

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 ADMINISTRATION PERSONNEL ADMINISTRATION

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 1, Department of Administration
Personnel Administration
Article and its heading: 1, Merit Award System
Section numbers: R2-1-101, R2-1-102, R2-1-103, and R2-1-104
- 2. The subject matter of the proposed rule:**
Establishment by a statutory authority of policy and procedures for the statewide employee suggestion program that results in elimination or reduction of state expenditures or improvement of operations in the public interest.
- 3. A citation to all published notices relating to the proceeding:**
None published
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Karie Miller
Address: 100 N. 15th Avenue, Suite 261
Phoenix, AZ 85007
Telephone: (602) 364-4664
Fax: (602) 542-5632
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments:
Comments may be made by mail at the Department of Administration, Human Resources Office, located at 100 N. 15th Avenue, Suite 261, Phoenix, AZ, 85007; or by sending electronic mail to karie.miller@ad.state.az.us.
Oral comments:
Except for state holidays, comments may be made Monday through Friday, 7:00 a.m. to 4:00 p.m., in person at the Department of Administration, Human Resources Office, located at 100 N. 15th Avenue, Suite 261, Phoenix, AZ, 85007; or by calling Karie Miller at (602) 364-4664.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
It is anticipated that the agency will complete the rulemaking process by December 31, 2003.

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 17, Arizona Regulatory Board of Physician Assistants
Articles and their headings: 1, General Provisions
2, Physician Assistant Certification
3, Scope of Practice
4, Regulation (Other Articles may be added, deleted, or modified as necessary.)
Section numbers: R4-17-101 through R4-17-102, Table 1, R4-17-201 through R4-17-208, R4-17-301 through R4-17-305, and R4-17-401 through R4-17-403 (Other Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
Rules are being updated to be consistent with current rulewriting standards. The need for this rulemaking was initially identified during the five-year review process. Additionally, the statutes governing the licensing and regulation of physician assistants were substantially revised under Laws 2002, Ch. 277. The rules are being revised to conform to the recently enacted statutory changes and to be consistent with current rulewriting standards.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 3999, September 7, 2001 (this docket opening has since expired)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Legislative Liaison
Address: Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2712
Fax: (480) 551-2828
E-mail: comments@azmdboard.org
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Submissions may be made to the Legislative Liaison at the above-designated address until the close of the record, which is unknown at this time. The specific date of the close of record will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State and published in the *Register*.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown at the time

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
Articles and their headings: 1, Administration
4, Professional Practices
6, Permits and Distribution of Drugs
Section numbers: R4-23-110, R4-23-410, R4-23-670, R4-23-671, and R4-23-675
- 2. The subject matter of the proposed rule:**
The Board's five-year rule review in September 2002 identified R4-23-410 for amending. This Section deals with pharmacy compounding practices and was originally noticed on October 18, 2002 along with five other non-compounding-related rules. In January 2003, the Board appointed a committee to review sterile pharmaceuticals and compounding together. R4-23-410 was pulled out of its original docket and combined with the sterile pharmaceuticals docket which was noticed on April 26, 2002. Because no action was taken on the sterile pharmaceuticals docket, it expired on April 25, 2003. This new docket includes the sterile pharmaceuticals and compounding rules. R4-23-410 will be amended to establish more specific recordkeeping requirements for compounding, improve clarity and conciseness, and reduce misunderstandings involving compliance. The Board's sterile pharmaceutical products pharmacy rule will be amended to incorporate the use of the limited-service pharmacy permit and increase the rule's

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clarity, conciseness, and understandability. R4-23-110 will be amended to include a new definition for “limited-service sterile pharmaceuticals pharmacy” and an amended definition for “sterile pharmaceutical products.” R4-23-670 will be amended to describe the requirements for preparing and dispensing sterile pharmaceuticals. R4-23-671 will receive minor changes for clarity, conciseness, and understandability. A new Section R4-23-675, Limited-service Sterile Pharmaceuticals Pharmacy, will describe specific requirements for a limited-service sterile pharmaceuticals pharmacy. The amended rules will include format, style, and grammar changes necessary to comply with the current Administrative Procedure Act.

The agency docket number, if applicable:

R0302

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 1975, April 26, 2002

Notice of Rulemaking Docket Opening: 8 A.A.R. 4425, October 18, 2002

4. The 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 on the proceeding, if known:

None

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION**

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

9, Health Services
22, Arizona Health Care Cost Containment System
Administration
11, Civil Monetary Penalties and Assessments
R9-22-1101, R9-22-1102, R9-22-1103, and R9-22-1104
(Other Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

AHCCCS is amending the acute care rules to make the rules 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: Barb Ledder

Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4580

Notices of Rulemaking Docket Opening

Fax: (602) 253-9115

5. The time during 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. E-mail comments will not be accepted.

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 2003.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
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: 10, Civil Monetary Penalties and Assessments
Section numbers: R9-28-1001 (Other Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
AHCCCS is amending the long-term care rules to make the rules 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: Barb Ledder
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4580
Fax: (602) 253-9115

5. The time during 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. E-mail comments will not be accepted.

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 2003.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
CHILDREN'S HEALTH INSURANCE PROGRAM**

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 31, Arizona Health Care Cost Containment System
Children's Health Insurance Program
Article and its heading: 11, Civil Monetary Penalties and Assessments
Section numbers: R9-31-1101, R9-31-1102, R9-31-1103, and R9-31-1104
(Other Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
AHCCCS is amending the Children's Health Insurance Program rules to make the rules more clear, concise, and understandable.

- 3. A citation to all published notices relating to the proceeding:**
None

Notices of Rulemaking Docket Opening

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

Name: Barb Ledder
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4580
Fax: (602) 253-9115

5. The time during 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. E-mail comments will not be accepted.

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 2003.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
OVERDIMENSIONAL PERMITS**

1. Title and its heading:

17, Transportation

Chapter and its heading:

6, Department of Transportation
Overdimensional Permits

Article and its heading:

4, Transport Restrictions

Section numbers:

R17-6-413 and Table 5

(Sections may be added, modified, or deleted as necessary.)

2. The subject matter of the proposed rule:

The agency is creating R17-6-413 to provide specific permitting procedures and a special exception for weekend and holiday movement of houseboats in the Page – Lake Powell area. The creation of the new Section is based on stakeholder request followed by a traffic engineering study performed in January 2003.

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: Administrative Rules Unit
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 or 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 ENVIRONMENTAL QUALITY
REMEDIAL ACTION

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 7, Department of Environmental Quality
Remedial Action
Article and its heading: 3, Prospective Purchaser Agreement
Section number: R18-7-301
2. **The subject matter of the proposed rule:**
The Department of Environmental Quality is authorized to enter into agreements with a prospective purchaser of a facility, wherein the Department will provide a written release and covenant not to sue for existing contamination at the facility, provided that certain conditions are met. The existing rule establishes a fee for the preparation and execution of a prospective purchaser agreement, pursuant to A.R.S. § 49-285.01(H). The Department has evaluated the cost of completing a prospective purchaser agreement and determined that the actual cost to the Department is different from the fee in the current rule. The Department plans to propose an amendment to the fee rule to more closely reflect the actual costs for this activity.
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: Betty E. Mybeck
Address: 1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4177
Fax: (602) 771-4246
E-mail: Mybeck.Betty@ev.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:**
To be published in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 6, Department of Insurance
Article and its heading: 19, Health Care Services Organizations Oversight
Section numbers: To be determined

2. The subject matter of the proposed rule:

In 2000, the Arizona legislature passed SB 1330. Under SB 1330, effective July 1, 2001, regulatory authority over health care service organizations (HCSOs), previously bifurcated between the Arizona Department of Health Services and the Arizona Department of Insurance (ADOI), became consolidated under ADOI.

Under Laws 2000, Ch. 356 § 26, ADOI filed exempt temporary rules for oversight of HCSOs with the Secretary of State on June 7, 2001. These temporary exempt rules became effective July 1, 2001. At the same time that the Department filed that exempt rulemaking, it also filed a Notice of Rulemaking Docket Opening (Notice) for a permanent rulemaking regulating HCSOs to comply with Arizona Revised Statutes Title 41, Chapter 6. That Notice of Rulemaking Docket Opening was renewed in June 2002. This renews the 2002 Notice of Rulemaking Docket Opening.

The principal effect of the consolidated regulatory structure is to bring new responsibilities to ADOI. ADOI will define basic health services and maintain, make determinations under, and enforce rules that establish whether an HCSO provides for basic health care services and whether it constitutes an effective mechanism to achieve an effective health care plan. ADOI retains authority to review, approve, suspend, or revoke certificates of authority for HCSOs.

ADOI has convened a formal advisory committee to advise ADOI regarding this rulemaking.

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

Notice of Rulemaking Docket Opening: 7 A.A.R. 2778, June 29, 2001

Notice of Exempt Rulemaking: 7 A.A.R. 2769, June 29, 2001

Notice of Formal Rulemaking Advisory Committee: 8 A.A.R. 2116, May 10, 2002

Notice of Rulemaking Docket Opening: 8 A.A.R. 2760, June 28, 2002

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

Name: Margaret L. McClelland

Address: Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, AZ 85018

Telephone: (602) 912-8456

Fax: (602) 912-8452

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 during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.

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

The Department expects to file a Notice of Proposed Rulemaking in June 2004.