

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

STATE BOARD OF DENTAL EXAMINERS

[R06-329]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 11, State Board of Dental Examiners
Article and its heading: 1, Definitions
5, Dentists
6, Dental Hygienists
12, Continuing Dental Education and Renewal Requirements
- Section numbers:** R4-11-101
R4-11-502
R4-11-601
R4-11-609
R4-11-1204

As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

- 2. The subject matter of the proposed rule:**
In 2004, the forty-sixth legislature passed H.B. 2194. H.B. 2194 made changes to A.R.S. § 32-1281 requiring the Board to make rules regarding a dental hygienist's use of emerging scientific technology and prescribing the necessary training, experience and supervision to operate newly developed scientific technology. H.B. 2194 also made changes to A.R.S. § 32-1289 allowing affiliated practices between dentists and dental hygienists. A.R.S. § 32-1289 specifies the requirements for affiliated practice relationships and requires the Board to make rules to implement the statute. The proposed rules will amend R4-11-101 (Definitions), R4-11-601 (Duties and Qualifications), and R4-11-1204 (Dental Hygienists) and make two new Sections: R4-11-502 (Affiliated Practice) and R4-11-609 (Affiliated Practice). R4-11-101 will be amended to add a new definition for "polish." R4-11-601 will be amended to add a subsection (H) that will specify the qualifications required of a dental hygienist to use emerging scientific technology. R4-11-1204 is being amended to allow a dental hygienist who obtains continuing education credits to meet the requirements for an affiliated practice relationship to apply those credit hours to the continuing education requirements specified in R4-11-1204. New Section R4-11-502 will specify the requirements for a dentist in an affiliated practice relationship with a dental hygienist. New Section R-11-609 will specify the requirements that a dental hygienist must meet to perform dental hygiene services under an affiliated practice relationship with a dentist. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0601

- 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: Julie N. Chapko, Executive Director
Address: Arizona State Board of Dental Examiners
5060 N. 19th Ave., Suite 406
Phoenix, AZ 85015-3214
Telephone: (602) 242-1492
Fax: (602) 242-1445
E-mail: jchapko@azbodex.com

- 5. The time during which the agency will accept written comments:**

The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8 a.m. to 4:30 p.m.

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Location: Arizona State Board of Dental Examiners
5060 N. 19th Ave., Suite 406
Phoenix, AZ 85015-3214

Nature: Oral comments

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

STRUCTURAL PEST CONTROL COMMISSION

[R06-326]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

29, Structural Pest Control Commission

Article and its heading:

1, General and Administrative Provisions

2, Obtaining, Renewing, Activating or Inactivating a License; Examination; Continuing Education Requirement; Approval of Continuing Education

3, Applicator Duties and Responsibilities

4, Supervising Applicator Duties and Responsibilities

5, Qualifying Party Duties and Responsibilities

6, Business Licensee Duties and Responsibilities

7, Inspections; Investigations; Complaints; Disciplinary Procedures

Section numbers:

R4-29-101 through R4-29-107; Table 1; R4-29-201 through R4-29-216;

R4-29-301 through R4-29-307; R4-29-401 through R4-29-403;

R4-29-501 through R4-29-505; R4-29-601 through R4-29-608; and

R4-29-701 through R4-29-708 (As part of this rulemaking, the Commission may add or delete other Sections as necessary.)

2. The subject matter of the proposed rule:

The Commission is making new rules that comply with statute, agency practice, and industry standards. In a separate rulemaking, the Commission will repeal its current 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: Lisa Gervase, Executive Director

Address: Structural Pest Control Commission
9535 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258-5514

Telephone: (602) 255-3664

Fax: (602) 255-1281

E-mail: Lisagervase@sb.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 Commission will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding 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

STRUCTURAL PEST CONTROL COMMISSION

[R06-327]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 29, Structural Pest Control Commission
Article and its heading: 1, General and Administrative Provisions
2, Licensure, Qualification, Certification, and Registration
3, Pesticide Usage
4, Termites and Other Wood-Destroying Organisms
5, Hearings, Settlement Conferences, and Consent Orders
Section numbers: R4-29-101 through R4-29-108; Table 1; R4-29-201 through R4-29-213;
R4-29-301 through R4-29-315; R4-29-401 through R4-29-418;
R4-29-501 through R4-29-504; and Appendix A (As part of this
rulemaking, the Commission may add other Sections as necessary.)
2. **The subject matter of the proposed rule:**
The Commission's rules, all but one of which were made in 1992, will be repealed because they are inconsistent with statute, agency practice, and industry standards. The Commission will make new rules in a separate rulemaking.
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: Lisa Gervase, Executive Director
Address: Structural Pest Control Commission
9535 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258-5514
Telephone: (602) 255-3664
Fax: (602) 255-1281
E-mail: Lisagervase@sb.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 Commission will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding 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

DEPARTMENT OF HEALTH SERVICES

OCCUPATIONAL LICENSING

[R06-330]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 16, Department of Health Services – Occupational Licensing
Article and its heading: 3, Licensing Hearing Aid Dispensers
Section numbers: R9-16-301 through R9-16-309, R9-16-311 through R9-16-315, Table 1,
and R9-16-316. (As part of this rulemaking, the Department may add,
delete, or modify additional Sections as necessary.)
2. **The subject matter of the proposed rule:**
A.R.S. § 36-1902 authorizes the Department of Health Services (Department) to make rules for the regulation of hearing aid dispensers. 9 A.A.C. 16, Article 3, rules and table give effect to the Department's statutory duties, including adoption and enforcement of hearing aid dispenser qualifications, administration of a qualifying examination, licensing of hearing aid dispensers, and adoption and enforcement of standards for licensed hearing aid dispensers. In this rulemaking, the Department will revise the hearing aid dispenser rules and table according to the five-year review report approved by the Governor's Regulatory Review Council (Council) on November 6, 2001. The rulemaking will update the current Department policies and conform to current rulewriting and style requirements. The Department may add, delete, or modify Sections as necessary.
The agency docket number, if applicable:
RE-023-06

Arizona Administrative Register / Secretary of State
Notices of Rulemaking Docket Opening

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

Notice of Rulemaking Docket Opening: 11 A.A.R. 2980, August 5, 2005

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

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: phillik@azdhs.gov
or
Name: Michael Beagler, Program Manager
Address: Arizona Department of Health Services
Division of Licensing Services
Office of Special Licensing
150 N. 18th Ave., Suite 460
Phoenix, AZ 85007
Telephone: (602) 364-3046
Fax: (602) 364-4769
E-mail: beaghlm@azdhs.gov

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 addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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

To be announced

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA CRIMINAL JUSTICE COMMISSION

[R06-328]

1. Title and its heading:

10, Law

Chapter and its heading:

4, Arizona Criminal Justice Commission

Article and its heading:

1, Crime Victim Compensation Program

2, Crime Victim Assistance Program

Section numbers:

R10-4-101 through R10-4-108 and R10-4-201 through R10-4-204 (If necessary, other Sections may be added or deleted as part of this rulemaking.)

2. The subject matter of the proposed rule:

The Commission is amending its rules, in part, in response to five-year review reports approved by the Council in 2003. The Commission is also amending the rules to make them consistent with state and federal law, the Commission's intent, and actual practice.

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: Tony Vidale
Address: Arizona Criminal Justice Commission
1110 W. Washington, Ste. 230
Phoenix, AZ 85007
Telephone: (602) 364-1155
Fax: (602) 364-1175
E-mail: tvidale@azcjc.gov

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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 Department will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding 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 decided

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
ADMINISTRATION**

[R06-332]

1. Title and its heading:

17, Transportation

Chapter and its heading:

1, Department of Transportation – Administration

Article and its heading:

6, Solicitation

Section numbers:

R17-1-601, R17-1-602, R17-1-603, R17-1-604, R17-1-605, R17-1-606, R17-1-607, R17-1-608, R17-1-609, R17-1-610 (As part of this rulemaking other Sections may be added, deleted, or amended as necessary.)

2. The subject matter of the proposed rule:

The Arizona Department of Transportation proposes to adopt rules that provide formal guidelines for all solicitation activities sought to be conducted on Department property. Although similar solicitation guidelines are set forth in rules promulgated by the Arizona Department of Administration, ADOT buildings are not subject to the ADOA regulations. The Department's need for its own rules on this subject is therefore immediate, due to a sharp increase in the number of requests received from persons and organizations seeking permission to conduct solicitations at high-traffic Motor Vehicle Division Customer Service offices located throughout the state, as well as a corresponding increase in the number of complaints the Department has received about the intrusive nature of these solicitation activities.

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 Lindley, Administrative Rules Analyst

Address: Administrative Rules Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007

Telephone: (602) 712-8804

Fax: (602) 712-3081

E-mail: jlindley@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/MVD/MVDrules/rules.asp>.

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

The Division will accept written and oral comments on this rulemaking Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of state holidays. Interested parties may provide comments to the analyst listed in item #4. Public hearings may be scheduled to provide a forum for interactive discussion with interested parties.

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

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF COMMERCE

[R06-325]

1. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 1, Department of Commerce
Article and its heading: 7, Arizona Main Street Program
Section numbers: R20-1-701 through R20-1-712 (As part of this rulemaking, additional Sections may be made.)
2. **The subject matter of the proposed rule:**
The Department is making new rules that establish requirements and procedures for communities to apply for and maintain accreditation in the Main Street program. The Department is also establishing criteria that it will use to evaluate applications and procedures for revocation of accreditation.
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: Lisa Henderson
Address: Department of Commerce
1700 W. Washington, Ste. 420
Phoenix, AZ 85007
Telephone: (602) 771-1134
Fax: (602) 771-1210
E-mail: lisah@azcommerce.com
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 comments during business hours at the address listed in item #4. Information regarding an oral proceeding 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