

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

BOARD OF PHARMACY

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 1, Administration
Section numbers: 6, Permits and Distribution of Drugs
R4-23-110, R4-23-651, R4-23-652, R4-23-653, R4-23-654,
R4-23-655, R4-23-656, R4-23-657, R4-23-658, R4-23-659,
R4-23-660, R4-23-661, R4-23-662, R4-23-663, R4-23-664

- 2. Subject matter of the proposed rule:**
The Board's five-year rule review in September 1997 identified Sections 651 through 664 for amending. These Sections deal with hospital pharmacy and will be amended to incorporate technology and practices that were not widely available when the rule was last amended in 1990. The proposed rule will amend the Sections to increase clarity, conciseness, and understandability. Section R4-23-110 will be amended to include any new definitions that become necessary. The amended rule will include format, style, and grammar changes necessary to comply with the current Administrative Procedure Act.

The original Notice of Rulemaking Docket Opening expired on May 4, 2002 before the Board was ready to issue a Notice of Proposed Rulemaking. The Board will be ready to issue a Notice of Proposed Rulemaking after the publication of this new docket opening.

The agency docket number, if applicable: R0204

- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 2014, May 4, 2001

- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Dean Wright, Compliance Officer
Address: Arizona Board of Pharmacy
4425 W. Olive, Suite 140
Glendale, AZ 85302
Telephone: (623) 463-2727, ext. 131
Fax: (623) 934-0583
E-mail: rxcop@msn.com

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

Written Comments: The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

Oral Comments: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Arizona Board of Pharmacy
4425 W. Olive, Suite 140
Glendale, AZ 85302

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

- 6. A timetable for agency decisions or other action in the proceeding:**
The Notice of Proposed Rulemaking should be published on June 28, 2002.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF TECHNICAL REGISTRATION

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 30, Board of Technical Registration
Article and its heading: 1, General Provisions
2, Registration Provisions
3, Regulatory Provisions
Section numbers: R4-30-101, R4-30-106, R4-30-107, R4-30-120, R4-30-121, R4-30-123, R4-30-124, R4-30-201, R4-30-202, R4-30-202.01, R4-30-209, R4-30-212, R4-30-214, R4-30-224, R4-30-301, R4-30-302, R4-30-303, and R4-30-304; changes to Appendices, and possible changes to other Sections that may be amended, modified, or repealed as necessary.
2. **Subject matter of the proposed rules:**
Review of general and regulatory provisions of rules for professions regulated by the Board of Technical Registration to ensure they meet current standards of the professions and current rulemaking standards.
3. **A citation to all published notices relating to the proceeding:**
None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: La Vern Douglas
Address: Board of Technical Registration
1990 W. Camelback, Suite 406
Phoenix, AZ 85015
Telephone: (602) 255-4053, ext. 209
Fax: (602) 255-4051
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written and/or oral comments will be accepted between 8:00 a.m. and 4:00 p.m., Monday through Friday, at 1990 W. Camelback, Suite 406, Phoenix, Arizona 85015.
6. **A timetable for agency decisions or other action in the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Board of Appraisal
Article and its heading: 3, Hearings and Disciplinary Proceedings
Section numbers: R4-46-301 and R4-46-302
2. **Subject matter of the proposed rule:**
To amend Investigations; Informal Proceedings; Summary Suspensions; and, to amend Formal Hearing Procedures to conform to statutory changes required by Senate Bill 1160 passed by the 45th Legislature in 2001 and signed by the Governor. SB 1160 requires that the State Board of Appraisal explain by rule the steps associated with the administrative procedures for disciplining licensed and certified appraisers. The explanation shall include: the minimum criteria for accepting a complaint against an appraiser; the process used in investigating allegations; hearing procedures, including the rights of both the Board and the person who allegedly committed a violation; the criteria used in determining the Board's actions; and information to the public and appraisers relating to actions for violations. The full text of SB 1160 can be seen at:

www.azleg.state.az.us/legtext/45leg/1r/summary/h.sb1160_4-30-01astransmittedtog.
3. **A citation to all published notice relating to the proceeding:**
None

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

Name: Edward C. Logan
Address: 1400 W. Washington, Suite 360
Telephone: (602) 542-1543
Fax: (602) 542-1598
E-mail: elogan@appraisal.state.az.us

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

Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m., at the Board's office by mail, e-mail, or fax. Oral comments will be heard at Board Meetings and at meetings of the Board's Rules Committee in Basement Conference Room B-2 at 1400 W. Washington, Phoenix, AZ 85007. Meeting dates and times are published on the Board's web site at www.appraisal.state.az.us and are available in hard copy from the Board's office on request.

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

The Board expects to move forward with the with Notice of Proposed Rulemaking at the conclusion of the rulewriting project now underway in the Board's Rules Committee, which has included an extensive outreach to the regulated community and stakeholders for input to the rule changes. The Rules Committee anticipates having a set of proposed rule changes completed and ready for publication as proposed rules in January 2003.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES

HEALTH CARE INSTITUTIONS: RATES AND CHARGES

1. Title and its heading:

9, Health Services

Chapter and its heading:

11, Department of Health Services -
Health Care Institutions: Rates and Charges

Article and its heading:

4, Outpatient Services Reporting

Section numbers:

R9-11-401 through R9-11-402

The Department may add, delete, or modify additional Sections as necessary.

2. The subject matter of the proposed rule:

A.R.S. § 36-125.05 includes requirements for a uniform patient reporting system and statistical and demographic reports. Before 1996, the reporting requirements applied to hospitals included information concerning the provision of inpatient services. A.R.S. § 36-125.05 was amended by Laws 1996, Chapter 295, to include specific reporting requirements for outpatient services provided by hospitals and outpatient surgical centers. The Department is making rules to implement the changes consistent with current statutory authority, industry standards, Department policies, and rulemaking format and style requirements.

The agency docket number, if applicable: RE-019-02

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: Joe Brennan, Economist III
Address: Arizona Department of Health Services
Office of Epidemiology & Statistics
2700 N. 3rd Street., Suite 4075
Phoenix, AZ 85004
Telephone: (602) 542-2960
Fax: (602) 542-1244
E-mail: jbbrenna@hs.state.az.us

or

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Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
1740 W. Adams
Phoenix, AZ 85020
Telephone: (602) 542-1264
Fax: (602) 364-1150
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:

Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m., at the addresses listed in item #4 until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral comments may be presented at that time.

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

The Department plans to submit proposed rulemaking by June 2002.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF TRANSPORTATION - HIGHWAYS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 3, Department of Transportation - Highways
Article and its heading: 3, Right-of-Way Acquisition and Management
Section numbers: R17-3-301, R17-3-302, R17-3-303, R17-3-304,
R17-3-305, and R17-3-306

- 2. Subject matter of the proposed rule:**
This rulemaking relates to the relocation assistance program under A.R.S. §§ 28-7141 through 28-7149, and 28-7152. Under this program, the Arizona Department of Transportation is authorized to pay certain expenses for persons and businesses displaced due to construction or reconstruction of transportation facilities. 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:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 2236, June 1, 2001 (expired)

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

Name: Wendy S. LeStarge, Rules Analyst
Address: Administrative Rules Unit
Arizona Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
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 at www.dot.state.az.us/about/rules/index.htm.

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

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DEPARTMENT OF TRANSPORTATION

TITLE, REGISTRATION, AND DRIVER LICENSES

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 4, Department of Transportation
Title, Registration, and Driver Licenses
Article and its heading: 4, Driver Licenses
Section numbers: R17-4-406
- 2. Subject matter of the proposed rule:**
R17-4-406 concerns minors' applications for driver licenses. This rulemaking action arises from a five-year review report approved by the Governor's Regulatory Review Council on June 23, 2000 (F-00-0603). The Department plans to update the rule for language and style and to conform it to the current statute. This is a new docket opening due to conflicts in the previous rulemaking attempt between the program and the Governor's Regulatory Review Council staff on a definition of parent.
- 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: Brent P. Heiss, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-8449
Fax: (602) 241-1624
E-mail: bheiss@dot.state.az.us
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules/index.htm.
- 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 may be submitted to the Department using the contact information in item #4, between 8:00 a.m. and 5:00 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

TITLE, REGISTRATION, AND DRIVER LICENSES

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 4, Department of Transportation-
Title, Registration, and Driver Licenses
Article and its heading: 4, Driver Licenses
5, Safety
Section numbers: R17-4-407, R17-4-510, and R17-4-513
- 2. Subject matter of the proposed rule:**
R17-4-407, Motorcycle safety equipment, sets forth definitions and establishes requirements for motorcycle safety equipment for both operators and passengers. This rule does not reflect present statutory provisions.
R17-4-510, Motorcycle noise level limits, establishes maximum motorcycle noise levels, as defined in federal statutes of the Environmental Protection Agency. The current rule reflects standards established in 1980 and will be updated with the

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latest standards.

R17-4-513, Motorcycle safety fund contributions, establishes requirements for receiving, accounting, and disbursement of all gifts, grants, and other donations made to the Division for the support and implementation of the voluntary motorcycle safety education fund.

R17-4-407 and R17-4-510 are flawed, as noted in the agency's proposed actions in the five-year review report (F-99-1202) and approved to the Governor's Regulatory Review Council December 7, 1999. The new rule and revisions of the current rules will correct substantive information, statutory references, and language to meet requirements of both G.R.R.C. and the Secretary of State.

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: Troy A. Walters, Rules Analyst
Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-6722
Fax: (602) 241-1624
E-mail: twalters@dot.state.az.us

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

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 may be made, excepting holidays, Monday through Friday, 8:00 a.m. through 4:30 p.m., at the address listed in item #4.

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 - COMMERCIAL PROGRAMS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation - Commercial Programs
Article and its heading: 4, Dealers
Section numbers: R17-5-402 and R17-5-403

2. Subject matter of the proposed rule:

The rule's purpose is to define the bond amount required for motor vehicle dealers and motor vehicle recyclers. The rule's text will be changed to reflect the language standards of the Secretary of State and the Governor's Regulatory Review Council. The rule's provisions will be changed to reflect current bond requirements and amounts.

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

None published

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

Name: Troy A. Walters, Rules Analyst
Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: 602-712-6722
Fax: (602) 241-1624

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E-mail: twalters@dot.state.az.us

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

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 - COMMERCIAL PROGRAMS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation - Commercial Programs
Article and its heading: 5, Financial Responsibility
Section numbers: R17-5-501, R17-5-504, R17-5-505, R17-5-506, and R17-5-507

2. Subject matter of the proposed rule:

These Sections are the agency's regulatory provisions for motor carrier financial responsibility. The agency intends to amend the rules to bring them in line with current statutory requirements and improve clarity, conciseness, and understandability according to guidelines from the Governor's Regulatory Review Council. This docket opening supercedes a previous docket opening that expired on June 15, 2002.

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: George R. Pavia, Department Rules Supervisor

Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079

Telephone: (602) 712-8446

Fax: (602) 241-1624

E-mail: gpavia@dot.state.az.us

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

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

Comments may be made to the agency official listed in item #4, Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding state holidays.

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

To be determined