

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

[R07-310]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 5, Department of Administration – Personnel Administration
Articles and their headings: 3, Classification and Compensation
Section numbers: R2-5-302, R2-5-303, R2-5-305 (Sections may be added, modified or deleted as necessary.)
- 2. The subject matter of the proposed rules:**
This rulemaking primarily results from the Department's five-year-review, approved by the Governor's Regulatory Review Council (G.R.R.C.) in September 2006. The Department proposes to amend the rules in Article 3 by adding clarifying language regarding the minimum and maximum salary of a part-time or hourly employee, basic hiring rate, and reversion. The Department also proposes to revise the pay calculations for various personnel actions, including reclassification and voluntary pay grade decrease. This rulemaking will also amend R2-5-305 to incorporate a later amendment or edition of the Fair Labor Standards Act (FLSA). As part of this rulemaking, the Department may add, delete, or modify Sections, as 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 rules:**
Name: Christine Bronson, Statewide Employee Relations Manager
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 542-1423
Fax: (602) 542-1980
E-mail: Christine.Bronson@azdoa.gov
- 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 public comments during business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, until close of record, at contact information provided in item 4.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R07-308]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 1, Administration; 5, ~~Revised~~ Controlled Substances Prescription Monitoring Program
Section numbers: R4-23-110, R4-23-501, R4-23-502, R4-23-503, R4-23-504 (Sections may be added, modified or deleted as necessary.)
- 2. Subject matter of the proposed rule:**
During the 48th Legislative Session, the Legislature passed H.B. 2136. The bill requires the Board to adopt rules establishing a controlled substances prescription monitoring program that includes a computerized central database tracking system to track the prescribing, dispensing, and consumption of Schedule II, III, and IV controlled sub-

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

stances that are dispensed by a medical practitioner or pharmacy that holds a valid license or permit issued under A.R.S. Title 32. Any necessary new definitions will be placed in R4-23-110 (Definitions). The new rules will be placed in a new Article 5 (Controlled Substances Prescription Monitoring Program) with new Sections for: program registration, requirements for data format and transmission, access to program data, and reports. 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:

R0705

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

None

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

Name: Dean Wright, Compliance Policy Advisor

Address: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007-2835

Telephone: (602) 771-2744

Fax: (602) 771-2749

E-mail: dwright@azpharmacy.gov

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

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007-2835

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 in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

**BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND
ASSISTED LIVING FACILITY MANAGERS**

[R07-307]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

33, Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers

Article and its heading:

1, General; 2, Nursing Care Institution Administrator Licensing; 3, Administrator in Training Program; 4, Assisted Living Facility Manager Certification

Section numbers:

R4-33-101, R4-33-102, R4-33-109, R4-33-201, R4-33-202, R4-33-204, R4-33-206, Article 3, R4-33-301, R4-33-302, R4-33-303, R4-33-401, R4-33-403, R4-33-405, R4-33-409, and R4-33-410

2. The subject matter of the proposed rule:

During its 2007 session, the legislature amended A.R.S. § 36-446.04 to require that an administrator or manager have a valid fingerprint clearance card. The Board is amending its rules to address this requirement. The Board is adding Sections regarding certification following revocation and notice of manager appointment that mirror Sections applicable to administrators. The Board is also amending the rules dealing with the administrator-in-training program to complete the actions planned in a five-year-review report approved by Council on March 4, 2003.

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

None

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

Name: Allen Imig, Executive Director

Notices of Rulemaking Docket Opening

Address: Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Mangers
1400 W. Washington St., Suite. B-8
Phoenix, AZ 85007

Telephone: (602) 364-2273

Fax: (602) 542-8316

E-mail: allen.imag@nciabd.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 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

INDUSTRIAL COMMISSION OF ARIZONA

[R07-309]

1. Title and its heading: 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Articles and their heading: 6, Occupational Safety and Health Standards
Section numbers: R20-5-602, R20-5-602.01 (Sections may be added, modified or deleted as necessary.)

2. The subject matter of the proposed rules:

The proposed amendment and new rule deletes the exception in 29 CFR 1910.401(a)(2)(ii), that pertains to diving operations performed solely for search, rescue or related public safety purposes by or under the control of a governmental agency. These diving operations will now be required to comply with the standards in subpart T of the Federal Occupational Safety and Health Standards for the General Industry as published in 29 CFR 1910.

The agency docket number, if applicable:

Not applicable

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

None

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

Name: Nancy O. Johnson, Legal Division
Industrial Commission of Arizona

Address: 800 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-5948

Fax: (602) 542-6783

E-mail: njohnson@ica.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 Department will accept written comments at the location listed in item 4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.

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

To be announced in the Notice of Proposed Rulemaking.