

8. 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 the state:

Not applicable

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

Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(26), the Department did not prepare an economic impact statement.

10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the principle comments and the agency response to them:

Not applicable

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

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

ARTICLE 49. CHILD CARE ASSISTANCE

Section

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

Arizona Administrative Register
Notices of Exempt Rulemaking

ARTICLE 49. CHILD CARE ASSISTANCE

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
~~DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES CHILD CARE ADMINISTRATION~~
~~CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE~~**

EFFECTIVE JULY 1, 2001

Family Size ↓	<i>FEE LEVEL 1 (L1)</i>	<i>FEE LEVEL 2 (L2)</i>	<i>FEE LEVEL 3 (L3)</i>	<i>FEE LEVEL 4 (L4)</i>	<i>FEE LEVEL 5 (L5)</i>	<i>FEE LEVEL 6 (L6)</i>
	INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 — 609	610 — 716	717 — 967	968 — 1,039	1,040 — 1,110	1,111 — 1,182
2	0 — 823	824 — 968	969 — 1,307	1,308 — 1,404	1,405 — 1,501	1,502 — 1,598
3	0 — 1,037	1,038 — 1,220	1,221 — 1,647	1,648 — 1,769	1,770 — 1,891	1,892 — 2,013
4	0 — 1,251	1,251 — 1,471	1,472 — 1,986	1,987 — 2,133	2,134 — 2,281	2,282 — 2,428
5	0 — 1,465	1,466 — 1,723	1,724 — 2,327	2,328 — 2,499	2,500 — 2,671	2,672 — 2,843
6	0 — 1,679	1,680 — 1,975	1,976 — 2,667	2,668 — 2,864	2,865 — 3,062	3,063 — 3,259
7	0 — 1,893	1,894 — 2,226	2,227 — 3,006	3,007 — 3,228	3,229 — 3,451	3,452 — 3,673
8	0 — 2,107	2,108 — 2,478	2,479 — 3,346	3,347 — 3,594	3,595 — 3,841	3,842 — 4,089
9	0 — 2,321	2,322 — 2,730	2,731 — 3,686	3,687 — 3,959	3,960 — 4,232	4,233 — 4,505
10	0 — 2,534	2,535 — 2,981	2,982 — 4,025	4,026 — 4,323	4,324 — 4,621	4,622 — 4,919
11	0 — 2,749	2,750 — 3,233	3,234 — 4,365	4,366 — 4,688	4,689 — 5,012	5,013 — 5,335
12	0 — 2,963	2,964 — 3,485	3,486 — 4,705	4,706 — 5,054	5,055 — 5,402	5,403 — 5,636**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, the Arizona Works Program or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL) = US DHHS 2001 poverty guidelines.

** This amount is equal to the Federal Child Care & Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

Arizona Administrative Register
Notices of Exempt Rulemaking

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
 DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES - CHILD CARE ADMINISTRATION
 CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE**

EFFECTIVE JULY 1, 2002

Family Size ↓	<u>FEE LEVEL 1 (L1)</u>	<u>FEE LEVEL 2 (L2)</u>	<u>FEE LEVEL 3 (L3)</u>	<u>FEE LEVEL 4 (L4)</u>	<u>FEE LEVEL 5 (L5)</u>	<u>FEE LEVEL 6 (L6)</u>
	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 85% FPL*</u>	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 100% FPL*</u>	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 135% FPL*</u>	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 145% FPL*</u>	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 155% FPL*</u>	<u>INCOME MAX-IMUM EQUAL TO OR LESS THAN 165% FPL*</u>
1	<u>0 – 629</u>	<u>630 – 739</u>	<u>740 – 998</u>	<u>999 – 1,072</u>	<u>1,073 – 1,146</u>	<u>1,147 – 1,220</u>
2	<u>0 – 846</u>	<u>847 – 995</u>	<u>996 – 1,344</u>	<u>1,345 – 1,443</u>	<u>1,444 – 1,543</u>	<u>1,544 – 1,642</u>
3	<u>0 – 1,065</u>	<u>1,066 – 1,252</u>	<u>1,253 – 1,691</u>	<u>1,692 – 1,816</u>	<u>1,817 – 1,941</u>	<u>1,942 – 2,066</u>
4	<u>0 – 1,283</u>	<u>1,284 – 1,509</u>	<u>1,510 – 2,038</u>	<u>2,039 – 2,189</u>	<u>2,190 – 2,339</u>	<u>2,340 – 2,490</u>
5	<u>0 – 1,501</u>	<u>1,502 – 1,765</u>	<u>1,766 – 2,383</u>	<u>2,384 – 2,560</u>	<u>2,561 – 2,736</u>	<u>2,737 – 2,913</u>
6	<u>0 – 1,719</u>	<u>1,720 – 2,022</u>	<u>2,023 – 2,730</u>	<u>2,731 – 2,932</u>	<u>2,933 – 3,135</u>	<u>3,136 – 3,337</u>
7	<u>0 – 1,938</u>	<u>1,939 – 2,279</u>	<u>2,280 – 3,077</u>	<u>3,078 – 3,305</u>	<u>3,306 – 3,533</u>	<u>3,534 – 3,761</u>
8	<u>0 – 2,155</u>	<u>2,156 – 2,535</u>	<u>2,536 – 3,423</u>	<u>3,424 – 3,676</u>	<u>3,677 – 3,930</u>	<u>3,931 – 4,183</u>
9	<u>0 – 2,374</u>	<u>2,375 – 2,792</u>	<u>2,793 – 3,770</u>	<u>3,771 – 4,049</u>	<u>4,050 – 4,328</u>	<u>4,329 – 4,607</u>
10	<u>0 – 2,592</u>	<u>2,593 – 3,049</u>	<u>3,050 – 4,117</u>	<u>4,118 – 4,422</u>	<u>4,423 – 4,726</u>	<u>4,727 – 5,031</u>
11	<u>0 – 2,810</u>	<u>2,811 – 3,305</u>	<u>3,306 – 4,462</u>	<u>4,463 – 4,793</u>	<u>4,794 – 5,123</u>	<u>5,124 – 5,454</u>
12	<u>0 – 3,028</u>	<u>3,029 – 3,562</u>	<u>3,563 – 4,809</u>	<u>4,810 – 5,165</u>	<u>5,166 – 5,522</u>	<u>5,523 – 5,878</u>

MINIMUM REQUIRED CO-PAYMENTS

<u>1st child in care</u>	<u>full day = \$1.00 part day = \$.50</u>	<u>Full day = \$2.00 Part day = \$1.00</u>	<u>full day = \$3.00 part day = \$1.50</u>	<u>full day = \$5.00 part day = \$2.50</u>	<u>full day = \$7.00 part day = \$3.50</u>	<u>full day = \$10.00 part day = \$5.00</u>
<u>2nd child in care</u>	<u>full day = \$.50 part day = \$.25</u>	<u>Full day = \$1.00 Part day = \$.50</u>	<u>full day = \$1.50 part day = \$.75</u>	<u>full day = \$2.50 part day = \$1.25</u>	<u>full day = \$3.50 part day = \$1.75</u>	<u>full day = \$5.00 part day = \$2.50</u>
<u>3rd child in care</u>	<u>full day = \$.50 part day = \$.25</u>	<u>Full day = \$1.00 Part day = \$.50</u>	<u>full day = \$1.50 part day = \$.75</u>	<u>full day = \$2.50 part day = \$1.25</u>	<u>full day = \$3.50 part day = \$1.75</u>	<u>full day = \$5.00 part day = \$2.50</u>

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, the Arizona Works Program or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL)

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R6-5-5001 | Amend |
| R6-5-5002 | Amend |
| R6-5-5003 | Amend |
| R6-5-5004 | Amend |
| R6-5-5005 | Amend |
| R6-5-5006 | Amend |
| R6-5-5007 | Amend |
| R6-5-5008 | Amend |
| R6-5-5009 | Amend |
| R6-5-5010 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statute: A.R.S. § 41-1954(A)(3)
Implementing statutes: A.R.S. §§ 41-1967 and 41-1967.01, and Laws 2001, Chapter 11, § 7
- 3. The effective date of the rules:**
July 1, 2002
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@mail.de.state.az.us
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
Laws 2001, Chapter 11, § 7 gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. §§ 41-1967 and 41-1967.01. These statutes authorize the establishment of a CCR&R registry for previously unregulated providers listed in the Child Care Resource and Referral database. New provider safeguards in the legislation include criminal background checks, Child Protective Services clearances, training and certification requirements, and safety provisions related to the dwelling where care is provided.
- 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
Not applicable
- 8. 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 the state:**
Not applicable

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

Because these rules are exempt from the Administrative Procedure Act under Laws 2001, Chapter 111, § 7, the Department did not prepare an economic impact statement.

10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the principle comments and the agency response to them:

Not applicable

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

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM

Section

- R6-5-5001. Definitions
- R6-5-5002. Provider Participation Requirements
- R6-5-5003. Notification of Changes
- R6-5-5004. Referrals Not Guaranteed
- R6-5-5005. Referral Process
- R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements
- R6-5-5007. Provider Listing Status
- R6-5-5008. Provider Exclusion or Removal
- R6-5-5009. Administrative Review Process
- R6-5-5010. Administrative Appeal Process

ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM

R6-5-5001. Definitions

The following definitions apply in this Article.

1. "ADE" means the Arizona Department of Education, which administers the CACFP at the state level.
2. "Alternate approval" means a status the ADE confers on an uncertified, unlicensed provider that demonstrates compliance with CACFP child care standards to the ADE.
3. "Caregiver state licensing ratio requirements" means Arizona Department of Health Services (DHS) regulations that mandate DHS oversight of child care facilities with five or more children in care for compensation where child care is provided for periods of less than 24 hours per day.
- ~~3-4.~~ "Child care" means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day; ~~the~~ The service includes supervised and planned care, training, recreation, and socialization.
- ~~4-5.~~ "CACFP" means the Child and Adult Care Food Program, funded and administered at the federal level by the Food and Consumer Services, ~~an agency a program~~ of the U.S. Department of Agriculture.
- ~~5-6.~~ "CCR&R" means child care resource and referral, a service the Department administers under A.R.S. § 41-1967.
- ~~6-7.~~ "Center" ~~has means~~ the same ~~meaning ascribed to as~~ "child care facility" in A.R.S. § 36-881(3).
- ~~7-8.~~ "Certified" or "licensed" means a provider holds a license as prescribed in A.R.S. § 36-882, or is certified under ~~A.R.S. § 36-895(B)~~ A.R.S. § 46-807 and (C), or is certified under ~~A.R.S. § 36-897.01~~ A.R.S. § 36-897.
- ~~8-9.~~ "Child with special needs" means a child who: needs increased supervision, modified equipment, modified activities, or a modified facility, within a child care setting, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child with a disability.
 - ~~a.~~ Has a physical or mental impairment that substantially limits 1 or more of the child's major life activities;

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- b. ~~Has a record of having a physical or mental impairment that substantially limits 1 or more of the child's major life activities; or~~
 - e. ~~Is regarded as having such an impairment, whether the child has the impairment or not. The terms used in this subsection have the same meaning as the terms used in the Americans with Disabilities Act (ADA), and the ADA's implementing regulation, 28 CFR 35.104 (July 1, 1995) This regulation, not including any later amendments or editions, is incorporated by reference, and is on file and available for inspection with the Department's Authority Library (1789 West Jefferson, Phoenix, Arizona 85007) and the Secretary of State's Office (1700 West Washington, Phoenix, Arizona 85007).~~
10. "Compensation" means something given or received in return for child care, such as money, goods, or services.
11. "Contractor" means an agency with which the Department contracts for provision of CCR&R services.
- ~~9-12.~~ "Client" or "customer" "Customer" means a person who is requesting information from a CCR&R contractor.
- ~~12-13.~~ "Database" means a computerized collection of CCR&R facts, figures, and information for licensed, certified, and registered providers and customers arranged for ease and speed of retrieval.
- ~~13-14.~~ "Department" or DES means the Arizona Department of Economic Security.
- ~~14-15.~~ "Dropped for cause" means a ~~Department of Education~~ ADE Sponsoring Organization has terminated a family child care provider from participation in the CACFP.
- ~~15-16.~~ "Exclude" means to refuse to include a particular provider in or to remove a provider from the CCR&R database.
- ~~16-17.~~ "Family child care" means child care provided by a certified or registered provider in a the provider's own home.
- ~~17-18.~~ "In-home child care" means child care provided in a child's own home.
- ~~18-19.~~ "Information only listing" means ~~that~~ a provider listed on the CCR&R ~~has elected to~~ who will receive training information and other information about child care issues and activities, but who will not receive any ~~no~~ referrals.
- ~~19-20.~~ "Listing status" means the ~~information option that a provider selects when the provider asks to be listed on the CCR&R condition under which a provider may receive a referral (referral listing) or is restricted from receiving a referral (information only listing); the two options are referral listing or information only listing.~~
21. "Over-Ratio Referral Form" means a communication tool used to relay to the Department of Health Services (DHS) information concerning a potential violation of caregiver state licensing ratio requirements.
- ~~20-22.~~ "Personally identifiable information" means any information about a person other than a provider, ~~which that~~, when considered alone, or in combination with other information, identifies or permits another person to readily identify; the person who is the subject of the information, ~~and~~ Personally identifiable information includes:
- a. Name, address, and telephone number;
 - b. Date of birth or age;
 - c. Physical description;
 - d. School;
 - e. Place of employment; and
 - f. Any unique identifying number, such as driver's license number, a social security number, or regulatory license number.
- ~~21-23.~~ "Program ~~administrator~~ Administrator" means the person who oversees the ~~Department's Child Care Program Administration, a unit of the Department.~~
- ~~22-24.~~ "Provider ~~or program~~" means an adult who, or a facility ~~which that~~, provides child care services.
- ~~23-25.~~ "Provider type" means a category of provider or program such as a center, family child care, and in-home child care.
- ~~24-26.~~ "Referral" means the information listed in R6-5-5005(C), (D), and (E), that a Contractor gives to a customer.
- ~~25-27.~~ "Referral listing" means that a contractor may refer a provider listed on the CCR&R registry or database to customers, has elected to receive referrals, and the provider may receive training information, and other information about child care issues and activities.
28. "Registered provider" means a family child care provider who is an adult and is not licensed or certified by any government agency, but who meets the requirements to be listed in the CCR&R registry.
29. "Registry" means the list of providers that:
- a. Are not licensed or certified by a government agency,
 - b. Voluntarily list with CCR&R, and
 - c. Meet the requirements under A.R.S. § 41-1967 to receive referrals and training information.
- ~~26-30.~~ "Regulated" means a provider who is required to meet licensing or certification health and safety standards set by a government agency, ~~which may include including a federal, state, or tribal government agency, or a sponsoring organization.~~
- ~~27-31.~~ "Revocation" means the permanent removal of a child care provider's license or certificate by a government agency.
- ~~28-32.~~ "SDA" means a service delivery area, which is a specific geographic area where CCR&R services are offered.
- ~~29-33.~~ "Sponsoring organization" means a public or non-profit private organization that administers the CACFP on behalf of ADE.

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~~30-34.~~ "Suspension" means that a regulatory agency has temporarily removed a provider's certificate or license.

31. "Unregulated provider" means a family child care provider who is not regulated by any government agency or sponsoring organization.

~~32-35.~~ "Work day" means Monday through Friday, excluding Arizona state holidays.

R6-5-5002. Provider Participation Requirements

A. To be considered for inclusion in the CCR&R database, a provider shall submit the following information to the Contractor for the provider's SDA:

1. Provider's name;
2. Address;
3. Phone number;
4. Days and times the facility is open;
5. Ages of children accepted;
6. Capacity;
7. Regulatory affiliation, if any;
8. Meals provided to children in care;
9. Training and experience;
10. Accreditation;
11. Fees;
12. School transportation; ~~and~~
13. DES Provider ID, if applicable;
- ~~13-14.~~ The provider's choice of listing status; and
15. DHS Child Development Center (CDC) or Small Group Home (SGH) number.

~~B.~~ In addition to the information listed in subsection (A), an unregulated family child care provider shall complete and submit to the Contractor a notarized, Department-approved form attesting that the provider is not subject to exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E).

~~C.~~ Before adding an unregulated family child care provider to the CCR&R database, a Contractor shall review the provider's self statement described in subsection (B) and include on the database, only those providers who affirm that they are not subject to exclusion or removal under A.R.S. § 41-1967(E).

~~D.B.~~ Regulated Providers: Before adding a regulated provider to the CCR&R database, the Contractor shall confirm the provider's regulatory affiliation with the appropriate regulatory agency. For the purpose of this subsection, confirmation of the regulatory affiliation is based solely on the accuracy of the information obtained from the regulatory agency. ~~or sponsoring organization.~~

C. Registered Providers: The provisions in this subsection govern provider participation requirements for registered family child care providers.

1. In addition to the information listed in subsection (A), a registered family child care provider shall complete and submit to the Contractor, on Department-approved forms, a notarized sworn statement and a notarized certification statement attesting that the provider is not subject to exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E).
2. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall review the provider's sworn statement and certification statement described in subsection (C)(1) and include on the registry only those providers who affirm that they are not subject to exclusion or removal under A.R.S. § 41-1967(E).
3. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall receive clearance from the Department that neither a provider nor anyone providing care in the provider's home has had a child abuse or neglect investigation that has been substantiated by Child Protective Services (CPS) in this state.

R6-5-5003. Notification of Changes

A. A provider listed on the CCR&R database shall notify the Contractor of any changes to the information or statement given ~~pursuant to~~ under R6-5-5002(A) ~~or B~~ or (C)(1).

B. A provider may ~~change~~ modify self-initiated changes in listing status at any time by notifying the Contractor.

R6-5-5004. Referrals Not Guaranteed

A. A Contractor shall make referrals to participating providers on a random basis based on ~~families'~~ a family's self reported self-reported needs.

B. A Contractor shall not:

1. Guarantee the number or frequency of referrals to ~~a participating providers~~ provider; or
2. Guarantee that listing on the CCR&R will result in economic benefit or gain to ~~a participating providers~~ provider.

R6-5-5005. Referral Process

- A. To obtain a referral, a customer shall give the contractor the following information, if available, about the customer's child care needs:
1. Customer name;
 2. Address;
 3. Phone number;
 4. Days and times child care is needed;
 5. Preferred type of child care provider;
 6. Location where care is needed or preferred, and
 7. Age of child.
- B. A Contractor shall give a customer a referral that is consistent with the customer's stated preferences.
1. The Contractor shall not make a referral unless the Contractor can give the customer the names of at least three potential providers within the customer's search parameters.
 2. If the Contractor cannot name at least three potential providers meeting the customer's stated preferences, the Contractor shall ask the customer to expand the search parameters until the Contractor can name at least three potential providers.
- C. The Contractor shall provide the customer with provider profile information on each referred provider, including the following:
1. Provider's name;
 2. Address or major cross streets;
 3. Phone number;
 4. Days and hours of operation;
 5. Ages of children accepted;
 6. Ratio and capacity;
 7. Regulatory affiliation, if any;
 8. Meal information;
 9. Training and experience;
 10. Accreditation;
 11. Fees and available subsidies;
 12. School transportation.
- D. As part of a referral, a Contractor shall give each customer ~~a disclaimer statement with~~ written information that includes the following: ~~information:~~
1. That the Contractor selects providers based on the customer's stated preferences;
 2. That the Contractor provides referrals and does not recommend, endorse, or guarantee any particular child care provider;
 3. That the Contractor does not regulate, monitor, or verify information supplied by a provider; ~~and~~
 4. That a child's parent or guardian is solely responsible for choosing an appropriate child care provider to meet a family's needs; ~~and~~
 5. That a provider's listing status may change after their initial placement on the registry or database and that customers are encouraged to call back periodically for updated information.
- E. As part of a referral, a Contractor shall provide the customer with the following Department-approved educational information:
1. A list of criteria to consider when selecting quality child care;
 2. A description of the types of child care providers in Arizona;
 3. A description of CCR&R services and a list of office locations and phone numbers statewide; and
 4. An explanation of the process for filing a child care related complaint.

R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements

- A. Monitoring and Investigation: Neither the Department nor its Contractors ~~monitors~~ monitor or ~~investigates~~ investigate the activities of ~~a providers provider,~~ or ~~investigates~~ investigate ~~any complaints~~ complaint about ~~a providers provider,~~ except as otherwise prescribed by law for ~~a family child care providers provider.~~
- B. Regulated Providers: Upon receipt of a complaint about a regulated provider, a Contractor shall refer the complainant to the appropriate regulatory agency, law enforcement agency, or Child Protective Services.
- C. ~~Unregulated~~ Registered Providers: The provisions in this subsection govern complaints about ~~unregulated~~ a registered providers provider.
1. Any person may complain about ~~an unregulated~~ a registered family child care provider on the ~~database~~ registry by notifying a Contractor. Upon receipt of a complaint on ~~an unregulated~~ a registered family child care provider, a Contractor shall:

- a. Refer the complainant to the appropriate investigative agency (law enforcement or child protective services), if the issue raised in the complaint is suspected child abuse or neglect. The contractor shall forward a complaint involving law enforcement or child protective services to the DES Child Care Administration for resolution;
 - b. Refer the complainant to ~~the Department of Health Services~~ DHS and forward an over-ratio referral form to DHS if the ~~issue raised in the complaint~~ alleges that the provider is ~~alleged to be~~ caring for more children than the law allows; or
 - c. Take a complaint made in reference to a CACFP home provider not regulated by any other agency and forward the complaint to ADE for resolution by its sponsoring agencies.
 - ~~e.d.~~ Take the complaint if it raises an issue other than those described in subsections (C)(1)(a), ~~or (b) or c.~~
2. If the Contractor takes the complaint as ~~prescribed in~~ under subsection (C)(1)(c) ~~or (d)~~, the Contractor shall obtain and record, on a Department approved form, the following information, if available:
 - a. Provider name and address;
 - b. Summary of the complaint, including date and time of incident;
 - c. Name, address, and phone number of the person making the complaint, if ~~the complainant does not choose to be anonymous~~ unless the complainant indicates that the complainant or someone else may come to substantial harm. The Contractor shall document a complainant's claim that substantial harm may result as a result of disclosure of the complainant's name, as prescribed in A.R.S. § 41-1010; and
 - d. If applicable, witness information, such as name, address, and phone number.
 3. The person recording the information shall sign and date the form.
 4. After redacting personally identifiable information, the Contractor shall send the complaint form to the provider for response within three work days.
 5. The provider shall respond to the complaint by completing the provider response portion of the complaint form within 30 days of the complaint mailing date;
 6. The Contractor shall allow the public to inspect the complaint, and the provider's response, if given, with all personally identifiable information redacted. After the 30-day provider response period has expired, The the Contractor shall make a complaints complaint available for public inspection at the Contractor's office or the Contractor may mail a copy of the complaint after the 30-day provider response period has expired.

R6-5-5007. Provider Listing Status

A. Regulated Providers:

1. When the Department learns that a regulatory agency has suspended a regulated provider's license, certificate, or alternate approval, the Department shall direct a Contractor to change the provider's listing status from referral listing to information only listing, using the process ~~prescribed~~ in R6-5-5009.
2. If a Contractor has changed a provider to information only listing status ~~as prescribed in~~ under subsection (A)(1), the Department shall direct the Contractor to return the provider to referral listing status ~~when~~ if the regulatory agency removes the provider's suspension status.
3. The Department shall notify the provider in writing when the Department returns the provider to referral status. The Department shall send the notice within ~~7~~ 10 work days of the change in status, and shall include the effective date of the change.

B. ~~Unregulated~~ Registered Providers:

1. When the Department receives a complaint or is notified that ~~an unregulated a registered provider or program~~ may have failed or may be unable to meet the needs of ~~a families~~ family due to one of the following circumstances, the Department shall direct a Contractor to change ~~an unregulated a registered~~ provider's listing status from referral listing to information listing using the process ~~prescribed~~ in R6-5-5009:
 - a. A child has allegedly been abused, neglected, exploited, or abandoned while in the ~~unregulated registered~~ provider's care;
 - b. ~~An unregulated~~ A registered provider has allegedly been involved in activities or circumstances ~~which that~~ may threaten the health, safety, or emotional well-being of ~~a child~~ children, including, ~~but not limited to,~~ acts of physical violence, domestic disputes, or incidents involving deadly weapons or dangerous or narcotic drugs; or
 - c. ~~An unregulated~~ As determined by DHS, a registered provider has allegedly violated state ~~licensing requirements~~ law by providing care to more than four children at any one time for compensation.
2. If a Contractor has changed a registered provider to information only listing status, as prescribed in subsection (B)(1), the Department shall direct the Contractor to return the registered provider to referral listing status ~~when~~ if one of the following occurs:
 - a. Child Protective Services or a law enforcement agency determines that the allegation cannot be substantiated;
 - b. Child Protective Services or a law enforcement agency determines that the threat to ~~children~~ a child has been eliminated; or
 - c. ~~The Department of Health Services~~ DHS determines that the registered provider may continue child care activities without obtaining a certificate or license.

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3. As used in subsection (B)(2), substantiation by a law enforcement agency means that law enforcement has referred a case to a prosecutorial agency with a recommendation to file charges.
4. The Department shall notify the registered provider in writing when the provider is returned to referral status. The Department shall send the notice within 7 10 work days of the change in status, and shall include the effective date of the change.

R6-5-5008. Provider Exclusion or Removal

- A. The Department may direct a Contractor to exclude or remove a provider from the database according to the process ~~prescribed~~ in R6-5-5009, for the following reasons:
 1. The provider fails or refuses to provide information as requested by the Department or a Contractor;
 2. A regulatory agency or sponsoring organization verifies that the provider's license, certificate, or alternate approval has been denied, revoked, terminated, or dropped for cause;
 3. The Department learns that ~~the~~ information in the written, sworn, and notarized ~~statement~~ statements submitted by the provider ~~pursuant to under R6-5-5002(B)~~ R6-5-5002(C) is false;
 4. The provider is subject to removal or exclusion for any reason listed in A.R.S. § 41-1967(E); or
 5. The provider fails to comply with these rules.
- B. A Contractor may summarily and without notice remove a provider from the CCR&R database for the following reasons:
 1. The Contractor is unable to contact the provider because:
 - a. The provider's phone is disconnected;
 - b. The provider is no longer at the last known address and has given no forwarding address; or
 - c. The provider has died; or
 2. The provider requests removal.
- C. A provider removed under subsection (B) may request reinstatement by calling the Contractor for the provider's SDA and providing current information.
- D. Upon receipt of a request for reinstatement, the Contractor shall update the information listed in R6-5-5002 and, if applicable, confirm that the provider has submitted information requested by the Department or Contractor.
- E. The Contractor shall reinstate the provider unless there are grounds for removal ~~as prescribed under~~ in subsections (A)(1) through (5).

R6-5-5009. Administrative Review Process

- A. When the Department receives information indicating that the Department may need to change ~~the~~ a provider's listing status or remove or exclude a provider, the Department Program Administrator or designee shall review the information and decide whether grounds exist as listed in R6-5-5007 or R6-5-5008(A).
- B. If the Department decides to change ~~the~~ a provider's listing status or to remove or exclude a provider, the Department shall:
 1. Notify the Contractor to change the listing status or to remove or exclude the provider; and
 2. Within 7 10 work days of the effective date of the change of listing status, removal or exclusion, send the provider written notice via certified mail of the action taken.
- C. The notice shall include the following information:
 1. The effective date of the change in listing status or the removal or exclusion;
 2. The reason for the change in listing status or the removal or exclusion;
 3. The statutory provision requiring the provider's change in listing status or the removal or exclusion;
 4. An explanation of the provider's right to an administrative review; and,
 5. A statement explaining where the provider may file a written request for an administrative review and the time period for doing so.
- D. The Department shall mail the notice to the provider's last known address. The mailing date is presumed to be the date appearing on the notice.
- E. A provider may request an administrative review by filing a written request for review with the Department, within 15 calendar work days after the mailing date of the Department's notice.
- F. The provider shall mail the written request for administrative review to:

Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005
- G. In the written request, the provider shall include the reason for requesting an administrative review and any documentation supporting the reinstatement request.

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- H. A request for an administrative review is timely if:
 - 1. The Department receives it within the 15-day appeal period ~~prescribed~~ in subsection (E); or
 - 2. The envelope in which the request was mailed is postmarked or postage-meter marked within the ~~15-day~~ period ~~prescribed~~ in subsection (E).
- I. The Program Administrator or designee shall review the Department's decision and all documentation submitted by the provider.
- J. The Program Administrator or designee shall notify the provider and the Contractor of the results of the administrative review within 15 work days from the date the Department receives the request for review.
 - 1. The decision shall be in writing and mailed to the provider's last known address. The date on the decision is presumed to be the mailing date.
 - 2. The decision shall include information about the provider's right to further appeal.
- K. The provider may appeal the Department's decision ~~as prescribed in~~ under R6-5-5010.

R6-5-5010. Administrative Appeal Process

- A. A provider may appeal the ~~Department~~ Department's administrative review decision ~~as prescribed in~~ under 6 A.A.C. 5, Article 75 by filing a request for an appeal with the Department within 15 work days after the mailing date of the Department's administrative review decision described in R6-5-5009(J).
- B. A provider shall mail the written request for an appeal to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005
- C. In the written request, the provider shall include the reason for requesting an appeal and any documentation supporting the request.
- D. The Department's actions in reference to removal or exclusion from the database or changes in listing status are not appealable under this Article if the action is based on:
 - 1. Failure to clear a fingerprint or criminal background check; or
 - 2. Failure to clear a Child Protective Services background check
- ~~D.E.~~ A request for an appeal is timely if:
 - 1. The Department receives it within the 15-day appeal period ~~prescribed~~ in subsection (A); or
 - 2. The envelope in which the request ~~was~~ is mailed is postmarked or postage-meter marked within the 15-day period prescribed in subsection (A).

NOTICE OF EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION**

PREAMBLE

- 1. **Sections Affected:**
R17-1-201
R17-1-202
- Rulemaking Action:**
New Section
Amend
- 2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute:A.R.S. § 28-366
Implementing statute:A.R.S. § 28-446
- 3. **The effective date of the rules:**
June 27, 2002
- 4. **A list of all previous notices appearing in the Register addressing the final rule:**
None

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

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.

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

The agency is revising its schedule of charges for copies of motor vehicle records as prescribed under A.R.S. § 28-446. As part of the rulemaking, the agency is creating a separate Section of definitions applicable to R17-1-202. This rulemaking is exempt from the regular rulemaking process under A.R.S. § 41-1005(A)(5).

Note: R17-1-202 was recodified as published in 7 A.A.R. 3477, August 10, 2001. The old rule number was R17-4-702.

7. A reference to any study that the agency relied on its evaluation or justification for the rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. 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

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

Exempt under A.R.S. § 41-1005(A)(5)

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the principal comments and the agency response to them:

None

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

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION

ADMINISTRATION

ARTICLE 2. FEES

Section

R17-1-201. ~~Reserved~~ Definitions

R17-1-202. ~~Fees for Copies of Public Records~~ MVD Record Copy Charges

ARTICLE 2. FEES

R17-1-201. Reserved Definitions

- A.** The following definitions apply to R17-1-202 made by exempt rulemaking as prescribed under A.R.S. § 41-1005(A)(5):
1. “Batch” means a query-command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.
 2. “Certified record” means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.
 3. “Interactive” means an electronic query-command method individually initiated by a person that produces immediate results.
 4. “Support document” means any customer record maintained by the agency in a file storage format as follows:
 - a. Electronic;
 - b. Hardcopy; or
 - c. Microfilm.
- B.** The following definitions apply to Sections in this Article made by regular rulemaking:
There are no definitions in this subsection.

R17-1-202. Fees for Copies of Public Records MVD Record Copy Charges

- A.** Fees:
1. ~~Motor vehicle record (driver):~~
 - a. ~~Over the counter (immediate service)~~
~~not certified \$3.00~~
~~certified \$5.00~~
 - b. ~~Over the counter (overnight service)~~
~~not certified \$2.00~~
~~certified \$5.00~~
 - e. ~~Mail in not certified \$3.00~~
~~certified \$5.00~~
 - d. ~~Computer tape to tape (39 month record) \$2.00~~
 - e. ~~Computer tape to tape (5 year record) \$3.00~~
 - f. ~~Support documents (items in reference to the requested material)~~
~~not certified \$3.00~~
~~certified \$5.00~~
 - g. ~~Electronic data interface (39 month record) \$2.00~~
 - h. ~~Electronic data interface (5 year record) \$3.00~~
 - i. ~~Electronic data interface (no record) \$2.00~~
 - j. ~~On line interactive (39 month record) \$3.00~~
 - k. ~~On line interactive (5 year certified record) \$5.00~~
 - l. ~~On line interactive (no record) \$3.00~~
 2. ~~Motor vehicle record (vehicles):~~
 - a. ~~Over the counter (immediate service)~~
~~not certified \$3.00~~
~~certified \$5.00~~
 - b. ~~Over the counter (overnight service)~~
~~not certified \$2.00~~
~~certified \$5.00~~
 - e. ~~Mail in not certified \$3.00~~
~~certified \$5.00~~
 - d. ~~Computer tape to tape \$2.00~~
 - e. ~~Support documents (items in reference to the requested material)~~
~~not certified \$3.00~~
~~certified \$5.00~~
 - f. ~~Electronic data interface (39 month record) \$2.00~~
 - g. ~~Electronic data interface (5 year record) \$3.00~~
 - h. ~~Electronic data interface (no record) \$2.00~~
 - i. ~~On line interaction (39 month record) \$3.00~~
 - j. ~~On line interactive (5 year certified record) \$5.00~~
 - k. ~~On line interactive (no record) \$3.00~~

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- 3. ~~Driver license photo:~~
 - a. ~~Over-the-counter not certified \$3.00 certified \$5.00~~
 - b. ~~Mail-in not certified \$3.00 certified \$5.00~~
- 4. ~~Record search fee: When a record is researched, and requested information is not available, a verification of the search shall be provided. Research may require several separate searches. A fee for each search shall be as follows:~~
 - a. ~~Over-the-counter \$3.00~~
 - b. ~~Mail-in \$3.00~~
- 5. ~~Fax service shall require an additional per page fee of: \$2.00~~
- 6. ~~Photostat or microfilm copies may be made in any section of the Division and shall require a fee per page as follows: \$.25~~
- B.** ~~Computer tape-to-tape (Motor Vehicle Records):~~
 - 1. ~~Tape-to-tape use for motor vehicle records shall be for no less than 100 requests per tape.~~
 - 2. ~~Users shall post a surety bond pursuant to A.R.S. § 28-212.~~
 - a. ~~Billing shall be done on a monthly basis.~~
 - b. ~~Payment is due within 15 days of the billing date.~~
- C.** ~~Over-the-counter service shall be limited to 2 requests per customer if others are waiting to be served.~~
- D.** ~~Payment:~~
 - 1. ~~Copies shall not be released until fees are paid or a surety bond is posted.~~
 - 2. ~~Fees shall be paid by cash, money order, check, or other payment alternative allowed or accepted pursuant to A.R.S. Title 28.~~
 - a. ~~Checks require a bank guarantee card and 1 form of identification.~~
 - b. ~~Checks returned for nonpayment because of insufficient funds, payments stopped, or closed accounts shall be assessed a fee of \$10 pursuant to R17-4-707.~~
- E.** ~~Refunds are made pursuant to A.R.S. § 28-214~~
- A.** For each separate request, Motor Vehicle Division shall assess a charge for a copied record according to the following schedule:

<u>Description</u>	<u>Amount</u>
<u>A certified record as prescribed under A.R.S. § 28-446(D):</u> <u>Over-the-counter immediate and overnight service;</u> <u>Electronic batch;</u> <u>Mail-in request;</u> <u>Driver license photograph;</u> <u>Support document; or</u> <u>Electronic interactive.</u>	<u>\$5</u>
<u>A non-certified record as prescribed under A.R.S. § 28-446(A):</u> <u>Over-the-counter immediate service;</u> <u>Mail-in request;</u> <u>Electronic batch;</u> <u>Driver license photograph;</u> <u>Support document;</u> <u>Electronic interactive;</u> <u>Record search; or</u> <u>“No record found”.</u>	<u>\$3</u>
<u>A non-certified record as prescribed under A.R.S. § 28-446(A):</u> <u>Electronic batch; or</u> <u>Over-the-counter overnight service.</u>	<u>\$2</u>

- B.** The Division shall assess the cost for civil subpoena support documentation as prescribed under A.R.S. § 12-351(F).
- C.** The Division shall charge 25¢ per page for any item photocopied.