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Arizona Administrative REGISTER

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~ Administrative Register Contents ~

November 28, 2025

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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

November 28, 2025

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 Adrian Fontes

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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.

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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.

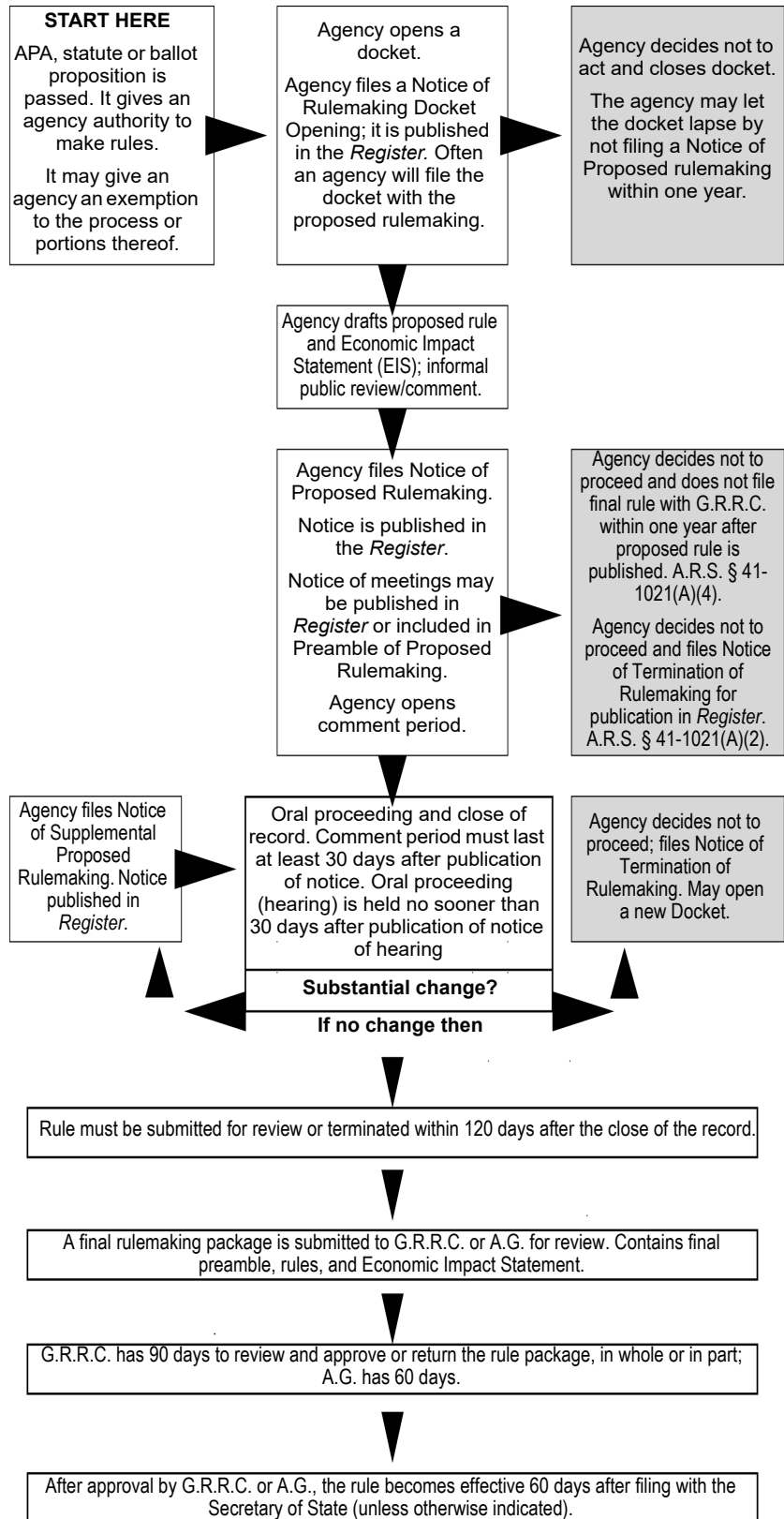
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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



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 4. PROFESSIONS AND OCCUPATIONS

**CHAPTER 46. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
FINANCIAL INSTITUTIONS DIVISION - REAL ESTATE APPRAISAL**

[R25-266]

PREAMBLE

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

September 15, 2025

2. Article, Part, or Section Affected (as applicable)

Rulemaking Action

R4-46-402	Amend
R4-46-403	Amend
R4-46-404	Amend
R4-46-405	Amend

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

Authorizing statute: A.R.S. §§ 6-122(A) and 32-3680
 Implementing statute: A.R.S. §§ 32-3665, 32-3667, 32-3669, and 32-3672

4. The effective date of the rule:

January 4, 2026

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 2593; Issue Date: August 1, 2025; Issue Number: 31; File Number: R25-175
 Notice of Proposed Rulemaking: 31 A.A.R. 2583; Issue Date: August 1, 2025; Issue Number: 31; File Number: R25-172

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

Name: Mary E. Kosinski
 Title: Asst. Regulatory Legal Affairs Officer
 Address: Department of Insurance and Financial Institutions
 100 N. 15th Ave., Suite 261
 Phoenix, AZ 85007-2630
 Telephone: (602) 364-3476

Email: mary.kosinski@difi.az.gov
Website: https://difi.az.gov

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

The Arizona Department of Insurance and Financial Institutions, Division of Financial Institutions, Real Estate Appraisal ("Department") seeks to amend Sections R4-46-402, R4-46-403, R4-46-404, and R4-46-405 governing Appraisal Management Companies. These rules dovetail with the statutory sections governing an Appraisal Management Company ("AMC") found at Title 32, Chapter 36, Article 5, §§ 32-3661 through 32-3680.

The changes to these rules are to clarify that it is an AMC's responsibility to ensure the Department is notified of certain changes, renewal information, and certifications. The Department is removing some of these responsibilities from the controlling person because they are not required by statute and an AMC may use other entities for its renewal process.

This rulemaking does not relate to a Five-Year Review Report.

8. 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:

Not applicable

9. 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

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

Pursuant to A.R.S. § 41-1055(A):

- The primary goal of this rulemaking is not to change any violative conduct. Instead, it is designed to clarify that it is the AMC's and not the controlling person's responsibility to provide certain notifications to the Department.
- Because this rulemaking is not made in response to a perceived problem caused by the conduct of licensees, it is not intended to reduce the frequency of any potentially violative conduct.
- No costs are expected to be incurred by the proposed changes.
- The person listed in item 6 may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

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

Not applicable

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

Not applicable

13. 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 prescribed by statute are applicable to the Department or to any specific rule or class of rules.

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:

An AMC receives a registration with the Department pursuant to A.R.S. § 32-3662. No permit is issued.

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

12 CFR 34.210 through 12 CFR 34.216 (Real Estate Lending and Appraisals; Appraisal Management Company's Minimum Requirements) is applicable to state regulation of AMC's. 12 CFR 34.213 (Appraisal Management Company Registration) is specifically applicable to state regulations governing the registration of AMCs. The Federal Regulation makes no mention of a "controlling person" but affords the State leeway in operating a licensing program including renewing the AMC's registration periodically (12 CFR 34.213(a)(2)), requiring the AMC to submit reports, information and documents (12 CFR 34.213(a)(3)), and suspending or terminating the registration of an AMC that violates applicable appraisal-related laws or regulations (12 CFR 34.213(a)(6)).

12 CFR 225.193 (Federal Reserve System Bank Holding Companies – Appraisal Management Registration) has identical requirements at 12 CFR 225.193(a).

The rules are not more stringent than the federal regulations.

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:

Not applicable

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

Not applicable

15. 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:

Not applicable

16. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

**CHAPTER 46. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
FINANCIAL INSTITUTIONS DIVISION - REAL ESTATE APPRAISAL**

ARTICLE 4. APPRAISAL MANAGEMENT COMPANIES

Section

R4-46-402.	Bond Required
R4-46-403.	Change in Controlling Person or Agent for Service of Process; Notice of Adverse Action
R4-46-404.	Application for Renewal Registration
R4-46-405.	Certifications; National Registry Reporting

ARTICLE 4. APPRAISAL MANAGEMENT COMPANIES

R4-46-402. Bond Required

- A. The surety bond required under A.R.S. § 32-3667 shall be in the amount of \$20,000 and shall be issued by a surety company authorized to do business in Arizona.
- B. The controlling person of a registered AMC shall ensure that the surety bond required under A.R.S. § 32-3667 requires the issuing surety company to provide written notice to the Department by registered or certified mail at least 30 days before the surety company cancels the bond and within 30 days after the surety company pays a loss under the bond.
- C. The surety bond required under A.R.S. § 32-3667 is to be used exclusively to ensure that a registered AMC pays:
 1. All amounts owed to persons that perform real estate appraisal services for the AMC, and
 2. All amounts adjudged against the AMC as a result of either negligent or improper real property appraisal services or appraisal management services or of a breach of contract in performing real property appraisal services or appraisal management services.
- D. The controlling person of a registered AMC shall ensure that the required surety bond is:
 1. Maintained in the amount of \$20,000;
 2. Funded to \$20,000 within seven days after being drawn down; and
 3. Maintained for at least one year after the AMC's registration expires, is revoked or surrendered, or otherwise ends.
- E. If the Department receives notice from the surety company of intent to cancel the required bond, the Department shall notify the controlling person of the AMC and require that the ~~controlling person~~ AMC submit proof of a replacement bond before the existing bond is cancelled. Under A.R.S. § 32-3678, failure to maintain the required bond is grounds for disciplinary action.
- F. If a registered AMC operates in Arizona under more than one name, other than a DBA, the controlling person shall ensure that a separate surety bond in the amount of \$20,000 is maintained in each name.
- G. If the name of a registered AMC is changed, the controlling person of the registered AMC shall ensure that a surety bond in the amount of \$20,000 is:
 1. Maintained in the former name for one year after the name is changed, and
 2. Obtained in the registered AMC's new name.
- H. A person damaged by a registered AMC's failure to pay an obligation listed in subsection (C) has a right of action against the surety bond. The damaged person shall begin the action in a court of competent jurisdiction within one year after the AMC failed to pay the amount owed or the amount adjudged against the AMC.
- I. If the surety bond required under A.R.S. § 32-3667 is cancelled, liability of the issuing surety company is not limited or cancelled regarding any claim against the surety bond for actions by the AMC while the surety bond was in force.

R4-46-403. Change in Controlling Person or Agent for Service of Process; Notice of Adverse Action

- A. If any of the information submitted under R4-46-401(B)(2) changes, the controlling person of the registered AMC shall ~~provide to the Department~~ ensure that written notice of the change is provided to the Department within 10 business days.
- B. If an individual becomes the controlling person of a registered AMC and the information required under R4-46-401(B)(3) was not previously submitted for the individual, the new controlling person shall ensure that the required information is submitted to the Department within 10 business days after the change in controlling person.
- C. If a registered AMC is required under A.R.S. § 32-3662(B)(4) to provide the name and contact information for an agent for service of process in this state, the controlling person of the AMC shall ~~provide the Department~~ ensure that written notice of any change in the information ~~within 10 business days~~ is submitted to the Department within 10 business days.

- D. If the regulated entity, the responsible person, any controlling person, or any direct or indirect owner of the firm has ever been, or is currently, the subject of any complaint, investigation, or disciplinary action against a license, certificate, registration, or membership by any state regulatory agency, or any professional or occupational credentialing authority that resulted in an adverse judgment against them, including any denial, or voluntary surrender, withdrawal, or resignation of a credential in lieu of disciplinary action, the controlling person of the AMC shall ~~provide the Department with~~ ensure that written notice of such action ~~within 10 business days after such action has been finalized.~~ is provided to the Department within 10 business days after such action has been finalized.

R4-46-404. Application for Renewal Registration

- A. Under A.R.S. § 32-3665, an initial registration for an AMC expires one year after the date of issuance. A renewal registration for an AMC expires two years after the date of issuance.
- B. To renew registration for an AMC, the ~~controlling person of the~~ registered AMC shall, within 60 days before expiration, submit:
 - 1. A renewal registration application,
 - 2. The certifications required under A.R.S. § 32-3662(B),
 - 3. Proof of the surety bond required under A.R.S. § 32-3667 and R4-46-402,
 - 4. The renewal fee under R4-46-106,
 - 5. Evidence that each person who has at least a 10% ownership interest in the AMC and the controlling person have applied for a valid fingerprint clearance card unless a valid fingerprint clearance card is currently on file with the Department, and
 - 6. Disclose any changes to the percentage of ownership.
- C. If the ~~controlling person of a~~ registered AMC fails to comply with subsection (B) and the registration expires, ~~the controlling person shall ensure that the AMC immediately ceases~~ shall immediately cease providing all appraisal management services. The Department may accept a renewal application after the expiration date if within 90 days of the date of expiration but shall assess a delinquent renewal fee in addition to the renewal fee.

R4-46-405. Certifications; National Registry Reporting

- A. Under A.R.S. § 32-3672, the ~~controlling person of a~~ registered AMC is required to make certain certifications to the Department at the time the AMC’s registration is renewed.
- B. To make the certifications required under A.R.S. § 32-3672, the ~~controlling person of a~~ registered AMC shall use a form that is available from the Department and on its website.
- C. The ~~controlling person of a~~ registered AMC shall make available to the Department, upon request, evidence that the certifications are true and that the systems, processes, and records certified are effective in protecting the public.
- D. In accordance with the provisions contained in 12 U.S.C. § 3338, each authorized representative or controlling person of an AMC that is either registered with the state or federally regulated and operating in Arizona shall annually submit an AMC National Registry Report to the Department at least 15 days prior to March 1st of each year for the period from January 1 to December 31 of the previous year. The AMC National Registry Report shall include:
 - 1. Identifying information for the AMC;
 - 2. The number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in the state during the previous year, or from the commencement of business for AMCs not in existence for the entire previous year; and
 - 3. A signed affirmation by written declaration.
- E. The AMC shall pay, at the time it submits the National Registry Report to the Department, the fee required under 12 U.S.C. § 3338(a)(4).
- F. A registered AMC or federally regulated AMC operating in Arizona who fails to timely submit a National Registry Report to the Department and to remit the AMC National Registry fee shall not appear on the AMC National Registry.
- G. Under A.R.S. § 32-3678, failure to comply with this Section is grounds for disciplinary action.

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

**CHAPTER 6. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
INSURANCE DIVISION**

[R25-267]

PREAMBLE

- 1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:**
September 15, 2025
- 2. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R20-6-708, Table A	Amend
R20-6-2002	Amend
- 3. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 20-143(A)
 Implementing statute: A.R.S. §§ 20-167(F), 20-1098.24(E), Laws 2025, Ch. 145, Sec. 5

4. The effective date of the rule:

January 4, 2026

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

Not applicable

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

Not applicable

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

Notice of Rulemaking Docket Opening: 31 A.A.R. 2595; Issue Date: August 1, 2025; Issue Number: 31; File Number: R25-170

Notice of Proposed Rulemaking: 31 A.A.R. 2586; Issue Date: August 1, 2025; Issue Number: 31; File Number: R25-169

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

Name: Mary E. Kosinski
Title: Asst. Regulatory Legal Affairs Officer
Address: Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
Telephone: (602) 364-3476
Email: mary.kosinski@difi.az.gov
Website: https://difi.az.gov

7. 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 fulfills the mandate from the legislature to establish fees that allow a captive insurer to apply for a Certificate of Dormancy when the captive has ceased transacting the business of insurance (Laws 2025, Ch. 145, Sec. 5).

- Revise R20-6-708, Table A. (Licensing Time-frames) to add a Captive Certificate of Dormancy.
- Revise R20-6-2002 to add a subsection that defines the fees the Department will charge to a captive insurer to apply to receive a dormant captive certificate, renew the certificate, and to surrender the certificate. The annual renewal of a certificate of authority for an active captive insurer is currently \$5,500 annually (A.A.C. R20-6-2002(A)). The Department is establishing a fee to put the certificate into dormant status of \$1,000 with a five-year renewal fee of \$200. These fees are well below the annual renewal fee for an active captive insurer.

This rulemaking does not relate to a Five-Year Review Report.

8. 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:

Not applicable

9. 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

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

Pursuant to A.R.S. § 41-1055(A):

- The rulemaking is not designed to change any conduct. Instead, it is necessary to fulfill the requirement from the legislature that the Director adopt rules to implement A.R.S. § 20-1098.24.
- Because this rulemaking is not made in response to a perceived problem caused by the conduct of licensees, it is not intended to reduce the frequency of any potentially violative conduct.
- The costs incurred by the proposed changes are not expected to impact revenues or payroll expenditures.
- The person listed in item 6 may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

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

Not applicable

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

Not applicable

13. 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 prescribed by statute are applicable to the Department or to any specific rule or class of rules.

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. A.R.S. § 20-1098.24 requires a captive insurer to obtain a Certificate of Dormancy if it is no longer insuring risks.

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 of the rules.

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:

Not applicable

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

Not applicable

15. 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:

Not applicable

16. The full text of the rules follows:

**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
INSURANCE DIVISION
ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES**

Section
R20-6-708. Licensing Time-frames
Table A. Licensing Time-frames

ARTICLE 20. CAPTIVE INSURERS

Section
R20-6-2002. Fees; Examination Costs

ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES

R20-6-708. Licensing Time-frames

- A.** No change
 - 1. No change
 - 2. No change
- B.** No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- D.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- E.** No change
- F.** No change

Table A. Licensing Time-frames

License	Relevant A.R.S.	Administrative Completeness	Substantive Review	Overall Time-frame
Insurance				
Captive Insurer	§ 20-1098.01	150	30*	180
Captive Insurer Certificate of Dormancy	§ 20-1098.24	30	30	60
Certificate of Authority	§ 20-216	210	90*	300
Certificate of Exemption	§ 20-401.05	92	30	122
Health Care Services Organization	§ 20-1052	210	90	300
Hospital, Medical, Dental, and Optometric Service Corporation	§ 20-825	210	90	300
Life Care Provider Permit	§ 20-1803	60*	30*	90
Life Settlement Provider	§ 20-3202	60	60	120
Mechanical Reimbursement Reinsurer	§ 20-1096.04	210	90	300
Prepaid Dental Plan Organization	§ 20-1004	210	90	300
Prepaid Legal Insurer*	§ 20-1097.02	45	15	60*
Qualifying Surplus Lines Insurer	§ 20-413	45	30	75
Reinsurance Intermediary	§ 20-486.01	120	60	180
Insurance Professional				
Adjuster	§ 20-321.01	60	60	120
Bail Bond Agent	§ 20-340.01	60	60	120
Certified Application Counselor	§ 20-336.04	60	60	120
Life Settlement Broker	§ 20-3202	60	60	120
Limited Travel Agent	§ 20-3553	60	60	120
Navigator	§ 20-336.03	60	60	120
Nonresident Insurance Producer (Agent/Broker)	§ 20-287	60	60	120
Portable Electronics Insurance Adjuster	§ 20-321.01	60	60	120
Portable Electronics Insurance Vendor	§ 20-1693.01	60	60	120
Rental Car Agent	§ 20-331	60	60	120
Resident Insurance Producer (Agent/Broker)	§ 20-285	60	60	120
Risk Management Consultant	§ 20-331.01	60	60	120
Self-service Storage Agents	§ 20-332	60	60	120
Surplus Lines Broker	§ 20-411	60	60	120
Temporary License	§ 20-294	60	60	120
Title Insurance Agent	§ 20-1580	60	60	120
Variable Contract Agent	§ 20-2662	60	60	120
Other				
Rating Organization*	§ 20-361	30	30	60*
Rate Service Organization	§ 20-389	60	60	120
Third Party Administrator	§ 20-485.12	45	45	90
Senior Residential Entrance Fee Contracts: Provider Registration	§ 44-6952	60	60	120
Service Company	§ 20-1095.01	30	30	60
Utilization Review Agent	§ 20-2505	30	90	120
Risk Retention Groups				
Risk Retention Group (Foreign)	§ 20-2403	60	0	60
Risk Purchasing Groups	§ 20-2407	30	30	60

* Statutory time-frames

ARTICLE 20. CAPTIVE INSURERS

R20-6-2002. Fees; Examination Costs

- A. A corporation applying for a license to do business as a captive insurer shall pay a nonrefundable fee of \$1,000.00 to the Department for issuance of the license under A.R.S. § 20-1098.01(J). A captive insurer that is a protected cell captive insurer, as defined in A.R.S. § 20-1098, also shall pay to the Department a nonrefundable fee of \$1,000 for each participant contract application that establishes a protected cell under A.R.S. § 20-1098.05(B)(9). The fee is payable in full at the time the applicant submits the application for license to the Department under A.R.S. § 20-1098.01.
- B. A captive insurer shall pay a nonrefundable annual renewal fee of \$5,500.00 to the Department at the time of filing its annual report under A.R.S. § 20-1098.07. Under A.R.S. § 20-1098.01(J), a captive insurer that is a protected cell captive insurer also shall pay to the Department a nonrefundable annual renewal fee of \$2,500.00 for each protected cell at the time of filing its annual report under A.R.S. § 20-1098.07.
- C. A captive insurer shall pay a nonrefundable fee of \$200.00 to the Department at the time of filing for issuance of an amended certificate of authority.

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

Name: Mary E. Kosinski
Title: Asst. Regulatory Legal Affairs Officer
Address: Department of Insurance and Financial Institutions
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007-2630
Telephone: (602) 364-3476
Email: mary.kosinski@difi.az.gov
Website: <https://difi.az.gov/>

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

The subject matter of these rules is the licensing of Pharmacy Benefit Managers by the Insurance Division of the Department of Insurance and Financial Institutions ("Department"). This rulemaking augments statutory sections A.R.S. §§ 20-3333 and 20-3334 and adds Pharmacy Benefit Managers to the Division's Licensing Time-frames table.

The Department opened the Docket on this rulemaking on October 18, 2024 (30 A.A.R. 3069, October 18, 2024) which allowed it to conduct informal meetings with various groups of stakeholders. A.R.S. § 41-1023(A). The Department met with the Pharmaceutical Care Management Association (an association of Pharmacy Benefit Managers), and various groups of pharmacists. The Department reached out to three consumer protection groups (two national and one local) but did not receive any response from these groups so did not meet with them. The rules in this rulemaking reflect the suggestions made to the Department during these meetings to improve its original draft.

The Department is adding a new Article 25 to Title 20, Chapter 6 titled "Pharmacy Benefit Managers." The new Article consists of seven rules and one table governing the licensing of Pharmacy Benefit Managers:

R20-6-2501 (Definitions) adopts definitions already in statute and defines additional terms used in the Article.

R20-6-2502 (Application for Certificate of Authority; Fee Required) notifies an applicant of the process required to obtain a Certificate of Authority ("certificate") and the fee for obtaining the certificate. It also outlines the process for an applicant to remedy the disqualifications to licensure mandated under A.R.S. § 20-3333(C). Lastly, it requires the Department to notify the applicant of the term of the certificate.

R20-6-2503 (Notice of Modification) clarifies that a notice of modification required to be filed pursuant to A.R.S. § 20-3333(D) is only applicable to Pharmacy Benefit Managers already holding a certificate with the Department.

R20-6-2504 (Term of Certificate of Authority) notifies a licensee of the term of the certificate and when it expires.

R20-6-2505 (Renewal of Certificate of Authority; Fee Required) notifies a licensee of the process required to renew an existing certificate. The rule also warns a Pharmacy Benefit Manager whose certificate has expired that it must cease operating as a Pharmacy Benefit Manager and must reapply for, and be granted, a new certificate before it can operate as a Pharmacy Benefit Manager.

R20-6-2506 (Utilization Review) notifies a Pharmacy Benefit Manager that contracts for utilization review of the requirement to use either a utilization review agent certified by the Department or one exempt from certification under the law. Further, the rule notifies a Pharmacy Benefit Manager that performs utilization review of the duties required of it and that it must comply with the appeals processes required of a utilization review agent.

R20-6-2507 (Records Retention; Compliance Costs) requires a Pharmacy Benefit Manager to keep accurate records for the periods defined in Table 1. Further, the rule notifies the Pharmacy Benefit Manager that the Department may use otherwise confidential records in a proceeding against the Pharmacy Benefit Manager and that the licensee must bear the cost of review of their records by the Department.

Table 1 (Pharmacy Benefit Manager Retention Schedule) notifies a Pharmacy Benefit Manager of the records it must keep for review by the Department and the retention length for keeping those records.

In addition, the license type for a Pharmacy Benefit Manager is being added to the Licensing Time-frames table (R20-6-708, Table A) in this rulemaking.

This rulemaking does not relate to a Five-Year Review Report.

8. 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:

Not applicable

9. 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

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

Pursuant to A.R.S. § 41-1055(A)(1):

- The rulemaking is not designed to change any conduct. Instead, it is necessary to notify applicants and licensees of their obligations in applying for, renewing, and maintaining their certificate of authority. It fulfills the mandate of the legislature for the Department to adopt rules to implement A.R.S. § 20-3333.
- Because this rulemaking is not made in response to a perceived problem caused by the conduct of licensees, it is not intended to reduce the frequency of any potentially violative conduct.

Pursuant to A.R.S. § 41-1055(A)(2):

- The Department anticipates some additional costs to be incurred by licensees during the licensing process. However, no potential licensees provided any information to the Department about additional costs they anticipate.

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

Not applicable

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

Not applicable

13. 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 prescribed by statute are applicable to the Department or to any specific rule or class of rules.

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. A Pharmacy Benefit Manager is granted a Certificate of Authority pursuant to A.R.S. § 20-3333.

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. No federal law governs the licensing of Pharmacy Benefit Managers.

A.R.S. § 20-3333(O) requires a Pharmacy Benefit Manager to comply with the duties and appeals processes of a utilization review agent as prescribed by rule and A.R.S. Title 20, Chapter 15. The regulations and statutes governing utilization review agents are not more stringent than the federal scheme.

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:

Not applicable

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

Not applicable

15. 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:

Not applicable

16. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

**CHAPTER 6. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
INSURANCE DIVISION**

ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES

Section

R20-6-708. Licensing Time-frames

Table A. Licensing Time-frames

ARTICLE 25. PHARMACY BENEFIT MANAGERS

Section

R20-6-2501. Definitions

R20-6-2502. Application for Certificate of Authority: Fee Required

R20-6-2503. Notice of Modification

- R20-6-2504. Term of Certificate of Authority
- R20-6-2505. Renewal of Certificate of Authority: Fee Required
- R20-6-2506. Utilization Review
- R20-6-2507. Records Retention: Compliance Costs
- Table I. Pharmacy Benefit Manager Retention Schedule

ARTICLE 7. LICENSING PROVISIONS AND PROCEDURES

R20-6-708. Licensing Time-frames

- A. No change
 - 1. No change
 - 2. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
- E. No change
- F. No change

Table A. Licensing Time-frames

License	Relevant A.R.S.	Administrative Completeness	Substantive Review	Overall Time-frame
Insurance				
Captive Insurer	§ 20-1098.01	150	30*	180
Certificate of Authority	§ 20-216	210	90*	300
Certificate of Exemption	§ 20-401.05	92	30	122
Health Care Services Organization	§ 20-1052	210	90	300
Hospital, Medical, Dental, and Optometric Service Corporation	§ 20-825	210	90	300
Life Care Provider Permit	§ 20-1803	60*	30*	90
Life Settlement Provider	§ 20-3202	60	60	120
Mechanical Reimbursement Reinsurer	§ 20-1096.04	210	90	300
Prepaid Dental Plan Organization	§ 20-1004	210	90	300
Prepaid Legal Insurer*	§ 20-1097.02	45	15	60*
Qualifying Surplus Lines Insurer	§ 20-413	45	30	75
Reinsurance Intermediary	§ 20-486.01	120	60	180
Insurance Professional				
Adjuster	§ 20-321.01	60	60	120
Bail Bond Agent	§ 20-340.01	60	60	120
Certified Application Counselor	§ 20-336.04	60	60	120
Life Settlement Broker	§ 20-3202	60	60	120
Limited Travel Agent	§ 20-3553	60	60	120
Navigator	§ 20-336.03	60	60	120
Nonresident Insurance Producer (Agent/Broker)	§ 20-287	60	60	120
Portable Electronics Insurance Adjuster	§ 20-321.01	60	60	120
Portable Electronics Insurance Vendor	§ 20-1693.01	60	60	120
Rental Car Agent	§ 20-331	60	60	120
Resident Insurance Producer (Agent/Broker)	§ 20-285	60	60	120
Risk Management Consultant	§ 20-331.01	60	60	120
Self-service Storage Agents	§ 20-332	60	60	120
Surplus Lines Broker	§ 20-411	60	60	120
Temporary License	§ 20-294	60	60	120
Title Insurance Agent	§ 20-1580	60	60	120
Variable Contract Agent	§ 20-2662	60	60	120
Other				
Pharmacy Benefit Manager*	§ 20-3333	30	90*	120
Rating Organization*	§ 20-361	30	30	60*
Rate Service Organization	§ 20-389	60	60	120
Third Party Administrator	§ 20-485.12	45	45	90

Senior Residential Entrance Fee Contracts: Provider Registration	§ 44-6952	60	60	120
Service Company	§ 20-1095.01	30	30	60
Utilization Review Agent	§ 20-2505	30	90	120
Risk Retention Groups				
Risk Retention Group (Foreign)	§ 20-2403	60	0	60
Risk Purchasing Groups	§ 20-2407	30	30	60

* Statutory time-frames

ARTICLE 25. PHARMACY BENEFIT MANAGERS

R20-6-2501. Definitions

The following terms apply to this Article:

“Certificate of Good Standing” as used in A.R.S. § 20-3333(B)(1)(f) means the same as defined under A.R.S. § 10-128.

“Department” means the Arizona Department of Insurance and Financial Institutions, Insurance Division.

“Director of the Department” means the same as defined under A.R.S. § 20-102.

“Health plan” as used in A.R.S. § 20-3333(R) means the same as “Health care plan” as defined under A.R.S. § 20-3151.

“Insurer” means the same as defined under A.R.S. § 20-3321(5).

“Material modification” as used in A.R.S. § 20-3333(D) means a change to any of the information required to be submitted to the Department under A.R.S. § 20-3333(B)(1)(a) through (e), a notification that the licensee is no longer in good standing with the Arizona Corporation Commission, or a change in the description of the Pharmacy Benefit Manager’s services, facilities, or personnel.

“Overall time frame” means the same as defined under A.R.S. § 41-1072(2).

“Pay the fee” means to submit to the Department the fee required to accompany the initial application for or renewal of the Pharmacy Benefit Manager’s certificate of authority. The initial application fee is \$500 and the renewal fee is \$500. In lieu of direct payment of the fee, the applicant or licensee may submit proof of payment of the fee. All fees are non-refundable.

“Person” means the same as defined under A.R.S. § 20-105.

“Pharmacy Benefit Manager” means the same as defined under A.R.S. § 20-3321(10).

“Records” as used in Section R20-6-2507 includes records, books, documentation, and other data.

“Utilization review plan” means the same as defined under A.R.S. § 20-2501(A)(17).

R20-6-2502. Application for Certificate of Authority: Fee Required

- A.** A person seeking to be licensed as a Pharmacy Benefit Manager in this state shall file an application for a certificate of authority on a form prescribed by the Director of the Department which shall be transmitted for review and approval through an electronic online system as required by the Director of the Department under A.R.S. § 20-3333(B). The applicant shall pay the fee to the Department at the time it submits its application.
- B.** Beginning January 1, 2025, a person shall not operate as a Pharmacy Benefit Manager in this state without a certificate of authority.
- C.** The Department deems an application as filed with the Director of the Department when the Department receives a completed application and the required fee from an applicant.
- D.** The Director of the Department may require, at the Director’s discretion, that an applicant for a certificate of authority under A.R.S. § 20-3333(A) submit information that discloses biographical, employment and business financial history, criminal activity, fingerprints, or any other information that relates to the ability to operate as a Pharmacy Benefit Manager for principals, principal officers, and individuals responsible for the conduct of the activities of the Pharmacy Benefit Manager if necessary for the protection of residents of this state.
- E.** An applicant shall have a period to remedy disqualifications to licensure pursuant to A.R.S. § 20-3333(C).
 - 1.** If the Director of the Department determines that an applicant is not qualified to be licensed after the overall time frame for the application is complete, the Director of the Department shall provide a written notification to the applicant of the Director’s intent to deny the application that specifies the disqualifications to licensure.
 - 2.** The applicant shall have 60 days from the date of the Director’s notification to inform the Director of the Department that it has remedied the disqualifications.
 - 3.** If the applicant fails to respond to the Director of the Department within 60 days, or the Director of the Department determines that the applicant has failed to remedy the disqualifications to licensure, the Director of the Department shall deny the application.
 - 4.** The Director of the Department’s denial of the application is an appealable agency action within the meaning of A.R.S. § 41-1092(4).
- F.** The Department shall notify an applicant of the approval of the certificate of authority and the effective date and expiration date of the certificate. No paper certificate is required.

R20-6-2503. Notice of Modification

The Notice of Modification required to be filed with the Director of the Department under A.R.S. § 20-3333(D) applies to a Pharmacy Benefit Manager who holds a certificate of authority issued by the Department. The Notice of Modification shall be filed on a form and in the manner approved by the Director of the Department.

R20-6-2504. Term of Certificate of Authority

- A.** The Pharmacy Benefit Manager certificate of authority is a biennial certificate. If the Pharmacy Benefit Manager fails to timely file a complete renewal application and pay the fee to the Director of the Department, the certificate of authority of a Pharmacy Benefit Manager expires on the last day of the 24th month after the effective date of the initial approval of the certificate of authority or any renewal.
- B.** If not timely renewed, a certificate of authority may expire during any period of suspension or restriction under A.R.S. § 20-3333(G).

R20-6-2505. Renewal of Certificate of Authority; Fee Required

- A.** To renew its certificate of authority, a Pharmacy Benefit Manager shall file a renewal application on a form prescribed by the Director of the Department and pay the fee on or before the expiration of the Pharmacy Benefit Manager's certificate of authority. The form shall be transmitted for review through an electronic online system as required by the Director of the Department.
- B.** The Director of the Department may require, at the Director's discretion, that an applicant for renewal of a certificate of authority under A.R.S. § 20-3333(K) submit information that discloses biographical, employment and business financial history, criminal activity, fingerprints, or any other information that relates to the ability to operate as a Pharmacy Benefit Manager for principals, principal officers, and individuals responsible for the conduct of the activities of the Pharmacy Benefit Manager if necessary for the protection of residents of this state.
- C.** The Department deems a renewal application as filed with the Director of the Department when the Director of the Department receives the complete renewal application and the renewal fee.
- D.** Upon expiration of a certificate of authority that is not timely renewed, a Pharmacy Benefit Manager shall cease its operations as a Pharmacy Benefit Manager.
- E.** A Pharmacy Benefit Manager whose certificate of authority has expired shall file a new application for a certificate of authority to the Director of the Department pursuant to A.R.S. § 20-3333(B) and R20-6-2502.

R20-6-2506. Utilization Review

- A.** A Pharmacy Benefit Manager may contract with a utilization review agent certified by the Department pursuant to A.R.S. § 20-2504 or exempt from certification under A.R.S. § 20-2502(B) to perform utilization review for pharmaceutical claims on behalf of the Pharmacy Benefit Manager.
- B.** If a Pharmacy Benefit Manager performs utilization review for a health care insurer for pharmaceutical claims, the Pharmacy Benefit Manager shall perform the duties required of a certified utilization review agent including:
 - 1. Conducting utilization review in accordance with the utilization review plan that is on file with the Department;
 - 2. Adopting a utilization review plan that includes a summary description of review guidelines, protocols and procedures, standards and criteria to be used in evaluating pharmaceutical services covered by the health care insurer, and the provisions by which patients or pharmacies may seek reconsideration or appeal of the decisions made by the Pharmacy Benefit Manager that complies with Arizona law;
 - 3. Ensuring that the personnel conducting utilization review have current licenses that are in good standing and without restrictions from a state professional licensing agency in the United States;
 - 4. Having policies and procedures to ensure that a representative of the Pharmacy Benefit Manager that conducts utilization review is available:
 - a. To receive and send notices and acknowledgments of appeals and is reasonably accessible to patients and pharmacies in this state and the Department; and
 - b. To receive phone calls for 40 hours each week during normal business hours;
 - 5. Having policies and procedures to ensure that the personnel conducting utilization review will follow all applicable state and federal laws to protect the confidentiality of individual medical records; and
 - 6. Having a copy of the materials or a description of the procedure designed to inform patients and pharmacies, as appropriate, of the requirements of the utilization review plan.
- C.** If a Pharmacy Benefit Manager performs utilization review for a health care insurer for pharmaceutical claims, the Pharmacy Benefit Manager shall comply with the appeals processes of a utilization review agent as described under A.R.S. Title 20, Chapter 15, Article 2, including:
 - 1. Adopting processes for the review, reconsideration, and appeal of denials of pharmaceutical claims consistent with the Pharmacy Benefit Manager's utilization review plan;
 - 2. Providing at least the following levels of review, as applicable:
 - a. An expedited review and expedited appeal pursuant to A.R.S. § 20-2534;
 - b. An initial appeal pursuant to A.R.S. § 20-2535; and
 - c. An external independent review pursuant to A.R.S. § 20-2537;
 - 3. Providing a separate information packet complying with A.R.S. § 20-2533(H) that is approved by the Director of the Department with the member's policy, evidence of coverage, or similar document at the time of coverage or renewal of coverage;
 - 4. Notification to the insured, at the time of a denial, of their right to appeal and whether a voluntary internal appeal is available to them pursuant to A.R.S. § 20-2536; and
 - 5. Ensuring that for an issue of medical necessity or appropriateness, not whether a claim or service is covered, the initial appeal process is performed as prescribed by A.R.S. § 20-2535.

R20-6-2507. Records Retention; Compliance Costs

- A.** Every Pharmacy Benefit Manager shall keep its corporate and business records as originals or as copies of the originals made by reproduction methods that accurately preserve the records.
- B.** Notwithstanding the confidential nature of a pharmacy benefit manager's information, the Director of the Department may use the information in any proceedings instituted against the pharmacy benefit manager by the Department.

- C. The Pharmacy Benefit Manager shall keep its records for the periods required in Table 1. Pharmacy Benefit Manager Retention Schedule. This Section does not prohibit record retention for longer periods than required. This Section does not prohibit a Pharmacy Benefit Manager from keeping any other type of record not required.
- D. A Pharmacy Benefit Manager shall pay the costs of review of its records to determine compliance by the Department.

Table 1. Pharmacy Benefit Manager Retention Schedule

<u>Type of Record</u>	<u>Retention Period (Years)</u>
<u>Pharmacy Benefit Plan</u>	<u>5</u>
<u>Utilization Review Plan</u>	<u>Continuous</u>

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
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2025 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	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			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>(**early submission date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after <i>(*later date due to holiday)</i>
August 22, 2025	September 12, 2025	*October 14, 2025
August 29, 2025	September 19, 2025	October 20, 2025
September 5, 2025	September 26, 2025	October 22, 2025
September 12, 2025	October 3, 2025	November 3, 2025
September 19, 2025	October 10, 2025	November 10, 2025
September 26, 2025	October 17, 2025	November 17, 2025
October 3, 2025	October 24, 2025	November 24, 2025
October 10, 2025	October 31, 2025	December 1, 2025
October 17, 2025	November 7, 2025	December 8, 2025
October 24, 2025	November 14, 2025	December 15, 2025
October 31, 2025	November 21, 2025	December 22, 2025
November 7, 2025	November 28, 2025	December 29, 2025
November 14, 2025	December 5, 2025	January 5, 2026
November 21, 2025	December 12, 2025	January 12, 2026
November 28, 2025	December 19, 2025	*January 20, 2026
December 5, 2025	December 26, 2025	January 26, 2026
December 12, 2026	January 2, 2026	February 2, 2026
December 19, 2025	January 9, 2026	February 9, 2026
December 26, 2025	January 16, 2026	*February 17, 2026
January 2, 2026	January 23, 2026	February 23, 2026
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026

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 2025/2026
(MEETING DATES ARE SUBJECT TO CHANGE)

[M24-54/M25-79]

*Materials must be submitted by 5 P.M. 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
Tuesday September 23, 2025	Tuesday October 21, 2025	Tuesday October 28, 2025	Tuesday November 4, 2025
Tuesday October 21, 2025	Tuesday November 18, 2025	Tuesday November 25, 2025	Tuesday December 2, 2025
Tuesday December 23, 2025	Wednesday January 21, 2026	Tuesday January 27, 2026	Tuesday February 3, 2026
Tuesday January 20, 2026	Tuesday February 17, 2026	Tuesday February 24, 2026	Tuesday March 3, 2026
Tuesday February 17, 2026	Tuesday March 24, 2026	Tuesday March 31, 2026	Tuesday April 7, 2026
Tuesday March 24, 2026	Tuesday April 21, 2026	Tuesday April 28, 2026	Tuesday May 5, 2026
Tuesday April 21, 2026	Tuesday May 19, 2026	Wednesday May 27, 2026	Tuesday June 2, 2026
Tuesday May 19, 2026	Tuesday June 23, 2026	Tuesday June 30, 2026	Tuesday July 7, 2026
Tuesday June 23, 2026	Tuesday July 21, 2026	Tuesday July 28, 2026	Tuesday August 4, 2026
Tuesday July 21, 2026	Tuesday August 18, 2026	Tuesday August 25, 2026	Tuesday September 1, 2026
Tuesday August 18, 2026	Tuesday September 22, 2026	Tuesday September 29, 2026	Tuesday October 6, 2026
Tuesday September 22, 2026	Tuesday October 20, 2026	Tuesday October 27, 2026	Tuesday November 3, 2026
Tuesday October 20, 2026	Tuesday November 17, 2026	Tuesday November 24, 2026	Tuesday December 1, 2026
Tuesday November 17, 2026	Tuesday December 22, 2026	Tuesday December 29, 2026	Tuesday January 5, 2027
Tuesday December 22, 2026	Tuesday January 19, 2027	Tuesday January 26, 2027	Tuesday February 2, 2027