

# 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 MANAGEMENT SERVICES DIVISION

- 1. Title and its heading:** 2, Administration  
**Chapter and its heading:** 15, Department of Administration  
Management Services Division  
**Article and its heading:** 3, Materials Management  
**Section numbers:** R2-15-301 through R2-15-310
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is to respond to issues raised in the five-year review process. Additionally, the rule-making will update the rules and bring them into conformance with current rulewriting standards and current practice.
- 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: Steve Perica  
Address: 1537 W. Jackson  
Phoenix, AZ 85007  
Telephone: (602) 542-5701  
Fax: (602) 379-4929
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Both written and oral comments will be accepted during business hours until further notice is provided.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
None

## NOTICE OF RULEMAKING DOCKET OPENING

### DEPARTMENT OF AGRICULTURE PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 4, Department of Agriculture  
Plant Services Division  
**Article and its heading:** 7, Fruit and Vegetable Standardization  
**Section number:** R3-4-701 (As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
This rulemaking will update the standards of apples to those of grade U.S. No. 1.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 9 A.A.R. 3008, July 11, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Sherry D. Blatner, Rules Analyst

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Address: Arizona Department of Agriculture  
1688 W. Adams, Room 235  
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.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: 8:00 a.m. to 5:00 p.m., Monday through Friday

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

Arizona Department of Agriculture  
1688 W. Adams, Room 235  
Phoenix, AZ 85007

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

Unknown

**NOTICE OF RULEMAKING DOCKET OPENING**

**BOARD OF ACCOUNTANCY**

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 1, Board of Accountancy  
**Articles and their headings:** 1, General  
4, Regulation
- Section numbers:** R4-1-101, R4-1-115.03, and R4-1-454

**2. The subject matter of the proposed rules:**

Establishing a peer review program and a Peer Review Oversight Advisory Committee to monitor the program and advise the Board.

**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 rules:**

Name: Valerie M. Elliott, Executive Director

Address: Arizona State Board of Accountancy  
100 N. 15th Avenue, Ste. 165  
Phoenix, AZ 85007

Telephone: (602) 364-0804

Fax: (602) 364-0903

E-mail: vme@mail.accountancy.state.az.us

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

The Board will accept written comment during regular business hours at the address in item #4 until the close of record, which has not yet been determined.

The Board has not scheduled an oral proceeding at this time.

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

The Board expects to file proposed rule amendments with the Secretary of State's Office in September 2003.

**NOTICE OF RULEMAKING DOCKET OPENING**

**BOARD OF NURSING**

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 19, Board of Nursing  
**Article and its heading:** 5, Advanced Nursing Practice  
**Section number:** R4-19-510
2. **The subject matter of the proposed rule:**  
The Board is seeking to repeal this rule in Article 5 for the purpose of amending it and moving it to Article 3. There has been confusion within the regulated community that this rule, which lists certifying agencies that the Board recognizes, implies that a nurse certified by these agencies meets qualifications for advanced practice. This is not the case. Moving this rule to a more appropriate Section of the *Administrative Code* will decrease confusion on the part of the public.
3. **A citation to all published notices relating to the proceeding:**  
Not applicable
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Pamela Randolph  
Nurse Practice Consultant  
  
Address: State Board of Nursing  
1651 E. Morten, Suite 210  
Phoenix, AZ 85020  
  
Telephone: (602) 331-8111, ext. 139  
Fax: (602) 906-9365  
E-mail: prandolph@azbn.org
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be determined
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Not known at this 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  
**Article and its heading:** 6, Permits and Distribution of Drugs  
**Section numbers:** R4-23-605 and R4-23-607
2. **The subject matter of the proposed rule:**  
Because of numerous questions from resident and nonresident drug wholesaler permittees seeking clarification regarding the license and permit verification requirements in R4-23-605(D)(2)(a)(ii) and (iii) and the lack of license and permit verification requirements in R4-23-607(E)(3), the Board staff plans to amend the nonresident permit rule (R4-23-607) by adding license and permit verification requirements for nonresident permittees like the license and permit verification requirement in place for resident drug wholesaler permittees. While reviewing the verification requirements in R4-23-605, the Board staff noticed that R4-23-605(D)(2)(a)(i) as written could be misinterpreted to mean that a nonprescription drug wholesaler or nonprescription drug retailer is allowed to receive a narcotic or other controlled substance or prescription-only drug or device. Allowing a nonprescription drug wholesaler or nonprescription drug retailer to receive a narcotic or other controlled substance or prescription-only drug or device was not the intent of the subsection, and the subsection will be amended to clarify who may receive a narcotic or other controlled substance or prescription-only drug or device. The amended rules will include format, style, and grammar changes necessary to comply with the current Administrative Procedure Act.  
  
**The agency docket number:**  
R0303
3. **A citation to all published notices relating to the proceeding:**  
None

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**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**

**DEPARTMENT OF BUILDING AND FIRE SAFETY**

**1. Title and its heading:**

4, Professions and Occupations

**Chapter and its heading:**

36, Department of Building and Fire Safety

**Article and its heading:**

2, State Fire Safety Committee

**Section number:**

R4-36-201

**2. The subject matter of the proposed rules:**

To update the State Fire Code.

**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: John Rowlinson  
Address: Department of Building and Fire Safety  
1110 W. Washington, Suite 100  
Phoenix, AZ 85007  
Telephone: (602) 364-1078  
Fax: (602) 364-1084

**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 by the Department Monday through Friday, 8:00 a.m. to 5:00 p.m. addressed to the person in item #4. Date, time, and location for oral comments, if scheduled, will be posted in the Notice of Proposed Rulemaking.

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

To be determined

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**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF BUILDING AND FIRE SAFETY**

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 36, Department of Building and Fire Safety  
**Article and its heading:** 4, Arson Detection Reward Fund  
**Section numbers:** To be determined
- 2. The subject matter of the proposed rules:**  
To add rules for the Arson Detection Reward Fund.
- 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: John Rowlinson  
Address: Department of Building and Fire Safety  
1110 W. Washington, Suite 100  
Phoenix, AZ 85007  
Telephone: (602) 364-1078  
Fax: (602) 364-1084
- 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 by the Department Monday through Friday, 8:00 a.m. to 5:00 p.m. addressed to the person in item #4. Date, time, and location for oral comments, if scheduled, will be posted in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM**

**ADMINISTRATION**

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 22, Arizona Health Care Cost Containment System  
Administration  
**Articles and their headings:** 14, AHCCCS Medical Coverage for Families and Individuals  
15, AHCCCS Medical Coverage for Individuals Who Are Aged, Blind, or Disabled  
19, Freedom to Work  
**Section numbers:** R9-22-1405, R9-22-1419.10, R9-22-1501, and R9-22-1903 (Other Sections may be added, deleted, or amended as necessary.)
- 2. The subject matter of the proposed rule:**  
AHCCCS is amending the eligibility requirements in rule to streamline and clarify the rules.
- 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: Barbara Ledder  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4580  
Fax: (602) 253-9115

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**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. Please send written comments to the address in item #4 by 5:00 p.m., September 8, 2003. 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

**Articles and their headings:**

4, Eligibility and Enrollment  
13, Freedom to Work

**Section numbers:**

R9-28-401 and R9-28-1303 (Other Sections may be added, deleted, or amended as necessary.)

**2. The subject matter of the proposed rule:**

AHCCCS is amending the eligibility requirements in rule to streamline and clarify the rules.

**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: Barbara 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. Please send written comments to the address in item #4 by 5:00 p.m., September 8, 2003. 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

**Articles and their headings:**

3, Eligibility and Enrollment  
17, Eligibility and Enrollment for a Parent

**Section numbers:**

R9-31-302, R9-31-303, R9-31-311, and R9-31-1702 (Other Sections may be added, deleted, or amended as necessary.)

**2. The subject matter of the proposed rule:**

AHCCCS is amending the eligibility requirements in rule to streamline and clarify the rules.

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**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: Barbara 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. Please send written comments to the address in item #4 by 5:00 p.m., September 8, 2003. 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 INSURANCE**

**1. Title and its heading:**

20, Commerce, Banking, and Insurance

**Chapter and its heading:**

6, Department of Insurance

**Article and its heading:**

1, Hearing Procedures and Rulemaking Petitions

**Section numbers:**

R20-6-101 through R20-6-116, and R20-6-160 (Other Sections to be determined.)

**2. The subject matter of the proposed rule:**

The director will propose rulemaking action on Article 1 in response to a five-year review submitted to the Governor's Regulatory Review Council in 2002. This rulemaking will improve the clarity, conciseness, and understandability of these Sections. The rules may also be revised to implement substantive changes that the Department determines necessary.

**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: 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 by the third quarter of 2003.

**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:** 3, Financial Provisions and Procedures  
**Section numbers:** Sections to be determined
2. **The subject matter of the proposed rule:**  
The director will propose rulemaking action on Article 3 in response to a five-year review submitted to the Governor's Regulatory Review Council in 2002. This rulemaking will improve the clarity, conciseness, and understandability of these Sections. The rules may also be revised to implement substantive changes that the Department determines necessary.
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: 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 by the third quarter of 2003.