

# NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

## NOTICE OF FINAL RULEMAKING

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 24. BOARD OF PHYSICAL THERAPY

*Editor's Note: The following Notice of Final Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.)*

[R12-128]

#### PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)    Rulemaking Action**

R4-24-107	Amend
R4-24-208	Amend
R4-24-302	Amend
R4-24-308	Amend
R4-24-312	Amend
R4-24-502	Amend
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 32-2003(A)(5) and 32-2032(C)  
Implementing statute: A.R.S. §§ 32-2031, 32-2032, and 32-2042
- 3. The effective date for the rules:**

July 10, 2012

  - a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

The Board respectfully requests under A.R.S. § 41-1032(A)(4) that the rules go into effect on July 10, 2012. Renewal applications are due to be submitted to the Board by August 31, 2012. Without an immediate effective date, those who retire or go on inactive status at the time of renewal will have to pay the full renewal fee rather than no fee or a reduced fee as provided in this rulemaking. An immediate effective date provides a benefit to the public and there is no penalty associated with it. An immediate effective date is also consistent with the legislature's intent when it enacted HB 2194 during 2011.
  - b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable
- 4. Citation to all related notices published in the Register to include the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 18 A.A.R. 579, February 24, 2012  
Notice of Proposed Rulemaking: 18 A.A.R. 573, February 24, 2012
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name: Charles D. Brown, Executive Director  
Address: Board of Physical Therapy  
4205 N. 7th Ave., Suite 208  
Phoenix, AZ 85013

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Telephone: (602) 274-0236  
Fax: (602) 274-1378  
E-mail: Charles.brown@ptboard.az.gov  
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**6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The legislature recently added A.R.S. §§ 32-2031 and 32-2032 to the Board's organic statutes. These statutes require the Board to place the license of a physical therapist or the certificate of a physical therapist assistant on retired or inactive status under certain specified conditions. The statutes require that the renewal fee be waived for a person on retired status and authorizes the Board to establish a new fee for renewal of an inactive license or certificate. The statutes require that the continuing competence requirements be waived for a licensee on retired or inactive status. The legislature also amended A.R.S. § 32-2042 regarding use of titles to require that a person on retired status include that information in the person's title. The Board is amending rules to incorporate the new legislative provisions.

The Board is also amending R4-24-208 and R4-24-312 to make needed changes identified in the five-year-review report approved by Council on September 1, 2009. In that five-year-review report, the Board also identified that R4-24-303 needed to be amended but the Board is not prepared to address that rule at this time because amending R4-24-303 will involve extensive stakeholder involvement.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:**

None

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

Not applicable

**9. A summary of the economic, small business, and consumer impact:**

This rulemaking will have minimal economic impact. Licensees and certificate holders who go on inactive status will save half the expense of license or certificate renewal and those who retire will pay no fee for renewal. Licensees who go on inactive or retired status will save the expense of participating in continuing competence. Continuing education providers may experience a decrease in income. The Board will collect less licensing fees as a result of those on inactive status paying only half the usual fee for license or certificate renewal and those on retired status paying no renewal fee. This means the Board will contribute less to the state's general fund. There is some chance, however, that the Board will collect more fees than it might have without the reduced fee for inactive status. This will occur if a licensee or certificate holder places a license on inactive status and pays the reduced fee rather than simply not renewing the license or certificate and paying no fee. All of this economic impact results from the recent statutory change rather than from this rulemaking. This rulemaking creates a new fee for renewal of a license or certificate that is on inactive status. The new fee is specifically authorized by A.R.S. § 32-2032(C).

**10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

Only minor, non-substantive changes were made between the proposed and final rules.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**

No public or stakeholder comments were made about the rulemaking.

**12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Statute requires that a physical therapist be licensed and a physical therapist assistant be certified. No permits are required under this rulemaking.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Federal law is not applicable to the subject of this rulemaking.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

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**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

None

**14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 24. BOARD OF PHYSICAL THERAPY**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R4-24-107. Fees

**ARTICLE 2. LICENSING PROVISIONS**

Section

R4-24-208. License or Certificate Renewal; Address Change

**ARTICLE 3. PRACTICE OF PHYSICAL THERAPY**

Section

R4-24-302. Use of Titles

R4-24-308. Rehearing or Review of Board Decisions

R4-24-312. Mandatory Reporting Requirements

**ARTICLE 5. PUBLIC PARTICIPATION PROCEDURES**

Section

R4-24-502. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to ~~Rule a~~ Section Based Upon Economic, Small Business, or Consumer Impact

**ARTICLE 1. GENERAL PROVISIONS**

**R4-24-107. Fees**

**A. No change**

1. No change

a. No change

b. No change

c. Renewal of an active license, \$160;

d. Renewal of an inactive license, \$80;

~~d-e.~~ No change

~~e-f.~~ No change

2. No change

a. No change

b. No change

c. Renewal of an active certificate, \$55;

d. Renewal of an inactive certificate, \$27.50;

~~d-e.~~ No change

~~e-f.~~ No change

3. No change

a. No change

b. No change

c. No change

d. No change

**B. No change**

ARTICLE 2. LICENSING PROVISIONS

**R4-24-208. License or Certificate Renewal; Address Change**

- A. A licensee or ~~certificate holder~~ certificate holder shall submit a renewal application packet to the Board on or before August 31 of an even-numbered year that includes:
1. No change
    - a. The licensee's or ~~certificate holder's~~ certificate holder's:
      - i. No change
      - ii. No change
      - iii. No change
    - b. A statement of whether the licensee or ~~certificate holder~~ certificate holder has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;
    - c. A statement of whether the licensee or ~~certificate holder~~ certificate holder has had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;
    - d. A statement of whether the licensee or ~~certificate holder~~ certificate holder is currently or ever has been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;
    - e. A statement of whether the licensee or ~~certificate holder~~ certificate holder has been the subject of disciplinary action by a professional association or postsecondary educational institution;
    - f. A statement of whether the licensee or ~~certificate holder~~ certificate holder has had a malpractice judgment against the licensee or ~~certificate holder~~ certificate holder or has a lawsuit currently pending for malpractice and if so, an explanation;
    - g. A statement of whether the licensee or ~~certificate holder~~ certificate holder is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;
    - h. A statement of whether the licensee or ~~certificate holder~~ certificate holder has adhered to the recognized standards of ethics;
    - i. A statement of whether the licensee or ~~certificate holder~~ certificate holder has or has not committed any of the actions referenced in the definition of good moral character in R4-24-101;
    - j. A statement of whether the licensee or ~~certificate holder~~ certificate holder has been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against the licensee or ~~certificate holder~~ certificate holder;
    - k. No change
      - i. No change
      - ii. No change
      - iii. No change
    - l. If a ~~certificate holder~~ certificate holder, a statement of whether the ~~certificate holder~~ certificate holder has:
      - i. Any impairment to the ~~certificate holder's~~ certificate holder's cognitive, communicative, or physical ability to work as a physical therapist assistant with skill and safety and if so, an explanation;
      - ii. Used alcohol, any illegal chemical substance or prescription medicine, that in any way has impaired or limited the ~~certificate holder's~~ certificate holder's ability to work as a physical therapist assistant with skill and safety and if so, an explanation;
      - iii. Been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited ~~certificate holder's~~ certificate holder's ability to work as a physical therapist assistant with skill and safety and if so, an explanation;
    - m. A statement of whether the licensee or ~~certificate holder~~ certificate holder has ever violated A.R.S. § 32-2044(10);
    - n. No change
    - o. No change
  2. The signature of the applicant attesting to the truthfulness of the information provided by the licensee or ~~certificate holder~~ certificate holder;
  3. No change
  4. No change
- B. Failure of the Board to inform a licensee or ~~certificate holder~~ certificate holder of license or certificate expiration does not excuse the licensee's or ~~certificate holder's~~ certificate holder's non-renewal or untimely renewal.
- C. No change
  1. No change
  2. No change

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- D. A licensee or ~~certificate holder~~ certificate holder denied renewal of a license or certificate may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.
- E. A licensee or ~~certificate holder~~ certificate holder shall send to the Board written notification of a change of ~~address or telephone number~~ in any of the information provided under subsection (A)(1)(a) no later than 30 days after the date of the change of ~~address or telephone number~~.

ARTICLE 3. PRACTICE OF PHYSICAL THERAPY

**R4-24-302. Use of Titles**

- A. No change
- B. No change
- C. No change
- D. As required under A.R.S. § 32-2042, a physical therapist or physical therapist assistant who is on retired status shall use “(retired)” or “(ret.)” immediately after the designation required under subsection (A) or (C), as applicable.

**R4-24-308. Rehearing or Review of Board Decisions**

- A. No change
- B. Except as provided in subsection ~~(J)~~ (I), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party’s administrative remedies.
- C. No change
- D. No change
  1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
  7. No change
- E. No change
- F. No change
- G. No change
- H. No change
- ~~I. The Board may extend all time limits in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party’s motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
  1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.~~
- ~~J. No change~~

**R4-24-312. Mandatory Reporting Requirement**

- A. As required by A.R.S. § 32-3208, an applicant, licensee, or certificate holder who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 working days after the charge is filed.
- B. No change

ARTICLE 5. PUBLIC PARTICIPATION PROCEDURES

**R4-24-502. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to ~~Rule~~ a Section Based Upon Economic, Small Business, or Consumer Impact**

A petition to adopt, amend, or repeal a ~~rule~~ Section or to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule under A.R.S. § 41-1033 or to object to a ~~rule~~ Section in accordance with A.R.S. § 41-1056.01 shall be filed with the Board as prescribed in this Section. Each petition shall contain:

1. No change
2. For adoption of a new Section. The specific language of the proposed new Section ~~rule for the adoption of a new rule;~~
3. For amendment of a current Section. The citation for the applicable Arizona Administrative Code Section number and rule title heading ~~for of the amendment of a current rule. The request shall include Section and~~ the specific language of the current rule, any Section with language to be deleted ~~shall be stricken through but legible, and any new language shall be underlined;~~
4. For the repeal of a current ~~rule~~ Section, the citation for the applicable A.A.C. Section number and title heading of the ~~rule~~ Section proposed for repeal;
5. The reasons a ~~rule~~ Section should be adopted, amended, or repealed, and if in reference to an existing ~~rule~~ Section, why the ~~rule~~ Section is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner

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may provide additional supporting information, including:

- a. No change
b. No change
c. No change
6. For a review of an existing Board practice or substantive policy statement alleged to constitute a rule, the reason the existing Board practice or substantive policy statement constitutes a rule and the proposed action requested of the Board;
7. For an objection to a rule Section based upon the economic, small business, or consumer impact, evidence that:
a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule Section; or
b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule Section and that actual impact imposes a significant burden on a person subject to the rule Section; or
c. The agency did not select the alternative that imposes the least burden and costs to persons regulated by the Section, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective; and
8. No change

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 13. DEPARTMENT OF ECONOMIC SECURITY
STATE ASSISTANCE PROGRAMS

Editor's Note: The following Notice of Final Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.) The Governor's Office authorized the notice to proceed through the rulemaking process on January 19, 2012.

[R12-127]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
Article 6 Repeal
R6-13-601 Repeal
R6-13-602 Repeal
R6-13-603 Repeal
R6-13-604 Repeal
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
Authorizing Statutes: A.R.S. § 41-1954(A)(3)
Implementing Statutes: Not applicable
3. The effective date of the rules:
July 10, 2012
a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
The Department requests that the rulemaking becomes effective upon filing with the Secretary of State under A.R.S. § 41-1032(A)(4). This rulemaking repeals all rules in Title 6, Chapter 13, Article 6. Repealing these rules provides a benefit to the public by eliminating confusion, since the statute authorizing this program was repealed, and there is no associated penalty for violation of the rules.
b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable
4. Citations to all related notices published in the Register to include the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

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Notice of Rulemaking Docket Opening: 16 A.A.R. 931, June 11, 2010

Notice of Rulemaking Docket Opening: 17 A.A.R. 1312, July 15, 2011

Notice of Proposed Rulemaking, 18 A.A.R. 734, March 23, 2012

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Beth Broeker  
Address: 1789 W. Jefferson St.  
Site Code 837A  
Phoenix, AZ 85007  
Telephone: (602) 542-6555  
Fax Number: (602) 542-6000  
E-mail: bbroeker@azdes.gov  
Web site: http://www.azdes.gov

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

This rulemaking is in response to a five-year review report on Title 6, Chapter 13, approved by Council on January 5, 2010. The rules in Title 6, Chapter 13, Article 6 are obsolete. The state of Arizona established the Optional State Supplemental Payments Program (SPP) at A.R.S. § 46-252 in 1974. The SPP replaced former federal assistance for the aged, blind, and disabled. A.R.S. § 46-252 directed the Department to make monthly payments for eligible persons for certain in-home services, such as housekeeping services. The Department established the rules in Title 6, Chapter 13, Article 6 to implement the SPP. In 2005, A.R.S. § 46-252 was repealed. With the repeal of A.R.S. § 46-252, the Department lost the authority under which the administrative rules at Article 6 were promulgated.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:**

None

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

Not applicable

**9. A summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(3), the Department has not prepared an economic impact statement because this Notice of Final Rulemaking repeals rules that are no longer authorized by statute. This will decrease monitoring, recordkeeping, and reporting burdens on the Department because the Department will no longer be required to complete five-year review reports.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

Minor grammatical and formatting changes were made at the request of G.R.R.C. staff.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

The Department received no comments on the rulemaking.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

Not applicable

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Not applicable

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

Not applicable

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

None

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable

**15. The full text of the rules follows:**

**TITLE 6. ECONOMIC SECURITY**

**CHAPTER 13. DEPARTMENT OF ECONOMIC SECURITY  
STATE ASSISTANCE PROGRAMS**

**ARTICLE 6. SUPPLEMENTAL PAYMENTS PROGRAM REPEALED**

Section

- R6-13-601. Definitions Repealed  
R6-13-602. Limitations Repealed  
R6-13-603. Coordination of Services with Arizona Long-term Care System Repealed  
R6-13-604. Right of Appeal Repealed

**ARTICLE 6. SUPPLEMENTAL PAYMENTS PROGRAM REPEALED**

**R6-13-601. Definitions Repealed**

For the purpose of the Supplemental Payments Program, the following definitions apply:

1. "Case manager" means a person who is responsible for applying the uniform functional assessment process to determine a client's need for services and administering the services for eligible clients.
2. "Essential shopping and errands" means shopping for and storing household supplies and medicines.
3. "Home health aid" means providing personal care and medical maintenance, continued treatment, or supervision required by applicable laws and regulations, within the person's place of residence.
4. "Housekeeping services" means providing help with housekeeping, housework, laundry, essential shopping, errands, and meal preparation.
5. "Housework" means assistance in the performance of activities related to routine household maintenance including the following tasks: cleaning walls, floors, bathrooms, windows, kitchen, and appliances; washing dishes; dusting; changing linens; and making beds. It may also include yard work, such as cleaning and mowing yard and hauling away debris; hauling water for daily use; gathering and hauling firewood for household heating or cooking; caring for livestock used for personal consumption; caring for a garden used for personal consumption; and turning heating and cooling systems on and off.
6. "Laundry" means washing, drying, and folding or hanging clothing and household linens. Ironing is included if clothes are too wrinkled to be presentable.
7. "Meal preparation" means planning, cooking, and storing food.
8. "Medical finding" means verification by a medical practitioner of a medical condition which may necessitate visiting nurse service or home health aid.
9. "Need for services" means the person has been determined by the Department to be functionally impaired in sufficient degree as to require the designated service. A person does not "need" the specified service when the facility in which the person resides or receives care provides the specified service.
10. "Payable from another source" means payments from Medicare, Arizona Health Care Cost Containment System, private insurance, Medicaid, or other private or public funds.
11. "Service provider" means an entity contracting with the state of Arizona to provide housekeeping services, home health aid services, or visiting nurse service.
12. "Uniform functional assessment process" means a process approved by the Department which measures a person's need for services because the person cannot perform activities of daily living based upon criteria which include physical or mental illness, prescribed medication, sensory impairment, disability, incapacity, psychosociological skills, interpersonal skills, assistance devices required, and available support systems.
13. "Visiting nurse service" means providing medical maintenance, continued treatment, or supervision of a treatment plan by a registered nurse or a licensed practical nurse as required by applicable laws, regulations and rules within the individual's place of residence.



**R6-13-602. Limitations Repealed**

- ~~A.~~ Any person eligible for supplemental payments as a resident of a private or county nursing home shall be ineligible to receive supplemental payments from the Department for housekeeping services, visiting nurse service, or home health aid.
- ~~B.~~ Any person eligible for supplemental payments as a resident of a licensed supervisory care home or certified adult foster care home shall be ineligible to receive supplemental payments from the Department for housekeeping services.
- ~~C.~~ Housekeeping services. A payment of \$70 per month shall be made by the Department to or on behalf of a person who is determined to need such services, who is eligible for and receives Supplemental Security Income, and who is approved eligible by the Department through a uniform functional assessment process approved by the Department. The Department shall determine whether the person, because he has a physical or mental illness or impairment, needs at least one of the following services: housework, laundry, essential shopping and errands, or meal preparation. Resources otherwise available to the client shall be considered in determining need.
  - ~~1.~~ Recipients of direct payment for housekeeping services shall be subject to monitoring and reassessment by the Department.
  - ~~2.~~ The recipient or the recipient's legal representative shall notify the Department, within 10 calendar days, of any change in income, resources, or medical need.
  - ~~3.~~ Supplemental payments for housekeeping services shall not be made to or for the benefit of an otherwise eligible person who resides in a publicly or privately operated residence that provides house cleaning, laundry, essential shopping, errands, and meals as part of the basic service.
- ~~D.~~ Payments for visiting nurse service or home health aid shall be made only to the service provider; payment to the eligible recipient is not permissible.

**R6-13-603. Coordination of Services with Arizona Long term Care System Repealed**

- ~~A.~~ Upon receipt of notice from Arizona Health Care Cost Containment System that a person currently receiving services under this Article has applied for and been found eligible for Arizona Long term Care System services, the Department shall notify the assigned case manager so that the information can be verified with the client.
- ~~B.~~ The case manager and the client shall provide information to the Department, on a form supplied by the Department, that services from Arizona Long term Care System are being received by the client. The form shall include the following information:
  - ~~1.~~ Name, address and Social Security number;
  - ~~2.~~ The date that services from Arizona Long term Care System began;
  - ~~3.~~ Current state Supplemental Payments Program funds or services received;
  - ~~4.~~ Case manager's signature, signifying that the contents of the form are true to the best of the case manager's knowledge;
  - ~~5.~~ Client's signature; or, if the client cannot sign, the signature of an authorized representative; or the client's mark which is witnessed, with the witness' signature. If the client refuses to sign, this shall be noted;
  - ~~6.~~ The expected date of termination of state Supplemental Payments.
- ~~C.~~ The client shall be informed, through a written notice, when the Department intends to terminate payments or services under the provisions of this Article. The case manager shall provide at least 10 days' notice before termination of benefits following receipt of notice that Arizona Long term Care services have begun.

**R6-13-604. Right of Appeal Repealed**

If a client is dissatisfied with an action or decision affecting the client under this Article, the client has the right to appeal under the provisions of R6-13-1208. For purposes of this Article "local office" or "district office" as set forth in R6-13-1208 means Aging and Adult Administration.