

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 PHYSICAL THERAPY

[R08-76]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 24, Board of Physical Therapy
Article and its heading: 2, Licensing and Examination Provisions;
3, Regulation of Physical Therapy
Section numbers: R4-24-201, R4-24-203, R4-24-204, R4-24-207, R4-24-208, R4-24-301 through R4-24-311 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
This rulemaking relates, in part, to a five-year-review report approved by the Council in October 2004. The Board is amending its rules to make them more clear, concise, and understandable and consistent with statute and current agency practice. It is adding a rule regarding standards for adequate patient records and is amending rules to address the requirement that the Board determine that an individual is qualified to receive a public benefit before issuing a license to the individual. The Board is adding the requirement that an applicant whose first language is not English pass an English-proficiency test within 18 months before the date on which the application is administratively complete.
- 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: Heidi Herbst Paakkonen, Executive Director
Address: Board of Physical Therapy
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: Heidi.herbst-paakkonen@ptboard.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

DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

[R08-74]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 36, Department of Fire, Building and Life Safety
Article and its heading: 2, Arizona State Fire Code; 3, International Fire Code Modifications
Section numbers: R4-36-202 and R4-36-303 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
In this rulemaking, the State Fire Safety Committee is adopting the schedule of fees required under A.R.S. § 41-2146(D).

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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: Phil Mele
Address: Department of Fire, Building and Life Safety
1110 W. Washington St., Suite 100
Phoenix, AZ 85007
Telephone: (602) 364-1081
Fax: (602) 364-1084
E-mail: Phil.mele@dfbls.az.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Committee 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
BOARD OF RESPIRATORY CARE EXAMINERS

[R08-77]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 45, Board of Respiratory Care Examiners
Article and its heading: 2, Licensure
Section numbers: R4-45-218 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
Under the authority provided by A.R.S. § 32-3554, the Board is adding a Section regarding application for reinstatement of a license or modification of probation.
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: Mary Hauf Martin
Address: Board of Respiratory Care Examiners
1400 W. Washington St., Ste. 200
Phoenix, AZ 85007
Telephone: (602) 542-5995
Fax: (602) 542-5900
E-mail: Mary@rb.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
DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

[R08-79]

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: 2, Hospitals

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- Section numbers:** R9-10-220 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The rulemaking amends the licensing requirements for hospitals for consistency with A.R.S. § 36-425(C). Before the passage of A.R.S. § 36-425(C), rural general hospitals were prohibited in rule from providing intensive care services. This rulemaking removes that prohibition.
- The agency docket number, if applicable:**
RE-007-08
- 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 and Administrative Counsel
Address: Department of Health Services
1740 W. Adams St., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov
or
Name: Kathy McCanna, Program Manager
Address: Department of Health Services
150 N. 18th Ave., Suite 450
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4764
E-mail: mccannk@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:**
The Department has not yet determined a timetable for submitting a notice of proposed rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING
COMMISSION FOR THE DEAF AND THE HARD OF HEARING

[R08-75]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 26, Commission for the Deaf and the Hard of Hearing
Article and its heading: 5, Interpreter Licensure and Regulation
Section numbers: R9-26-504, R9-26-505, R9-26-507, and R9-26-510 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Commission is modifying the requirements for a deaf interpreter to obtain a provisional license. This change is necessary to make the rules consistent with a recent change made by the Registry of Interpreters for the Deaf. Other changes address issues that came to the attention of the Commission after the rules became effective in 2007.
- 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: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Suite 126
Phoenix, AZ 85007

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Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: C.green@acdhh.az.gov

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 ENVIRONMENTAL QUALITY
REMEDIAL ACTION**

[R08-78]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 7, Department of Environmental Quality – Remedial Action
Article and its heading: 7, Engineering Controls
Section numbers: R18-7-701, R18-7-702, R18-7-703, R18-7-704, R18-7-705, R18-7-706, R18-7-707 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
ADEQ is considering rules that would add a new Article 7 on Engineering Controls. These new rules would provide details on how to implement the provisions of A.R.S. § 49-152.01, which specify requirements for an engineering control plan and for financial assurance mechanisms that are intended to cover the costs of maintaining and restoring an engineering control.

- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 10 A.A.R. 1168, March 26, 2004
Notice of Rulemaking Docket Opening: 11 A.A.R. 1288, April 1, 2005
Notice of Rulemaking Docket Opening: 12 A.A.R. 1035, March 31, 2006
Notice of Rulemaking Docket Opening: 13 A.A.R. 1144, March 30, 2007

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

Name: Ren Willis-Frances
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4109
Fax: (602) 771-2302
E-mail: kfn@azdeq.gov

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
WATER QUALITY STANDARDS**

[R08-65]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 11, Department of Environmental Quality – Water Quality Standards
Article and its heading: 1, Surface Water Quality Standards
Section numbers: R18-11-101, R18-11-102, R18-11-107, R18-11-108, R18-11-109, R18-11-110, R18-11-111, R18-11-112, R18-11-113, R18-11-114, R18-11-

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116, R18-11-117, R18-11-118, R18-11-121, R18-11-122, R18-11-123, Appendices A and B (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Department is updating the Surface Water Quality Standards rules to comply with § 303(c) of the Clean Water Act, which requires all states to, where appropriate, adopt and revise water quality standards at least once every three years.

The rulemaking amends, repeals, and establishes new Sections in Article 1, such as definitions; the applicability of the water quality standards; designated uses; antidegradation implementation procedures, narrative water quality standards including new narrative biological standards, narrative bottom deposit standards, and narrative nutrient standards; new effluent dependent waters (EDWs); numeric water quality criteria for total ammonia; site-specific standards; numeric water quality standards; and surface waters and designated uses.

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 4780, November 26, 2004

Notice of Rulemaking Docket Opening: 11 A.A.R. 5222, December 9, 2005

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

Name: Shirley J. Conard

Address: Department of Environmental Quality
1110 W. Washington St., 5415A-1
Phoenix, AZ 85007

Telephone: (602) 771-4632 (Metro-Phoenix area) or
toll free in Arizona at (800) 234-5677, extension 4632

Fax: (602) 771-4528

E-mail: conard.shirley@azdeq.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 address listed in item 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not been determined.

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

The Notice of Proposed Rulemaking will be submitted to the Office of the Secretary of State in March 2008 for publication in the *Arizona Administrative Register*.