

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES - HEALTH CARE INSTITUTIONS: LICENSURE

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services - Health Care Institutions: Licensure
Article and its heading: 1, General
Section numbers: R9-10-111 through R9-10-117, R9-10-121, R9-10-123, and R9-10-124
Additional Sections may be added, deleted, or modified as necessary.
- 2. The subject matter of the proposed rule:**
9 A.A.C. 10, Article 1, adopted effective February 4, 1981, sets forth the legal authority, intent, and purpose of the Article in addition to definitions applicable to the Chapter, classifications of health care institutions, and requirements for unclassified health care institutions, documentation, transfers, general licensure, initial and renewal applications. The rules contain passive, outdated, ambiguous, and nonspecific language that does not comply with current rulemaking format and style requirements.

In addition, subsequent to the adoption of Article 1, the authorizing statutes were amended in 1983, 1985 through 1990, and 1992 through 1998. Consequently, there are discrepancies between the authorizing statutes and the rules. There are no provisions in the rules implementing the requirements in: A.R.S. § 36-405(C) for establishing and collecting fees for license application, architectural drawings review and licensure; A.R.S. § 36-421 that combines the permit process and the initial license application process; A.R.S. § 36-424(C) that requires the Director to accept a copy of a health care institution's accreditation report in lieu of all licensing inspections; A.R.S. § 36-425(B) that allows a license to be valid for up to two years if the health care institution has no deficiencies during renewal licensing inspections; and A.R.S. § 36-425.01 that provides for the issuance of a renewal license to a home health agency, without a state licensure survey, if the home health agency is Medicare-certified and meets licensure requirements. The rules are also inconsistent with A.R.S. § 36-422(F) that allows a single group license for an accredited hospital that includes accredited facilities located separately from the main hospital building and A.R.S. § 36-422(G) that allows a single license for a county-operated accredited hospital, when the county's population is more than one million, which includes accredited facilities located separately from the main hospital. In addition, licensing timeframes, as required in A.R.S. § 41-1072 through 41-1078, are not included in the application requirements.

The Department plans to repeal the rules and make new rules. The new rules will be consistent with statutory requirements, comply with current rulemaking format and style requirements, reflect current industry practice and Department policy, and incorporate changes proposed in the last 5-year review report, which was approved by the Governor's Regulatory Review council on February 1, 2000.

The agency docket number, if applicable: RE-001-00
- 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: Kathleen Phillips, Rules Administrator
Address: Department of Health Services
1740 W. Adams, Suite 410
Phoenix, Arizona 85007
Telephone: (602) 542-1264
Fax: (602) 542-1289
or

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Name: Rose Connor, Deputy Assistant Director
Address: Department of Health Services
Assurance and Licensure Services
1647 E. Morten, Suite 220
Phoenix, Arizona 85020
Telephone: (602) 674-4200
Fax: (602) 861-0645

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

Written comments will be accepted until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

Not known at present

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES - HEALTH CARE INSTITUTIONS: LICENSURE

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services - Health Care Institutions: Licensure
Article and its heading: 2, General Hospitals
3, Rural General Hospitals
4, Special Hospitals
The Department may add, delete, or modify additional Articles as necessary.
Section numbers: R9-10-201 through R9-10-233, R9-10-301 through R9-10-335,
R9-10-401 through R9-10-439
The Department may add, delete, or modify additional Sections as necessary.

- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to make new rules updating requirements for general hospitals, rural general hospitals, and special hospitals. The current rules are outdated, do not accurately reflect industry standards, and do not meet rulemaking requirements. The Department proposes to repeal Articles 2, 3, and 4, and make a new Article 3 that incorporates all hospital requirements. The new Article will reflect the recommended amendments identified in the Department's 5-Year Review Report approved by the Governor's Regulatory Review Council on June 2, 1998. The Department may add, delete, or modify additional Articles and Sections as necessary.

The agency docket number, if applicable: RE-004-00

- 3. A citation to all published notices relating to the proceeding:**
None published

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

Name: Vicki A. Conditt
Address: Department of Health Services
Assurance and Licensure Services
1647 E. Morten, Suite 230
Phoenix, Arizona 85020
Telephone: (602) 674-4255
Fax: (602) 861-0674
or
Name: Kathleen Phillips, Rules Administrator
Address: Department of Health Services
1740 W. Adams, Suite 410
Phoenix, Arizona 85007

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Telephone: (602) 542-1264

Fax: (602) 542-1289

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

Written comments will be accepted until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES - BEHAVIORAL HEALTH SERVICE AGENCIES

1. Title and its heading: 9, Health Services

Chapter and its heading: 20, Department of Health Services - Behavioral Health Service Agencies

Article and its heading: 1, General
2, Client Rights
3, Agency Administration
4, Client Service Requirements
5, Environment; Physical Plant; Swimming Pools
6, Level I Behavioral Health Service Agencies
7, Level II Behavioral Health Service Agencies
8, Level III Behavioral Health Service Agencies
9, Emergency/Crisis Behavioral Health Service Agencies
10, Outpatient Services
11, Case Management
12, Assessment, Evaluation, and Diagnosis Service Agencies
13, Shelters; Halfway Houses
14, Pre-petition Screening; Court Ordered Services
16, Partial Care Services
17, DUI Service Agencies
18, Methadone or Methadone-Like Treatment Agencies
The Department may add, delete, or modify additional Articles as necessary.

Section numbers: R9-20-101 through R9-20-114, R9-20-201, R9-20-301 through R9-20-311, R9-20-401 through R9-20-413, R9-20-501 through R9-20-506, R9-20-601 through R9-20-605, R9-20-701, R9-20-702, R9-20-801, R9-20-802, R9-20-901 through R9-20-903, R9-20-1001 through R9-20-1003, R9-20-1101, R9-20-1102, R9-20-1201, R9-20-1301 through R9-20-1314, R9-20-1401 through R9-20-1403, R9-1601 through R9-20-1603, R9-20-1701 through R9-20-1713, R9-20-1801 through R9-20-1817
The Department may add, delete, or modify additional Sections as necessary.

2. The subject matter of the proposed rule:
The purpose of this rulemaking is to establish updated requirements for behavioral health service agencies, to clarify existing requirements, to add requirements for additional subclassifications and services provided by behavioral health service agencies, and to make the rules conform to current rulemaking style and format requirements. The rulemaking will include requirements for behavioral health service agencies that provided treatment to sexually violent persons according to A.R.S. Title 36, Chapter 37 and misdemeanor domestic violence offender treatment programs according to A.R.S. § 13-3601.01. The Department may add, delete, or modify additional Articles and Sections as necessary.

The agency docket number, if applicable: RE-006-00

3. A citation to all published notices relating to the proceeding:
None published

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

Name: Laura Hartgroves
Address: Department of Health Services
Assurance and Licensure Services
1647 E. Morten, Suite 230
Phoenix, Arizona 85020
Telephone: (602) 674-4257
Fax: (602) 861-0674

or

Name: Johnie Golden
Address: Department of Health Services
Assurance and Licensure Services
1647 E. Morten, Suite 240
Phoenix, Arizona 85020
Telephone: (602) 674-4300
Fax: (602) 861-0643

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

Written comments will be accepted until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE PARKS BOARD

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 8, Arizona State Parks Board
Article and its heading: 1, General Provisions
Section numbers: R12-8-101, R12-8-102, R12-8-104, R12-8-105, R12-8-106, R12-8-108, R12-8-111
R12-8-112, R12-8-113, R12-8-115, R12-8-116, R12-8-125; Others may be added.

2. The subject matter of the proposed rule:

To amend the rules to comply with current legislation and current agency policy

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

None

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

Name: Rich Evans
Address: 1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-7151
Fax: (602) 542-6961
E-mail: revans@pr.state.az.us

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

The agency will accept written comments Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m. Date, time, and location of oral proceedings will be posted in the Notice of Proposed Rulemaking.

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

To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE PARKS BOARD

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 8, Arizona State Parks Board
Article and its heading: 2, Operation of the Board
Section numbers: R12-8-201, R12-8-202, R12-8-204; Others may be added.
- 2. The subject matter of the proposed rule:**
To amend the rules to comply with current legislation and current agency policy
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Debra Busser
Address: 1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-7107
Fax: (602) 542-6961
E-mail: dbusser@pr.state.az.us
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The agency will accept written comments Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m. Date, time, and location of oral proceedings will be posted in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE PARKS BOARD

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 8, Arizona State Parks Board
Article and its heading: 2, Operation of the Board
Section numbers: R12-8-205, R12-8-206
- 2. The subject matter of the proposed rule:**
To amend the rules to comply with current legislation and current agency policy
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Carol Griffith
Address: 1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-7141
Fax: (602) 542-6961
E-mail: cgriffith@pr.state.az.us
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The agency will accept written comments Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m. Date, time, and location of oral proceedings will be posted in the Notice of Proposed Rulemaking.

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- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE PARKS BOARD

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 8, Arizona State Parks Board
Article and its heading: 2, Operation of the Board
Section numbers: R12-8-207
- 2. The subject matter of the proposed rule:**
To amend the rules to comply with current legislation and current agency policy
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Susan Bayer
Address: 1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-6936
Fax: (602) 542-6961
E-mail: sbayer@pr.state.az.us
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The agency will accept written comments Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m. Date, time, and location of oral proceedings will be posted in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE PARKS BOARD

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 8, Arizona State Parks Board
Article and its heading: 3, Classification of Historic Property for Property Tax Purposes
Section numbers: R12-8-301 through R12-8-304
- 2. The subject matter of the proposed rule:**
To amend the rules to comply with current legislation and current agency policy
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sandra Snider
Address: 1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-6998
Fax: (602) 542-6961
E-mail: ssnider@pr.state.az.us
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**

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The agency will accept written comments Monday through Friday during the hours of 8:00 a.m. to 4:00 p.m. Date, time, and location of oral proceedings will be posted in the Notice of Proposed Rulemaking.

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

To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF REVENUE

- 1. Title and its heading:** 15, Revenue
Chapter and its heading: 5, Department of Revenue - Transaction Privilege and Use Tax Section
Article and its heading: 22, Sales Tax - Administration
Section numbers: R15-5-2220
- 2. The subject matter of the proposed rule:**
The rules provide guidance regarding registration for the collection of use tax.
- 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: Ernest Powell
Address: Department of Revenue
Tax Research and Analysis Section
1600 West Monroe
Phoenix, Arizona 85007
Telephone: (602) 542-4672
Fax: (602) 542-4680
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
To be published in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY - POLLUTION PREVENTION

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality - Environmental Reviews and Certification
Article and its heading: 3, Water Quality Management Planning
Section numbers: To be determined
- 2. The subject matter of the proposed rule:**
Pursuant to A.R.S. §§ 49-104(A)(2) and (B)(10) and A.R.S. § 49-203(B)(4), the Arizona Department of Environmental Quality (ADEQ) expects to propose rules to address the review of state and regional water quality management plans that ADEQ conducts in administering its water quality control program. ADEQ expects that the proposed rules will clarify how the Clean Water Act Section 208 requirements for certification of regional water quality management plans and plan consistency demonstration reviews, undertaken by ADEQ and designated local agencies, will interface with the anticipated Aquifer Protection Permit licensing process to be proposed in a separate rulemaking.

ADEQ has conducted public meetings with persons who are interested in the Unified Water Quality Permit rules to be proposed in March 2000 (Notice of Docket Opening: 5 A.A.R. 2014, June 18, 1999) and, in the context of those meetings, has discussed the relation between water quality management planning and the ADEQ Aquifer Protection Permit program under the rules to be proposed.

Agency docket number: None

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

None

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

Name: Michele Robertson

Address: Arizona Department of Environmental Quality
554-M0501B
3033 N. Central Ave.
Phoenix, Arizona 85012

Telephone: (602) 207-4428 in the Phoenix area or (800) 234-5677, ext. 4428 in other Arizona areas

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

To be published in a Notice of Proposed Rulemaking

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

ADEQ expects to file a proposed rulemaking with the Office of the Secretary of State for publication in the *Register* in March 2000.

NOTICE OF RULEMAKING DOCKET OPENING

BANKING DEPARTMENT

1. Title and its heading: 20, Commerce, Banking, and Insurance

Chapter and its heading: 4, Banking Department

Article and its heading: 5, Small Loans

Section numbers: R20-4-503, R20-4-504, R20-4-508, R20-4-516, R20-4-518, R20-4-519, R20-4-524,
R20-4-525, R20-4-526, R20-4-529, R20-4-530, R20-4-534

2. The subject matter of the proposed rule:

These rules regulate the operation of Small Loan Companies. The Department proposes to repeal Section R20-4-530 because its substantive provisions are now contained in a set of statutory revisions added to Arizona Revised Statutes, effective October 1, 1997, by Laws 1997, Ch. 248, § 2. Those revisions are codified at A.R.S. §§ 6-631 through 6-638.

The Department proposes to amend each of the other Sections listed in paragraph 1 of this Notice. A general description of the amendments follows.

R20-4-503 controls adjustments in precomputed charges. The amendment will revise the rule so it conforms with modern rulewriting standards, will remove passive constructions, remove the obsolete statutory reference from the Section's heading, and will make other editorial corrections.

R20-4-504 establishes the reference date for calculating the due date of the first installment payment on a precomputed loan. The amendment will remove obsolete statutory references from the Section's heading, and will simplify and streamline the language.

R20-4-508 sets guidelines for calculating refunds or credits on precomputed loans. The amendment will remove obsolete statutory references from the Section's heading and will modernize and streamline the writing.

R20-4-516 requires a licensee to deliver a receipt for payment of default charges. The amendment will remove obsolete statutory references from the Section's heading, and will modernize, simplify, and streamline the language.

R20-4-518 controls the assessment and collection of extension charges. The amendment will streamline the Section's language, remove inconsistencies, and delete the obsolete statutory reference from the Section's heading.

R20-4-519 controls the contents of a deferment statement delivered at the time a licensee agrees to extend the due date of a loan. The amendment will make the Section clearer and easier to read by removing passive voice, and recasting the rule into several short sentences and a list. This revision will also remove the obsolete statutory references from the Section's heading.

R20-4-524 requires a licensee to keep separate books and records for its consumer loan business activities. The amendment will remove passive constructions, clarify the substantive requirements of the Section, and delete the obsolete statutory references from its heading.

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R20-4-525 requires a licensee to keep a record of legal actions. The amendment will improve the precision of the Section's language, and delete the obsolete statutory references from its heading.

R20-4-526 requires a licensee to maintain a record of loan proceeds disbursed. The amendment will render the Section more understandable, ease the compliance task, and remove the obsolete statutory reference from the Section heading.

R20-4-529 requires a licensee to maintain a record of all instruments filed or recorded in connection with a loan transaction. The amendment will remove the obsolete statutory reference from the Section heading, and make the Section more direct and concise without any substantive change.

R20-4-534 requires a licensee to keep documents proving compliance with A.R.S. § 6-636. The amendment will make the Section more clearly understandable, and will remove the obsolete statutory reference from the Section's heading.

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

There are no previous published notices relating to this proceeding.

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

Name: John P. Hudok
Address: Banking Department
2910 N. 44th Street, Suite 310
Telephone: (602) 255-4421, ext. 167
Fax: (602) 381-1225
E-mail: jhudok@azbanking.com

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

The Department accepts written comments during business hours at the address above. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.

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

No timetable has been projected or established. In October 2000 the Department expects to submit the text of proposed rules for publication.