

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 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 22, Board of Osteopathic Examiners in Medicine and Surgery
Article and its heading: 1, General Provisions
2, Licensing and Time-frames
Section numbers: R4-22-101, R4-22-103, R4-22-104, R4-22-109, R4-22-201 through R4-22-212 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**
Under the authority of A.R.S. § 32-1800 *et seq.*, the Board issues and renews licenses, issues permits and registrations, and approves educational and training programs. The Board is proposing a new article (Article 2, Licensing and Time-frames) that will contain: 1) new rules that identify what information and documentation an applicant shall provide to apply for or renew each license, permit, or registration, what the Board may gather on its own initiative, and the criteria to be applied to discretionary decisions authorized by statute; 2) existing rules that will be renumbered to move them into the new Article and amended to update the documents incorporated by reference on national accreditation standard for medical education, post-graduate medical training, licensing competency examinations, and continuing medical education; and 3) new rules that establish timeframes for applications, as required by A.R.S. § 41-1073.
The agency docket number, if applicable:
2004-01
- 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: Elaine LeTarte, Executive Director
Address: 9535 E. Doubletree Ranch Road
Scottsdale, AZ 85258-5539
Telephone: (480) 657-7703
Fax: (480) 657-7717
E-mail: executive.director@azosteoboard.org
- 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 at the location listed in item #4 until the close of record, which has not yet been determined. The agency has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other actions on the proceeding, if known:**
None

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ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 26, Board of Psychologist Examiners
Article and its heading: 1, General Provisions
2, Licensure
3, Regulation
Section numbers: R4-26-101; R4-26-204 through R4-26-207, Table 1, R4-26-211; R4-26-308 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**

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Changes to R4-26-101 would amend the definition of “confidential record” and “national examination”.
Changes to R4-26-204 would amend the Board’s remedial examination procedures.
Changes to R4-26-205 would eliminate the gathering of information not required by statute for license renewal.
Changes to R4-26-206 would specifically set out the requirements for a psychologist on inactive status to reinstate his or her license to active status.
Changes to R4-26-207 would simplify the method of computing the prorated amount of continuing education (CE) that new licensees must complete; add the requirement that licensees obtain four hours of CE in the subject area of domestic violence and child abuse; allow licensees to receive ethics credit for attending Board meetings; and remove the requirement that licensees must keep documentation of CE for the last four years.
Changes to Table 1, “Time-frames (in Days) for Processing Applications,” would lengthen the Board’s substantive review time for applications from 60 days to 90 days.
Changes to R4-26-211 would remove the requirement that foreign applicants provide a personally prepared chronological statement of studies and research that is comparable to a transcript.
Finally, changes to R4-26-308 would make it consistent with A.R.S. § 41-1092.09(C).

Agency Docket Number:

2004-01

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: Maxine McCarthy
Address: 1400 W. Washington, Suite 235
Phoenix, AZ 85007
Telephone: (602) 542-8162
Fax: (602) 542-8279
E-mail: info@psychboard.az.gov

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 comments during the Board’s regular office hours Monday through Friday from 8 a.m. to 5 p.m., excluding holidays. Oral comments may also be made at the Board office during office hours.

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

To be determined

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**DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 25, Department of Health Services – Emergency Medical Services
Articles and their headings: 3, Training Programs
Section numbers: R9-25-306 and R9-25-309 (ADHS may add or delete Sections as necessary.)

2. The subject matter of the proposed rule:

This rulemaking will modify the admission requirements for the Arizona EMT-B refresher and the Arizona ALS refresher to allow admission of individuals who have never held National Registry of Emergency Medical Technicians (NREMT) registration, but who would become eligible for NREMT registration after completing the Arizona EMT-B refresher or Arizona ALS refresher.

The agency docket number:

RE-008-04

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: Dona Marie Markley, EMS Policy and Practice Administrator
Address: Arizona Department of Health Services
Bureau of Emergency Medical Services
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007
Telephone: (602) 364-3152

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Fax: (602) 364-3568
E-mail: dmarkle@hs.state.az.us
or
Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007
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:

ADHS will accept written comments until the close of record, which has not yet been determined. ADHS has not scheduled any oral proceedings at this time.

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

None

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: 4, Greenfields Program
Section numbers: R18-7-401

2. The subject matter of the proposed rule:

The Department is considering adjusting the Greenfields Pilot Program fee to reflect the fees set for the Voluntary Remediation Program (VRP). The Voluntary Remediation Unit, within the Department of Environmental Quality, administers both the Greenfields Pilot Program and the VRP. This rule would better reflect the costs of the Greenfields Pilot Program and more equitably reimburse the Department for its costs.

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

Notice of Rulemaking Docket Opening: 8 A.A.R. 2400, May 31, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1875, June 13, 2003

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

Name: Ren Willis-Frances
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4109
Fax: (602) 771-2302
E-mail: willis-frances.ren@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 ENVIRONMENTAL QUALITY
REMEDIAL ACTION**

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 7, Department of Environmental Quality – Remedial Action

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Article and its heading: 5, Voluntary Remediation Program
Section numbers: To be determined

- 2. The subject matter of the proposed rule:**
The proposed rule will set out fees to be charged by the Department under the Voluntary Remediation Program established in A.R.S. Title 49, Chapter 1, Article 5. This is the permanent rulemaking authorized in Laws 2000, Chapter 225, § 13. The interim fee rule language in Article 5 will be replaced with a permanent fee rule.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 7 A.A.R. 2051, May 11, 2001
Notice of Rulemaking Docket Opening: 8 A.A.R. 1738, April 5, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1875, June 13, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Ren Willis-Frances
Address: Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4109
Fax: (602) 771-2302
E-mail: willis-frances.ren@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 ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality – Solid Waste Management
Article and its heading: 4, Application Requirements for Solid Waste Facility Plan Approval
Section numbers: To be published in the Notice of Proposed Rulemaking
- 2. The subject matter of the proposed rule:**
The addition of Article 4 to Chapter 13 will set forth the information that must be included for approval of an application for a solid waste facility plan.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 1977, April 26, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1876, June 13, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Peg Guichard-Watters
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4117
Fax: (602) 771-2383
E-mail: guichard-watters.peggy@ev.state.az.us
- 5. The time during which the agency will accept written comments and the time 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

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NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality – Solid Waste Management
Article and its heading: 5, Solid Waste Facility Plan Review Procedures
Section numbers: To be published in the Notice of Proposed Rulemaking
2. **The subject matter of the proposed rule:**
The addition of Article 5 to Chapter 13 will formalize procedures ADEQ will follow in approving or denying applications for solid waste facility plans.
3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 1978, April 26, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1877, June 13, 2003
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Peg Guichard-Watters
Address: Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4117
Fax: (602) 771-2383
E-mail: guichard-watters.peggy@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

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DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID WASTE MANAGEMENT

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality – Solid Waste Management
Article and its heading: 6, Solid Waste Facility Financial Assurance
Section numbers: To be published in the Notice of Proposed Rulemaking
2. **The subject matter of the proposed rule:**
The addition of Article 6 to Chapter 13 will execute the statutory directive of A.R.S. §§ 49-761 and 49-770 for the Department to adopt rules relating to financial assurance requirements for solid waste facilities.
3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 1978, April 26, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1877, June 13, 2003
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Peg Guichard-Watters
Address: Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4117
Fax: (602) 771-2383
E-mail: guichard-watters.peggy@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

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NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 13, Department of Environmental Quality – Solid Waste Management
Article and its heading: 8, Solid Waste Facility Self-Certification Notice and Submission Requirements
Section numbers: To be published in the Notice of Proposed Rulemaking
2. **The subject matter of the proposed rule:**
Article 8 will propose to establish general criteria that a solid waste facility self-certification notice must contain. Article 8 will not be a stand-alone article. It will depend on other rules and statutes.
3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 1979, April 26, 2002
Notice of Rulemaking Docket Opening: 9 A.A.R. 1878, June 13, 2003
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Peg Guichard-Watters
Address: Department of Environmental Quality
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4117
Fax: (602) 771-2383
E-mail: guichard-watters.peggy@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

ARIZONA STATE LOTTERY COMMISSION

1. **Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
Chapter and its heading: 3, Arizona State Lottery Commission
Article and its heading: 10, Promotions
Section numbers: R19-3-1001 through R19-3-1008. As part of this rulemaking, Sections may be added, deleted, or modified as necessary.
2. **The subject matter of the proposed rule:**
R19-3-1001 through R19-3-1008 set forth provisions unique to the conduct of Arizona Lottery promotions to increase sales, public awareness of Lottery games and benefits, and retailer participation in Lottery programs. These rules explain the common components of Lottery promotions, how to participate in a promotion, promotion characteristics and restrictions, how to identify a winning promotion, the procedures required to claim promotional items and the claim period, validation requirements, promotion premiums, and disputes concerning a promotion.
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: Katie Pushor, Executive Director
Address: Arizona State Lottery
4740 E. University
Phoenix, AZ 85034
Telephone: (480) 921-4400
Fax: (480) 921-4488
E-mail: katie@lottery.state.az.us
or
Name: Pam Scharon

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Address: Arizona State Lottery
4740 E. University
Phoenix, AZ 85034
Telephone: (480) 921-4489
Fax: (480) 921-4425
E-mail: pam@lottery.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 and oral comments will be accepted between 8:00 a.m. and 5:00 p.m., Monday through Friday (except state holidays), at Arizona State Lottery central office, 4740 E. University, Phoenix, AZ 85034. The date, time, and location of an oral proceeding on the rulemaking will be included 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

INDUSTRIAL COMMISSION OF ARIZONA

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-602. As part of this rulemaking, ADOSH may add, delete, or modify additional Sections as necessary.

2. Subject matter of the proposed rules:

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring State administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission, Arizona Division of Occupational Safety and Health (ADOSH) is amending R20-5-602 by adopting amendments for 29 CFR 1910, the Federal Occupational Safety and Health Standards for General Industry, Subpart T, Commercial Diving Operations.

This rulemaking allows employers of recreational diving instructors and diving guides to comply with an alternative set of requirements instead of the decompression-chamber requirements in the current CDO standards. The rule applies only when these employees engage in recreational diving instruction and diving-guide duties; use an open-circuit, a semi-closed-circuit, or a closed-circuit self-contained underwater-breathing apparatus supplied with a breathing gas that has a high percentage of oxygen mixed with nitrogen; dive to a maximum depth of 130 feet of sea water; and remain within the no-decompression limits specified for the partial pressure of nitrogen in the breathing-gas mixture. These alternate requirements essentially are the same as the terms of a variance granted by OSHA to Dixie Divers, Inc. in 1999.

Copies of the material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 West Washington Street, Room 203, Phoenix, Arizona 85007, and can be downloaded from the Federal OSHA Web site at: www.osha.gov.

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 rulemaking:

Name: Patrick Ryan, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington, Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: part@ica.state.az.us

5. The time during which written submissions may be made 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 in the proceeding:

Within one year from the Notice of Rulemaking Docket opening