

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when 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 LABORATORIES

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 14, Laboratories
Articles and their headings: 4, Determination of Alcohol
Section numbers: R9-14-403, R9-14-404, Exhibit P-EN; Exhibit PP-EN; Exhibit Q-EN; Exhibit QQ-EN; Exhibit WWW-EN
(The Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**
A.R.S. § 36-1324 requires the Department to adopt rules prescribing methods and procedures for the administration of breath tests to determine alcohol concentration of motor vehicle drivers, including the approval of quantitative breath-testing devices and procedures for ensuring the accuracy of results obtained from approved breath-testing devices. The purpose of the statute is to ensure the accuracy and reliability of breath testing devices and to facilitate the apprehension and prosecution of drivers who are operating a motor vehicle under the influence of alcohol. R9-14-403 and R9-14-404 implement the statute by providing devices, methods, and procedures approved by the Department to detect the presence of alcohol in motor vehicle drivers. On May 26, 1999, under the authority of A.A.C. R9-14-403(K), the Director approved the Intoxilyzer 5000EN as a quantitative alcohol breath-testing device and approved a standard operational procedure, two standard calibration check procedures, and two standard quality assurance procedures for its operation. The Intoxilyzer 5000EN and the standard operational procedure, calibration check procedures and standard quality assurance procedures were added to the rules by the emergency rulemaking process, filed with the Secretary of State's office on May 24, 2001. The purpose of this rule-making is to add the Intoxilyzer 5000EN and the standard operational procedure, calibration check procedures and standard quality assurance procedures to the rules by the regular rulemaking process.

The agency docket number, if applicable:
RE-013-01
- 3. A citation to all published notices relating to the proceedings:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Gary Shipley, Program Manager
Address: Arizona Department of Health Services
Office of Laboratory Licensure and Certification
1740 W. Adams Street
Phoenix, AZ 85007
Telephone: (602) 364-0749
Fax: (602) 364-0759
E-mail: gshiple@hs.state.az.us

or

Name: Kathleen Phillips
Address: Arizona Department of Health Services
1740 W. Adams, Room #102
Phoenix, AZ 85007
Telephone: (602) 542-1264

Arizona Administrative Register
Notices of Rulemaking Docket Opening

Fax: (602) 542-1090
E-mail: kphilli@hs.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:

The Department will accept written comments until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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

To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

1. Title and its heading: 9, Health Services

Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration

Article and its heading: 20, Breast and Cervical Cancer Treatment Program

Section numbers: The Article will be divided into Sections as necessary.

2. The subject matter of the proposed rule:

The Administration will develop rules for Laws 2001, Chapter 332 (House Bill 2194), which added A.R.S. § 36-2901.03 to expand coverage to certain women who need treatment for breast and cervical cancer. Eligible women must meet all of the following criteria:

Under age 65,

Screened for breast or cervical cancer through the DHS "well woman health check program",

Need treatment for breast or cervical cancer, and

Has no other creditable insurance.

Eligible women will receive full services for the period of time deemed medically necessary by AHCCCS. AHCCCS will use a simplified application form that can be mailed in and will expedite the eligibility process. Enrollment will be prospective.

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: Cheri Tomlinson

Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop 4200
Phoenix, AZ 85034

Telephone: (602) 417-4198

Fax: (602) 256-6756

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.

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

The Administration anticipates filing a Notice of Proposed Rulemaking and hold a public hearing at a time to be determined.

NOTICE OF RULEMAKING DOCKET OPENING

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ARIZONA LONG-TERM CARE SYSTEM**

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 28, Arizona Health Care Cost Containment System - Arizona Long-term Care System
Article and its heading: 3, Preadmission Screening; and
Other Articles may be added, deleted, or modified as necessary.
Section numbers: R9-28-301 through R9-28-307, and other Sections may be added, deleted, or modified as necessary.
- 2. The subject matter of the proposed rule:**
The Administration is updating the Preadmission Screening rules. The Administration will make the language comply with the Secretary of State's requirements as well as make the language more clear, concise, and understandable.
- 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: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop 4200
Phoenix, AZ 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Administration anticipates filing a Notice of Proposed Rulemaking in July 2001 and holding a public hearing in September 2001.

NOTICE OF RULEMAKING DOCKET OPENING

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
PREMIUM SHARING DEMONSTRATION PROJECT**

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 30, Arizona Health Care Cost Containment System - Premium Sharing Demonstration Project
Article and its heading: 1, Definitions;
2, Scope of Services;
3, Eligibility and Enrollment;
5, General Provisions and Standards; and
Other Articles may be added, deleted, or modified as necessary.
Section numbers: R9-30-101 through R9-30-103, R9-30-201, R9-30-204 through R9-30-213, R9-30-215 through R9-30-217, R9-30-301 through R9-30-306, R9-30-502, R9-30-507, R9-30-509 through R9-30-512, R9-30-520 through R9-30-524, and other Sections may be added, deleted, or modified as necessary.
- 2. The subject matter of the proposed rule:**

Arizona Administrative Register
Notices of Rulemaking Docket Opening

The Administration is amending these rules for the Premium Sharing Demonstration Project in order to conform to statutory changes in A.R.S. § 36-2923 and the addition of A.R.S. § 36-2923.01 (HB 2585). The Administration will make the language comply with the Secretary of State's requirements.

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: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop 4200
Phoenix, AZ 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.

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

The Administration will hold at least two public hearings as required by Laws 2001, Ch. 236, § 7 (HB 2585).

NOTICE OF RULEMAKING DOCKET OPENING

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
CHILDREN'S HEALTH CARE INSURANCE**

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 31, Arizona Health Care Cost Containment System (AHCCCS) - Children's Health Insurance Program
Article and its heading: 4, Contracts;
6, Request for Proposal (RFP);
7, Standards for Payments; and
Other Articles may be added, deleted, or modified as necessary.
Section numbers: R9-31-401 through R9-31-407, R9-31-601, R9-31-701, R9-31-709, R9-31-714, R9-31-716, and other Sections may be added, deleted, or modified as necessary.

2. The subject matter of the proposed rule:

These rules define the contracts/RFP process for AHCCCS' Children's Health Insurance Program. The Administration is amending these rules to:

Make the rules more clear, concise, and understandable; and

Comply with the January 2002 G.R.R.C. deadline for the five-year review.

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: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop 4200
Phoenix, AZ 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756

Arizona Administrative Register
Notices of Rulemaking Docket Opening

- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Administration anticipates filing a Notice of Proposed Rulemaking in August 2001 and holding a public hearing in October 2001.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 3, Department of Transportation - Highways Division
Article and its heading: 7, Highway Encroachments and Permits
Section numbers: R17-3-702
- 2. Subject matter of the proposed rule:**
The Arizona Department of Transportation is authorized to regulate any type of activity (or encroachment) within the state highway right-of-way. This rulemaking concerns the requirements, procedures, and conditions to obtain an encroachment permit to conduct any type of activity within the state highway right-of-way. This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 2, 2000 (F-00-0402).
- 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: Wendy S. LeStarge, Rules Analyst
Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5017
Telephone: (602) 712-6007
Fax: (602) 241-1624
E-Mail: wlestarge@dot.state.az.us
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:
www.dot.state.az.us/about/rules.
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral and written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 3, Department of Transportation - Highways Division
Article and its heading: 7, Highway Encroachments and Permits

Arizona Administrative Register
Notices of Rulemaking Docket Opening

Section numbers: R17-3-703

2. Subject matter of the proposed rule:

Under A.R.S. §§ 28-7941 through 28-7946, a junkyard along the interstate highways is required to screen itself from the traveling public's view. The Arizona Department of Transportation requires a junkyard owner to obtain a screening permit. This rulemaking governs the criteria and procedure for obtaining a junkyard screening permit. This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 2, 2000 (F-00-0402).

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: Wendy S. LeStarge, Rules Analyst

Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5017

Telephone: (602) 712-6007

Fax: (602) 241-1624

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

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:
www.dot.state.az.us/about/rules.

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

Oral and written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

1. Title and its heading: 17, Transportation

Chapter and its heading: 3, Department of Transportation, Highways Division

Article and its heading: 8, Establishment of Special Highways

Section numbers: R17-3-801 through R17-3-809

2. Subject matter of the proposed rule:

Under A.R.S. §§ 41-512 through 41-518, the Arizona Department of Transportation may establish a special highway based on its historic, cultural, or scenic value. This rulemaking establishes the criteria and procedure of how a special highway is designated. This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 2, 2000 (F-00-0402).

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: Wendy S. LeStarge, Rules Analyst

Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5017

Telephone: (602) 712-6007

Arizona Administrative Register
Notices of Rulemaking Docket Opening

Fax: (602) 241-1624
E-Mail: wlestarge@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:
www.dot.state.az.us/about/rules.

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral and written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

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
Articles and their headings: 5, Driver Licenses
8, Commercial Motor Vehicle Program
10, Third Party Programs
Section numbers: R17-4-501, R17-4-801, R17-4-805 through R17-4-808, and
R17-4-1001 through R17-4-1011
Other Sections may be added, modified, or deleted as necessary.
- 2. The subject matters of the proposed rules:**
The Arizona Department of Transportation, Motor Vehicle Division (Division), will repeal Sections relating to third party programs at 17 A.A.C., Articles 5 and 8. The Division will make a new third party programs Article at 17 A.A.C. 4, Article 10. New Article 10 will include definitions, requirements for authorization or certification, and duties related to authorizations or certifications issued by the Division. The Division may use two or more rule-making packages for third-party-program rulemaking.
- The agency docket numbers, if applicable:**
Not applicable
- 3. A citation to all published notices relating to the proceedings:**
All previous notices relating to third-party-program rulemaking have expired.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Lynn S. Golder, Hearing Officer II
Address: Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 507M
3737 N. 7th Seventh Street, Suite 160
Phoenix, AZ 85014-5017
Telephone: (602) 712-7941
Fax: (602) 241-1624
E-mail: lgolder@dot.state.az.us
Please visit the ADOT web site at www.dot.state.az.us/about/rules to track the progress of these rules and other agency rulemaking.
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted at the location listed in question number 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. The person named in question number 4 will accept oral comments between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except legal holidays.

Arizona Administrative Register
Notices of Rulemaking Docket Opening

- 6. A timetable for agency decisions or other action on the proceedings, if known:**
None 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
Articles and their headings: 5, Driver Licenses
Section numbers: R17-4-523, Table A, R17-4-524, and R17-4-525
Other Sections may be added, modified, or deleted as necessary.
- 2. The subject matters of the proposed rules:**
The Department of Transportation, Motor Vehicle Division will make new Sections dealing with proof of identity, date of birth, authorized presence, and Social Security number. This rulemaking action will give effect to the A.R.S. §§ 28-3153, 28-3158, and 28-3165 requirements.
- 3. A citation to all published notices relating to the proceedings:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Lynn S. Golder, Hearing Officer II
Address: Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5017
Telephone: (602)712-7941
Fax: (602)241-1624
E-mail: lgolder@dot.state.az.us
Please visit the ADOT web site at www.dot.state.az.us/about/rules to track progress of these rules and other agency rulemaking.
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted at the location listed in question number 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. The person named in item #4 will accept oral comments between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except legal holidays.
- 6. A timetable for agency decisions or other action on the proceedings, if known:**
None 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
Articles and their headings: 5, Driver Licenses
Section numbers: R17-4-521
- 2. The subject matter of the proposed rule:**
The Arizona Department of Transportation, Motor Vehicle Division (Division) is amending the vision standards rule to make it more clear, concise, and understandable. The Division will improve the definitions subsection and include any new standards set by the Medical Advisory Board.

Arizona Administrative Register
Notices of Rulemaking Docket Opening

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

All previous notices have expired.

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

Name: Lynn S. Golder, Hearing Officer II
Address: Arizona Department of Transportation
Motor Vehicle Division
3737 N. 7th Street, Suite 160
Phoenix, Arizona 85014-5017
Telephone: (602) 712-7941
Fax: (602) 241-1624
E-mail: lgolder@dot.state.az.us

Please visit the ADOT web site at www.dot.state.az.us/about/rules to track the progress of these rules and other agency rulemaking.

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

Written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. The person named in item #4 will accept oral comments between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except legal holidays.

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

None 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
Articles and their headings: 4, Motor Carriers
Section numbers: R17-4-445 to R17-4-448

2. The subject matter of the proposed rule:

As stated in the 5-year review report of R17-4, Article 4, approved by the Governor's Regulatory Review Council on May 5, 1998, the Arizona Department of Transportation, Motor Vehicle Division (Division) is amending the motor carrier financial responsibility rules, R17-4-445 to R17-4-448. The Division will make these rules more clear, concise, and understandable and will update statutory citations.

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

None

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

Name: Lynn S. Golder, Hearing Officer II
Address: Arizona Department of Transportation
Motor Vehicle Division
3737 N. 7th Street, Suite 160
Phoenix, Arizona 85014-5017
Telephone: (602) 712-7941
Fax: (602) 241-1624
E-mail: lgolder@dot.state.az.us

Please visit the ADOT web site at www.dot.state.az.us/about/rules to track progress of these rules and other agency rulemaking.

Notices of Rulemaking Docket Opening

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

Written comments will be accepted at the location listed in item #4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays. The person named in item #4 will accept oral comments between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except legal holidays.

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

None known