

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

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services - Health Care Institutions
Article and its heading: 1, General
6, Minimum Requirements for Health Care Institutions
(The Department may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

Title 9, Chapter 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 The rules contain passive, outdated, ambiguous, and nonspecific language that does not comply with current rulemaking format and style requirements.

Subsequent to the adoption of Title 9, Chapter 10, Article 1, the authorizing statutes were amended in 1983, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, and 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 institutions' 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. § 36-425.0 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. The Department plans to repeal the rules and add rules, consistent with statutory authority and current rulemaking requirements, that clearly delineate licensure requirements including licensing time-frames.

In addition, A.A.C. R9-10-115 contains all the requirements for facilities that are health care institutions but do not have specific rules in Chapter 10 or Chapter 20. The requirements in R9-10-115 are unclear and because they are outdated do not reflect current health care minimum standards. In addition, it is confusing to have these requirements that are only applicable to some of the health care institutions in an Article that is applicable to all health care institutions. The Department will add minimum requirements for health care institutions, not regulated under specific rules in Chapter 10 or Chapter 20, in Article 6 that will ensure that health and safety of patients and residents in those health care institutions.

Agency docket number:

RE-019-00

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

Not Applicable

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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 West Adams, Suite 102
Phoenix, Arizona 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

or

Name: Mary Wiley, Assistant Director

Address: Department of Health Services
Assurance and Licensure Services
1647 East Morten, Suite 220
Phoenix, Arizona 85020

Telephone: (602) 674-4200

Fax: (602) 861-0645

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

Written comments will be accepted 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 this time.

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

Not known at present

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA CORPORATION COMMISSION- SECURITIES DIVISION

1. Title and its heading: 14, Public Service Corporations; Corporations and Associations; Securities Regulation

Chapter and its heading: 4, Securities

Article and its heading: 1, In General Relating to the Arizona Securities Act

Section number: R14-4-114, R14-4-115 (Other Sections may be added, deleted or modified).

2. The subject matter of the proposed rule:

R14-4-114 specifies the recognized manuals for purposes of the manual exemption in A.R.S. § 44-1844(A)(11).
R14-4-115 specifies the recognized securities exchanges for purposes of the exchange exemption in A.R.S. § 44-1843(A)(7).

Agency docket number:

Docket Number RS-00000A-00-0822

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: Sharleen A. Day

Address: Arizona Corporation Commission, Securities Division
1300 West Washington, Third Floor
Phoenix, Arizona 85007

Telephone: (602) 542-4242

Fax: (602) 594-7421

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5. The time during which the agency will accept written comments:

Monday through Friday, 8:00 a.m. through 5:00 p.m.

The time and place where oral comments may be made:

Monday through Friday, 8:00 a.m. through 5:00 p.m. at the Securities Division as noted in question 4. No hearing date has been set.

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

Not known

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION - MOTOR VEHICLE DIVISION

1. Title and its heading: 17, Transportation

Chapter and its heading: 4, Department of Transportation - Motor Vehicle Division

Article and its heading: 2, Titles and Registration

Section: R17-4-265

2. Subject matter of the proposed rule:

R17-4-265 incorporates legislation that established a minimum value for private vehicle sale and transfer transactions between individuals. The statute was repealed and the Department has not enforced this rule since that action, justifying its repeal.

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

None

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

Name: Ellen Damron, Rules Analyst

Address: 3737 North Seventh Street, Suite 160
Phoenix, Arizona 85014

Telephone: (602) 712-6722

Fax: (602) 241-1624

E-Mail: edamron@dot.state.az.us

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

Written and oral comments will be accepted Monday through Friday, 8:00 a.m. until 4:30 p.m., at the address listed in #4.

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

To be determined