

## 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 HEALTH SERVICES

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 10, Department of Health Services, Health Care Institutions:  
Licensing  
**Article and its heading:** 1, General  
**Section numbers:** R9-10-108 (The Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
R9-10-108, establishing licensing time-frames for health care institution licenses, was effective on August 1, 2002. The Department has determined that the substantive review time-frame for renewal health care institution license applications is not sufficient and is amending the substantive review and overall licensing time-frames for renewal health care institution applications in the proposed rules.  
**The agency docket number, if applicable:**  
RE-012-04
- 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: Kathleen Phillips, Rules Administrator  
Address: Department of Health Services  
1740 W. Adams St., Suite 202  
Phoenix, AZ 85020  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: kphilli@hs.state.az.us  
or  
Name: Mary Wiley, Assistant Director  
Address: Department of Health Services  
Division of Licensing Services  
150 N. 18th Ave.  
Phoenix, AZ 85007  
Telephone: (602) 364-3066  
Fax: (602) 861-0463  
E-mail: mwiley@hs.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., at the addresses listed in item #4 until the close of record which has not yet been determined. The schedule for public hearings, at which oral comments may be presented, will be included in the notice of proposed rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
The Department plans to submit a notice of proposed rulemaking by September, 2004.

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

1. **Title and its heading:** 9, Health Services  
**Chapter and its heading:** 22, Arizona Health Care Cost Containment System – Administration  
**Article and its heading:** 7, Standards for Payments  
**Section numbers:** R9-22-703 and R9-22-718. As part of this rulemaking, AHCCCS may add, delete, or modify additional Sections as necessary.
2. **The subject matter of the proposed rule:**  
The rules pertain to references in regards to AHCCCS payments for outpatient hospital services.
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: Mariaelena Ugarte  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: proposedrules@ahcccs.state.az.us
5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**  
AHCCCS will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Not known at this time.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

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:** 1, Definitions  
**Section numbers:** 16, Services for Native Americans  
R9-31-107, R9-31-1618. As part of this rulemaking, AHCCCS may add, delete, or modify additional Sections as necessary.
2. **The subject matter of the proposed rule:**  
The rules pertain to references in regards to AHCCCS payments for outpatient hospital services.
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: Mariaelena Ugarte  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: proposedrules@ahcccs.state.az.us
5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**

Notices of Rulemaking Docket Opening

AHCCCS will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

Not known at this time.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF TRANSPORTATION**

- 1. Title and its heading:** 17, Transportation
- Chapter and its heading:** 4, Department of Transportation – Title, Registration, and Driver Licenses
- Article and its heading:** 4, Driver Licenses
- Section numbers:** R17-4-401 and R17-4-407

**2. Subject matter of the proposed rule:**

Adding a definition for “authorized presence” will amend R17-4-401, Definitions.

New Section R17-4-407, Establishing authorized presence; verification. A.R.S. § 28-3153 states that the Division shall not issue or renew a driver license or non-operating identification license for a person who does not submit proof satisfactory to the Division that the applicant's presence in the United States is authorized under federal law. This new section will identify the method and documentation that an applicant must submit to the Division to prove that the applicant's presence in the United States is authorized under federal law. Additionally, the rule will address when a person who does not have proof of authorized presence can be issued a temporary driver license pursuant to A.R.S. § 28-3157 pending verification of the applicant's status in the United States.

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

None

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

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

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

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

Written and oral comments may be made Monday through Friday, 8:00 am to 4:30 pm to the analyst listed in #4 above, with the exception of state holidays.

**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**

- 1. Title and its heading:** 18, Environmental Quality
- Chapter and its heading:** 5, Department of Environmental Quality – Environmental Reviews and Certification
- Articles and their headings:** 5, Minimum Design Criteria
- Section numbers:** R18-5-501 et seq., and possibly other Articles and Sections yet to be determined

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

The purpose of this rulemaking is to update the Department's rules pertaining to design criteria for public water systems, to conform to current rulemaking format and style requirements, to ensure their consistency with other statutes and rules and to make any substantive changes deemed necessary to ensure the effectiveness of the rules.

**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: Jon Fiegen  
Telephone: (602) 771-4596, or (800) 234-5677, Ext. 771-4596  
Fax: (602) 771-4634  
E-mail: fiegen.jon@azdeq.gov  
Address: Department of Environmental Quality  
1110 W. Washington St. (5415B-2)  
Phoenix, AZ 85007

**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**

**1. Title and its heading:**

18, Environmental Quality

**Chapter and its heading:**

5, Department of Environmental Quality – Environmental Reviews and Certification

**Articles and their headings:**

5, Minimum Design Criteria

**Section numbers:**

R18-5-510 (new rule), and other possible Articles and Sections yet to be determined

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

Pursuant to the review and approval process set out in 18 A.A.C. 5, Article 5, Minimum Design Criteria, the Department (or its designee) reviews plans and specifications for public water systems. The purpose of this rulemaking is put in place a rule that authorizes the Department to charge a fee for reviewing plans and specifications for public water systems (unless they are exempted by statute from paying a fee.) The Department has a statutory duty to review plans and specifications for public water systems, and statutory authority to assess fees for its reviews. A.R.S. § 49-353(A).

**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: Sean McCabe  
Telephone: (602) 771-4600, or toll-free in Arizona: (800) 234-5677, Ext. 4600  
Fax: (602) 771-4634  
E-mail: mccabe.sean@azdeq.gov  
Address: Department of Environmental Quality  
1110 W. Washington St. (5415B-2)  
Phoenix, AZ 85007

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

Comments on this rulemaking may be submitted at any time to the person referenced in item #4 above. Formal written comments for the rulemaking record should be submitted after publication of the Notice of Proposed Rulemaking in the *Arizona Administrative Register* and prior to the close of public record date specified in the Notice of Proposed Rulemaking. If the Department holds a hearing at which oral comments can be made for the rulemaking record, the date(s) and time(s) of the proceeding(s) will be published in the *Arizona Administrative Register* and posted on the Department's web site on its Draft and Proposed Rules web page (<http://azdeq.gov/function/laws/draft.html>) and its Events Calendar (<http://azdeq.gov/cgi-bin/vertical.pl>). Persons interested in keeping informed of proposed changes to the Department's drinking water rules via e-mail notice may so request by sending an e-mail to the person referenced above.

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

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by February 2005, and that a Notice of Final Rulemaking will be filed with the Governor's Regulatory Review Council by June 2005. The current status of this or any Department rulemaking can be assessed by checking the Department's Draft and Proposed Rules web page. Agency personnel can also arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.