rejection notice will be a decision by the Board and shall be issued in compliance with all statutory deadlines and preserving any taxpayer’s rights to further appeal.

##### **R16-4-103. ~~Emergency Expired~~ Representation Before the SBOE**

The following individuals may appear before the SBOE:

1. An individual representing:
  - a. The individual’s interest,
  - b. An estate or trust of which the individual is the legal representative,
  - c. A partnership of which the individual is a partner, or
  - d. A corporation of which the individual is an officer or an authorized representative,
2. An attorney licensed to practice law in Arizona;
3. A property tax agent, as defined at A.R.S. § 32-3651, who has been designated under A.R.S. § 42-16001;
4. An authorized representative from the assessor’s office;
5. An authorized representative from the Department; and
6. Other individuals allowed under Arizona Supreme Court Rule 31(d)(13).

##### **R16-4-104. ~~Emergency Expired~~ Filing a Petition; Filing Deadlines**

**A.** To initiate an appeal under R16-4-102(B), a petitioner shall submit a petition to the SBOE.



1. The petitioner shall use the correct petition form when initiating an appeal. The SBOE shall not accept a letter in place of the correct petition form. Except as noted, the correct petition forms are available on the Department’s web site and from an assessor.
  - a. Under A.R.S. §§ 42-15105, 42-16053, and 42-16056, the correct petition form is ADOR 82130;
  - b. Under A.R.S. § 42-16157 or 42-16158, the correct petition form is SBOE EQ200, which is available upon request from the SBOE;
  - c. Under A.R.S. § 42-16252, the correct petition form is ADOR 82179C;
  - d. Under A.R.S. § 42-16254, the correct petition form is ADOR 82179C-1; and
  - e. Under A.R.S. §§ 42-19052 and 42-19156, the correct petition form is ADOR 82530.
2. If the petition is made under A.R.S. § 42-15105 and is submitted to the SBOE by an authorized representative of the taxpayer, the authorized representative shall attach to the correct petition form a copy of the current form ADOR 82130AA, which is available on the Department’s web site;
3. The petitioner shall submit the correct petition form under subsection (A)(1) as follows:
  - a. Under A.R.S. § 42-15105 or 42-16056, by U.S. Postal Service, by hand delivery to the SBOE office, or filed online using the SBOE Appeals application;
  - b. Under all other provisions, by U.S. Postal Service or hand delivery to the SBOE office.
4. The petitioner shall submit:
  - a. A copy of the petition originally filed with the assessor or the Department, as applicable; and
  - b. A copy of the decision by the assessor or the Department regarding the original petition.
  - c. A copy of all attachments and evidence originally filed to the assessor or to the Department.
5. For a petition filed electronically to the SBOE under subsection (A)(3)(a), the petitioner shall submit a copy of all attachments and evidence originally filed to the assessor or to the Department to the SBOE within five days of the date of the electronically filed petition; otherwise the petition will be denied.
6. Evidence previously submitted to the assessor or the Department is not forwarded to the SBOE. Therefore, any evidence the petitioner wants considered shall be submitted to the SBOE by U.S. postal service, hand delivered, or by electronic document upload if available, to arrive at the SBOE office three days prior to the scheduled hearing, or provided at the time of hearing. The petitioner shall submit the following copies and quantities, prior to or at the hearing:
  - a. One copy of any evidence for property that is owner-occupied legal class 3 or another legal classification with a full-cash-value less than \$3 million;
  - b. Three copies of any evidence for property not described under subsection (A)(6)(a) and not valued by the Department; and
  - c. For property valued or classified by the Department under A.R.S. § 42-16158 (aka CVP property), at least five days before the scheduled hearing, the petitioner and respondent shall deliver evidence to the respective parties as follows:
    - i. The petitioner shall submit one copy of the evidence to the Department, and four copies to the SBOE;
    - ii. The Department shall submit one copy of evidence regarding the property valuation or classification to the petitioner and four copies to the SBOE.
7. In compliance with A.R.S. § 42-16056 the SBOE shall consider only issues previously raised with the assessor or the Department, as applicable (see A.R.S. § 42-16051 et al for qualifying basis). The SBOE shall admit new or additional evidence only if:
  - a. The evidence directly relates to an issue previously raised with the assessor or the Department, as applicable;
  - b. Except as provided in subsection (A)(6)(c), a copy of the new or additional evidence is provided to the assessor or the Department, as applicable; and
  - c. Amended income information, including an amended form ADOR 82300, and the appropriate income and expense form, which are available on the Department’s web site, are provided to the assessor at least five days before the scheduled hearing.
8. Under the following circumstances, the SBOE will consider requests for multiple dockets or petitions to be heard together. The request must be made in writing, clearly identify all parcel numbers to be included and identify the qualifying basis (see A.R.S. § 42-16051 et al) for the type of request described below:
  - a. The multiple parcels constitute a single economic unit;
  - b. The multiple petitions being appealed are a singular argument for all parcels;
  - c. The petitioner desires to hear multiple petitions on a single day’s agenda;
  - d. The assessor’s decision is for multiple parcels and the petitioner wants them heard together as a single appeal.
9. The petitioner shall comply with all statutory requirements, including the time within which to file a petition.
- B.** To initiate an appeal under R16-4-102(C) or (D), the Department or assessor shall submit a petition and proof of service of the appeal on the respondent to the SBOE before the date of the scheduled hearing.
- C.** The time-period within which to file a petition is written in the statutes. It is the petitioner’s responsibility to ensure a petition is timely filed.
  1. The SBOE shall compute the period for filing a petition according to A.R.S. § 1-243.
  2. The SBOE shall consider a petition timely filed if the petition is properly directed to the SBOE office and:
    - a. Is received in the SBOE office before the end of the time-period;
    - b. Is postmarked on or before the end of the time period; or
    - c. Contains an electronic date that is on or before the end of the time-period.
- D.** The SBOE shall respect a designation of confidentiality previously found by the assessor, county board, or the Department, as applicable. However, both evidence and testimony provided for Board consideration is, upon submission, rendered public information.

**R16-4-105. ~~Emergency Expired~~Motions****A.** A party shall:

1. Serve a copy of any motion on all other parties. The party shall ensure a motion includes the factual and legal grounds supporting the motion and the requested action; and
2. Unless the motion is made at the time of a scheduled hearing, submit proof of service on the other parties to the SBOE.

**B.** A party may file a response stating any objection to the motion served under subsection (A).**C.** The SBOE, in its discretion, shall:

1. Decide whether to allow oral argument regarding a motion; and
2. Decide whether to rule on a motion before or during a scheduled hearing. If the SBOE rules on a motion before a scheduled hearing, the SBOE shall serve the written ruling on all parties.

**R16-4-106. ~~Emergency Expired~~Hearing****A.** As required under A.R.S. § 42-16163, the SBOE shall mail notice of an appeal hearing to all parties at least 14 days before the hearing. The SBOE shall include in the notice the date, time, and location of the hearing.**B.** Before a scheduled hearing, all members of the Board shall make known, as defined at A.R.S. § 38-502, whether the member has a substantial interest, as defined at A.R.S. § 38-502, in the matter to be heard by the SBOE. As required by A.R.S. § 38-509, the SBOE shall maintain the disclosure documents and make them available for public inspection.**C.** When the SBOE determines it is in the interest of the parties and the state, the SBOE shall allow one or all parties to participate in a hearing telephonically.**R16-4-107. ~~Emergency Expired~~On-the-record Hearing; Failure to Appear****A.** The SBOE shall conduct a hearing entirely on-the-record, for the convenience of the board, and only if all parties to the hearing agree.**B.** If all parties agree to an on-the-record hearing, the SBOE shall review the evidence submitted by the parties, read the evidence into the record, and render a decision based on the submitted evidence.**C.** If the parties do not agree regarding an on-the-record hearing, the SBOE shall:

1. Review the evidence submitted by the parties;
2. Take oral testimony from or on behalf of the party opposing the on-the-record hearing; and read the evidence into the record beginning with testimony by the petitioner, if present, or such submitted evidence followed by the testimony by the respondent, if present, or such submitted evidence; and
3. Render a decision based on both the submitted evidence and oral testimony.

**D.** If a party fails to appear at a scheduled hearing, the SBOE shall conduct the hearing as described in subsection (C).**E.** Consistent with R16-4-108(B), under both subsections (B) and (C), the SBOE shall ensure the petitioner's evidence is entered in the record before the respondent's evidence is entered in the record.**R16-4-108. ~~Emergency Expired~~Hearing Procedure****A.** Unless otherwise provided by law, all SBOE hearings are open to the public.**B.** At a hearing, the SBOE shall ordinarily proceed as follows:

1. Identification for the record of the docket number of the proceeding, the parcel number or account number of the property at issue, if applicable, the ownership of the subject property, the Board members and parties participating in the proceeding;
2. Administration of oath or affirmation to all parties and witnesses who will offer testimony;
3. Opening statements by all parties, if requested by the SBOE;
4. Presentation of testimony and evidence by the petitioner and witnesses;
5. Presentation of testimony and evidence by the respondent and witnesses;
6. Questions by the Board; final arguments, if requested by the Board;
7. Petitioner's rebuttal; and
8. Board deliberation, motion, and decision;
9. The decision of the Board shall include the full cash value, the applicable limited property value or limited property value rule, the legal classification or applicable legal classification allocation, and the assessment ratio. If a mixed assessment ratio is required, all parties shall agree to the allocation of the ratios.

**C.** The SBOE may direct a party to submit additional information in the party's possession or control. The SBOE shall allow the party a reasonable time in which to submit the additional information.**D.** The SBOE may recess or continue a hearing for good cause.**E.** As required by law, the SBOE shall conduct all deliberation verbally in the presence of all parties in attendance at the hearing.**R16-4-109. ~~Emergency Expired~~Rules of Evidence****A.** The SBOE shall accept oral evidence only when presented under oath or affirmation.**B.** The SBOE is not required to follow rules of evidence usually used in a court proceeding.**C.** The SBOE shall admit evidence the SBOE determines is consistent with R16-4-104(A)(6) and relevant to the proceeding. The SBOE shall be liberal in admitting evidence and consider objections to the admission in assigning weight to the evidence.**D.** At the Board's discretion, parties may call and examine witnesses, cross-examine witnesses, and introduce written evidence relevant to the proceeding.**E.** The SBOE may call and examine a witness and may examine a witness called by a party.**F.** The SBOE shall admit into evidence a copy of an original document if there is a showing of authenticity.**R16-4-110. ~~Emergency Expired~~Proof**Unless otherwise provided by law:

1. The standard of proof in a hearing before the SBOE is a preponderance of the evidence;
2. The petitioner has the burden of proof; and



3. The proponent of a motion shall establish the grounds to support the motion.

**R16-4-111. ~~Emergency Expired~~Subpoenas**

- A. The SBOE may issue subpoenas for the attendance of a witness or production of books, records, documents, or other evidence that is not confidential or privileged.
- B. The SBOE may issue a subpoena at its discretion or upon written request by a party. A party shall include the following in a written request for a subpoena:
  - 1. Identification of the property, including parcel number if applicable, at issue;
  - 2. A list or description of all records sought;
  - 3. A statement showing proper foundation for the request;
  - 4. The name and address of the custodian of the records sought or all persons to be subpoenaed;
  - 5. The date, time, and place to appear or to produce the records; and
  - 6. The name, address, and telephone number of the party requesting the subpoena.
- C. If the SBOE issues a subpoena upon the request of a party, the requesting party shall:
  - 1. Ensure the subpoena is served no later than five business days before the time specified in the subpoena for attendance of a witness or production of records;
  - 2. Ensure the person serving the subpoena provides proof of service to the SBOE; and
  - 3. Pay the cost to serve the subpoena.

**R16-4-112. ~~Emergency Expired~~Records of a Hearing**

- A. The SBOE shall make a recording of every hearing. If a person makes a request, the SBOE shall provide a copy of a hearing recording on its website, or any other electronic means, within one business day after the hearing. If the person wants a copy of the hearing recording in another format, the SBOE may charge the cost of providing the copy in the other format.
- B. A party to a proceeding may, at the party's expense, record the proceeding using a recording device or court reporter.
- C. Subject to the limits imposed at A.R.S. § 39-121.03, a person may submit a written request to examine or be furnished a copy of a public record in the custody of the SBOE. As allowed under A.R.S. § 39-121.01, the SBOE may charge a fee for providing a copy of a public record.
- D. While examining a public record, a person shall not remove the public record from the SBOE office.

**R16-4-113. ~~Emergency Expired~~Withdrawal**

- A. The petitioner may withdraw an appeal by providing written notice to the SBOE at least 48 hours before the scheduled start of the hearing.
- B. If the petitioner submits a written notice of withdrawal to the SBOE fewer than 48 hours before the scheduled start of a hearing, the SBOE shall accept the notice of withdrawal at the hearing.
- C. The petitioner may withdraw an appeal by providing written or oral notice to the SBOE at the hearing.

**R16-4-114. ~~Ex Parte~~ Communications**

- A. A party shall not communicate, either directly or indirectly, with a member of the SBOE about a substantive issue in a pending appeal unless:
  - 1. All parties are present,
  - 2. It is during a scheduled hearing where an absent party fails to appear after proper notice, or
  - 3. It is by written motion where a copy is provided to all parties.
- B. If a member of the SBOE is determined to have received ex parte communication regarding an appeal, the member shall be recused from participating in the appeal.

**R16-4-115. ~~Board~~ Decision**

- A. The SBOE shall issue a written decision within a reasonable time after the hearing or, as authorized under A.R.S. § 42-16164, after continuing the hearing for additional deliberation.
- B. In its decision, the SBOE shall include the following:
  - 1. Docket number of the appeal;
  - 2. Parcel number or other identification of the property at issue;
  - 3. Separately stated findings of fact and conclusions of law;
  - 4. The decision regarding the property valuation or classification;
  - 5. Other matters before the SBOE related to the appeal; and
  - 6. The right of an aggrieved party to appeal the SBOE's decision under A.R.S. § 42-16203 or 42-16254(G).
- C. The SBOE shall mail a copy of the written decision to all parties and to the Department.
- D. The SBOE's decision is final 60 days after it is mailed under subsection (C) unless an appeal is taken under A.R.S. § 42-16203 or 42-16254(G).

**R16-4-116. ~~Review of a SBOE~~ Decision**

- A. As provided under A.R.S. § 42-16164(A), the chairman of the SBOE may review a SBOE decision to ensure the decision is consistent with due process for all parties. In conducting the review, the chairman shall assess whether:
  - 1. The findings of fact, conclusions of law, and decision are supported by the evidence or are contrary to law;
  - 2. The hearing involved irregularity, abuse of discretion, or misconduct by a party;
  - 3. The hearing involved accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly discovered material evidence exists that could not, with reasonable diligence, have been discovered and produced at the hearing;
  - 5. Error in the admission or rejection of evidence or other errors of law occurred at the hearing or during the progress of the proceedings;



6. The decision was the result of passion, bias, or prejudice; or
7. The decision was arbitrary and capricious.
- B.** The Chairman shall complete the review provided under A.R.S. § 42-16164(A) within 30 days after the decision is issued under R16-4-115.
- C.** If the Chairman determines the SBOE decision is inconsistent with due process for all parties, the SBOE shall:
  1. Provide written notice of this determination to all parties including the grounds listed in subsection (A) on which the determination is based;
  2. Stay enforcement of the SBOE's decision issued under R16-4-115 pending further review of the decision; and
  3. Within 30 days after providing the notice under subsection (C)(1), take additional testimony or review newly discovered material evidence, amend findings of fact or conclusions of law or make new findings or conclusions, and issue a new decision.
- D.** Under A.R.S. § 42-16169, the written decision issued under subsection (C)(3) becomes final 60 days after it is mailed to all parties and the Department.

**R16-4-117. Board Member Participation in Matters Before the SBOE**

- A.** A member of the SBOE shall comply with A.R.S. Title 38, Chapter 3, Article 8, regarding conflicts of interest. This requires, among other things:
  1. Refraining from participating in any manner in a SBOE decision regarding property in which the member or the member's relative has a substantial interest; and
  2. Refraining from participating in any manner in a SBOE decision regarding a petition submitted to the SBOE by an entity in which the member or the member's relative has a substantial interest.
- B.** Remedies and penalties for violating A.R.S. Title 38, Chapter 3, Article 8 are specified at A.R.S. §§ 38-506 and 38-510.
- C.** Members of the SBOE shall comply with the Open Meeting Laws of Arizona.



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 expedited rules should be addressed to the agency promulgating the rules. Refer to item 4 to contact the person charged with the rulemaking.

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

[R20-135]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R9-10-306 Amend
R9-10-406 Amend
R9-10-706 Amend
R9-10-1011 Amend
R9-10-1305 Amend
R9-10-1405 Amend
R9-10-1705 Amend
R9-10-1903 Amend
R9-10-1909 Amend
R9-10-1910 Amend
R9-10-1911 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statutes: A.R.S. §§ 36-132(A)(1), 36-136(G)
Implementing statutes: A.R.S. §§ 36-405 and 36-406, and Laws 2019, Ch. 215, § 4
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. 1707, August 21, 2020 (in this issue)
4. The agency's contact person who can answer questions about the rulemaking:
Name: Kathryn McCanna, Branch Chief
Address: Department of Health Services
Health Care Institution Licensing
150 N. 18th Ave., Suite 450
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4808
E-mail: Kathryn.McCanna@azdhs.gov
or
Name: Robert Lane, Chief
Address: Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov
5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41- 1027, to include an explanation about the rulemaking:
Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code, Title 9,



Chapter 10. Laws 2019, Ch. 215, § 4 requires the Department to allow “a person who is employed at a health care institution that provides behavioral health services, who is not a licensed behavioral health professional and who is at least 18 years of age to provide behavioral health or other related health care services pursuant to all applicable department rules.” After receiving an exception from the rulemaking moratorium established by Executive Order 2020-02, the Department is revising the rules in 9 A.A.C. 10 to comply with requirements in Laws 2019, Ch. 215, § 4. The Department is also making changes described in a five-year-review report that was approved by the Governor’s Regulatory Review Council on February 4, 2020. The Department believes that the rulemaking meets the criteria for expedited rulemaking since it will not increase the cost of regulatory compliance, increase a fee, or reduce the procedural rights of persons regulated beyond what is required by statute. 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: August 31, 2020 at 1:00 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:**

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

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

Not applicable

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

No business competitiveness analysis was received by the Department.

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

Not applicable

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

**TITLE 9. HEALTH SERVICES**

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

**ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES**

Section  
R9-10-306. Personnel

**ARTICLE 4. NURSING CARE INSTITUTIONS**

Section  
R9-10-406. Personnel

**ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES**

Section



R9-10-706. Personnel

**ARTICLE 10. OUTPATIENT TREATMENT CENTERS**

Section

R9-10-1011. Behavioral Health Services

**ARTICLE 13. BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY**

Section

R9-10-1305. Personnel Requirements and Records

**ARTICLE 14. SUBSTANCE ABUSE TRANSITIONAL FACILITIES**

Section

R9-10-1405. Personnel

**ARTICLE 17. UNCLASSIFIED HEALTH CARE INSTITUTIONS**

Section

R9-10-1705. Personnel

**ARTICLE 19. COUNSELING FACILITIES**

Section

R9-10-1903. Administration

R9-10-1909. Counseling

R9-10-1910. Physical Plant, Environmental Services, and ~~Equipment~~ Safety Standards

R9-10-1911. Integrated Information

**ARTICLE 3. BEHAVIORAL HEALTH INPATIENT FACILITIES**

**R9-10-306. Personnel**

A. An administrator shall ensure that:

1. A personnel member, an employee, or a student is at least 18 years old;

~~a. At least 21 years old, or~~

~~b. At least 18 years old and is licensed or certified under A.R.S. title 32 and providing services within the personnel member's scope of practice;~~

~~2. An employee is at least 18 years old;~~

~~3. A student is at least 18 years old; and~~

~~4.2. A volunteer is at least 21 years old.~~

B. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:

a. Are based on:

i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and

ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and

b. Include:

i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,

ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and

iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;

2. A personnel member's skills and knowledge are verified and documented:

a. Before the personnel member provides physical health services or behavioral health services, and

b. According to policies and procedures;

C. An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.

D. An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision, as defined in A.A.C. R4-6-101.

E. An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a participant for more than eight hours in a week, provides evidence of freedom from infectious tuberculosis:

1. On or before the date the individual begins providing services at or on behalf of the behavioral health inpatient facility, and

2. As specified in R9-10-113.

F. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:

1. The individual's name, date of birth, and contact telephone number;

2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and



3. Documentation of:
  - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
  - b. The individual's education and experience applicable to the employee's job duties;
  - c. The individual's completed orientation and in-service education as required by policies and procedures;
  - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - e. The individual's qualifications and on-going training for each type of restraint or seclusion used, as required in R9-10-316;
  - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
  - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-303(C)(1)(e);
  - h. First aid training, if required for the individual according to this Article or policies and procedures; and
  - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (D).
- G. An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout an individual's period of providing services in or for the behavioral health inpatient facility, and
    - b. For at least 24 months after the last date the individual provided services in or for the behavioral health inpatient facility; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the behavioral health inpatient facility during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- H. An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
  2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A clinical director develops, documents, and implements a plan to provide in-service education specific to the duties of a personnel member; and
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.
- I. An administrator shall ensure that a behavioral health inpatient facility has a daily staffing schedule that:
  1. Indicates the date, scheduled work hours, and name of each employee assigned to work, including on-call personnel members;
  2. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and
  3. Is maintained for at least 12 months after the last date on the daily staffing schedule.
- J. An administrator shall ensure that:
  1. A physician or registered nurse practitioner is present on the behavioral health inpatient facility's premises or on-call,
  2. A registered nurse is present on the behavioral health inpatient facility's premises, and
  3. A registered nurse who provides direction for the nursing services provided at the behavioral health inpatient facility is present at the behavioral health inpatient facility at least 40 hours every week.

#### ARTICLE 4. NURSING CARE INSTITUTIONS

##### R9-10-406. Personnel

- A. An administrator shall ensure that:
  - ~~1. A behavioral health technician is at least 21 years old, and or~~
  - ~~2. A behavioral health paraprofessional is at least 21 18 years old.~~
- B. An administrator shall ensure that:
  1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of the residents receiving physical health services or behavioral health services from the personnel member according to the established job description; and
    - b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
  2. A personnel member's skills and knowledge are verified and documented:
    - a. Before the personnel member provides physical health services or behavioral health services, and



- b. According to policies and procedures;
- 3. Sufficient personnel members are present on a nursing care institution’s premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the nursing care institution’s scope of services,
  - b. Meet the needs of a resident, and
  - c. Ensure the health and safety of a resident.
- C. Except as provided in R9-10-415, an administrator shall ensure that, if a personnel member provides social services that require a license under A.R.S. Title 32, Chapter 33, Article 5, the personnel member is licensed under A.R.S. Title 32, Chapter 33, Article 5.
- D. An administrator shall ensure that an individual who is a licensed baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision as defined in 4 A.A.C. 6, Article 1.
- E. An administrator shall ensure that a personnel member or an employee or volunteer who has or is expected to have direct interaction with a resident for more than eight hours a week provides evidence of freedom from infectious tuberculosis:
  - 1. On or before the date the individual begins providing services at or on behalf of the nursing care institution, and
  - 2. As specified in R9-10-113.
- F. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  - 1. The individual’s name, date of birth, and contact telephone number;
  - 2. The individual’s starting date of employment or volunteer service and, if applicable, the ending date; and
  - 3. Documentation of:
    - a. The individual’s qualifications including skills and knowledge applicable to the individual’s job duties;
    - b. The individual’s education and experience applicable to the individual’s job duties;
    - c. The individual’s compliance with the requirements in A.R.S. § 36-411;
    - d. Orientation and in-service education as required by policies and procedures;
    - e. The individual’s license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-303(C)(1)(e);
    - h. First aid training, if required for the individual according to this Article or policies and procedures; and
    - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (E); and
    - j. If the individual is a nutrition and feeding assistant:
      - i. Completion of the nutrition and feeding assistant training course required in R9-10-116, and
      - ii. A nurse’s observations required in R9-10- 423(C)(6).
- G. An administrator shall ensure that personnel records are:
  - 1. Maintained:
    - a. Throughout the individual’s period of providing services in or for the nursing care institution, and
    - b. For at least 24 months after the last date the individual provided services in or for the nursing care institution; and
  - 2. For a personnel member who has not provided physical health services or behavioral health services at or for the nursing care institution during the previous 12 months, provided to the Department within 72 hours after the Department’s request.
- H. An administrator shall ensure that:
  - 1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
  - 2. A personnel member completes orientation before providing behavioral health services or physical health services;
  - 3. An individual’s orientation is documented, to include:
    - a. The individual’s name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  - 4. A plan to provide in-service education specific to the duties of a personnel member is developed, documented, and implemented;
  - 5. A personnel member’s in-service education is documented, to include:
    - a. The personnel member’s name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.
  - 5. A work schedule of each personnel member is developed and maintained at the nursing care institution for at least 12 months after the date of the work schedule.
- I. An administrator shall designate a qualified individual to provide:
  - 1. Social services, and
  - 2. Recreational activities.

**ARTICLE 7. BEHAVIORAL HEALTH RESIDENTIAL FACILITIES**

**R9-10-706. Personnel**

- A. An administrator shall ensure that:
  - 1. A personnel member, an employee, or a student is at least 18 years old;
    - ~~a. At least 21 years old, or~~
    - ~~b. At least 18 years old and is licensed or certified under A.R.S. title 32 and providing services within the personnel member’s scope of practice;~~
  - 2. ~~An employee is at least 18 years old;~~



3. A student is at least 18 years old; and
  4. A volunteer is at least 21 years old.
- B.** An administrator shall ensure that:
1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of behavioral health services or physical health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of the residents receiving behavioral health services or physical health services from the personnel member according to the established job description; and
    - b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;
  2. A personnel member's skills and knowledge are verified and documented:
    - a. Before the personnel member provides physical health services or behavioral health services, and
    - b. According to policies and procedures;
  3. Sufficient personnel members are present on a behavioral health residential facility's premises with the qualifications, experience, skills, and knowledge necessary to:
    - a. Provide the services in the behavioral health residential facility's scope of services,
    - b. Meet the needs of a resident, and
    - c. Ensure the health and safety of a resident.
- C.** An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- D.** An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision, as defined in A.A.C. R4-6-101.
- E.** An administrator shall ensure that:
1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
  2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A written plan is developed and implemented to provide in-service education specific to the duties of a personnel member; and
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.
- F.** An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have more than eight hours of direct interaction per week with residents, provides evidence of freedom from infectious tuberculosis:
1. On or before the date the individual begins providing services at or on behalf of the behavioral health residential facility, and
  2. As specified in R9-10-113.
- G.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. If the behavioral health residential facility is authorized to provide services to children, the individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03;
    - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-303(C)(1)(e);
    - h. First aid training, if required for the individual according to this Article or policies and procedures; and
    - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (F).
- H.** An administrator shall ensure that personnel records are:
1. Maintained:



- a. Throughout an individual’s period of providing services at or for the behavioral health residential facility, and
- b. For at least 24 months after the last date the individual provided services in or for the behavioral health residential facility; and
- 2. For a personnel member who has not provided physical health services or behavioral health services at or for the behavioral health residential facility during the previous 12 months, provided to the Department within 72 hours after the Department’s request.
- I. An administrator shall ensure that the following personnel members have first-aid and cardiopulmonary resuscitation training specific to the populations served by the behavioral health residential facility:
  - 1. At least one personnel member who is present at the behavioral health residential facility during hours of operation of the behavioral health residential facility, and
  - 2. Each personnel member participating in an outing.
- J. An administrator shall ensure that:
  - 1. At least one personnel member is present and awake at the behavioral health residential facility when a resident is on the premises;
  - 2. In addition to the personnel member in subsection (J)(1), at least one personnel member is on-call and available to come to the behavioral health residential facility if needed;
  - 3. There is a daily staffing schedule that:
    - a. Indicates the date, scheduled work hours, and name of each employee assigned to work, including on-call personnel members;
    - b. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and
    - c. Is maintained for at least 12 months after the last date on the documentation;
  - 4. A behavioral health professional is present at the behavioral health residential facility or on-call;
  - 5. A registered nurse is present at the behavioral health residential facility or on-call; and
  - 6. If a resident requires services that the behavioral health residential facility is not authorized or not able to provide, a personnel member arranges for the resident to be transported to a hospital or another health care institution where the services can be provided.

**ARTICLE 10. OUTPATIENT TREATMENT CENTERS**

**R9-10-1011. Behavioral Health Services**

- A. An administrator of an outpatient treatment center that is authorized to provide behavioral health services shall ensure that:
  - 1. The outpatient treatment center does not provide a behavioral health service the outpatient treatment center is not authorized to provide;
  - 2. The behavioral health services provided by or at the outpatient treatment center:
    - a. Are provided under the direction of a behavioral health professional; and
    - b. Comply with the requirements:
      - i. For behavioral health paraprofessionals and behavioral health technicians; in R9-10-115, and
      - ii. For an assessment, in subsection (B);
  - 3. A personnel member who provides behavioral health services is at least 18 years old;
    - ~~a. At least 21 years of age; or~~
    - ~~b. At least 18 years of age and is licensed or certified under A.R.S. Title 32 and providing services within the personnel member’s scope of practice; and~~
  - 4. If an outpatient treatment center provides behavioral health services to a patient who is less than 18 years of age, the owner and an employee or a volunteer comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.
- B. An administrator of an outpatient treatment center that is authorized to provide behavioral health services shall ensure that:
  - 1. Except as provided in subsection (B)(2), a behavioral health assessment for a patient is completed before treatment for the patient is initiated;
  - 2. If a behavioral health assessment that complies with the requirements in this Section is received from a behavioral health provider other than the outpatient treatment center or the outpatient treatment center has a medical record for the patient that contains an assessment that was completed within 12 months before the date of the patient’s current admission:
    - a. The patient’s assessment information is reviewed and updated if additional information that affects the patient’s assessment is identified, and
    - b. The review and update of the patient’s assessment information is documented in the patient’s medical record within 48 hours after the review is completed;
  - 3. If a behavioral health assessment is conducted by a:
    - a. Behavioral health technician or a registered nurse, within 72 hours a behavioral health professional certified or licensed to provide the behavioral health services needed by the patient reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the behavioral health services needed by the patient; or
    - b. Behavioral health paraprofessional, a behavioral health professional certified or licensed to provide the behavioral health services needed by the patient supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the assessment identifies the behavioral health services needed by the patient;
  - 4. A behavioral health assessment:
    - a. Documents a patient’s:
      - i. Presenting issue;
      - ii. Substance abuse history;
      - iii. Co-occurring disorder;



- iv. Medical condition and history;
- v. Legal history, including:
  - (1) Custody,
  - (2) Guardianship, and
  - (3) Pending litigation;
- vi. Criminal justice record;
- vii. Family history;
- viii. Behavioral health treatment history; and
- ix. Symptoms reported by the patient and referrals needed by the patient, if any;
- b. Includes:
  - i. Recommendations for further assessment or examination of the patient's needs;
  - ii. The behavioral health services, physical health services, or ancillary services that will be provided to the patient; and
  - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
- c. Is documented in patient's medical record;
- 5. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
- 6. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
- 7. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
- 8. Documentation of the request in subsection (B)(6) and the opportunity in subsection (B)(7) is in the patient's medical record;
- 9. A patient's behavioral health assessment information is documented in the medical record within 48 hours after completing the assessment;
- 10. If information in subsection (B)(4)(a) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained;
- 11. Counseling is:
  - a. Offered as described in the outpatient treatment center's scope of services,
  - b. Provided according to the frequency and number of hours identified in the patient's assessment, and
  - c. Provided by a behavioral health professional or a behavioral health technician;
- 12. A personnel member providing counseling that addresses a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
- 13. Each counseling session is documented in the patient's medical record to include:
  - a. The date of the counseling session;
  - b. The amount of time spent in the counseling session;
  - c. Whether the counseling was individual counseling, family counseling, or group counseling;
  - d. The treatment goals addressed in the counseling session; and
  - e. The signature of the personnel member who provided the counseling and the date signed.
- C. An administrator of an outpatient treatment center authorized to provide behavioral health services may request to provide any of the following to individuals required to attend by a referring court:
  - 1. DUI screening,
  - 2. DUI education,
  - 3. DUI treatment, or
  - 4. Misdemeanor domestic violence offender treatment.
- D. An administrator of an outpatient treatment center authorized to provide the services in subsection (C):
  - 1. Shall comply with the requirements for the specific service in 9 A.A.C. 20, and
  - 2. May have a behavioral health technician who has the appropriate skills and knowledge established in policies and procedures provide the services.

### ARTICLE 13. BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY

#### R9-10-1305. Personnel Requirements and Records

- A. An administrator shall ensure that a personnel member:
  - 1. Is at least ~~24~~ 18 years of ~~age~~ old; and
  - 2. Either:
    - a. Holds a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
    - b. Submits to the administrator a copy of a fingerprint clearance card application showing that the personnel member submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after becoming a personnel member.
- B. An administrator shall ensure that each personnel member submits to the administrator a copy of the individual's valid fingerprint clearance card:
  - 1. Except as provided in subsection (A)(2)(b), before the personnel member's starting date of employment; and
  - 2. Each time the fingerprint clearance card is issued or renewed.
- C. If a personnel member holds a fingerprint clearance card that was issued before the individual became a personnel member, an administrator shall:
  - 1. Contact the Department of Public Safety within seven working days after the individual becomes a personnel member to determine whether the fingerprint clearance card is valid; and



2. Make a record of this determination, including the name of the personnel member, the date of the contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- D.** An administrator shall ensure:
1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of the patients receiving physical health services or behavioral health services from the personnel member according to the established job description; and
    - b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
  2. A personnel member's skills and knowledge are verified and documented:
    - a. Before the personnel member provides physical health services or behavioral health services, and
    - b. According to policies and procedures; and
  3. Personnel members are present on a behavioral health specialized transitional facility's premises with the qualifications, skills, and knowledge necessary to:
    - a. Provide the services in the behavioral health specialized transitional facility's scope of services,
    - b. Meet the needs of a patient, and
    - c. Ensure the health and safety of a patient.
- E.** An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- F.** An administrator shall ensure that a personnel member or an employee or volunteer who has or is expected to have direct interaction with a patient for more than eight hours a week, provides evidence of freedom from infectious tuberculosis:
1. On or before the date the individual begins providing service at or on behalf of the behavioral health specialized transition facility, and
  2. As specified in R9-10-113.
- G.** An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
    - f. Cardiopulmonary resuscitation training, if required for the individual according to this Article or policies and procedures;
    - g. First aid training, if required for the individual according to this Article or policies and procedures; and
    - h. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (F).
- H.** An administrator shall ensure that personnel records are maintained:
1. Throughout an individual's period of providing services in or for the behavioral health specialized transitional facility; and
  2. For at least 24 months after the last date the individual provided services in or for the behavioral health specialized transitional facility.
- I.** An administrator shall ensure that:
1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented
  2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A plan to provide in-service education specific to the duties of a personnel member is developed, documented and implemented; and
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.

**ARTICLE 14. SUBSTANCE ABUSE TRANSITIONAL FACILITIES****R9-10-1405. Personnel**

- A. An administrator shall ensure that:
1. A personnel member is:
    - a. At least 21 years old, or
    - b. ~~Licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice~~ If providing behavioral health services, at least 18 years old;
  2. An employee is at least 18 years old;
  3. A student is at least 18 years old; and
  4. A volunteer is at least 21 years old.
- B. An administrator shall ensure that:
1. The qualifications, skills, and knowledge required for each type of personnel member:
    - a. Are based on:
      - i. The type of behavioral health services or physical health services expected to be provided by the personnel member according to the established job description, and
      - ii. The acuity of participants receiving behavioral health services or physical health services from the personnel member according to the established job description;
    - b. Include:
      - i. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;
      - ii. The type and duration of education that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to have acquired the specific skills and knowledge for the personnel member to provide the expected behavioral health services or physical health services listed in the established job description;
  2. A personnel member's skills and knowledge are verified and documented:
    - a. Before the personnel member provides behavioral health services or physical health services, and
    - b. According to policies and procedures;
  3. An emergency medical care technician complies with the requirements in 9 A.A.C. 25 for certification and medical direction;
  4. A substance abuse transitional facility has sufficient personnel members with the qualifications, education, experience, skills, and knowledge necessary to:
    - a. Provide the behavioral health services and physical health services in the substance abuse transitional facility's scope of services,
    - b. Meet the needs of a participant, and
    - c. Ensure the health and safety of a participant;
  5. A written plan is developed and implemented to provide orientation specific to the duties of a personnel member;
  6. A personnel member's orientation is documented, to include:
    - a. The personnel member's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  7. In addition to the training required in subsections (B)(1) and (B)(5), a written plan is developed and implemented to provide a personnel member with in-service education specific to the duties of the personnel member;
  8. A personnel member's skills and knowledge are verified and documented:
    - a. Before providing services related to participant care, and
    - b. At least once every 12 months after the date the personnel member begins providing services related to participant care; and
  9. An individual's in-service education and, if applicable, training in how to respond to a participant's sudden, intense, or out-of-control behavior is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training.
- C. An administrator shall ensure that an individual who is licensed under A.R.S. Title 32, Chapter 33 as a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor receives direct supervision as defined in A.A.C. R4-6-101.
- D. An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a participant for more than eight hours in a week, provides evidence of freedom from infectious tuberculosis:
1. On or before the date the individual begins providing services at or on behalf of the substance abuse transitional facility, and
  2. As specified in R9-10-113.
- E. An administrator shall comply with the requirements for behavioral health technicians and behavioral health paraprofessionals in R9-10-115.
- F. An administrator shall ensure that a personnel record is maintained for a personnel member, employee, volunteer, or student that contains:
1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and



- 3. Documentation of:
  - a. The individual’s qualifications including skills and knowledge applicable to the individual’s job duties;
  - b. The individual’s education and experience applicable to the individual’s job duties,
  - c. The individual’s completed orientation and in-service education as required by policies and procedures;
  - d. The individual’s license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
  - e. The individual’s completion of the training required in subsection (B)(8), if applicable;
  - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-115;
  - g. Cardiopulmonary resuscitation training, if required for the individual according to subsection (H) or policies and procedures;
  - h. First aid training, if required for the individual according to subsection (H) or policies and procedures; and
  - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection (D).
- G. An administrator shall ensure that personnel records are:
  - 1. Maintained:
    - a. Throughout an individual’s period of providing services at or for a substance abuse transitional facility, and
    - b. For at least 24 months after the last date the individual provided services at or for a substance abuse transitional facility; and
  - 2. For a personnel member who has not provided physical health services or behavioral health services at or for the substance abuse transitional facility during the previous 12 months, provided to the Department within 72 hours after the Department’s request.
- H. An administrator shall ensure at least one personnel member who is present at the substance abuse transitional facility during hours of facility operation has first-aid and cardiopulmonary resuscitation training certification specific to the populations served by the facility.
- I. An administrator shall ensure that:
  - 1. At least one personnel member is present and awake at a substance abuse transitional facility at all times when a participant is on the premises;
  - 2. In addition to the personnel member in subsection (I)(1), at least one personnel member is on-call and available to come to the substance abuse transitional facility if needed;
  - 3. A substance abuse transitional facility has sufficient personnel members to provide general participant supervision and treatment and sufficient personnel members or employees to provide ancillary services to meet the scheduled and unscheduled needs of each participant;
  - 4. There is a daily staffing schedule that:
    - a. Indicates the date, scheduled work hours, and name of each individual assigned to work, including on-call individuals;
    - b. Includes documentation of the employees who work each day and the hours worked by each employee; and
    - c. Is maintained for at least 12 months after the last date on the documentation;
  - 5. A behavioral health professional is present on the substance abuse transitional facility’s premises or on-call; and
  - 6. A registered nurse is present on the substance abuse transitional facility’s premises or on-call.

**ARTICLE 17. UNCLASSIFIED HEALTH CARE INSTITUTIONS**

**R9-10-1705. Personnel**

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



3. Sufficient personnel members are present on a health care institution's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the health care institution's scope of services,
  - b. Meet the needs of a patient, and
  - c. Ensure the health and safety of a patient.
- C. An administrator shall ensure that:
  1. A plan to provide orientation specific to the duties of a personnel member, employee, volunteer, and student is developed, documented, and implemented;
  2. A personnel member completes orientation before providing behavioral health services or physical health services;
  3. An individual's orientation is documented, to include:
    - a. The individual's name,
    - b. The date of the orientation, and
    - c. The subject or topics covered in the orientation;
  4. A plan to provide in-service education specific to the duties of a personnel member is developed;
  5. A personnel member's in-service education is documented, to include:
    - a. The personnel member's name,
    - b. The date of the training, and
    - c. The subject or topics covered in the training; and
  6. A work schedule of each personnel member is developed and maintained at the health care institution for at least 12 months after the date of the work schedule.
- D. An administrator shall ensure that a personnel member, or an employee, a volunteer, or a student who has or is expected to have direct interaction with a patient, provides evidence of freedom from infectious tuberculosis:
  - a. On or before the date the individual begins providing services at or on behalf of the unclassified healthcare institution, and
  - b. As specified in R9-10-113.
- E. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:
  1. The individual's name, date of birth, and contact telephone number;
  2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and
  3. Documentation of:
    - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
    - b. The individual's education and experience applicable to the individual's job duties;
    - c. The individual's completed orientation and in-service education as required by policies and procedures;
    - d. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
    - e. If the health care institution provides services to children, the individual's compliance with the fingerprinting requirements in A.R.S. § 36-425.03;
    - f. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-1702(C)(2)(l);
    - g. First aid training, if required for the individual according to this Article or policies and procedures; and
    - h. Evidence of freedom from infectious tuberculosis, if the individual is required to provide evidence of freedom according to subsection (D).
- F. An administrator shall ensure that personnel records are:
  1. Maintained:
    - a. Throughout an individual's period of providing services in or for the health care institution, and
    - b. For at least 24 months after the last date the individual provided services in or for the health care institution; and
  2. For a personnel member who has not provided physical health services or behavioral health services at or for the health care institution during the previous 12 months, provided to the Department within 72 hours after the Department's request.
- G. An administrator shall ensure that at least one personnel member who is present at the health care institution during the hours of the health care institution operation has first-aid training and cardiopulmonary resuscitation certification specific to the populations served by the health care institution.

## ARTICLE 19. COUNSELING FACILITIES

### R9-10-1903. Administration

- A. A governing authority shall:
  1. Consist of one or more individuals accountable for the organization, operation, and administration of a counseling facility;
  2. Establish, in writing:
    - a. A counseling facility's scope of services, and
    - b. Qualifications for an administrator;
  3. Designate, in writing, an administrator who has the qualifications established in subsection (A)(2)(b);
  4. Adopt a quality management program according to R9-10-1904;
  5. Review and evaluate the effectiveness of the quality management program in R9-10-1904 at least once every 12 months;
  6. Designate, in writing, an acting administrator who has the qualifications established in subsection (A)(2)(b) if the administrator is:
    - a. Expected not to be present on the premises for more than 30 calendar days, or
    - b. Not present on the premises for more than 30 calendar days; and
  7. Except as provided in subsection (A)(6), notify the Department according to A.R.S. § 36-425(I) when there is a change in an administrator and identify the name and qualifications of the new administrator.



- B. An administrator:
  - 1. Is directly accountable to the governing authority for the daily operation of the counseling facility and all services provided by or at the counseling facility;
  - 2. Has the authority and responsibility to manage the counseling facility; and
  - 3. Except as provided in subsection (A)(6), designates in writing, an individual who is present on the counseling facility’s premises and accountable for the counseling facility when the administrator is not available.
- C. An administrator or the administrator of the counseling facility’s affiliated outpatient treatment center shall establish policies and procedures to protect the health and safety of a patient that:
  - 1. Cover job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience, for personnel members, employees, volunteers, and students;
  - 2. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - 3. Include how a personnel member may submit a complaint relating to services provided to a patient;
  - 4. Cover the requirements in Title 36, Chapter 4, Article 11;
  - 5. Cover patient screening, admission, assessment, discharge planning, and discharge;
  - 6. Cover medical records;
  - 7. Cover the provision of counseling and any services listed in the counseling facility’s scope of services;
  - 8. Include when general consent and informed consent are required;
  - 9. Cover telemedicine, if applicable;
  - 10. Cover specific steps for:
    - a. A patient or a patient’s representative to file a complaint, and
    - b. A counseling facility to respond to a complaint; and
  - 11. Cover how personnel members will respond to a patient’s sudden, intense, or out-of-control behavior to prevent harm to the patient or another individual.
- D. An administrator shall ensure that:
  - 1. Policies and procedures established according to subsection (C) are documented and implemented;
  - 2. Counseling facility policies and procedures are:
    - a. Reviewed at least once every three years and updated as needed, and
    - b. Available to personnel members and employees;
  - 3. Unless otherwise stated:
    - a. Documentation required by this Article is maintained and provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a counseling facility, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the counseling facility;
  - 4. The following are conspicuously posted:
    - a. The current license for the counseling facility issued by the Department;
    - b. The name, address, and telephone number of the Department;
    - c. A notice that a patient may file a complaint with the Department about the counseling facility;
    - d. A list of patient rights;
    - e. A map for evacuating the facility; and
    - f. A notice identifying the location on the premises where current license inspection reports required in A.R.S. § 36-425(H), with patient information redacted, are available;
  - 5. Patient follow-up instructions are:
    - a. Provided, orally or in written form, to a patient or the patient’s representative before the patient leaves the counseling facility unless the patient leaves against a personnel member’s advice; and
    - b. Documented in the patient’s medical record; and
  - 6. Cardiopulmonary resuscitation training includes a demonstration of the individual’s ability to perform cardiopulmonary resuscitation.
- E. If abuse, neglect, or exploitation of a patient is alleged or suspected to have occurred before the patient was admitted or while the patient is not on the premises and not receiving services from a counseling facility’s employee or personnel member, an administrator shall report the alleged or suspected abuse, neglect, or exploitation of the patient as follows:
  - 1. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
  - 2. For a patient under 18 years of age, according to A.R.S. § 13-3620.
- F. If an administrator has a reasonable basis, according to A.R.S. §§ 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a patient is receiving services from a counseling facility’s employee or personnel member, an administrator shall:
  - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  - 2. Report the suspected abuse, neglect, or exploitation of the patient as follows:
    - a. For a patient 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For a patient under 18 years of age, according to A.R.S. § 13-3620;
  - 3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  - 4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);



5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
  - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
  - b. A description of any injury to the patient related to the suspected abuse or neglect and any change to the patient's physical, cognitive, functional, or emotional condition;
  - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
  - d. The actions taken by the administrator to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.

**R9-10-1909. Counseling**

- A. An administrator of a counseling facility shall ensure that:
  1. Counseling provided at the counseling facility is provided under the direction of a behavioral health professional;
  2. A personnel member who provides counseling is at least 18 years old;  
~~a. At least 21 years of age, or~~  
~~b. At least 18 years of age and is licensed or certified under A.R.S. Title 32 and providing services within the personnel member's scope of practice; and~~
  3. If a counseling facility provides counseling to a patient who is less than 18 years of age, an employee or a volunteer and the owner comply with the fingerprint clearance card requirements in A.R.S. § 36-425.03.
- B. An administrator of a counseling facility shall ensure that:
  1. Before counseling for a patient is initiated, there is a behavioral health assessment for the patient that complies with the requirements in this Section that is:
    - a. Available:
      - i. In the patient's medical record maintained by the counseling facility;
      - ii. If the counseling facility is an affiliated counseling facility, in the patient's integrated medical record; or
      - iii. If the counseling facility has an affiliated outpatient treatment center, in the patient's integrated medical record maintained by the counseling facility's affiliated outpatient treatment center; and
    - b. Either:
      - ~~i.~~ Completed by a personnel member at the counseling facility; and or
      - ~~ii.~~ Obtained from a behavioral health provider other than the counseling facility; ~~or~~
  2. A behavioral health assessment, obtained from a behavioral health provider other than the counseling facility or available in a medical record or integrated medical record, was completed within 12 months before the date of the patient's current admission;
  3. If a behavioral health assessment is obtained from a behavioral health provider other than the counseling facility or is available as stated in subsection (B)(1)(a), the information in the behavioral health assessment is reviewed and updated if additional information that affects the patient's behavioral health assessment is identified;
  4. The review and update of the patient's assessment information in subsection (B)(3) is documented in the patient's medical record within 48 hours after the review is completed;
  5. If a behavioral health assessment is conducted by a:
    - a. Behavioral health technician or a registered nurse, within 72 hours after the behavioral health assessment is conducted, a behavioral health professional certified or licensed to provide the counseling needed by the patient reviews and signs the behavioral health assessment to ensure that the behavioral health assessment identifies the counseling needed by the patient; or
    - b. Behavioral health paraprofessional, a behavioral health professional certified or licensed to provide the counseling needed by the patient supervises the behavioral health paraprofessional during the completion of the behavioral health assessment and signs the behavioral health assessment to ensure that the assessment identifies the counseling needed by the patient;
  6. A behavioral health assessment:
    - a. Documents a patient's:
      - i. Presenting issue;
      - ii. Substance use history;
      - iii. Co-occurring disorder;
      - iv. Medical condition and history;
      - v. Legal history, including:
        - (1) Custody,
        - (2) Guardianship, and
        - (3) Pending litigation;
      - vi. Criminal justice record;
      - vii. Family history;
      - viii. Behavioral health treatment history; and
      - ix. Symptoms reported by the patient or the patient's representative and referrals needed by the patient, if any;
    - b. Includes:
      - i. Recommendations for further assessment or examination of the patient's needs;
      - ii. A description of the counseling, including type, frequency, and number of hours, that will be provided to the patient; and
      - iii. The signature and date signed of the personnel member conducting the behavioral health assessment; and
    - c. Is documented in patient's medical record;



- 7. A patient is referred to a medical practitioner if a determination is made that the patient requires immediate physical health services or the patient's behavioral health issue may be related to the patient's medical condition;
- 8. A request for participation in a patient's behavioral health assessment is made to the patient or the patient's representative;
- 9. An opportunity for participation in the patient's behavioral health assessment is provided to the patient or the patient's representative;
- 10. Documentation of the request in subsection (B)(8) and the opportunity in subsection (B)(9) is in the patient's medical record;
- 11. A patient's behavioral health assessment information is documented in the medical record within 48 hours after completing the assessment;
- 12. If information in subsection (B)(6)(a) is obtained about a patient after the patient's behavioral health assessment is completed, an interval note, including the information, is documented in the patient's medical record within 48 hours after the information is obtained;
- 13. Counseling is:
  - a. Offered as described in the counseling facility's scope of services;
  - b. Provided according to the type, frequency, and number of hours identified in the patient's assessment; and
  - c. Provided by a behavioral health professional or a behavioral health technician;
- 14. A personnel member providing counseling to address a specific type of behavioral health issue has the skills and knowledge necessary to provide the counseling that addresses the specific type of behavioral health issue; and
- 15. Each counseling session is documented in the patient's medical record to include:
  - a. The date of the counseling session;
  - b. The amount of time spent in the counseling session;
  - c. Whether the counseling was individual counseling, family counseling, or group counseling;
  - d. The treatment goals addressed in the counseling session; and
  - e. The signature of the personnel member who provided the counseling and the date signed.
- C. An administrator may ~~request authorization to~~ provide any of the following, according to the applicable requirements in 9 A.A.C. 20, to individuals required to attend by a referring court, if approved by the Department to provide the services:
  - 1. DUI screening,
  - 2. DUI education,
  - 3. DUI treatment, or
  - 4. Misdemeanor domestic violence offender treatment.
- D. An administrator of a counseling facility authorized to provide the services in subsection (C):
  - 1. Shall comply with the requirements for the specific service in 9 A.A.C. 20, and
  - 2. May have a behavioral health technician who has the appropriate skills and knowledge established in policies and procedures provide the services.

**R9-10-1910. Physical Plant, Environmental Services, and ~~Equipment~~ Safety Standards**

- A. An administrator shall ensure that a counseling facility has either:
  - 1. Both of the following:
    - a. A smoke detector installed in each hallway of the counseling facility that is:
      - i. Maintained in an operable condition;
      - ii. Either battery operated or, if hard-wired into the electrical system of the outpatient treatment center, has a back-up battery; and
      - iii. Tested monthly; and
    - b. A portable, operable fire extinguisher, labeled as rated at least 2A-10-BC by the Underwriters Laboratories, that:
      - i. Is available at the counseling facility;
      - ii. Is mounted in a fire extinguisher cabinet or placed on wall brackets so that the top handle of the fire extinguisher is not over five feet from the floor and the bottom of the fire extinguisher is at least four inches from the floor;
      - iii. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
      - iv. If a rechargeable fire extinguisher, is serviced at least once every 12 months and has a tag attached to the fire extinguisher that specifies the date of the last servicing and the name of the servicing person; or
  - 2. Both of the following that are tested and serviced at least once every 12 months:
    - a. A fire alarm system installed according to the National Fire Protection Association 72: National Fire Alarm and Signaling Code, incorporated by reference in R9-10-104.01, that is in working order; and
    - b. A sprinkler system installed according to the National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems, incorporated by reference in R9-10-104.01, that is in working order.
- B. An administrator shall ensure that documentation of a test required in subsection (A) is maintained for at least 12 months after the date of the test.
- C. An administrator shall ensure that on a counseling facility's premises:
  - 1. Exit signs are illuminated, if the local fire jurisdiction requires illuminated exit signs;
  - 2. Corridors and exits are kept clear of any obstructions;
  - 3. A patient can exit through any exit during hours of clinical operation;
  - 4. An extension cord is not used instead of permanent electrical wiring; and
  - 5. Each electrical outlet and electrical switch has a cover plate that is in good repair.
- D. An administrator shall:
  - 1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  - 2. Make any repairs or corrections stated on the fire inspection report, and
  - 3. Maintain documentation of a current fire inspection.
- E. An administrator shall ensure that:



1. A counseling facility's premises are:
  - a. Sufficient to provide the counseling facility's scope of services;
  - b. Cleaned and disinfected to prevent, minimize, and control illness and infection; and
  - c. Free from a condition or situation that may cause an individual to suffer physical injury;
2. If a bathroom is on the premises, the bathroom contains:
  - a. A working sink with running water,
  - b. A working toilet that flushes and has a seat,
  - c. Toilet tissue,
  - d. Soap for hand washing,
  - e. Paper towels or a mechanical air hand dryer,
  - f. Lighting, and
  - g. A means of ventilation;
3. If a bathroom is not on the premises, a bathroom is:
  - a. Available for a patient's use,
  - b. Located in a building in contiguous proximity to the counseling facility, and
  - c. Free from a condition or situation that may cause an individual using the bathroom to suffer a physical injury; and
4. A tobacco smoke-free environment is maintained on the premises.

**R9-10-1911. Integrated Information**

- A. An administrator of an affiliated outpatient treatment center may maintain the following information, required in this Article for a counseling facility for which the affiliated outpatient treatment center provides administrative support, integrated with information required in 9 A.A.C. 10, Article 10 for the outpatient treatment center:
  1. Quality management plan, documented incidents, and reports required in R9-10-1904;
  2. Contracted services information in R9-10-1905;
  3. Orientation plan, in-service education plan, and personnel records in R9-10-1906; and
  4. Medical records in R9-10-1908.
- B. An administrator of an affiliated counseling facility that shares administrative support with one or more other affiliated counseling facilities may maintain the information in subsections (A)(1) through (A)(4) integrated with information maintained by the other affiliated counseling facilities.
- C. If an administrator of an affiliated outpatient treatment center or an affiliated counseling facility maintains integrated information according to subsection (A) or (B), the administrator shall develop, document, and implement a method to ensure that:
  1. If the quality management plan is integrated, the incidents documented, concerns identified, and changes or actions taken are identified for each facility;
  2. If a person provides contracted services at more than one facility, the types of services the person provides at each facility is identified in the contract information;
  3. If an orientation plan is applicable to more than one facility, the orientation a personnel member is expected to obtain for each facility is identified in the orientation plan;
  4. If an in-service education plan is applicable to more than one facility, the in-service education a personnel member is expected to obtain for each facility is identified in the ~~orientation~~ in-service education plan;
  5. If a personnel member provides counseling at more than one facility, the following is identified in the personnel member's record:
    - a. The days and hours the personnel member provides counseling for each facility;
    - b. If the personnel member's job description is different for each facility:
      - i. Each job description for the personnel member's, and
      - ii. Verification of the skills and knowledge to provide counseling according to each of the personnel member's job descriptions; and
    - c. If a personnel member is a behavioral health technician, documentation of the clinical oversight provided to the personnel member, based on the number and acuity of the patients to whom the personnel member provided counseling at each facility; and
  6. If a patient receives counseling at more than one facility, the counseling received and any information related to the counseling received at each facility is identified in the patient's medical record.
- D. An administrator of a counseling facility receiving administrative support from an affiliated outpatient treatment center or an affiliated counseling facility shall ensure that if the counseling facility:
  1. Has integrated information, the integrated information is provided to the Department for review within two hours after the Department's request:
    - a. In a written or electronic format at the counseling facility's premises; or
    - b. Electronically directly to the Department.
  2. No longer receives or shares administrative support that includes integrating the information in subsection (A), the information for the counseling facility required in this Article is maintained by the counseling facility and provided to the Department according to the requirements in this Article.



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them.

Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

[R20-136]

PREAMBLE

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

A.R.S. § 36-2901.08 authorizes the Administration to establish, administer and collect an assessment on hospital revenues, discharges or bed days for funding a portion of the nonfederal share of the costs incurred beginning January 1, 2014, associated with eligible persons added to the program by A.R.S. §§ 36-2901.01 and 36-2901.07.

This rulemaking, in part, will amend rates paid by hospitals under the Hospital Assessment authorized by A.R.S. § 36-2901.08 for the time period beginning July 1, 2020. However, several modifications to A.A.C. R9-22-730 are proposed in order to continue remain compliant with federal regulations, including expanding the assessment to include an outpatient component based on hospital outpatient revenues.

Additional amendments are proposed to update the figures for the assessment to be imposed on hospitals for the period beginning July 1, 2020. Moreover, the rulemaking will update the data sources and will modify the definition of one hospital peer type to ensure the continued exemption from the assessment.

As with prior rulemakings implementing the hospital assessment, it is the Agency's objective to assess only so much as is necessary to meet the estimated costs associated with the projected populations referenced in the statute. As such, it is necessary for the Administration to adjust the assessment from time to time as the Administration updates its estimate of the number of eligible persons and projected cost associated with coverage for those persons.



At the assessment rates in the current rule, the Administration estimates that it would collect \$331 million over the course of a state fiscal year. The amendments reflected in this proposed rule adjust the assessment rates such that the Administration anticipates the collection of \$433 million for the State Fiscal Year ending June 30, 2021. This amount corresponds to the amount of non-federal funds estimated to be necessary to cover the cost of providing care to the estimated 538,000 eligible individuals described in A.R.S. §36-2901.08(A) for State Fiscal year ending June 30, 2021.

As required by A.R.S. § 36-2901.08(B), the assessment has been established in a manner consistent with federal regulations at 42 C.F.R. Part 433 Subpart B so that the assessment does not cause a reduction in federal financial participation. This rulemaking does not implement provisions specified in HB 2668 (*Az. Laws Title 36 Ch. 29*). However, future modifications are expected to implement HB 2668.

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

No studies were conducted relevant to the rule.

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

Not applicable

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

The Administration estimates that \$433 million will be necessary to be collected from Arizona hospitals to fund the cost required by statute for State Fiscal Year (SFY) 2021 ending June 30, 2021. The assessment amount currently in rule reflects the amount needed in SFY 2020 to cover the estimated cost of care, approximately \$331 million. The amendment adjusts the rates upward to reflect the estimated need of \$443 million for SFY 2021.

The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides between two-thirds and 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 538,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona.

A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in SFY 2021 in incremental payments for hospital services than will be collected through the assessment. Along with a copy of this proposed exempt rule making, the Administration has posted to its website information regarding the fiscal impact of this amendment to hospitals: <https://azahcccs.gov/PlansProviders/CurrentProviders/State/proposedrules.html>

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

There were no changes between the proposed and final rulemaking.

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

| Name and Position of Commenter  | Date of Comment | Text of Comment   | AHCCCS Response   |
|---|-----------------|---|---|
| Jennifer A. Carusetta, Executive Director – Health System Alliance of Arizona | 06/30/20        | On behalf of the Health System Alliance of Arizona (Alliance), we appreciate the opportunity to provide comment on the Notice of Proposed Rulemaking: SFY2021 Hospital Assessment.<br><br>To begin, we would like to thank AHCCCS for its efforts to mitigate the impact of the projected growth in the Medicaid Restoration and Expansion populations on the hospital industry in Arizona. As you are aware, our facilities have been devastated by the financial impact of COVID-19. We appreciate the dedication you and your staff have demonstrated in trying to find ways to mitigate these losses and find creative solutions to counter the increased costs associated with this program. | AHCCCS thanks Health System Alliance of Arizona for their support of this rulemaking. AHCCCS understands and recognizes that hospitals require time to plan for increases to the assessment and commits to continuing to engage with hospitals to provide this information as timely as possible. |



|   |  |   |  |
|---|--|---|--|
| <p>(continued)</p> <p>Jennifer A. Carusetta, Executive Director – Health System Alliance of Arizona</p> |  | <p>As discussed throughout the Workgroup process, the members of the Alliance will bear the majority of the impact of any increased costs associated with the hospital assessment program, so it is our continued request that the Agency identify ways to reconcile any reductions in the projected enrollment growth mid-year so our membership does not expend more in assessment costs than necessary. We understand that there is a commitment on the Agency’s part to explore this possibility and we appreciate your partnership. We understand that your staff resources are limited and would pledge our own resources to making any potential reconciliation a reality.</p> <p>We appreciate your leadership and consideration throughout this process.</p> |  |
|---|--|---|--|

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

No other matters have been prescribed.

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

The rule does not require a permit.

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

The rulemaking must be established consistent with 42 CFR Part 433 Subpart B. The rule is not more stringent than federal law.

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

No analysis was submitted.

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

No material is incorporated by reference.

**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 made, amended or repealed as an emergency rule.

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION**

**ARTICLE 7. STANDARDS FOR PAYMENTS**

Section  
R9-22-730. Hospital Assessment

**ARTICLE 7. STANDARDS FOR PAYMENTS**

**R9-22-730. Hospital Assessment**

A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:

1. “~~2016-2018~~ Medicare Cost Report” means: The Medicare Cost Report for the hospital fiscal year ending in calendar year ~~2016~~ 2018 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated ~~July 21, 2017~~ October 9, 2019.
2. “~~2016-2018~~ Uniform Accounting Report” means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of ~~August 16, 2017~~ November 6, 2019 for the hospital’s fiscal year ending in calendar year 2018.
3. “Quarter” means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
4. A “new hospital” means a licensed hospital that did not hold a license from the Arizona Department of Health Services prior to January ~~2, 2020~~ 4, 2018.



5. “Outpatient Net Patient Revenues” means an amount, calculated using data in the hospital’s 2018 Uniform Accounting Report, that is equal to the hospital’s 2018 total net patient revenue multiplied by the ratio of the hospital’s 2018 gross outpatient revenue to the hospital’s 2018 total gross patient revenue.
- B.** Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning July 1, ~~2019~~ 2020, the assessment for each hospital shall be ~~calculated by multiplying an amount equal to the sum of: (1) the number of discharges reported on the hospital’s 2016 2018 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as “Other Long Term Care Discharges,” multiplied by the following rates appropriate to based on the hospital’s peer group; and (2) the amount of outpatient net patient revenues multiplied by the following rate appropriate to the hospital’s peer group:~~
1. ~~\$632.00~~\$612.75 per discharge ~~and 1.2078% of outpatient net patient revenues~~ for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
  2. ~~\$632.00~~\$612.75 per discharge ~~and 0.5033% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: critical access hospital.
  3. ~~\$158.00~~\$153.25 per discharge ~~and 0.5033% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: long term.
  4. ~~\$158.00~~\$153.25 per discharge ~~and 0.5033% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the ~~2016-2018~~ Medicare Cost Report.
  5. ~~\$505.50~~\$490.25 per discharge ~~and 1.3085% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital’s ~~2016-2018~~ Uniform Accounting Report.
  6. ~~\$568.75~~\$551.50 per discharge ~~and 1.5098% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital’s ~~2016-2018~~ Uniform Accounting Report.
  7. ~~\$632.00~~\$612.75 per discharge ~~and 2.0131% of outpatient net patient revenues~~ for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C.** Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website ~~April 1, 2019~~ January 2, 2020.
- D.** Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital’s ~~2016-2018~~ Medicare Cost Report, are assessed a rate of ~~\$158.00~~\$153.25 for each discharge from the psychiatric sub-provider as reported in the ~~2016-2018~~ Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E.** Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital’s ~~2016-2018~~ Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the ~~2016-2018~~ Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F.** Notwithstanding subsection (B), for any hospital that reported more than ~~24,000~~23,400 discharges on the hospital’s ~~2016-2018~~ Medicare Cost Report, discharges in excess of ~~24,000~~23,400 are assessed a rate of ~~\$63.25~~\$61.50 for each discharge in excess of ~~24,000~~23,400. The initial ~~24,000~~23,400 discharges are assessed at the rate required by subsection (B).
- G.** Notwithstanding subsection (B), for any hospital with more than \$300,000,000 in outpatient net patient revenues on the hospital’s 2018 Uniform Account Report, outpatient revenues greater than \$300,000,000 are assessed a rate of 0.2013% for revenue in excess of \$300,000,000. Revenues at or below \$300,000,000 are assessed at the rate required by subsection (B).
- G.H.** Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital’s peer group assignment and the assessment due for the quarter.
- H.I.** Assessment due date. The assessment must be received by the Administration no later than:
1. The 15th day of the second month of the quarter or
  2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- H.J.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital’s ~~2016-2018~~ Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for ~~April 1, 2019~~ January 2, 2020:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
  2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning “SH”.
  3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the ~~2016-2018~~ Medicare Cost Report.
  4. Hospitals designated as type: hospital, subtype: rehabilitation.
  5. Hospitals designated as type: hospital, subtype: children’s.
  6. Hospitals designated as type: med-hospital, subtype: special hospitals.
  7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the ~~2016-2018~~ Medicare Cost Report are reimbursed by Medicare.
  8. Hospitals designated as type: hospital, subtype: short-term that have at least 25 percent Medicare swing beds as percentage of total Medicare days~~80 percent Medicare discharges~~, per the ~~2016-2018~~ Medicare Cost Report.
- H.K.** New hospitals. For hospitals that did not file a ~~2016-2018~~ Medicare Cost Report because of the date the hospital began operations:



1. If the hospital was open on the ~~January 2~~<sup>March 1</sup> preceding the July assessment start date, the hospital assessment will begin on July 1 following the date the hospital began operating.
2. If the hospital began operating between ~~January 3~~<sup>March 2</sup> and June 30, the assessment will begin on July 1 of the following calendar year.
3. A hospital is not considered a new hospital based on a change in ownership.
4. The assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report, which includes 12 months-worth of data, except when any of the following apply;
  - a. If there is not a complete 12 months-worth of data available, the assessment will be based on the annualized number of discharges from the date hospital operations began through ~~December~~<sup>March</sup> 31 preceding the July assessment start date. The hospital shall self-report the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than ~~January~~<sup>April</sup> 15 preceding the assessment start date for the new hospitals. "Annualized" means divided by a ratio equal to the number of months of data divided by 12 months.
  - b. If more than 12 months of data is available, the assessment will be based on the most recent 12 months of self-reported data, as of ~~December~~<sup>March</sup> 31;
5. For purposes of calculating subpart 4, if a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self-reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment.
6. For hospitals providing self-reported data, described in subpart 4 and 5:
  - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
  - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.

~~K.L.~~ Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.

~~L.M.~~ Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.

~~M.N.~~ Required information for the inpatient assessment. For any hospital that has not filed a ~~2016-2018~~ Medicare Cost report, or if the ~~2016-2018~~ Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the inpatient assessment, the Administration shall use data reported on the ~~2016-2018~~ Uniform Accounting Report filed by the hospital in place of the ~~2016-2018~~ Medicare Cost report to calculate the assessment. If the ~~2016-2018~~ Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the inpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the ~~2016-2018~~ Medicare Cost report to calculate the assessment.

~~O.~~ Required information for the outpatient assessment. For any hospital that has not filed a 2018 Uniform Accounting Report, or if the 2018 Uniform Accounting Report does not reconcile to 2018 Audited Financial Statements, the Administration shall use the data reported on 2018 Audited Financial Statements to calculate the outpatient assessment. If the 2018 Audited Financial Statements do not include the reliable information sufficient for the Administration to calculate the outpatient assessment, the Administration all use data reported on the 2018 Medicare Cost report. If the Medicare Cost report does not include reliable information sufficient for the Administration to calculate the outpatient assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2018 Medicare Cost report to calculate the outpatient assessment.

~~N.P.~~ The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in 36-2901.08.

~~Q.~~ Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.



**NOTICES OF RULEMAKING DOCKET OPENING**

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

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

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

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

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

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

[R20-137]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensing
- Article and its heading:** 3, Behavioral Health Inpatient Facilities  
4, Nursing Care Institutions  
7, Behavioral Health Residential Facilities  
10, Outpatient Treatment Centers  
13, Behavioral Health Specialized Transitional Facility  
14, Substance Abuse Transitional Facilities  
17, Unclassified Health Care Institutions  
19, Counseling Facilities
- Section numbers:** R9-10-306, R9-10-406, R9-10-706, R9-10-1011, R9-10-1305, R9-10-1405, R9-10-1411, R9-10-1705, R9-10-1903, R9-10-1909, R9-10-1910, and R9-10-1911 (*The Department may add, delete, or modify other Sections, as necessary.*)

**2. The subject matter of the proposed rules:**  
Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) requires the Arizona Department of Health Services (Department) to protect the health of the people in Arizona. In order to ensure public health, safety, and welfare, A.R.S. §§ 36-405 and 36-406 require the Department to adopt rules establishing minimum standards and requirements for construction, modification, and licensure of health care institutions. The Department has adopted rules to implement these statutes in Arizona Administrative Code Title 9, Chapter 10. Laws 2019, Ch. 215, § 4 requires the Department to allow “a person who is employed at a health care institution that provides behavioral health services, who is not a licensed behavioral health professional and who is at least eighteen years of age to provide behavioral health or other related health care services pursuant to all applicable department rules.” After receiving an exception from the rulemaking moratorium established by Executive Order 2020-02, the Department is revising the rules in 9 A.A.C. Title 10 to comply with requirements in Laws 2019, Ch. 215, § 4. The Department is also making changes described in a five-year-review report that was approved by the Governor’s Regulatory Review Council on February 4, 2020. 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.

**3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Expedited Rulemaking: 26 A.A.R. 1686, August 21, 2020 (*in this issue*)

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

Name: Kathryn McCanna, Branch Chief  
Address: Department of Health Services  
Public Health Licensing Services  
150 N. 18th Ave., Suite 450  
Phoenix, AZ 85007  
Telephone: (602) 364-2841  
Fax: (602) 364-4808  
E-mail: Kathryn.McCanna@azdhs.gov  
or  
Name: Robert Lane, Chief  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200



Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov

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

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

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

To be announced in the Notice of Proposed Expedited Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING
STATE BOARD OF EQUALIZATION

[R20-140]

- 1. Title and its heading: 16, Tax Appeals
Chapter and its heading: 4, State Board of Equalization
Article and its heading: 1, General Provisions
2, Petitions and Hearing Procedures (As a part of this rulemaking, the Board may add, delete or modify additional Sections and Articles as necessary)
Section numbers: R16-4-101 through R16-4-117

- 2. The subject matter of the proposed rule: Administrative rules and rules of procedure for hearings before the State Board of Equalization

- 3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 26 A.A.R. 1679, August 21, 2020 (in this issue)

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

Name: George R. Shook, Acting Chairman
Address: State Board of Equalization
100 N. 15th Ave., Suite 130
Phoenix, AZ 85007
Telephone: (602) 364-1611
Fax: (602) 364-1616
E-mail: gshook@sboe.az.gov

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

Comments may be directed to the person named in Item 4 above and will be accepted during regular business hours at the State Board of Equalization office. Formal comments may be submitted after publication of the Notice of Proposed Rulemaking in this issue of the Arizona Administrative Register. See information related to the oral proceeding on page 1679 of this issue of the Register.

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

None



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## GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

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### EXECUTIVE ORDER 2020-02

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

[M20-01]

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**ATTEST:**  
**Katie Hobbs**  
**SECRETARY OF STATE**



## REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

### **PROPOSED RULEMAKING**

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

### **SUPPLEMENTAL PROPOSED RULEMAKING**

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

### **FINAL RULEMAKING**

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

### **SUMMARY RULEMAKING**

#### **PROPOSED SUMMARY**

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

#### **FINAL SUMMARY**

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

### **EXPEDITED RULEMAKING**

#### **PROPOSED EXPEDITED**

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

#### **SUPPLEMENTAL EXPEDITED**

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

#### **FINAL EXPEDITED**

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

### **EXEMPT RULEMAKING**

#### **EXEMPT**

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

#### **EXEMPT PROPOSED**

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

#### **EXEMPT SUPPLEMENTAL PROPOSED**

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

#### **FINAL EXEMPT RULEMAKING**

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

### **EMERGENCY RULEMAKING**

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

### **RECODIFICATION OF RULES**

RC = Recodified

### **REJECTION OF RULES**

RJ = Rejected by the Attorney General

### **TERMINATION OF RULES**

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

### **RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

### **CORRECTIONS**

C = Corrections to Published Rules

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|              |         | R3-2-701. | FM-781;  | R3-2-1122. | FXN-916  |
|              |         |           | FXM-1471 | R3-2-1123. | FXN-916  |
|              |         | R3-2-702. | FM-781   | R3-2-1124. | FXN-916  |
|              |         | R3-2-703. | FM-781   | R3-2-1125. | FXN-916  |
|              |         | R3-2-708. | FM-781   |            |          |
|              |         | R3-2-801. | FM-781   |            |          |
|              |         | R3-2-803. | FM-781   |            |          |
|              |         | R3-2-804. | FM-781   |            |          |
|              |         | R3-2-805. | FM-781   |            |          |
|              |         | R3-2-807. | FM-781   |            |          |

**Administration, Department of -  
Public Buildings Maintenance**

R2-11-501. FN-679

**Agriculture, Department of - Animal  
Services Division**

|           |          |            |          |
|-----------|----------|------------|----------|
| R3-2-101. | FM-781   | R3-2-101.  | FXN-1477 |
| R3-2-102. | FM-781   | R3-2-102.  | FXN-1477 |
| R3-2-203. | FXM-1471 | R3-10-201. | XN-681   |
| R3-2-208. | FM-781   |            |          |
| R3-2-301. | FR-781   |            |          |
| R3-2-302. | FM-781   |            |          |
| R3-2-401. | FM-781   |            |          |
| R3-2-402. | FM-781   |            |          |
| R3-2-403. | FN-781   |            |          |
| R3-2-404. | FM-781   |            |          |
| R3-2-405. | FM-781   |            |          |
| R3-2-406. | FM-781   |            |          |
| R3-2-407. | FM-781   |            |          |
| R3-2-408. | FM-781   |            |          |

**Agriculture, Department of - Citrus  
Fruit and Vegetable**

 R3-10-101. FXN-1477  
 R3-10-102. FXN-1477  
 R3-10-201. XN-681

R3-10-301. XN-681  
 R3-10-302. XN-681  
 R3-10-303. XN-681  
 R3-10-304. XN-681  
 R3-10-305. XN-681  
 R3-10-401. XN-681  
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 R3-10-1201. XN-681  
 R3-10-1301. XN-681  
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 R3-10-1707. XN-681

**Agriculture, Department of - Office of Commodity Development and Promotion**

R3-6-102. FXM-1475

**Agriculture, Department of - Pest Management Division**

R3-8-103. PEM-379

**Agriculture, Department of - Plant Services Division**

R3-4-301. FXM-1473

**Arizona Health Care Cost Containment System (AHCCCS) - Administration**

R9-22-712.35. PM-1617  
 R9-22-712.61. PM-1617  
 R9-22-712.71. PM-1617

**Arizona Health Care Cost Containment System (AHCCCS) - Grievance System**

R9-34-101. FM-548

**Behavioral Health Examiners, Board of**

R4-6-101. PM-997  
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 R4-6-212. PM-997  
 R4-6-212.01. PM-997  
 R4-6-214. PM-997  
 R4-6-215. PM-997  
 R4-6-216. PM-997  
 R4-6-304. PM-997  
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 R4-6-1101. PM-997

R4-6-1106. PM-997

**Child Safety, Department of - Permanency and Support Services**

R21-5-201. FM-241  
 R21-5-205. FM-241  
 R21-5-307. EXP-1322

**Clean Elections Commission, Citizens**

R2-20-104. TM-114  
 R2-20-113. FM-335  
 R2-20-209. FM-111; FM-542  
 R2-20-701. PM-101; FM-886; FM-1259  
 R2-20-702. FM-309; FM-1132  
 R2-20-702.01. PM-102; FM-887; FM-1261  
 R2-20-703.01. PM-104; FM-889; FM-1263  
 R2-20-704. FM-337

**Corporation Commission - Fixed Utilities**

R14-2-2601. FN-473  
 R14-2-2602. FN-473  
 R14-2-2603. FN-473  
 R14-2-2604. FN-473  
 R14-2-2605. FN-473  
 R14-2-2606. FN-473  
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 R14-2-2609. FN-473  
 R14-2-2610. FN-473  
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 R14-2-2626. FN-473  
 R14-2-2627. FN-473  
 R14-2-2628. FN-473

**Corporation Commission - Transportation**

R14-5-202. PM-11; FM-1024  
 R14-5-204. PM-11; FM-1024

**Dispensing Opticians, Board of**

R4-20-120. FM-202

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

R6-7-103. FM-15

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

R6-6-401. P#-5; PN-5  
 R6-6-402. P#-5; PM-5  
 R6-6-403. PR-5; P#-5  
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**Economic Security, Department of - Food Stamps Program**

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**Education, State Board of**

R7-2-302.11. FXM-966  
 R7-2-306. FXM-66  
 R7-2-604. FXM-66;  
 FXM-1311  
 R7-2-604.03. FXM-1311  
 R7-2-604.05. FXM-1311  
 R7-2-614. FXM-1311  
 R7-2-615.01. FXN-595  
 R7-2-616. FXM-1311  
 R7-2-619. FXM-314  
 R7-2-623. FXN-1311  
 R7-2-1001. FXM-597  
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 R7-2-1309. FXN-66

**Environmental Quality, Department of - Air Pollution Control**

R18-2-327. PM-653

**Environmental Quality, Department of - Hazardous Waste Management**

R18-8-260. PM-1451  
 R18-8-261. PM-1451  
 R18-8-262. PM-1451  
 R18-8-263. PM-1451  
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 R18-8-271. PM-1451  
 R18-8-273. PM-1451  
 R18-8-280. PM-1451

**Financial Institutions, Department of**

R20-4-1102. EXP-382

**Game and Fish Commission**

R12-4-201. PM-1117  
 R12-4-205. PM-1117  
 R12-4-206. PM-1117  
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 R12-4-208. PM-1117  
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 R12-4-211. PM-1117  
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 R12-4-215. PM-1117

R12-4-216. PM-1117  
 R12-4-217. PM-1117

**Health Services, Department of - Administration**

R9-1-101. PEM-501;  
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 R9-1-102. PEM-501;  
 FEM-1224  
 R9-1-103. PEM-501;  
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 R9-1-201. PEM-501;  
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 R9-1-202. PEM-501;  
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 R9-1-203. PEM-501;  
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 R9-1-301. PEM-501;  
 FEM-1224  
 R9-1-302. PEM-501;  
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 R9-1-303. PEM-501;  
 FEM-1224

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

R9-24-201. PEM-1274  
 R9-24-202. PEM-1274  
 R9-24-203. PEM-1274  
 Table 1. PEM-1274  
 R9-24-204. PEM-1274  
 R9-24-205. PER-1274  
 R9-24-301. PEM-1274  
 R9-24-302. PEM-1274

**Health Services, Department of - Child Care Facilities**

R9-5-101. PM-401;  
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 R9-5-502. PM-401;  
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 R9-5-516. PM-401;  
 FM-1265

**Health Services, Department of - Child Care Group Homes**

R9-3-101. PEM-1201  
 R9-3-102. PEM-1201  
 Table 1.1. PEM-1201  
 R9-3-201. PEM-1201  
 R9-3-202. PEM-1201  
 R9-3-203. PEM-1201  
 R9-3-205. PEM-1201  
 R9-3-206. PEM-1201  
 R9-3-301. PEM-1201  
 R9-3-302. PEM-1201  
 R9-3-303. PEM-1201  
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 R9-3-306. PEM-1201  
 R9-3-308. PEM-1201  
 R9-3-309. PEM-1201  
 R9-3-401. PEM-1201  
 R9-3-402. PEM-1201  
 R9-3-403. PEM-1201  
 R9-3-404. PEM-1201







**Manufactured Housing, Board of**

- R12-5-2106. EXP-290
- R4-34-101. PM-529;  
FM-1509
- R4-34-102. PM-529
- R4-34-203. PM-529;  
FM-1509
- R4-34-204. PM-529;  
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- R4-34-502. PM-529
- R4-34-504. PM-529
- R4-34-603. PM-529;  
FM-1509
- R4-34-606. PM-529;  
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- R4-34-607. PM-529;  
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- R4-34-701. PM-529;  
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- R4-34-702. PM-529;  
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- R4-34-703. PM-529;  
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- R4-34-704. PM-529;  
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- R4-34-705. PM-529;  
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- R4-34-706. PM-529;  
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- R4-34-801. PM-529;  
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- R4-34-802. PM-529;  
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- R4-34-805. PM-529;  
FM-1509

**Nursing, Board of**

- R4-19-101. PM-1399
- R4-19-102. PM-1399
- R4-19-207. PM-1399
- R4-19-208. PM-1399
- R4-19-209. PM-1399
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- R4-19-301. PM-1399
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- R4-19-305. PM-1399
- R4-19-308. PM-1399
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- R4-19-502. PM-1399
- R4-19-503. PM-1399
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- R4-19-512. PM-1399
- R4-19-513. PM-1399
- R4-19-514. PM-1399
- R4-19-604. PM-1399
- R4-19-804. PM-1399
- R4-19-806. PM-1399
- R4-19-809. PM-1399
- R4-19-815. PM-1399

**Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners of**

- R4-33-702. PM-589;  
EM-1091;  
FM-1465
- R4-33-703.1. PM-589;  
EM-1091;  
FM-1465

**Peace Officer Standards and Training Board, Arizona**

- R13-4-101. PM-1343
- R13-4-104. PM-1343
- R13-4-105. PM-1343
- R13-4-106. PM-1343
- R13-4-108. PM-1343
- R13-4-109. PM-1343
- R13-4-110. PM-1343
- R13-4-111. PM-1343
- R13-4-114. PM-1343
- R13-4-116. PM-1343

**Pharmacy, Board of**

- R4-23-110. FM-223
- R4-23-204. FM-223
- R4-23-205. FM-223
- R4-23-407. FM-223;  
FM-544
- R4-23-408. FM-223
- R4-23-411. FM-223
- R4-23-607. FM-223
- R4-23-801. FR-223
- R4-23-1103. FM-223
- R4-23-1106. FM-223

**Podiatry Examiners, Board of**

- R4-25-101. PM-645;  
FM-1501
- R4-25-102. PM-645;  
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- R4-25-103. PM-645;  
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- R4-25-203. PR-645;  
FR-1501
- R4-25-301. PM-645;  
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- R4-25-302. PM-645;  
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- R4-25-604. PM-645;  
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**Postsecondary Education, Commission for**

- R7-3-201. EXP-1322
- R7-3-202. EXP-1322
- R7-3-203. EXP-1322
- R7-3-204. EXP-1322
- R7-3-205. EXP-1322

**Public Safety, Department of - Alcohol Testing**

- R13-10-101. FM-723
- R13-10-103. FM-723
- R13-10-104. FM-723
- R13-10-107. FM-723
- Exhibit A. FM-723
- Exhibit B. FM-723
- Exhibit C. FM-723
- Exhibit D. FM-723
- Exhibit I-1. FN-723
- Exhibit I-2. FN-723

**Public Safety, Department of - Tow Trucks**

- R13-3-902. FM-963

**Psychologist Examiners, Board of**

- R4-26-203. PM-187;  
FM-1010
- R4-26-203.01. PM-187;  
FM-1010
- R4-26-205. PM-187;  
FM-1010
- R4-26-207. PM-187;  
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- R4-26-401. PM-187;  
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- R4-26-407. PR-187;  
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- R4-26-408. PM-187;  
FM-1017
- R4-26-415. PM-187

**Retirement System Board, State**

- R2-8-115. PM-947
- R2-8-120. PR-947
- R2-8-122. FM-371
- R2-8-126. PM-947
- R2-8-127. PN-947
- R2-8-128. PN-947
- R2-8-129. PN-947
- R2-8-130. PN-947
- R2-8-131. PN-947
- R2-8-132. PN-947
- R2-8-133. PN-947

**Revenue, Department of - Transaction Privilege and Use Tax Section**

- R15-5-1708. PM-1579

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| <b>School Facilities Board</b> |           | R7-6-716.                                | PER-1363       | R2-12-1305.   | FN-537   |
| R7-6-101.                      | PEM-1363  | R7-6-719.                                | PER-1363       | R2-12-1306.   | FN-537   |
| R7-6-201.                      | PEM-1363  | R7-6-720.                                | PER-1363       | R2-12-1307.   | FN-537   |
| R7-6-202.                      | PEN-1363  | R7-6-721.                                | PER-1363       | R2-12-1308.   | FN-537   |
| R7-6-205.                      | PEM-1363  | R7-6-725.                                | PER-1363       |   |          |
| R7-6-210.                      | PEM-1363  | R7-6-726.                                | PER-1363       | <b>Technical Registration, Board of</b>   |          |
| R7-6-211.                      | PEM-1363  | R7-6-727.                                | PER-1363       | R4-30-106.  | SPM-1428 |
| R7-6-212.                      | PEM-1363  | R7-6-730.                                | PER-1363       | R4-30-247.  | SPM-1428 |
| R7-6-213.                      | PEM-1363  | R7-6-735.                                | PER-1363       |   |          |
| R7-6-214.                      | PEM-1363  | R7-6-740.                                | PER-1363       | <b>Transportation, Department of - Commercial Programs</b>                      |          |
| R7-6-215.                      | PEM-1363  | R7-6-745.                                | PER-1363       | R17-5-601.  | FM-1047  |
| R7-6-216.                      | PER-1363; | R7-6-746.                                | PER-1363       | R17-5-603.  | FM-1047  |
|                                | PEN-1363  | R7-6-747.                                | PER-1363       | R17-5-604.  | FM-1047  |
| R7-6-220.                      | PEN-1363  | R7-6-748.                                | PER-1363       | R17-5-609.  | FM-1047  |
| R7-6-221.                      | PEM-1363  | R7-6-749.                                | PER-1363       | R17-5-610.  | FM-1047  |
| R7-6-225.                      | PEM-1363  | R7-6-750.                                | PEM-1363       | R17-5-612.  | FM-1047  |
| R7-6-226.                      | PEM-1363  | R7-6-751.                                | PER-1363       | R17-5-614.  | FR-1047; |
| R7-6-227.                      | PEM-1363  | R7-6-755.                                | PER-1363       |   | FN-1047  |
| R7-6-230.                      | PEM-1363  | R7-6-756.                                | PEM-1363       | R17-5-616.  | FM-1047  |
| R7-6-235.                      | PEM-1363  | R7-6-757.                                | PER-1363       | R17-5-621.  | FM-1047  |
| R7-6-240.                      | PER-1363  | R7-6-758.                                | PEM-1363       |   |          |
| R7-6-245.                      | PEM-1363  | R7-6-760.                                | PER-1363       | <b>Transportation, Department of - Highways</b>                                 |          |
| R7-6-246.                      | PEM-1363  | R7-6-761.                                | PER-1363       | R17-3-801.  | EXP-382  |
| R7-6-247.                      | PEM-1363  | R7-6-765.                                | PER-1363       | R17-3-802.  | EXP-382  |
| R7-6-248.                      | PER-1363  | R7-6-770.                                | PER-1363       | R17-3-803.  | EXP-382  |
| R7-6-249.                      | PER-1363  | R7-6-771.                                | PER-1363       | R17-3-804.  | EXP-382  |
| R7-6-250.                      | PEM-1363  | R7-6-780.                                | PEM-1363       | R17-3-805.  | EXP-382  |
| R7-6-251.                      | PEM-1363  | R7-6-781.                                | PEM-1363       | R17-3-806.  | EXP-382  |
| R7-6-255.                      | PEM-1363  | R7-6-782.                                | PEM-1363       | R17-4-807.  | EXP-1589 |
| R7-6-256.                      | PEM-1363  | R7-6-783.                                | PER-1363       | R17-3-808.  | EXP-382  |
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| R7-6-261.                      | PEM-1363  | <b>Secretary of State, Office of the</b> |                | R17-4-501.  | PEM-1582 |
| R7-6-265.                      | PEM-1363  | R2-12-1201.                              | F#-106; FN-106 | R17-4-502.  | PEM-1582 |
| R7-6-270.                      | PEM-1363  | R2-12-1202.                              | F#-106; FM-106 | R17-4-503.  | PEM-1582 |
| R7-6-271.                      | PEM-1363  | R2-12-1203.                              | F#-106         | R17-4-504.  | PEM-1582 |
| R7-6-285.                      | PEM-1363  | R2-12-1204.                              | F#-106; FM-106 | R17-4-506.  | PEM-1582 |
| R7-6-701.                      | PEM-1363  | R2-12-1205.                              | F#-106; FM-106 | R17-4-510.  | PEM-1582 |
| R7-6-705.                      | PER-1363  | R2-12-1206.                              | F#-106; FM-106 | R17-4-512.  | PEM-1582 |
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|                                |           | R2-12-1301.                              | FN-537         |   |          |
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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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from July 3, 2020 to January 22, 2021.



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