

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

VETERINARY MEDICAL EXAMINING BOARD

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1359.)

[R12-92]

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 11, Veterinary Medical Examining Board
Article and its heading: 1, General Provisions; 2, Application and Examination for Licensure; 3, Temporary Permittees; 4, Continuing Education Requirements; 5, Standards of Practice; 6, Veterinary Technicians; 8, Drug Dispensing; 9, Investigations and Hearing; and 10, Animal Crematory Minimum Standards
Section numbers: R3-11-101 through R3-11-103, R3-11-105, R3-11-107 through R3-11-109, Table 1, R3-11-201, R3-11-203, R3-11-204, R3-11-301, R3-11-302, R3-11-304, R3-11-401 through R3-11-403, R3-11-405, R3-11-501, R3-11-502, R3-11-601, R3-11-603, R3-11-604, R3-11-606, R3-11-607, R3-11-802, R3-11-901 through R3-11-903, R3-11-1001 through R3-11-1003, and R3-11-1005 through R3-11-1010 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Board is amending rules to make them consistent with industry standards and agency practice. It also is making needed changes identified in a five-year-review report approved by the Council on November 3, 2009. The Board is making the rules required under A.R.S. § 32-2207(8)(c).
- 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: Victoria Whitmore, Executive Director
Address: 1400 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 542-8150
Fax: (602) 364-1039
E-mail: Victoria.whitmore@vetboard.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 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 determined

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1359.)

[R12-94]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy

Notices of Rulemaking Docket Opening

Articles and their headings:

5, Controlled Substances Prescription Monitoring Program

Section numbers:

R4-23-501 (Sections may be added, deleted, or modified as necessary.)

2. Subject matter of the proposed rule:

A.R.S. Title 36, Chapter 28 Controlled Substances Prescription Monitoring Program became effect in September 2007. Chapter 28 requires the Board to establish Controlled Substances Prescription Monitoring Program and requires pharmacies and medical practitioners who dispense controlled substances listed in Schedule II, III, and IV to a patient, to report prescription information to the Board of Pharmacy on a weekly basis. Chapter 28 requires the Board to make the monitoring program database available to authorized individuals and make rules to implement this program. The rules were made in a final rulemaking on October 4, 2008. The Board has determined that R4-23-501 Controlled Substances Prescription Monitoring Program Registration needs to be amended to remove subsection (E) that requires a pharmacy to be registered with the monitoring program. Since the Board already issues a permit to all pharmacies we do not need to issue another registration to pharmacies. The statute only requires the Board to register medial practitioners. In fact the requirements of subsection (E) have never been enforced, as it would have cost the Board to issue a registration that was unnecessary. The Board has not been able to correct this rule because of the rulemaking moratorium imposed by the Governor in 2009. Subsection (F) allows medical practitioners and pharmacies to request access to the monitoring program database, but in reality the program gives access to medical practitioners and pharmacists. Subsection (F) will be amended to remove references to a pharmacy obtaining access and insert pharmacists. The rulemaking will clean up the language to make it more clear and concise, and understandable.

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R1202

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: Arizona Board of Pharmacy
P.O. Box 18520
Phoenix, AZ 85005

Telephone: (602) 771-2744

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. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
1616 W. Adams St., Suite 120
Phoenix, AZ 85007

Mail: P.O. Box 18520
Phoenix, AZ 85005

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 PHARMACY

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1359.)

[R12-95]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

23, Board of Pharmacy

Articles and their headings:

6, Permits and Distribution of Drugs

Section numbers:

R4-23-609, R4-23-621, R4-23-692 (Sections may be added, deleted, or modified as necessary.)

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

2. Subject matter of the proposed rule:

During the Board's five-year rule review approved August 5, 2008, the Board determined that R4-23-609 Pharmacy Area of Community Pharmacy and R4-23-692 Compressed Medical Gas Distributor needed to be amended to correct inconsistencies with state law and R4-23-621 Shared Services needed to be amended to improve clarity, conciseness, and understandability.

The Governor imposed a rulemaking moratorium in 2009, which lasted until September 2011. We are now ready to proceed with this rulemaking. Because of changes made during the 48th Legislative session in 2007, there is an inconsistency with the statutory citation in subsection R4-23-609(G). R4-23-609(G) cites A.R.S. § 32-1901(52) and the citation should be A.R.S. § 32-1901(55). The rulemaking will amend subsection R-23-609(G) with the correct statutory citation. The August 5, 2008 five-year rule review found that the first sentence in subsection R4-23-621(E) is not completely clear and understandable. To make the sentence clear and understandable, the rulemaking will insert the word "that" between the words "permittee" and "provides" in subsection R4-23-621(E). Because of changes made during the 47th Legislative session in 2005, there is an inconsistency with the statutory citation in subsection R4-23-692(A)(5). R4-23-692(A)(5) cites A.R.S. § 32-1932 and the citation should be A.R.S. § 32-1927.02. The review also determined that R4-23-692(B) uses an incorporation by reference for 21 CFR 210 through 211 published in April 1, 1996. The Board feels that the incorporation by reference should be updated to the most current edition of the *Code of Federal Regulations*. The rulemaking will amend R4-23-692(A)(5) with the correct statutory citation and amend subsection R-23-692(B) to update the incorporation by reference for 21 CFR 210 through 211 to the edition published April 1, 2011.

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

1201

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: Arizona Board of Pharmacy
P.O. Box 18520
Phoenix, AZ 85005
Telephone: (602) 771-2744
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. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
1616 W. Adams St., Suite 120
Phoenix, AZ 85007
Mail: P.O. Box 18520
Phoenix, AZ 85005

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 PHARMACY

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1359.)

[R12-96]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 11, Pharmacy Technicians

Notices of Rulemaking Docket Opening

Section numbers: R4-23-1104, R4-23-1105 (Sections may be added, deleted, or modified as necessary.)

2. Subject matter of the proposed rule:

During the Board's five-year rule review approved May 5, 2009, the Board determined that R4-23-1101 Licensure and Eligibility, R4-23-1102 Pharmacy Technician Licensure, R4-23-1104, Pharmacy Technicians and Pharmacy Technician Trainees, and R4-23-1105 Pharmacy Technician Training Program needed to be amended to correct inconsistencies and improve clarity, conciseness, and understandability.

When the rules were made in 2004, the Board felt that the majority of applicants would follow the normal progression of licensure as a pharmacy technician trainee, proceed through the training required in R4-23-1105(B), pass the pharmacy technician examination, and apply for licensure as a pharmacy technician. However, we found that many applicants had already passed the pharmacy technician examination either before the law changed or in another state. These applicants may not have completed a pharmacy's training course, but had a job in a pharmacy and needed a license to work. The Board's staff licensed the applicants without the required proof of completing a pharmacy technician training program as required in R4-23-1101(A)(1). The Board is inconsistently enforcing a rule, which should be amended to reflect the real-world situation. The Board also determined that R4-23-1104 should be amended to require technicians to "accurately" perform the functions listed in subsections (A) and (B).

The proposed rulemaking will amend R4-23-1101, R4-23-1102, and R4-23-1105 to make the rules work better and allow consistent enforcement. The rulemaking will amend R4-23-1104 by adding a new subsection with language that requires pharmacy technicians and pharmacy technician trainees to perform their permissible functions accurately. The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R1106

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
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Phoenix, AZ 85005
Telephone: (602) 771-2744
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. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
1616 W. Adams St., Suite 120
Phoenix, AZ 85007
Mail: P.O. Box 18520
Phoenix, AZ 85005

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 OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1359.)

[R12-93]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

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

Notices of Rulemaking Docket Opening

Article and its heading:

1, General; 6, Assisted Living Facility Manager Training Programs; 7, Assisted Living Facility Caregiver Training Programs

Section numbers:

Table 1, R4-33-104, R4-33-601 through R4-33-610, and R4-33-701 through R4-33-710

2. The subject matter of the proposed rule:

During the 2011 legislative session, the legislature transferred regulatory oversight of training programs for assisted living facility managers from ADHS to the Board. The Board is charged with establishing standards for and approving training programs for managers and caregivers of assisted living facilities; specifically authorized to make nonrefundable fees for review of initial and renewal applications; and authorized to impose discipline if a training program violates the Board's rules. The Board is making the rules necessary to fulfill its statutory responsibility.

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
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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 determined