

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 20. DEPARTMENT OF HEALTH SERVICES BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE

[R07-442]

PREAMBLE

- 1. Sections Affected**
R9-20-701
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 36-132(A) and 36-136(F)
Implementing statute: A.R.S. §§ 36-405 and 36-3707
- 3. A list of previous notices appearing in the *Register* addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 14 A.A.R. 36, January 4, 2008 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
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. An explanation of the rule, including the agency's reasons for initiating the rule:**
The purpose of this rulemaking is to amend the staffing requirements for a Level 1 Specialized Transitional Agency.

Notices of Proposed Rulemaking

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study related to this rulemaking package.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact

Annual costs/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenue.

Cost bearers

There are no cost bearers.

Beneficiaries

There is only one licensed Level 1 Specialized Transitional Agency in the state. It is located on the Arizona State Hospital grounds. The Arizona State Hospital will experience a substantial benefit due to reduced staffing costs.

9. The name and address or agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

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

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Name: Johnie Golden
Program Manager

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Fax: (602) 364-4801

E-mail: goldenj@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: Thursday, February 7, 2008

Time: 2:30 p.m.

Place: Department of Health Services
1740 W. Adams, Room 411
Phoenix, AZ 85007

Close of record: 5:00 p.m. on Thursday, February 7, 2008

A person may submit written comments on the proposed rules or the preliminary summary of the economic, small business, and consumer impact no later than 5:00 p.m., to the individuals listed in items 4 and 9. Persons with a disability may request reasonable accommodations by contacting Jessica Johnson at johnsojm@azdhs.gov or (602) 542-1513. Requests should be made as early as possible to allow sufficient time to arrange for the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 20. DEPARTMENT OF HEALTH SERVICES
BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE**

ARTICLE 7. LEVEL 1 SPECIALIZED TRANSITIONAL AGENCY

Section

R9-20-701. Supplemental Requirements for a Level 1 Specialized Transitional Agency

ARTICLE 7. LEVEL 1 SPECIALIZED TRANSITIONAL AGENCY

R9-20-701. Supplemental Requirements for a Level 1 Specialized Transitional Agency

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- B.** No change
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- C.** No change
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 - 7. No change
 - 8. No change
 - 9. No change
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- 26. No change
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- 27. No change
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- 28. No change
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- 29. No change
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- 34. No change
- 35. No change
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- D.** No change
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- E.** No change
 - 1. No change
 - 2. No change
 - 3. ~~A registered nurse is present at the facility at all times;~~
 - 4-3. Each of the following staff members is present at the facility full time:
 - a. A psychologist;
 - b. A social worker;
 - c. A registered nurse with overall responsibility for the provision of nursing services; and

- d. An individual who provides educational activities and social, recreational, or rehabilitative activities;
 - ~~5. Between 7:00 a.m. and 11:00 p.m., at least one behavioral health paraprofessional is present at the facility for every 15 clients;~~
 - ~~6. Between 11:00 p.m. and 7:00 a.m., at least one behavioral health paraprofessional is present at the facility for every 30 clients;~~
 - 4. In addition to the staff members listed in subsection (3), between 7:00 a.m. and 11:00 p.m.:
 - a. At least one behavioral health paraprofessional is present at the facility for every 15 clients, and
 - b. A registered nurse is present at the facility;
 - 5. In addition to the staff members listed in subsection (3), between 11:00 p.m. and 7:00 a.m.:
 - a. At least one behavioral health paraprofessional is present at the facility for every 30 clients;
 - b. A registered nurse is:
 - i. Present at the facility, or
 - ii. On-call and required to come to the facility when requested by the Level 1 specialized transitional agency;
 - ~~7-6.~~ At least two employees responsible for maintaining a safe and secure facility are located outside the facility at all times; and
 - ~~8-7.~~ At least one employee for every 30 clients is responsible for maintaining a safe and secure facility and is located inside the facility at all times.
- F.** No change
- 1. No change
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- G.** No change
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- H.** No change
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- J.** No change
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- K.** No change
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