



www.azsos.gov

Arizona Administrative REGISTER

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

Volume 30, Issue 19

~ Administrative Register Contents ~

May 10, 2024

Information	922
Rulemaking Guide	923
<u>RULES AND RULEMAKING</u>	
Final Rulemaking, Notices of	
9 A.A.C. 22 Arizona Health Care Cost Containment System (AHCCCS) - Administration	925
Final Expedited Rulemaking, Notices of	
9 A.A.C. 28 Arizona Health Care Cost Containment System (AHCCCS) - Arizona Long-term Care System	928
9 A.A.C. 31 Arizona Health Care Cost Containment System (AHCCCS) - Children's Health Insurance Program	929
<u>OTHER AGENCY NOTICES</u>	
Docket Opening, Notices of Rulemaking	
9 A.A.C. 6 Department of Health Services - Communicable Diseases and Infestations	932
9 A.A.C. 8 Department of Health Services - Food, Recreational, and Institutional Sanitation	933
9 A.A.C. 10 Department of Health Services - Health Care Institutions: Licensing	934
18 A.A.C. 4 Department of Environmental Quality - Safe Drinking Water	935
Public Information, Notices of	
18 A.A.C. 4 Department of Environmental Quality - Safe Drinking Water	936
Substantive Policy Statement, Notices of Agency	
Board of Physical Therapy	939
<u>INDEXES</u>	
Register Index Ledger	940
Rulemaking Action, Cumulative Index for 2024	941
Other Notices and Public Records, Cumulative Index for 2024	946
<u>CALENDAR/DEADLINES</u>	
Rules Effective Dates Calendar	948
Register Publishing Deadlines	950
<u>GOVERNOR'S REGULATORY REVIEW COUNCIL</u>	
Governor's Regulatory Review Council Deadlines	951

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
SECRETARY OF STATE
ADRIAN FONTES

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

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

May 10, 2024
Volume 30, Issue 19

PUBLISHER
SECRETARY OF STATE
Adrian Fontes

ADMINISTRATIVE RULES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

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

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

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.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

The Office of the Secretary of State is an equal opportunity employer.

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.

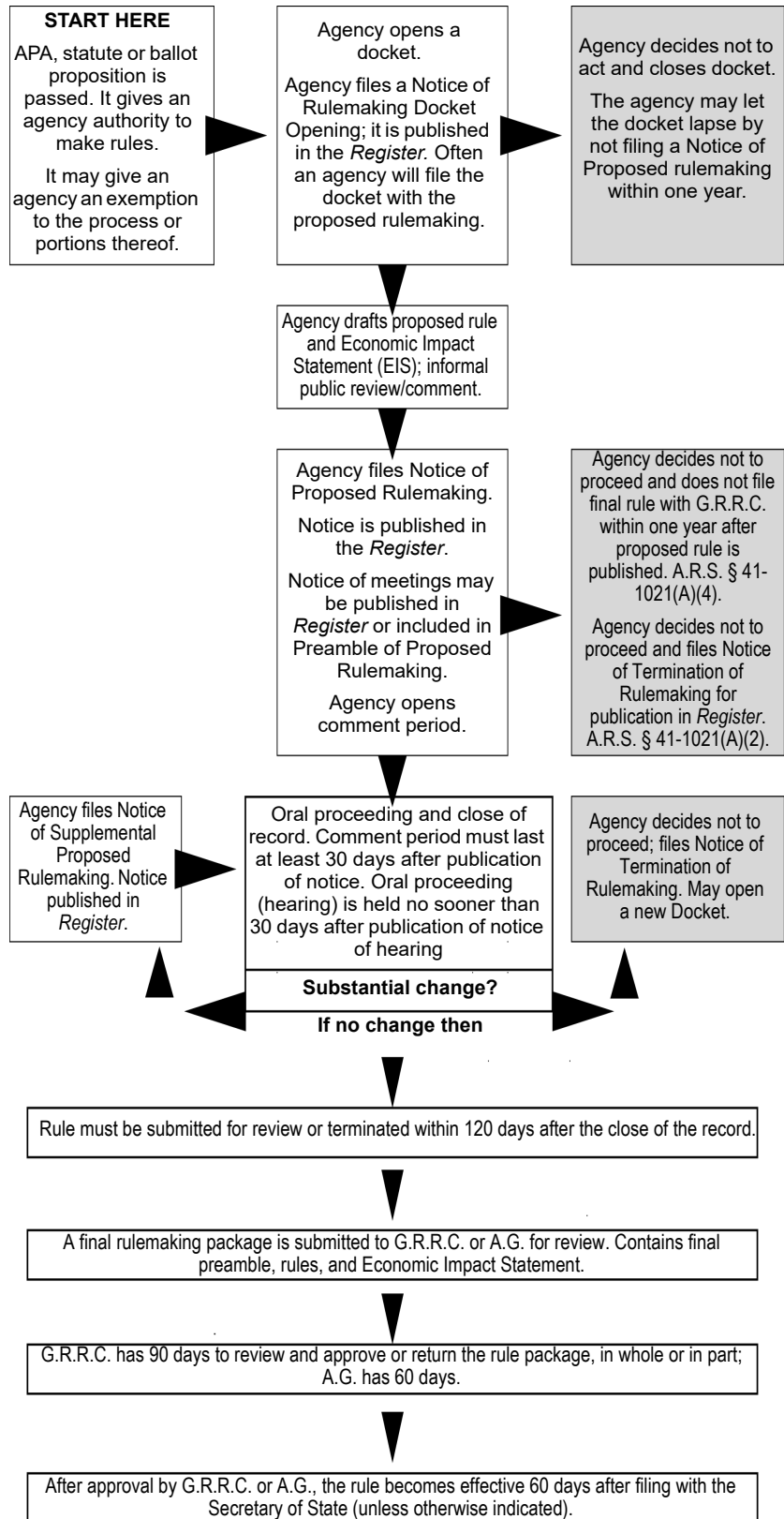
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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



Final rule is published in the *Register* and the quarterly *Code Supplement*.

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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

NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

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

[R24-72]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule and the agency's reason it selected the effective date:
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the proposed rule:
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:
7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
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:
9. The summary of the economic, small business, and consumer impact:

merely clarifying.

- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
No changes were made between the proposed and final rulemakings.
- 11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
No public comments were made.
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
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:**
Not applicable
 - 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 § 1003.200. 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 rules:**
Not applicable
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

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

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section

- R9-22-1104. Mitigating Circumstances
- R9-22-1105. Aggravating Circumstances
- R9-22-1108. Request for a Compromise

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-22-1104. Mitigating Circumstances

AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a ~~penalty, assessment, or penalty penalties and assessment assessments.~~

- 1. ~~Nature and circumstances of a claim.~~ The following are mitigating circumstances:
 - a. All the services are of the same type,
 - b. All the dates of services occurred within six months or less,
 - c. The number of claims submitted is less than 25,
 - d. The nature and circumstances do not indicate a pattern of inappropriate claims for the services, and
 - e. The total amount claimed for the services is less than \$1,000.
- 2. ~~Degree of culpability.~~ The degree of culpability of a person who presents or causes to present a claim is a mitigating circumstance, including but not limited to, if:
 - a. Each service is the result of an unintentional and unrecognized error in the process that the person followed in presenting or in causing to present the service,
 - b. Corrective steps were taken promptly by the person after the error was discovered, and
 - c. The person had a fraud and abuse control plan that was operating effectively at the time each claim was presented or caused to be presented.
- 3. ~~Financial condition.~~ The financial condition of a person who presents or causes to present a claim is a mitigating circumstance if the imposition of a penalty, assessment, or penalty and assessment without reduction will render the provider incapable to continue providing services. AHCCCS shall consider the resources available to the person when determining the amount of the penalty, assessment, or penalty and assessment.
- 4. ~~Other matters as justice may require.~~ AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice, the circumstances require a reduction of the penalty, assessment, or penalty and assessment.

R9-22-1105. Aggravating Circumstances

AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. ~~Nature and circumstances of each claim.~~ The nature and circumstances of each claim and the circumstances under which the claim is presented or caused to be presented are aggravating circumstances if:
 - a. ~~A person has forged, altered, recreated, or destroyed records;~~ A person has forged, altered, recreated, destroyed, or failed to maintain records;
 - b. The person refuses to provide pertinent documentation to AHCCCS for a claim or refuses to cooperate with investigators;
 - c. ~~The services are of several types;~~ The services are of several billing code types;
 - d. ~~All the dates of services did not occur within six months or less;~~ All the dates of services occurred within six months or greater;
 - e. The number of claims submitted is greater than 25;
 - f. The nature and circumstances indicate a pattern of inappropriate claims for the services; and
 - g. The total amount claimed for the services is \$5,000 or greater.
2. ~~Degree of culpability.~~ The degree of culpability of a person who presents or causes to present each claim is an aggravating circumstance, including but not limited to, if:
 - a. The person knows or had reason to know that each service was not provided as claimed,
 - b. The person knows or had reason to know that no payment could be made because the person had been excluded from reimbursement by AHCCCS, or
 - c. The person knows or had reason to know that the payment would violate the terms of an agreement between the person and AHCCCS system.
 - d. The person knows or had reason to know that the payment would violate state or federal law.
3. ~~Prior offenses.~~ The prior offenses of a person who presents or causes to present each claim are an aggravating circumstance if:
 - a. At any time before the submittal of the claim the person was held criminally or civilly liable for any act, or
 - b. The person had received an administrative sanction in connection with:
 - i. A Medicaid program,
 - ii. A Medicare program, or
 - iii. Any other public or private program of reimbursement for medical services.
4. ~~Effect on patient care.~~ The adverse effect on patient care that resulted, or could have resulted, from the failure to provide medically necessary care by a person in connection with a claim.
5. ~~Other matters as justice may require.~~ AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice, the circumstances require an increase of the penalty, assessment, or penalty and assessment.

R9-22-1108. Request for a Compromise

- A. To request a compromise, the person shall file a written request with AHCCCS within 30 days from the date of receipt of the Notice of Intent. The written request for compromise shall contain the person's reasons for the reduction or modification of the penalty, assessment, or penalty and assessment.
- B. Within 30 days from the date of receipt of the request for compromise from the person, AHCCCS shall send a Notice of Compromise Decision that accepts, denies, or offers a counter proposal to the person's request for compromise. If AHCCCS offers a counter proposal the amount of the counter proposal shall represent the penalty, assessment, or penalty and assessment.
 1. If AHCCCS does not withdraw the Notice of Intent under R9-22-1112 or denies the request for compromise the original penalty, assessment, or penalty and assessment is upheld.
 2. To dispute the Compromise Decision, the person shall file a request for a State Fair Hearing under R9-22-1110 within 30 days from the date of receipt of the Notice of Compromise Decision. A failure to respond to the Notice of Compromise Decision will lead to the decision being upheld.

NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Expedited Rulemakings. An agency prepares these notices under A.R.S. § 41-1013(9).

Expedited rulemaking is an accelerated rulemaking process that does not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027.

Under the law an agency is required to file a Notice of Proposed Expedited Rulemaking for review. The notices in

this section include Register publication dates where the Notices of Proposed Expedited Rulemaking were published.

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 FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ARIZONA LONG-TERM CARE SYSTEM

[R24-73]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule and the agency's reason it selected the effective date:
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the current proposed rule:
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:
7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
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:

- 9. The summary of the economic, small business, and consumer impact:**
Under A.R.S. § 41-1055(D)(2), the Administration is not required to provide an economic, small business, and consumer impact statement.
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Between the proposed expedited rulemaking and the final expedited rulemaking, no changes were made to the rulemaking.
- 11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
Not applicable
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
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:**
Not applicable
 - 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 § 1003.200. 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 business competitiveness analysis was received by the Administration.
- 13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
Not applicable
- 14. Weather the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
The rule was not previously made as an emergency rule.
- 15. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES
CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ARIZONA LONG-TERM CARE SYSTEM
ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section
 R9-28-1001. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

ARTICLE 10. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-28-1001. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims
 AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of penalties, assessments, and penalties and assessments.

NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
CHILDREN'S HEALTH INSURANCE PROGRAM

[R24-74]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R9-31-1101 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 36-2918
Implementing statute: A.R.S. § 36-2957
- 3. The effective date of the rule and the agency's reason it selected the effective date:**
April 25, 2024 (upon filing with the Office of the Secretary of State)

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

Notice of Rulemaking Docket Opening: 29 A.A.R. 3694, December 1, 2023

Notice of Proposed Rulemaking: 29 A.A.R. 3732, December 8, 2023

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

Name: Sladjana Kuzmanovic

Address: AHCCCS Office of Administrative Legal Services
801 E. Jefferson
Phoenix, AZ 85034

Telephone: (602) 417-4232

Fax: (602) 253-9115

Email: AHCCCSRules@azahcccs.gov

Website: www.azahcccs.gov

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

This rulemaking is submitted in response to the Five-Year Review Report approved on October 3, 2023, which is intended to clarify the current rules. The rule amendments are proposed to promulgate rules that are clear, concise, and understandable for members of the public. The proposed rules do not impose any additional burdens or costs to regulated persons, and failure to conduct this rulemaking will promote unnecessary utilization of resources, and the incurring of unnecessary costs. An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(3) and (7) because this rulemaking will clarify language without changing the rule's effect and will implement, without material change, a course of action that is proposed in a Five-Year Review Report approved by the Council pursuant to § 41-1056 within 180 days of the date that the agency files the proposed expedited rulemaking with the Office of the Secretary of State.

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

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

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

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

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Between the proposed expedited rulemaking and the final expedited rulemaking, no changes were made to the rulemaking.

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

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

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:

Not applicable

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 § 1003.200. 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 business competitiveness analysis was received by the Administration.

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

Not applicable

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
CHILDREN'S HEALTH INSURANCE PROGRAM**

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of ~~penalties, assessments, and~~ penalties and assessments.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

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

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

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along 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
COMMUNICABLE DISEASES AND INFESTATIONS**

[R24-76]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 6, Department of Health Services - Communicable Diseases and Infestations
- Article and its heading:** 2, Communicable Disease and Infestation Reporting
3, Control Measures for Communicable Diseases and Infestations
10, HIV-Related Testing and Notification
- Section numbers:** R9-6-202, Table 2.1, R9-6-203, Table 2.2, R9-6-204, Table 2.3, R9-6-205, Table 2.4, R9-6-306, R9-6-315, R9-6-347, R9-6-361, R9-6-374, R9-6-1005

2. The subject matter of the proposed expedited rules:
 Arizona Revised Statutes (A.R.S.) § 36-136(I)(1) requires the Arizona Department of Health Services (Department) to make rules defining and prescribing “reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The Department has adopted in *Arizona Administrative Code* (A.A.C.) Title 9, Chapter 6, Article 2, rules related to communicable disease and infestation reporting and, in Article 3, rules related to control measures for communicable diseases and infestations. As part of a five-year-review report for 9 A.A.C. 6, Article 2, and in coordination with county health departments, the Department identified several issues with the current rules and proposed making changes to the rules in Article 2. In addition, addressing some of the issues will require changes to existing Sections in Article 3, and others will require the addition of new Sections in Article 3. In compliance with statutory changes, a Section in Article 10 also needs to be repealed. After receiving rulemaking approval according to A.R.S. § 41-1039(A), the Department plans to revise the rules in 9 A.A.C. 6, consistent with the five-year-review report. The Department believes that making these changes will improve the effectiveness of the rules and improve public health. 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 current proceeding:
 None

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

Name: Ken Komatsu, State Epidemiologist
 Address: Department of Health Services
 Bureau of Epidemiology and Disease Control
 150 N. 18th Ave., Suite 100
 Phoenix, AZ 85007-3248
 Telephone: (602) 364-3587
 Fax: (602) 364-3199
 Email: Ken.Komatsu@azdhs.gov
 or
 Name: Stacie Gravito, Office Chief
 Address: Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 Email: Stacie.Gravito@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 Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R24-77]

1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:

April 17, 2024

2. Title and its heading:

9, Health Services

Chapter and its heading:

8, Department of Health Services - Food, Recreational, and Institutional Sanitation

Article and its heading:

1, Food Establishments

Section number:

R9-8-101 and R9-8-118

Sections may be added, amended, repealed, or renumbered as necessary.

3. The subject matter of the proposed rule:

Arizona Revised Statutes §§ 36-136 (A)(4) and (I)(4) require the Arizona Department of Health Services (Department) to make rules to ensure that food and drink are fit for human consumption. The Department has adopted rules to implement the statute requirements in 9 A.A.C. 8, Article 1. Exemptions to the requirements in 9 A.A.C. 8, Article 1, have been adopted in A.A.C. R9-8-118. On March 29, 2024, Governor Hobbs signed HB2042 creating new statutes pertaining to cottage foods. With this rulemaking, the Department plans to amend and create rules in 9 A.A.C. 8, Article 1, to align the rules with the new and amended statutory requirements. The statutory changes will become effective on the general effective date for this Legislative Session. The Department may add, amend, repeal, or renumber rules as necessary.

4. A citation to all published notices relating to the current proceeding:

Not applicable

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

Name: Jennifer Botsford
 Title: Bureau Chief, Bureau of Environmental Health Services
 Division: Division of Public Health Services, Public Health Preparedness
 Address: 150 N. 18th Ave., Suite 220
 Phoenix, AZ 85007
 Telephone: (602) 364-3142
 Fax: (602) 364-3146
 Email: jennifer.botsford@azdhs.gov
 or
 Name: Stacie Gravito
 Title: Office Chief, Administrative Counsel and Rules
 Division: Policy and Intergovernmental Affairs
 Address: 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 Email: stacie.gravito@azdhs.gov

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

To be announced in future notices regarding this rulemaking.

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

Unknown

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

[R24-78]

- 1. Permission to proceed with this docket was granted under A.R.S. § 41-1039 by the governor on:**
April 17, 2024
- 2. Title and its heading:**
9, Health Services
Chapter and its heading:
10, Department of Health Services – Health Care Institutions: Licensing
Article and its heading:
12, Home Health Agencies
Section number:
R9-10-1203, R9-10-1207, R9-10-1209, and R9-10-1210 (*The Department may add, delete, or modify other Sections, as necessary*).
- 3. The subject matter of the proposed rule:**
Arizona Revised Statutes (A.R.S.) § 36-132(A)(1) and (17) require the Arizona Department of Health Services (Department) to protect the health of the people in Arizona, and license and regulate health care institutions. The Department, in its 2023 Home Health Agencies Five-Year Review Report (Report), identified matters that if addressed would improve the effectiveness of the rules. The matters identified in the Report include aligning the rules with standards set forth by the Centers for Medicare and Medicaid Services and amending the rules necessary for the proper administration and enforcement of the laws relating to public health to promote continuity and improve patient outcomes. The purpose of this rulemaking is to amend the rules to address the matters identified and to complete the proposed course of action stated in the Report. The Governor’s Regulatory Review Council approved the Report on April 2, 2024, and the Department received rulemaking approval from the governor’s office, pursuant to § 41-1039(A) on April 17, 2025. The changes will conform to the current rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify Sections, Tables, and Exhibits as necessary.
- 4. A citation to all published notices relating to the current proceeding:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Thomas Salow
Title: Assistant Director
Division: Public Health Licensing
Address: 150 N. 18th Ave., Suite 500
Phoenix, AZ 85007
Telephone: (602) 542-6383
Email: thomas.salow@azdhs.gov
or
Name: Stacie Gravito
Title: Office Chief, Administrative Counsel and Rules
Division: Policy and Intergovernmental Affairs
Address: 150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Email: stacie.gravito@azdhs.gov
- 6. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
To be announced in future notices regarding the rulemaking.
- 7. A timetable for agency decisions or other action on the current proceeding, if known:**
To be announced in future notices regarding the rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING**DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER**

[R24-80]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 4, Department of Environmental Quality - Safe Drinking Water
Article and its heading: 3, Monitoring Assistance Program
Section numbers: R18-4-301, R18-4-302, R18-4-303, R18-4-304, R18-4-305 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality (ADEQ) proposes amending A.A.C. Title 18, Chapter 4, Article 3 to adjust Monitoring Assistance Program (MAP) fees. Presently, the MAP is projected to reach insolvency by Fiscal Year 2026 at the earliest, and 2027 at the latest owing to both cost increases due to inflation of 78.77% since the program's most recent fee alteration in 2001, and the expected upcoming mandatory testing for per- and polyfluoroalkyl substances (PFAS). This rulemaking will adjust the MAP fees to maintain ADEQ's ability to implement this water quality program that protects human health and well-being. This rulemaking will also create a fee and regulatory structure to allow ADEQ to perform triggered increased monitoring.

The MAP assists small water systems in Arizona to maintain compliance with monitoring and reporting requirements of the Safe Drinking Water Act (SDWA). ADEQ implements the MAP by collecting fees from public water systems that are part of the MAP. Prior to the implementation of the MAP, sampling and testing to ensure safe drinking water for Arizona's residents was the sole responsibility of the Public Water System (PWS) owners and operators, and about 74% of those systems exhibited monitoring deficiencies ranging in levels of severity. After creation of the MAP, sampling and testing compliance rates increased significantly because required monitoring and reporting is completed for them by the MAP. Systems also benefit from this cost-effective program for sampling, analysis, and reporting. Without the MAP, it is estimated that many (potentially up to 50%) water systems would fall into non-compliance due to budgetary shortfalls and the complexity associated with the sampling requirements. The predicted funding shortfall will limit ADEQ's ability to provide systems the help they need to remain in compliance with state and federal safe drinking water act requirements, and will render the agency unable to abide by the requirements set forth in A.R.S. § 49-360, which obliges the ADEQ to create and maintain the program.

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

Not applicable

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

Name: Heidi M. Haggerty Welborn
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (771) 771-4373
Email: welborn.heidi@azdeq.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 submitted to ADEQ via the information provided in Item No. 4 above. A formal written comment period and an oral proceeding will be announced in the Notice of Proposed Rulemaking, which will be published in the *Arizona Administrative Register* at a later date.

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

To be announced in the Notice of Proposed Rulemaking.

NOTICES OF PUBLIC INFORMATION

Agencies use Notices of Public Information to notify stakeholders about other information that pertains to rulemaking notices under A.R.S. § 41-1013(B)(14). When required by law, agencies also use this notice to notify the public about information not related to rulemaking.

The most common use for this notice is to correct errors printed in a rulemaking notice or extend a public comment period.

The Administrative Rules Division of the Office does not provide a standard template for Notices of Public Information because the content of this type of notice varies.

An agency shall follow the Office's formatting standards when preparing this type of notice and use a numbered list of questions and answers. Additionally, an agency receipt shall be filed with a Notice of Public Information.

NOTICE OF PUBLIC INFORMATION

**DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER**

[M24-21]

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

2. The public information relating to the listed statute:

Pursuant to A.R.S. § 49-358, the Arizona Department of Environmental Quality (ADEQ) has developed a public water system compliance assistance program to assist small water systems in complying with state and federal laws, rules and regulations regarding safe drinking water. As of February 1, 2024, there are 1,510 public water systems (PWS) in operation in Arizona. Of this universe of water systems, 1,438 (95%) are classified as “small water systems” serving 10,000 or fewer persons. Historically, these small-and medium-sized public water systems have accrued the vast majority of Arizona’s reported drinking water violations (e.g., contaminant exceedance violations, no certified operator, missed monitoring). The capacity development program works to ensure that public water systems possess the technical, managerial and financial capacity to operate in accordance with all the drinking water rules and regulation. ADEQ’s technical assistance program also reaches out to “small public water systems” needing technical, managerial or financial assistance which is provided by ADEQ staff or through third party contractors.

3. Draft Master Priority List

Public water systems are initially identified for technical assistance on the basis of the Master Priority List (MPL) which is updated annually in the spring. The criteria used to determine the need for assistance include the measures used in determining the technical, managerial and financial (TMF) capacity of existing PWSs. Additional criteria include the public water system’s score on the U.S. Environmental Protection Agency’s (EPA) Enforcement Targeting Tool (ETT), system classification type, organizational structure, population served, and violation history. Technical assistance contracts are typically awarded to prepare one of several deliverables: a TMF capacity assessment of the water system, an evaluation of compliance options for water systems with maximum contaminant level (MCL) violations, design of a treatment system to address an ongoing MCL violation or conducting a well evaluation for possible non-treatment options. As funding is available, ADEQ will award technical assistance to those PWSs with the highest MPL rankings and who are willing to work with the department and its technical assistance providers. The Water Infrastructure Financing Authority (WIFA) also uses the MPL to identify possible candidates for additional technical assistance and/or financial assistance (e.g., low interest loans, technical assistance design grants, forgivable principle).

This year there were a few changes to the scoring criteria for the MPL, described as follows.

- The previous scoring criteria known as Initial Monitoring Year has been changed to **Activity Date** to better recognize the date the PWS began serving water. The point breakdown will remain the same.
- The way the **ETT** score is calculated was changed to better address the disparity of the highest points of ETT resulting in an over-representation of the ETT score within the total MPL score. Now, instead of using the ETT score given by the EPA, we will score the ETT points in the MPL on a scale that brings the percentage of ETT to 6.91% of the total MPL score. The scale is 0 points for an ETT score less than or equal to 10, 5 points for an ETT score between 11 and 25, 10 points for an ETT score between 26 and 50, and 15 points for an ETT score greater than or equal to 51.
- The way the **MCL Violations** score is calculated was changed to increase the MCL violation percentage represented within the total MPL score. MCL violations are a serious indication that improvements are needed to serve healthy drinking water in compliance with the Safe Drinking Water Act. The change in calculation included decreasing the points for acute violations (Nitrate, *E. coli*) from 25 points to 10 points; however, instead of 25 points for each type of violation, it will now be 10 points per occurrence. For example, previously if there were three nitrate violations, the score for the acute violation would be 25 points. Now, if there were three nitrate violations, the score would be 30 points. This would then be added to any

chronic violation (arsenic, fluoride, radionuclides, lead/copper, disinfection byproducts) points that are calculated the same way as before, 5 points per occurrence. Additionally, a clarification on the violation category codes was included. The violation category code for MCL is used to calculate MCL Violations score. Although the violation category code Reporting (RPT) is linked with the MCL violation, it reflects more on administration violations and will not be used in the scoring. This change in calculation brings the percentage of MCL violations up to 40.09% of the total MPL score.

- The way the **Operation & Maintenance (O&M) Violations** is calculated was changed to better address the disparity of the highest points of O&M resulting in an over-representation of the O&M score within the total MPL score. Previously, it was 25 points per each open major violation and 5 points per each open minor violation. The change in calculation included breaking out the violation category codes used to calculate the score, Missed Monitoring (MON) and Public Notice (PN). The average number of the MON violations and the average number of the PN violations were then found. The MON score given for each system was 0 points for the number of MON violations below the average, 5 points if at or above the average, and 10 points if twice the average and above. PN violations were calculated in the same fashion. The MON and PN points for each system were then summed for the total O&M Violations score. This change in calculation brings the percentage of O&M violations down to 9.22% of the total MPL score.
- A new scoring criterion was introduced, **Monitoring Assistance Program (MAP)** score. According to A.A.C R18-4-803(B)(5), the participation in the monitoring assistance program is listed as a possible criterion to be considered in the MPL. However, this has not been included in the past as non-participation in MAP on its own does not indicate a need for improved capacity development. PWS that are at or above 10,000 in population are allowed, but not required to participate in MAP. While systems with a population of less than 10,000 must participate, with an exception for federal and state systems. Systems at or above 10,000 in population that are not participating in MAP should not be given MAP points in the MPL as these systems could very well have the capacity needed to do their own sampling. Therefore, instead of looking at whether or not a system participates in MAP, the MPL MAP score looks at PWS with past due MAP fees. Past due MAP fees may indicate a system struggling to keep up with the financial demands of operating a water system. If a system is current with their MAP fees or the system is over 10,000 in population, then 0 points are awarded. Past due MAP fees will result in 5 points for each year overdue. This added criterion brings the MPL more into alignment with the suggested MPL criteria listed in A.A.C R18-4-803(B); while the use of past due map fees instead of participation alone more accurately indicates the need for additional capacity development.
- A new scoring criterion was introduced, **TMF** score. According to A.A.C R18-4-803(B)(11), the state may consider any or other measurable objective criteria related to the technical, managerial, or financial capacity of a public water system. ADEQ completed a TMF survey of all PWS in September of 2022, which resulted in a measurable objective TMF score for each system. The TMF score is a range of percentages with higher percentages representing a system with good TMF capacity and lower percentages representing systems at risk. A point scale was created for the TMF criteria. If the TMF score is greater than 95%, the system is awarded 0 points; if the TMF score is between 76% and 95%, the system is awarded 5 points; if the TMF score is between 50% and 75%, the system is awarded 10 points; and if the TMF score is less than 50%, the system is awarded 15 points. This added criterion brings the MPL more into alignment with the suggested MPL criteria listed in A.A.C R18-4-803(B).

Pursuant to A.A.C. R18-4-803(D), ADEQ is publishing this Notice of Public Information in the *Arizona Administrative Register (A.A.R.)* and will hold a virtual meeting/oral proceeding to provide the public with an opportunity to comment on the FY25 Master Priority List. The Draft Master Priority List can be viewed on the ADEQ Calendar beginning on May 10, 2024 at <https://www.azdeq.gov/publicnotices>.

Beginning May 10, 2024, the 30-day public review and written comment period begins. At the completion of the public review period, the oral proceeding will be held as a virtual meeting on Monday, June 10, 2024. Following the oral proceeding, ADEQ will formulate a response to both written and oral comments received and consider modifications to the MPL in response to those comments. If no comments are received, the MPL becomes final on June 10, 2024. If comments are received and changes are made, notice of the revised MPL will be published in the *A.A.R.*, along with a summary of comments received and the department's response to those comments.

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

Name: Hannah Walker, Capacity Development & Technical Assistance Coordinator
 Address: Arizona Department of Environmental Quality
 400 W. Congress St.
 Tucson, AZ 85701
 Email: walker.hannah@azdeq.gov
 Telephone: (520) 628-6729

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

Oral comments on the FY25 MPL can be made during the following virtual meeting:

Date: Monday, June 10, 2024

Time: 9:00 a.m.

Join online: <https://meet.google.com/wtg-jpcy-tah>

Call in: (US) +1 413-779-5432

Access code (PIN): 633 128 686#

ADEQ will accept written comments on the Draft FY25 MPL until close of business June 10, 2024. Written comments should be submitted to the person identified in #4. Email is preferred.

NOTICES OF SUBSTANTIVE POLICY STATEMENT

SUMMARIES AND LOCATION OF STATEMENTS

Substantive policy statements are written expressions that inform the general public of an agency’s current approach to rule or regulation practice as defined under A.R.S. § 41-1001(24).

Agencies are required to prepare a Notice of Substantive Policy Statement and publish the titles of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under A.R.S. § 41-1013(B)(9). These notices are published in this section of the *Register*.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency’s internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

Any person may petition an agency under A.R.S. § 41-1033(A)(2) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

Contact the agency liaison listed under Item #6.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

BOARD OF PHYSICAL THERAPY

[M24-22]

1. Statement title and policy number:

Arizona Supervision Requirements via Telehealth 2024-01

2. Is this a new policy or revision:

New

3. Date issued and effective date (if different from the date issued):

March 26, 2024

4. Policy summary:

The substantive policy statement clarifies the responsibilities of physical therapists who supervise physical therapist assistants under general supervision as it relates to physical therapy care provided via telehealth.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. § 32-2043(A)(B)(F); A.A.C. R4-24-303; A.R.S. §§ 36-3601 through 36-3608

6. Agency contact information:

Name: Judy Chepeus
Title: Executive Director
Division: Board of Physical Therapy
Address: 1740 W. Adams St., Suite 2450
Phoenix, AZ 85007
Telephone: (602) 271-7365
Email: judy.chepeus@ptboard.az.gov
Website: <https://ptboard.az.gov/>

7. An electronic copy of the complete policy can be viewed at:

https://ptboard.az.gov/resources?field_document_type_target_id=1027

8. A paper copy of the complete policy can be obtained at:

Physical Address: 1740 W. Adams St., Suite 2450, Phoenix, AZ 85007
Copy or other fees: N/A

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

**2024 Arizona Administrative Register
Volume 30 Page Guide**

Issue 1, Jan. 5, 2024.....1-58	Issue 2, Jan. 12, 2024.....59-82	Issue 3, Jan. 19, 2024.....83-150
Issue 4, Jan. 26, 2024.....151-192	Issue 5, Feb. 2, 2024.....193-256	Issue 6, Feb. 9, 2024.....257-290
Issue 7, Feb. 16, 2024.....291-336	Issue 8, Feb. 23, 2024.....337-366	Issue 9, March 1, 2024.....367-410
Issue 10, March 8, 2024.....411-446	Issue 11, March 15, 2024.....447-474	Issue 12, March 22, 2024.....475-522
Issue 13, March 29, 2024.....523-690	Issue 14, April 5, 2024.....691-720	Issue 15, April 12, 2024.....721-756
Issue 16, April 19, 2024.....757-790	Issue 17, April 26, 2024.....791-834	Issue 18, May 3, 2024.....835-920

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 18 OF VOLUME 30.

Accountancy, Board of	R3-3-101.	FM-89	R3-3-804.	FM-89
R4-1-229. PEM-703	Table 1.	FM-89	R3-3-901.	FM-89
R4-1-341. PEM-703	R3-3-200.	FN-89	R3-3-902.	FM-89
R4-1-454. PEM-703	R3-3-201.	FM-89	R3-3-903.	FM-89
R4-1-455. PEM-703	R3-3-202.	FR-89	R3-3-904.	FM-89
	R3-3-203.	FM-89	R3-3-905.	FM-89
Administration, Department of - State Personnel System	R3-3-204.	FM-89	R3-3-910.	FM-89
R2-5A-101. PM-295	R3-3-205.	FM-89	R3-3-913.	FM-89
R2-5A-104. PM-295	R3-3-206.	FM-89	R3-3-1001.	FM-89
R2-5A-105. PM-295	R3-3-207.	FM-89	R3-3-1002.	FR-89
R2-5A-305. PM-295	R3-3-208.	FM-89	R3-3-1003.	FM-89
R2-5A-402. PM-295	R3-3-209.	FR-89	R3-3-1004.	FM-89
R2-5A-403. PM-295	R3-3-210.	FM-89	R3-3-1006.	FM-89
R2-5A-405. PM-295	R3-3-211.	FM-89	R3-3-1007.	FM-89
R2-5A-502. PM-295	R3-3-212.	FM-89	R3-3-1008.	FM-89
R2-5A-504. PM-295	Appendix A.	FR-89	R3-3-1009.	FM-89
R2-5A-B603. PM-295	R3-3-301.	FM-89	R3-3-1010.	FM-89
R2-5A-B606. PM-295	R3-3-302.	FM-89	R3-3-1011.	FM-89
R2-5A-B611. PM-295	R3-3-303.	FM-89		
R2-5A-D601. PM-295	R3-3-305.	FM-89	Barbering and Cosmetology Board	
R2-5A-D602. PM-295	R3-3-306.	FM-89	R4-10-101.	FM-527
R2-5A-D603. PM-295	R3-3-307.	FM-89	R4-10-102.	FM-527
R2-5A-701. PM-295	R3-3-401.	FM-89	R4-10-103.	FM-527
R2-5A-702. PM-295	R3-3-402.	FM-89	R4-10-104.	F#-527
R2-5A-803. PM-295	R3-3-403.	FM-89	R4-10-105.	F#-527
R2-5B-403. PM-295	R3-3-404.	FM-89	R4-10-106.	FM-527
	R3-3-502.	FM-89	R4-10-107.	F#-527
Administrative Hearings, Office of	R3-3-503.	FM-89	R4-10-108.	FR-527
R2-19-108. PM-87	R3-3-505.	FM-89	R4-10-110.	F#-527
	R3-3-506.	FM-89	R4-10-111.	FM-527
Agriculture, Department of - Animal Services Division	R3-3-701.	FM-89	R4-10-112.	FM-527
R3-2-401. FM-311	R3-3-702.	FM-89	R4-10-113.	FM-527
R3-2-408. FM-311	R3-3-703.	FM-89	R4-10-114.	FM-527
R3-2-409. FM-311	R3-3-704.	FM-89	R4-10-115.	FM-527
R3-2-409.01. FN-311	R3-3-801.	FM-89	Table 1.	F#-527
	R3-3-802.	FM-89		
Agriculture, Department of - Envi- ronmental Services Division	R3-3-803.	FM-89	PART A	
			R4-10-A101.	F#-527; FM-527

Table A1.	F#-527; FM-527	PART B	R4-10-902.	FR-527
			Board of Dental Examiners, State	
PART B		R4-10-B301.	R4-11-101.	PM-261
Table B1.	F#-527; FM-527	R4-10-B302.	R4-11-305.	PM-261
R4-10-201.	F#-527; FM-527	R4-10-B303.	R4-11-406.	PM-261
R4-10-202.	F#-527; FM-527	R4-10-B304.	R4-11-1203.	PM-261
R4-10-203.	F#-527; FM-527	R4-10-B305.	R4-11-1301.	PM-261
R4-10-204.	F#-527; FM-527	R4-10-B306.	R4-11-1302.	PM-261
R4-10-205.	F#-527	R4-10-B307.	R4-11-1303.	PM-261
R4-10-206.	F#-527	R4-10-401.	R4-11-1304.	PM-261
R4-10-206.1.	F#-527	R4-10-402.	R4-11-1305.	PM-261
R4-10-207.	F#-527	R4-10-403.	R4-11-1306.	PM-261
R4-10-208.	F#-527	R4-10-404.	R4-11-1307.	PM-261
R4-10-209.	F#-527	R4-10-405.		
R4-10-210.	F#-527		Child Safety, Department of - Administration	
			R21-1-501.	PM-451
PART A		PART A	R21-1-504.	PM-451
R4-10-A201.	F#-527; FM-527	R4-10-A401.	R21-1-507.	PM-451
R4-10-A202.	F#-527; FM-527		R21-1-508.	PM-451
		PART B	Criminal Justice Commission, Ari- zona	
PART B		R4-10-B401.	R10-4-101.	EN-315; PN-371
R4-10-B201.	FN-527	R4-10-B402.	R10-4-102.	EN-315; PN-371
R4-10-B202.	FN-527		R10-4-103.	EN-315; PN-371
R4-10-301.	FR-527; F#-527; FM-527	R4-10-501.	R10-4-104.	EN-315; PN-371
R4-10-302.	F#-527; FM-527	R4-10-502.	R10-4-105.	EN-315; PN-371
R4-10-303.	FR-527; FN-527	R4-10-503.	R10-4-106.	EN-315; PN-371
R4-10-304.	FR-527; F#-527; FM-527	R4-10-504.	R10-4-107.	EN-315; PN-371
R4-10-304.1.	FR-527; F#-527; FM-527	R4-10-505.	R10-4-108.	EN-315; PN-371
R4-10-305.	FR-527; F#-527; FM-527	R4-10-506.	R10-4-109.	EN-315; PN-371
R4-10-306.	F#-527; FM-527	R4-10-507.	R10-4-110.	EN-315; PN-371
R4-10-307.	F#-527; FM-527	R4-10-508.	R10-4-111.	EN-315; PN-371
R4-10-308.	F#-527; FM-527	Table 1.	R10-4-201.	EN-315; PN-371
R4-10-309.	F#-527; FM-527	R4-10-509.	R10-4-202.	EN-315; PN-371
R4-10-310.	F#-527; FM-527	R4-10-601.	R10-4-203.	EN-315; PN-371
		R4-10-602.	R10-4-204.	EN-315; PN-371
PART A		R4-10-603.		
R4-10-A301.	F#-527; FM-527	R4-10-701.	Economic Security, Department of - General Assistance Program	
R4-10-A302.	F#-527; FM-527	R4-10-702.	R6-1-401.	EXP-816
R4-10-A303.	F#-527; FM-527	R4-10-703.	R6-1-402.	EXP-816
		R4-10-704.	R6-1-403.	EXP-816
		R4-10-705.	R6-1-404.	EXP-816
		R4-10-801.		
		R4-10-802.		
		R4-10-803.		
		R4-10-804.		
		R4-10-805.		
		Exhibit 1.		
		Exhibit 2.		
		R4-10-806.		
		R4-10-807.		
		R4-10-808.		
		R4-10-809.		
		R4-10-811.		
		R4-10-901.		

R6-1-405.	EXP-816	R18-4-119.	TM-179	R9-34-205.	PR-795	
R6-1-406.	EXP-816	R18-4-121.	TM-179	R9-34-206.	PM-795	
R6-1-407.	EXP-816	Environmental Quality, Department of - Water Pollution Control			R9-34-207.	PM-795
R6-1-408.	EXP-816	R18-9-A905.	FEM-28	R9-34-208.	PM-795	
R6-1-409.	EXP-816	R18-9-B901.	FEM-28	R9-34-209.	PM-795	
Economic Security, Department of - General Assistance Program			R18-9-B904.	FEM-28	PM-795	
R6-17-101.	EXP-505	R18-9-B906.	FEM-28	R9-34-210.	PM-795	
R6-17-102.	EXP-505	Health Care Cost Containment System, Arizona (AHCCCS) - Administration			R9-34-211.	PM-795
R6-17-306.	EXP-505	R9-22-1801.	EN-69	R9-34-217.	PM-795	
R6-17-307.	EXP-505	R9-22-1802.	EN-69	R9-34-219.	PM-795	
R6-17-407.	EXP-505	R9-22-1803.	EN-69	R9-34-404.	PM-795	
R6-17-709.	EXP-505	R9-22-1804.	EN-69	Health Services, Department of - Emergency Medical Services		
R6-17-710.	EXP-505	R9-22-1805.	EN-69	R9-25-101.	FM-581	
R6-17-711.	EXP-505	R9-22-1806.	EN-69	R9-25-901.	FM-581	
R6-17-805.	EXP-505	R9-22-1901.	PM-761	R9-25-902.	FM-581	
R6-17-807.	EXP-505	R9-22-1903.	PM-761	R9-25-903.	F#-581; FM-581	
R6-17-901.	EXP-505	R9-22-1904.	PM-761	R9-25-904.	F#-581; FN-581	
R6-17-902.	EXP-505	R9-22-1905.	PM-761	R9-25-905.	FM-581	
R6-17-903.	EXP-505	R9-22-1907.	PM-761	R9-25-906.	F#-581; FM-581	
R6-17-904.	EXP-505	R9-22-1909.	PM-761	R9-25-907.	FR-581; F#-581; FM-581	
R6-17-905.	EXP-505	R9-22-1913.	PM-761	R9-25-908.	FR-581; FN-581	
R6-17-906.	EXP-505	R9-22-1915.	PM-761	R9-25-909.	FR-581; F#-581; FM-581	
R6-17-907.	EXP-505	R9-22-1919.	PM-761	R9-25-910.	F#-581; FN-581	
R6-17-908.	EXP-505	R9-22-1922.	PM-761	R9-25-911.	FR-581; F#-581; FM-581	
R6-17-909.	EXP-505	Health Care Cost Containment System, Arizona (AHCCCS) - Arizona Long-term Care System			R9-25-912.	F#-581
R6-17-910.	EXP-505	R9-28-1301.	PM-764	Exhibit 9A.	FR-581	
R6-17-911.	EXP-505	R9-28-1303.	PM-764	Exhibit 9B.	FR-581	
R6-17-912.	EXP-505	R9-28-1304.	PM-764	R9-25-1001.	FM-581	
R6-17-913.	EXP-505	R9-28-1309.	PM-764	R9-25-1002.	F#-581; FN-581	
R6-17-914.	EXP-505	R9-28-1313.	PM-764	R9-25-1003.	FR-581; FN-581	
R6-17-915.	EXP-505	R9-28-1316.	PM-764	R9-25-1004.	FR-581; FN-581	
R6-17-916.	EXP-505	R9-28-1324.	PM-764	R9-25-1005.	FR-581; F#-581; FM-581	
R6-17-917.	EXP-505	Health Care Cost Containment System, Arizona (AHCCCS) - Grievance System			R9-25-1006.	FR-581
R6-17-918.	EXP-505	R9-34-101.	PM-795	Table 10.1.	FN-581	
R6-17-919.	EXP-505	R9-34-102.	PM-795	Table 10.2.	FN-581	
Environmental Quality, Department of - Air Pollution Control			R9-34-103.	R9-25-1101.	FM-581	
R18-2-101.	PEM-5	R9-34-104.	PM-795	R9-25-1102.	FM-581	
R18-2-326.	PEM-5	R9-34-105.	PM-795	R9-25-1103.	FM-581	
R18-2-601.	PEM-5	R9-34-106.	PM-795	R9-25-1104.	FM-581	
R18-2-602.	PEM-5	R9-34-107.	PM-795	R9-25-1105.	FM-581	
R18-2-704.	PEM-5	R9-34-108.	PM-795	R9-25-1106.	FM-581	
R18-2-801.	PEM-5	R9-34-109.	PR-795; PN-795	R9-25-1107.	FM-581	
R18-2-802.	PEM-5	R9-34-110.	PM-795	R9-25-1108.	FM-581	
R18-2-804.	PEM-5	R9-34-111.	PM-795	R9-25-1109.	FM-581	
R18-2-1509.	PEM-5	R9-34-112.	PM-795	R9-25-1110.	FM-581	
Environmental Quality, Department of - Safe Drinking Water			R9-34-113.	R9-25-1201.	FM-581	
R18-4-103.	TM-179	R9-34-114.	PM-795			
R18-4-105.	TM-179	R9-34-115.	PN-795			
R18-4-106.	TM-179	R9-34-116.	PN-795			
R18-4-107.	TM-179	R9-34-117.	PN-795			
R18-4-111.	TM-179	R9-34-118.	PN-795			
R18-4-117.	TM-179	R9-34-204.	PM-795			

Table 12.1.	FM-581	R20-5-611.	PM-197	R20-5-827.	PM-210
Health Services, Department of - Food, Recreational, and Institu- tional Sanitation		R20-5-613.	PM-197	R20-5-828.	PM-210
R9-8-118.	FEM-237	R20-5-614.	PM-197	R20-5-829.	PM-210
R9-8-403.	FEM-237	R20-5-615.	PM-197	R20-5-901.	PN-217
R9-8-701.	FEM-237	R20-5-617.	PM-197	R20-5-902.	PN-217
R9-8-702.	FEM-237	R20-5-618.	PM-197	R20-5-903.	PN-217
R9-8-703.	FEM-237	R20-5-619.	PM-197	R20-5-904.	PN-217
R9-8-705.	FEM-237	R20-5-621.	PM-197	R20-5-905.	PN-217
R9-8-706.	FEM-237	R20-5-622.	PM-197	R20-5-906.	PN-217
R9-8-707.	FEM-237	R20-5-623.	PM-197	R20-5-907.	PN-217
R9-8-708.	FEM-237	R20-5-624.	PM-197	R20-5-908.	PN-217
R9-8-711.	FEM-237	R20-5-625.	PM-197		
R9-8-811.	FEM-237	R20-5-626.	PM-197		
Health Services, Department of - Health Care Institutions: Licensing		R20-5-627.	PM-197	Infrastructure Finance Authority of Arizona, Water	
R9-10-603.	PEM-455	R20-5-629.	PM-197	R18-15-101.	PEM-221
R9-10-610.	PEM-455	R20-5-650.	PM-197	R18-15-102.	PEM-221
R9-10-612.	PEM-455	R20-5-652.	PM-197	R18-15-103.	PEM-221
R9-10-615.	PEM-455	R20-5-654.	PM-197	R18-15-104.	PEM-221
Health Services, Department of - Occupational Licensing		R20-5-655.	PM-197	R18-15-105.	PEM-221
R9-16-701.	FEN-173	R20-5-656.	PM-197	R18-15-107.	PEM-221
R9-16-702.	FEN-173	R20-5-657.	PM-197	R18-15-401.	PEM-221
R9-16-703.	FEN-173	R20-5-658.	PM-197	R18-15-402.	PEM-221
R9-16-704.	FEN-173	R20-5-659.	PM-197	R18-15-403.	PEM-221
R9-16-705.	FEN-173	R20-5-661.	PM-197	R18-15-404.	PEM-221
R9-16-706.	FEN-173	R20-5-663.	PM-197	R18-15-405.	PEM-221
Table 7.1.	FEN-173	R20-5-664.	PM-197	R18-15-801.	FEN-806
R9-16-707.	FEN-173	R20-5-665.	PM-197	R18-15-802.	FEN-806
R9-16-708.	FEN-173	R20-5-666.	PM-197	R18-15-803.	FEN-806
R9-16-1001.	FN-695	R20-5-667.	PM-197	R18-15-804.	FEN-806
R9-16-1002.	FN-695	R20-5-669.	PM-197	R18-15-805.	FEN-806
R9-16-1003.	FN-695	R20-5-680.	PM-197	R18-15-806.	FEN-806
R9-16-1004.	FN-695	R20-5-681.	PM-197	R18-15-807.	FEN-806
Table 10.1.	FN-695	R20-5-682.	PM-197	R18-15-808.	FEN-806
R9-16-1005.	FN-695	R20-5-683.	PN-197	R18-15-809.	FEN-806
R9-16-1006.	FN-695	R20-5-801.	PM-210	R18-15-810.	FEN-806
R9-16-1007.	FN-695	R20-5-802.	PR-210	R18-15-811.	FEN-806
Health Services, Department of - Radiation Control		R20-5-803.	PM-210	R18-15-812.	FEN-806
R9-7-902.	FEM-385	R20-5-804.	PM-210	R18-15-813.	FEN-806
R9-7-904.	FEM-385	R20-5-805.	PM-210	R18-15-814.	FEN-806
R9-7-1438.	FEM-164	R20-5-806.	PM-210	R18-15-815.	FEN-806
R9-7-1438.01.	FER-164	R20-5-807.	PM-210	R18-15-816.	FEN-806
R9-7-1439.	FEM-164	R20-5-808.	PM-210	R18-15-817.	FEN-806
Appendix C.	FEM-164	R20-5-809.	PM-210	R18-15-818.	FEN-806
Health Services, Department of - Tobacco-Related Programs		R20-5-810.	PM-210	R18-15-819.	FEN-806
R9-2-101.	FEM-233	R20-5-811.	PM-210	R18-15-820.	FEN-806
R9-2-107.	FEM-233	R20-5-812.	PM-210	R18-15-821.	FEN-806
R9-2-110.	FEM-233	R20-5-813.	PM-210	R18-15-822.	FEN-806
Industrial Commission of Arizona		R20-5-814.	PM-210	R18-15-823.	FEN-806
R20-5-608.	PM-197	R20-5-815.	PM-210	R18-15-824.	FEN-806
R20-5-609.	PM-197	R20-5-817.	PM-210	R18-15-825.	FEN-806
R20-5-610.	PM-197	R20-5-818.	PM-210	R18-15-826.	FEN-806
		R20-5-819.	PM-210	R18-15-901.	PEN-221
		R20-5-820.	PM-210	R18-15-902.	PEN-221
		R20-5-821.	PM-210	R18-15-903.	PEN-221
		R20-5-822.	PM-210	R18-15-904.	PEN-221
		R20-5-823.	PM-210	R18-15-905.	PEN-221
		R20-5-824.	PM-210	R18-15-906.	PEN-221
		R20-5-825.	PM-210		
		R20-5-825.	PM-210		
		R20-5-826.	PM-210		

R18-15-1001.	PEN-221	R12-2-103.	FN-430	R1-1-104.	P#-839;
R18-15-1002.	PEN-221	R12-2-104.	FN-430		PN-839;
R18-15-1003.	PEN-221	Nursing, Board of		R1-1-105.	PM-839
R18-15-1004.	PEN-221	R4-19-207.	EM-66;		P#-839;
R18-15-1005.	PEN-221		PM-343	R1-1-106.	PN-839;
R18-15-1006.	PEN-221	Pharmacy, Board of			PM-839
Insurance and Financial Institutions, Department of - Insurance Division		R4-23-101.	FM-155	R1-1-107.	PN-839;
R20-6-1101.	FM-479	R4-23-119.	FM-155	R1-1-108.	PM-839
R20-6-1407.	FM-482	R4-23-201.	FM-155		PR-839;
R20-6-1408.	FM-482	R4-23-202.	FM-155	R1-1-109.	PN-839
R20-6-1409.	FM-482	R4-23-203.	FM-155	R1-1-110.	PM-839
Appendix A.	FM-482	R4-23-205.	FM-155		P#-839;
Appendix B.	FM-482	R4-23-301.	FM-155	R1-1-111.	PN-839
Appendix C.	FM-482	R4-23-302.	FM-155	R1-1-112.	PM-839
Appendix D.	FM-482	R4-23-303.	FR-155	R1-1-113.	PM-839
Appendix E.	FM-482	R4-23-304.	FR-155	R1-1-114.	PR-839;
Appendix F.	FM-482	R4-23-305.	FR-155	R1-1-201.	PN-839
Appendix G.	FM-482	Physicians Medical Board, Naturopathic			P#-839;
Land Department, State		R4-18-601.	FM-346	R1-1-202.	PN-839;
R12-5-101.	SPM-415	R4-18-602.	FM-346		PM-839
R12-5-102.	SPM-415	R4-18-603.	FM-346	Table 1.	PN-839
R12-5-104.	SPM-415	R4-18-902.	FM-348	R1-1-203.	PR-839;
R12-5-105.	SPM-415	R4-18-903.	FM-348		PN-839;
R12-5-106.	SPM-415	R4-18-1001.	FM-348	R1-1-204.	PM-839
R12-5-702.	SPM-415	R4-18-1002.	FM-348		PR-839;
R12-5-703.	SPM-415	R4-18-1003.	FM-348	R1-1-205.	PN-839;
R12-5-705.	SPM-415	R4-18-1004.	FM-348		PM-839
R12-5-801.	SPM-415	Podiatry Examiners, Board of			P#-839;
R12-5-802.	SPR-415	R4-25-103.	FM-382	R1-1-206.	PN-839;
R12-5-902.	SPR-415	Regulatory Board of Physician Assistants, Arizona			PM-839
R12-5-904.	SPM-415	R4-17-401.	FXN-63	R1-1-207.	PR-839;
R12-5-910.	SPR-415	R4-17-402.	FXN-63		PN-839;
R12-5-1101.	SPM-415	Retirement System Board, State		R1-1-208.	PM-839
Liquor Licenses and Control, Department of		R2-8-117.	FM-725		P#-839;
R19-1-101.	FEM-389	R2-8-118.	FM-727	R1-1-209.	PN-839;
R19-1-102.	FEM-389	R2-8-125.	FM-730		PM-839
R19-1-104.	FEM-389	R2-8-126.	FM-732		PR-839;
R19-1-105.	FEM-389	R2-8-133.	FM-732	R1-1-210.	PN-839
R19-1-206.	FEM-389	R2-8-205.	FM-739	R1-1-211.	P#-839
R19-1-207.	FEM-389	R2-8-207.	FM-739	R1-1-212.	P#-839
R19-1-209.	FEM-389	R2-8-1001.	FM-742	R1-1-301.	PR-839;
R19-1-315.	FEM-389	R2-8-1003.	FM-742		PN-839;
R19-1-316.	FEM-389	R2-8-1004.	FM-742		PM-839
R19-1-317.	FEM-389	Secretary of State, Office of the		R1-1-302.	PR-839
R19-1-320.	FEM-389	R2-12-1001.	PR-341	R1-1-401.	P#-839;
R19-1-327.	FEM-389	Secretary of State, Office of the - Rules and Rulemaking			PN-839;
R19-1-501.	FEM-389	R1-1-101.	PM-839	R1-1-402.	PM-839
R19-1-504.	FEM-389	R1-1-102.	P#-839;	R1-1-403.	PN-839;
Livestock Loss Board, State of Arizona			PN-839		PM-839
R12-2-101.	FN-430	R1-1-103.	P#-839;	R1-1-404.	PR-839;
R12-2-102.	FN-430		PN-839;		PN-839;
			PM-839		PM-839

R1-1-405.	PR-839; PN-839; PM-839	R1-1-507. R1-1-601.	P#-839 PR-839; PN-839; PM-839	R1-1-1207. R1-1-1208. R1-1-1301. R1-1-1302.	PN-839 PN-839 PN-839 PN-839
R1-1-406.	PR-839; PN-839; PM-839	R1-1-602.	P#-839; PN-839	Technical Registration, Board of	
R1-1-407.	PR-839	R1-1-606.	PN-839	R4-30-102.	FM-768
R1-1-408.	PR-839; PN-839; PM-839	R1-1-607. R1-1-701. R1-1-702.	PN-839 PM-839 PN-839	R4-30-201. R4-30-202. R4-30-204.	FM-768 FM-768 FM-768
R1-1-409.	P#-839; PN-839; PM-839	R1-1-703. R1-1-704. R1-1-801.	PN-839 PN-839 P#-839;	R4-30-247. R4-30-301. R4-30-301.01.	FM-768 FM-768 FM-768
R1-1-410.	PR-839; PN-839; PM-839	R1-1-802.	PN-839; PM-839 P#-839;	Transportation, Department of - Third-Party Programs	
R1-1-411.	P#-839		PN-839	R17-7-101.	PEM-895
R1-1-412.	PR-839	R1-1-803.	P#-839	R17-7-201.	PEM-895
R1-1-413.	PR-839	R1-1-901.	PR-839;	R17-7-202.	PEM-895
R1-1-414.	PR-839		PN-839	R17-7-203.	PEM-895
R1-1-415.	P#-839	R1-1-902.	P#-839	R17-7-204.	PEM-895
R1-1-501.	PR-839; PN-839; PM-839	R1-1-1001.	P#-839; PN-839	R17-7-301. R17-7-302.	PEM-895 PEM-895
R1-1-502.	PN-839; P#-839;	R1-1-1002. R1-1-1003.	PN-839 PN-839	R17-7-303. R17-7-401.	PEM-895 PEM-895
R1-1-503.	PN-839; P#-839;	R1-1-1004. R1-1-1005.	PN-839 PN-839	R17-7-601. R17-7-603.	PEM-895 PEM-895
R1-1-504.	PN-839; PM-839	R1-1-1101.	PN-839;	R17-7-604. R17-7-605.	PEM-895 PEM-895
R1-1-505.	P#-839; PN-839	R1-1-1201.	PM-839 PN-839;	R17-7-606. R17-7-702.	PEM-895 PEM-895
R1-1-505.	P#-839; PN-839; PM-839	R1-1-1202. R1-1-1203. R1-1-1204.	PN-839 PN-839 PN-839	R17-7-703. R17-7-704. R17-7-705.	PEM-895 PEM-895 PEM-895
R1-1-506.	P#-839; PN-839	R1-1-1205. R1-1-1206.	PN-839 PN-839		

OTHER NOTICES AND PUBLIC RECORDS INDEX

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

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 18 OF VOLUME 30.

Docket Opening, Notices of Rulemaking

Accountancy, Board of; 4 A.A.C. 1; pp. 708-709	Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; p. 354	Health Services, Department of - Emergency Medical Services; 9 A.A.C. 25; pp. 435-436
Administration, Department of - State Personnel System; 2 A.A.C. 5; p. 327-328	Environmental Quality, Department of - Solid Waste Managements; 18 A.A.C. 13; p. 355	Health Services, Department of - Radiation Control; 9 A.A.C. 7; pp. 817-818
Administrative Hearings, Office of; 2 A.A.C. 19; p. 142	Health Care Cost Containment System, Arizona (AHCCCS) - Administration; 9 A.A.C. 22; p. 778	Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; pp. 34-35, 507
Board of Dental Examiners, State; 4 A.A.C. 11; p. 246	Health Care Cost Containment System, Arizona (AHCCCS) - Arizona Long-term Care System; 9 A.A.C. 28; p. 779	Industrial Commission of Arizona; 20 A.A.C. 5; pp. 248-249
Child Safety, Department of - Administration; 21 A.A.C. 1; p. 461	Health Care Cost Containment System, Arizona (AHCCCS) - Grievance System; 9 A.A.C. 34; p. 818	Infrastructure Finance Authority of Arizona, Water; 18 A.A.C. 15; pp. 247-248
Conservation Commission, Oil and Gas; 12 A.A.C. 7; p. 180		Nursing, Board of; 4 A.A.C. 19; p. 353
Criminal Justice Commission, Arizona; 10 A.A.C. 4; 401		Secretary of State, Office of the; 2 A.A.C. 12; p. 353

Secretary of State, Office of the -
Rules and Rulemaking; 1
A.A.C. 1; p. 907
Transportation, Department of -
Third-Party Programs; 17
A.A.C. 7; p. 908

Governor's Office**Governor's Regulatory Review
Council**

Notices of Action Taken at Monthly
Meetings: pp. 192, 364-365;
519-521, 833-834

Ombudsman, Notices of Agency

Dental Examiners, State Board of; p.
39
Game and Fish Commission; p. 509
Physical Therapy, Board of; p. 143
Psychologist Examiners, Board of; p.
184
Retirement System Board, State; p.
39
Transportation, Department of; p.
143
Water Resources, Department of; p.
76

**Oral Proceeding on Proposed
Rulemaking, Notices of**

Board of Nursing; 4 A.A.C. 19; p.
437

**Public Information, Notices of
Agency**

Health Services, Department of; p.
680
Land Department, State; pp. 280, 464

**Proposed Delegation Agreement,
Notices of**

Environmental Quality, Department
of; pp. 462-463, 819-820

**Substantive Policy Statement,
Notices of**

Behavioral Health Examiners, Board
of; p. 465
Corporation Commission, Arizona;
pp. 36-38, 73-75, 181-183, 281-
282
Public Safety, Department of; pp.
821-822
Technical Registration, Board of; p.
465

2024 RULES EFFECTIVE DATES CALENDAR

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

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

REGISTER PUBLISHING DEADLINES

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

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after
February 16, 2024	March 8, 2024	April 8, 2024
February 23, 2024	March 15, 2024	April 15, 2024
March 1, 2024	March 22, 2024	April 22, 2024
March 8, 2024	March 29, 2024	April 29, 2024
March 15, 2024	April 5, 2024	May 6, 2024
March 22, 2024	April 12, 2024	May 13, 2024
March 29, 2024	April 19, 2024	May 20, 2024
April 5, 2024	April 26, 2024	May 28, 2024
April 12, 2024	May 3, 2024	June 3, 2024
April 19, 2024	May 10, 2024	June 10, 2024
April 26, 2024	May 17, 2024	June 17, 2024
May 3, 2024	May 24, 2024	June 24, 2024
May 10, 2024	May 31, 2024	July 1, 2024
May 17, 2024	June 7, 2024	July 8, 2024
May 24, 2024	June 14, 2024	July 15, 2024
May 31, 2024	June 21, 2024	July 22, 2024
June 7, 2024	June 28, 2024	July 29, 2024
June 14, 2024	July 5, 2024	August 5, 2024
June 21, 2024	July 12, 2024	August 12, 2024
June 28, 2024	July 19, 2024	August 19, 2024
July 5, 2024	July 26, 2024	August 26, 2024
July 12, 2024	August 2, 2024	September 3, 2024
July 19, 2024	August 9, 2024	September 9, 2024
July 26, 2024	August 16, 2024	September 16, 2024
August 2, 2024	August 23, 2024	September 23, 2024
August 9, 2024	August 30, 2024	September 30, 2024
August 16, 2024	September 6, 2024	October 7, 2024
August 23, 2024	September 13, 2024	October 15, 2024
August 30, 2024	September 20, 2024	October 21, 2024

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 <https://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2024
(MEETING DATES ARE SUBJECT TO CHANGE)

[M23-72]

* 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.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> February 20, 2024	<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> March 26, 2024	<i>Tuesday</i> April 2, 2024
<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> April 30, 2024	<i>Tuesday</i> May 7, 2024
<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> May 21, 2024	<i>Wednesday</i> May 29, 2024	<i>Tuesday</i> June 4, 2024
<i>Tuesday</i> May 21, 2024	<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> June 25, 2024	<i>Tuesday</i> July 2, 2024
<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> July 30, 2024	<i>Tuesday</i> August 6, 2024
<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> August 27, 2024	<i>Wednesday</i> September 4, 2024
<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> September 24, 2024	<i>Tuesday</i> October 1, 2024
<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> October 29, 2024	<i>Tuesday</i> November 5, 2024
<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> November 26, 2024	<i>Tuesday</i> December 3, 2024
<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> December 31, 2024	<i>Tuesday</i> January 7, 2025
<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> January 21, 2025	<i>Tuesday</i> January 28, 2025	<i>Tuesday</i> February 4, 2025