

## 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 PHARMACY

[R07-438]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Article and its headings:** 4, Professional Practices  
**Section numbers:** R4-23-422, R4-23-423 (The Board may add, delete, or modify Sections as necessary.)

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

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

Recruiting members to serve on volunteer committees is always difficult. Busy healthcare providers are even more challenging to identify, and the shortage of healthcare providers in Arizona just adds to the difficulty. Finding qualified individuals who can attend meetings regularly has been almost impossible. For this reason, the Board proposes that the Drug Therapy Management Advisory Committee be eliminated. The use of a drug therapy management advisory committee does not afford any additional layer of protection to the public, as the supervising physician has final authority and responsibility over the actions of a pharmacist under a drug therapy management agreement. A Board staff pharmacist has been serving on the committee and will continue to review the initial and renewal drug therapy management agreement applications for the Board's approval. Section R4-23-422 (Drug Therapy Management - Duties of the Board) will be amended to remove the requirements that the Board appoint a Drug Therapy Management Advisory Committee and consult with the appointed committee in subsections (A)(1) and (2). Section R4-23-422 will be further amended by adding language in a new subsection (C) that requires the Board staff to review initial and renewal drug therapy management agreement applications and advise the Board regarding the approval or denial of reviewed drug therapy management agreement applications. Section R4-23-423 (Drug Therapy Management Advisory Committee) will be repealed. 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:**

R0710

**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 Officer  
Address: Board of Pharmacy  
1700 W. Washington St., Suite 250  
Phoenix, AZ 85007  
Telephone: (602) 771-2727  
Fax: (602) 771-2749  
E-mail: dwright@azpharmacy.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 Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

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**

**DEPARTMENT OF HEALTH SERVICES  
COMMUNICABLE DISEASES AND INFESTATIONS**

[R07-439]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 6, Department of Health Services – Communicable Diseases and Infestations  
**Articles and their headings:** 1, General  
**Section numbers:** R9-6-102 (The Department may add, delete, or modify Sections as necessary.)

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

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department if the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability. In investigating many types of communicable diseases, the Department may require information that does not meet the definition of protected health information and, thus, would not be released under R9-6-102. For instance, in investigating a food-borne disease, the Department may require information from food suppliers or retail stores. This rule-making will expand the scope of the information that is required to be released to the Department when the Department is investigating a communicable disease and will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

**The agency docket number:**

RE-028-07

**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: Ken Komatsu  
Address: Department of Health Services  
State Epidemiologist  
150 N. 18th Ave., Ste 100  
Phoenix, AZ 85007

Telephone: (602) 364-3587  
Fax: (602) 364-3266  
E-mail: komatsk@azdhs.gov

or

Name: Kathleen Phillips, Esq.  
Rules Administrator and Administrative Counsel  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams, Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: phillik@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 in the Notice of Proposed Rulemaking

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE

[R07-441]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 20, Department of Health Services – Behavioral Health Service Agencies: Licensure  
**Article and its heading:** 7, Level 1 Specialized Transitional Agency  
**Section numbers:** R9-20-701 (The Department may add, delete, or modify sections as necessary.)
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is to amend minimum standards and requirements specific to Level 1 Specialized Transitional Agencies, a subclassification of behavioral health service agencies. The Department intends to amend the staffing requirements for this subclass.  
**The agency docket number, if applicable:**  
RE-029-07
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 14 A.A.R. 4, January 4, 2008 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Kathleen Phillips, Esq.  
Rules Administrator and Administrative Counsel  
  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams, Suite 200  
Phoenix, AZ 85007  
  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: phillik@azdhs.gov  
or  
Name: Johnie Golden  
Program Manager  
  
Address: Department of Health Services  
150 N. 18th Ave., Suite 410  
Phoenix, AZ 85007  
  
Telephone: (602) 364-2586  
Fax: (602) 364-4801  
E-mail: goldenj@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 Monday through Friday, 8:00 a.m. to 5:00 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:**  
See the Notice of Proposed Rulemaking (published in this issue).