

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

PREAMBLE

1. Register citation and date of citation for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 8 A.A.R. 892, March 8, 2002

2. Sections Affected

Article 4
R9-8-401
R9-8-402
R9-8-403

Rulemaking Action

New Article
New Section
New Section
New Section

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-104(3), 36-133(A)(8), 36-136(A)(7), and 36-136(F)

Implementing statutes: A.R.S. §§ 8-551 through 8-558, 8-560, 8-561, and 8-568

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

Name: Will Humble, Office Chief
Address: Arizona Department of Health Services
Office of Environmental Health
3815 N. Black Canyon Highway
Phoenix, AZ 85015
Telephone: (602) 230-5941
Fax: (602) 230-5933
E-mail: whumble@hs.state.us.az

or

Name: Kathleen Phillips, Rules Administrator
Address: 1740 W. Adams, Suite 102
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 542-1150
E-mail: kphilli@hs.state.us.az

5. An explanation of the rules, including the agency's reasons for initiating the rule:

The proposed rulemaking adds three new Sections to Article 4 to address the licensing of children's camps required in A.R.S. Title 8, Chapter 6, Article 1. R9-8-401 sets forth the definitions used in the Article. R9-8-402 explains the requirements for an initial or renewal license application and the license application fee structure. R9-8-403 contains

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time-frames requirements for issuing a license to a children's camp. The rulemaking is necessary to ensure that Department approvals are issued according to A.R.S. §§ 41-1072 through 41-1079.

6. An explanation of the substantial change which resulted in this supplemental notice:

The Department held an oral proceeding on April 8, 2002. No oral comments were received. Written comments were received during the comment period. The Department reviewed the written comments and decided to make the following modifications to the following rules in the Notice of Proposed Rulemaking published in the Arizona Administrative Register on February 22, 2002:

R9-8-401. Definitions

#1 Applicant: The Department received comments expressing the concern that the rules did not clearly explain the role of a county health department if a delegation agreement, as prescribed in A.R.S. § 8-568, exists between the Department and a county. The term "Department" was meant to include both the Department and a county when used in the rules. The Department has added the term "county" where the term "Department" is used to clarify that the county health department does have a role in the licensing of a children's camp if a delegation agreement exists between the Department and a county.

#5 County: The Department has added a definition for "county" to clarify the role of a county health department if a delegation agreement, as prescribed in A.R.S. § 8-568, exists between the Department and a county.

#6 Delegation agreement: The Department has added a definition for "delegation agreement" to clarify if a delegation agreement does exist between the Department or a county.

R9-8-402. Initial and Renewal License Application Process

The Department received a written comment expressing concern that the rules did not clearly explain the role of a county health department if a delegation agreement, as prescribed in A.R.S. § 8-568, exists between the Department and a county. The Department has added subsection (A) to clarify the role of a county health department if a delegation agreement does exist between the Department and a county. The Department also received a comment concerning the fees the Department charges for a children's camp license. Under A.R.S. § 8-553(B), if a county health department has a delegation agreement with the Department, the county "...shall not charge a fee in excess of the cost of providing the service for which the fee is charged." The Department is modifying subsection (B)(1) and (B)(2) to implement A.R.S. § 8-553(B).

R9-8-403. Time-frames

The Department has modified subsection (C) and deleted "the date the Department or county received the license application, but no sooner then" and replaced the phrase with "May 1 of each year and or on the date the application is received if after May 1" to clarify when the administrative completeness review time-frame begins. The Department has modified subsection (D)(2) and deleted "may complete an inspection to determine whether the applicant has fulfilled all the statutory requirements listed in A.R.S. § Chapter 6, Article 1" and replaced the phrase with "may conduct an inspection of the children's camp to determine whether the applicant has complied with all the applicable requirements in subsection (D)(4) or (D)(5)" to clarify the role of a county that has a delegation agreement with the Department. The Department has modified subsection (D)(4) and added subsection (D)(5) to clarify under what circumstances the applicant will be issued a license by the Department or a county.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

This rulemaking ensures that Department approvals for children's camps are consistent with the requirements in A.R.S. §§ 41-1072 through 41-1079. The rulemaking directly impacts the children's camps that are required to be licensed under A.R.S. Title 8, Chapter 6, Article 1, county health departments, and the Department. The Department will incur costs to write, review, and process the rules through promulgation and amend the current license application form to reflect the new rules. The overall impact of the rulemaking is expected to be minimal, with the benefits of the rulemaking outweighing the costs. The time-frames will benefit children's camps by providing clarity in the application and approval process and assuring that the Department will process applications in a fair, consistent, and timely manner.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Will Humble, Office Chief

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Office of Environmental Health
3815 N. Black Canyon Highway
Phoenix, AZ 85015

Telephone: (602) 230-5941

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or

Name: Kathleen Phillips, Rules Administrator

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Phoenix, AZ 85007

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Fax: (602) 542-1150

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10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how many persons may request an oral proceeding on the proposed rule:

The Department has scheduled the following oral proceeding:

Date: June 13, 2002

Time: 10:00 a.m.

Location: Department of Health Services
1740 W. Adams St., Room 411
Phoenix, AZ 85007

A person may submit written comments on the proposed rules no later than the close of record, 5:00 p.m., June 13, 2002, to the individuals listed in items #4 and #9.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporation by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

ARTICLE 4. ~~RENUMBERED~~ CHILDREN'S CAMPS

Section

R9-8-401. Definitions

R9-8-402. Initial and Renewal License Application Process

R9-8-403. Time-frames

ARTICLE 4. ~~RENUMBERED~~ CHILDREN'S CAMPS

R9-8-401. Definitions

A. "Applicant" means an individual requesting a license from the Department or county to operate a children's camp.

B. "Bathing place" has the same meaning as in 9 A.A.C. 8, Article 8.

C. "Camp director" means an individual who runs, maintains, or otherwise controls or directs the functions of a children's camp.

D. "Children's camp" has the same meaning as in A.R.S. § 8-551.

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- E. “County” means a governmental entity that has a delegation agreement with the Department as prescribed in A.R.S. § 8-568.
- F. “Delegation agreement” has the same meaning as in A.R.S. § 41-1001.
- G. “Department” means the Arizona Department of Health Services.
- H. “Food establishment” has the same meaning as in 9 A.C.C. 8, Article 1.

R9-8-402. Initial and Renewal License Application Process

- A. An applicant shall submit a completed license application form in subsection B to:
 - 1. The county in which the children’s camp is located, if the county has a delegation agreement with the Department under A.R.S. § 8-568, or
 - 2. The Department, if there is no delegation agreement.
- B. An applicant shall submit a completed license application form provided by the Department or county that contains:
 - 1. The name, mailing address, and telephone number of the children’s camp;
 - 2. The county in which the children’s camp is located;
 - 3. The name, telephone number, and mailing address of the applicant;
 - 4. The name, telephone number, and if applicable, e-mail address of the camp director;
 - 5. The dates of operation of the children’s camp;
 - 6. The number of individuals the children’s camp can accommodate;
 - 7. Whether there is a food establishment in the children’s camp;
 - 8. Whether there is a bathing place in the children’s camp;
 - 9. The potable water supply source at the children’s camp;
 - 10. The type of sewage disposal system;
 - 11. Whether the application is for an initial or a renewal license; and
 - 12. The signature of the applicant.
- C. With the completed license application, an applicant shall include a map that specifies the location of a children’s camp, and:
 - 1. For an initial license:
 - a. If applying to the Department, a fee of \$100, or
 - b. If applying to a county, a fee established according to A.R.S. § 8-553(B).
 - 2. For a renewal license:
 - a. If applying to the Department, a fee of \$25 or
 - b. If applying to a county, a fee established according to A.R.S. § 8-553(B).
- D. The Department or county begins reviewing applications on May 1 of each year.

R9-8-403. Time-frames

- A. This Article applies to the Department and to a county to which the Department has delegated authority under A.R.S. § 8-568.
- B. The overall time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or county is 60 days. The applicant and the Department or county may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- C. The administrative completeness review time-frame described in A.R.S. § 41-1072 for an initial or a renewal license granted by the Department or county is 30 days and begins on May 1 of each year or on the date the application is received if after May 1.
 - 1. The Department or county shall mail notice of administrative completeness or deficiencies to the applicant within the administrative completeness time-frame.
 - a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the license application.
 - b. If the Department or county issues a notice of deficiencies within the administrative completeness time-frame, the administrative completeness time-frame and the overall time-frame are suspended from the date that the notice is issued until the date the Department or county receives the missing information from the applicant.
 - c. If the applicant fails to submit to the Department or county all the information and documents listed in the notice of deficiencies within 60 days of the date the Department or county mailed the notice of deficiencies, the Department or county shall deem the license application withdrawn.
 - 2. If the Department or county issues a license to the applicant during the administrative completeness time-frame, the Department or county shall not issue a separate written notice of administrative completeness.
- D. The substantive review time-frame described in A.R.S. § 41-1072 is 30 days and begins on the date of the notice of administrative completeness is mailed to the applicant.
 - 1. The Department or county shall mail a children’s camp license or a written notification of denial of the license application to the applicant within the substantive review time-frame.

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2. As part of the substantive-review time-frame for a children's camp license, the Department or county may conduct an inspection of the children's camp to determine whether the children's camp has complied with the applicable requirements in subsection (D)(4) or (D)(5).
 3. If the Department or county issues a comprehensive written request or supplemental request for information, the substantive review time-frame and the overall time-frame are suspended from the date the Department or county issues the request until the date the Department or county receives all of the information.
 4. If an applicant applying to the Department meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, and these rules, the Department shall issue a license to the applicant.
 5. If an applicant applying to a county meets all the requirements under A.R.S. Title 8, Chapter 6, Article 1, these rules, and any applicable county requirements, the county shall issue a license to the applicant.
 6. If the Department or county disapproves a license application, the Department or county shall send the applicant a written notice of disapproval setting forth the reasons for disapproval and all other information required in A.R.S. § 41-1076.
- E.** If a time-frame's last day is on a Saturday, Sunday, or legal holiday, the Department or county considers the next business day as the time-frame's last day.