

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 ECONOMIC SECURITY SOCIAL SERVICES

[R08-438]

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 5, Department of Economic Security – Social Services
Articles and their headings: 61, Independent Living Program
Section numbers: All sections contained in the above mentioned articles. (Sections to be added, deleted and modified as necessary.)
- 2. The subject matter of the proposed rules:**
This rulemaking is required by A.R.S. § 8-521(F). The Independent Living Program and Transitional Independent Living Program provide an array of support and services to assist youth in foster care to make a successful transition to adulthood.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 14 A.A.R. 4699, December 26, 2008 (*in this issue*)
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.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 during business hours by the person named in item 4, until further notice is provided. The Department has not scheduled oral proceedings at this time.
- 6. A timetable for agency decisions or action on the proceedings, if known:**
See the Notice of Proposed Rulemaking: 14 A.A.R. 4699, December 26, 2008 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES NONCOMMUNICABLE DISEASES

[R08-436]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 4, Department of Health Services – Noncommunicable Diseases
Articles and their headings: 1, Definitions; 2, Pesticide Illness; 3, Blood Lead Levels; 4, Cancer Registry; 5, Birth Defects Monitoring Program
Section numbers: R9-4-101, R9-4-201, R9-4-202, R9-4-301, R9-4-302, R9-4-401, and R9-4-501 (Sections may be added, deleted, or modified as necessary.)

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2. The subject matter of the proposed rules:

A.R.S. § 36-133 requires the Arizona Department of Health Services (Department) to develop a chronic disease surveillance system for the collection, management, and analysis of information on the incidence of chronic diseases in Arizona. A.R.S. § 36-606 states that the Department “shall develop and implement ... a system for reporting and preventing pesticide provoked illnesses.” A.R.S. §§ 36-1673 and 36-1675 require the Department to adopt rules for reporting blood test results showing significant levels of lead and other rules “necessary and feasible to implement the purposes” of A.R.S. Title 36, Chapter 13, Article 6. The Department has implemented these statutes in 9 A.A.C. 4, Articles 1 through 5. Articles 1, 4, and 5 have been amended during the last few years in separate rulemakings, and definitions have been added to Articles to make clear the meaning of terms used in the Articles. Articles 2 and 3 have not been amended since a Five-year Review Report approved by the Governor’s Regulatory Review Council (G.R.R.C.) in 2004. Some terms defined in 9 A.A.C. 4 are used in more than one Article in 9 A.A.C. 4. This rulemaking will move terms used consistently in more than one Article in 9 A.A.C. 4 into Article 1, add or amend definitions, amend Articles 2 and 3 as described in the Five-year Review Report, and clarify and amend reporting requirements in Articles 2 and 3. This rulemaking will conform to rulemaking format and style requirements of the G.R.R.C. and the Office of the Secretary of State.

The agency docket number:

RE-025-08

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 rules:

Name: Diane Eckles, Office Chief

Address: Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: ecklesd@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams St., 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:

The Department will accept written comments 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

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

[R08-435]

1. Title and its heading:

Chapter and its heading:

Articles and their headings:

Section numbers:

9, Health Services

6, Department of Health Services – Communicable Diseases and Infestations

8, Assaults on Public Safety Employees and Volunteers

R9-6-801 and R9-6-802 (Sections may be added, deleted, or modified as necessary.)

Arizona Administrative Register / Secretary of State
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2. The subject matter of the proposed rules:

A.R.S. § 13-1210, as amended by Laws 2008, Chapter 203, specifies circumstances in which an individual who is an Arizona State Hospital employee or the individual's employer may petition a court to order testing of another individual for HIV or other diseases. The amended A.R.S. § 13-1210(E) requires the Arizona Department of Health Services to adopt rules that establish the notification procedures to be used after testing is completed pursuant to a court order issued under A.R.S. § 13-1210. The Department is proposing to adopt rules that will implement A.R.S. § 13-1210, as amended by Laws 2008, Chapter 203. The proposed changes and additions 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-027-08

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 rules:

Name: Judy Norton, Office Chief
Address: Department of Health Services
Office of HIV, STD, & Hepatitis C Services
150 N. 18th Ave., Suite 110
Phoenix, AZ 85007

Telephone: (602) 364-4698

Fax: (602) 364-3199

E-mail: nortonj@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams St., 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

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

[R08-437]

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:

10, HIV-Related Testing and Notification

Section numbers:

deleted, or modified as necessary.)

R9-6-1001, R9-6-1003, and Exhibit A (Sections may be added,

2. The subject matter of the proposed rules:

A.R.S. § 36-663, as amended by Laws 2008, Chapter 13, removes requirements for specific written or oral consent before a person orders an HIV-related test for an individual, and, instead, specifies that before a health care provider orders an HIV-related test for an individual, the health care provider is required to "ensure that oral or written informed consent information is provided" to the individual. The statute also defines "informed consent information." The Arizona Department of Health Services is proposing to adopt rules that will implement A.R.S. § 36-663, as

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amended by Laws 2008, Chapter 13. The proposed changes and additions 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-030-08

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 rules:

Name: Judy Norton, Office Chief
Address: Department of Health Services
Office of HIV, STD, & Hepatitis C Services
150 N. 18th Ave., Suite 110
Phoenix, AZ 85007

Telephone: (602) 364-4698
Fax: (602) 364-3199
E-mail: nortonj@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams St., 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

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**DEPARTMENT OF HEALTH SERVICES
HEALTH PROGRAMS SERVICES**

[R08-434]

1. Title and its heading:

Chapter and its heading:

Articles and their headings:

Section numbers:

9, Health Services
13, Department of Health Services – Health Programs Services
1, Hearing Screening
R9-13-101 through R9-13-109 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

This Notice of Rulemaking Docket Opening supplements the Notice of Rulemaking Docket Opening that was published October 26, 2007. A.R.S. § 36-899.03 requires the Arizona Department of Health Services (Department) to develop rules to implement the program of hearing evaluation services established in A.R.S. §§ 36-899.01 and 36-899.02. The Department has implemented these statutes in 9 A.A.C. 13, Article 1. The Department is revising these rules to more clearly specify students who are required to receive a hearing screening, when and how a hearing screening is to be conducted, requirements for notifying parents or guardians of students, standards for equipment used for hearing screening, documents a school administrator is required to retain regarding hearing screening provided for a student, and what information is required to be provided to the Department related to hearing screening. This rulemaking 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-031-08

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

Notice of Rulemaking Docket Opening: 13 A.A.R. 3609, October 26, 2007

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

Name: Karen Kuhfuss, Section Manager
Address: Department of Health Services
Bureau of Women's and Children's Health
150 N. 18th Ave., Suite 320
Phoenix, AZ 85007

Telephone: (602) 364-1454
Fax: (602) 364-1494
E-mail: kuhfusk@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams St., 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:

The Department will accept written comments 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

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES

HEALTH PROGRAMS SERVICES

[R08-433]

1. Title and its heading:

9, Health Services

Chapter and its heading:

13, Department of Health Services – Health Programs Services

Article and its heading:

2, Newborn and Infant Screening

Sections numbers:

R9-13-201 through R9-13-208 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of proposed rules:

The purpose of this rulemaking is to implement the requirements of A.R.S. § 36-694, as amended by Laws 2008, Chapter 225, by removing references to a contracted screening laboratory from the rules in 9 A.A.C. 13, Article 2. This rulemaking will also remove the phase-in of testing, which has already been accomplished; amend and add definitions; amend testing requirements, information that is required to be submitted to the Department or screening laboratory, and criteria for determining when a bloodspot test will be performed on a blood sample submitted to the screening laboratory; and make technical and grammatical changes to clarify the rules. All changes conform to rule-making format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

The agency docket number, if applicable:

RE-024-08

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

None

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

Name: William Slanta, Assistant Bureau Chief

Address: Department of Health Services
Bureau of State Laboratory Services

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250 N. 17th Ave.
Phoenix, AZ 85007

Telephone: (602) 542-6128
Fax: (602) 542-0760
E-mail: slantaw@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams St., 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:

The Department will accept written comments 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:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

[R08-431]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Article and its heading: 1, General; 2, Ambient Air Quality Standards; Area Designations; Classifications; 3, Permits and Permit Revisions; Appendix 2, Test Methods and Protocols
Section numbers: R18-2-102; R18-2-215; R18-2-306; R18-2-311; and Appendix 2 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality is considering incorporating all EPA-approved test methods and protocols into its incorporated materials rule R18-2-102, and Appendix 2. These additions will be cross-referenced within rules R18-2-215, ambient air quality monitoring methods and procedures; and R18-2-311, air pollution test methods and procedures.

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: Thomas C. Luch
Address: ADEQ
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4480
Fax: (602) 771-2366

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

To be announced in the Notice of Proposed Rulemaking

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

To be announced in the Notice of Proposed Rulemaking

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

[R08-428]

1. **Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
Chapter and its heading: 1, Department of Liquor Licenses and Control
Article and its heading: 1, State Liquor Board; 2, Director; 3, Unlicensed Premises Definitions and Licensing Time-frames
Section numbers: R19-1-101 through R19-1-103, R19-1-105 through R19-1-107, R19-1-109, R19-1-111, R19-1-201 through R19-1-204, R19-1-206 through R19-1-212, R19-1-214 through R19-1-235, R19-1-251, R19-1-302 through R19-1-313, R19-1-315 through R19-1-317, and Table A (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rules:**
In response to a Five-year Review Report approved by the Council in March 2006, the Department is repealing existing rules and making new rules that are consistent with statute, Department practice, and current rule writing standards.
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 rules:**
Name: Pearlette Ramos
Address: Department of Liquor Licenses and Control
800 W. Washington St., 5th floor
Phoenix, AZ 85007
Telephone: (602) 542-9021
Fax: (602) 542-5707
E-mail: Pearlette.ramos@azliquor.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 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 LIQUOR LICENSES AND CONTROL

[R08-429]

1. **Title and its heading:** 19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
Chapter and its heading: 1, Department of Liquor Licenses and Control
Article and its heading: 1, General Provisions; 2, Licensing; 3, Licensee Responsibilities; 4, Required Notices to Department; 5, Required Records and Reports; 6, Violations; Hearings; Discipline; 7, State Liquor Board
Section numbers: R19-1-101 through R19-1-109; R19-1-202 through R19-1-217; R19-1-301 through R19-1-327; R19-1-401 through R19-1-408; R19-1-501 through R19-1-505; R19-1-601 through R19-1-604; R19-1-701 through R19-1-705 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rules:**
In response to a Five-year Review Report approved by the Council in March 2006, the Department is making new rules that are consistent with statute, Department practice, and current rule writing standards. The Department is repealing existing rules in a related rulemaking.
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 rules:**
Name: Pearlette Ramos
Address: Department of Liquor Licenses and Control

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800 W. Washington St., 5th floor
Phoenix, AZ 85007

Telephone: (602) 542-9021
Fax: (602) 542-5707
E-mail: Pearllette.ramos@azliquor.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 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 INSURANCE

[R08-432]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 6, Department of Insurance
Article and its heading: 11, Medicare Supplement Insurance
Section number: R20-6-1101

2. Subject matter of the proposed rule:

The Arizona Department of insurance (ADOI) intends to amend R20-6-1101 to conform Arizona's Medicare supplement insurance rules with the 2008 revisions adopted by the National Association of Insurance Commissioners (NAIC) to the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act and the Genetic Information Nondiscrimination Act of 2008.

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: Margaret L. McClelland
Address: Department of Insurance
2910 N. 44th St., Suite 210
Phoenix, AZ 85018
Telephone: (602) 364-3471
Fax: (602) 364-3470

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

A Notice of Proposed Rulemaking will be published in the *Arizona Administrative Register*, and a person may submit written comments to ADOI during the public comment period. The Department will schedule an oral proceeding on this rulemaking that will be noticed in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action in the proceeding:

The Department intends to file a Notice of Proposed Rulemaking by December 2008.