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Arizona Administrative REGISTER

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DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
SECRETARY OF STATE
ADRIAN FONTES

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* Chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking. Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

December 1, 2023
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PUBLISHER
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Adrian Fontes

ADMINISTRATIVE RULES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

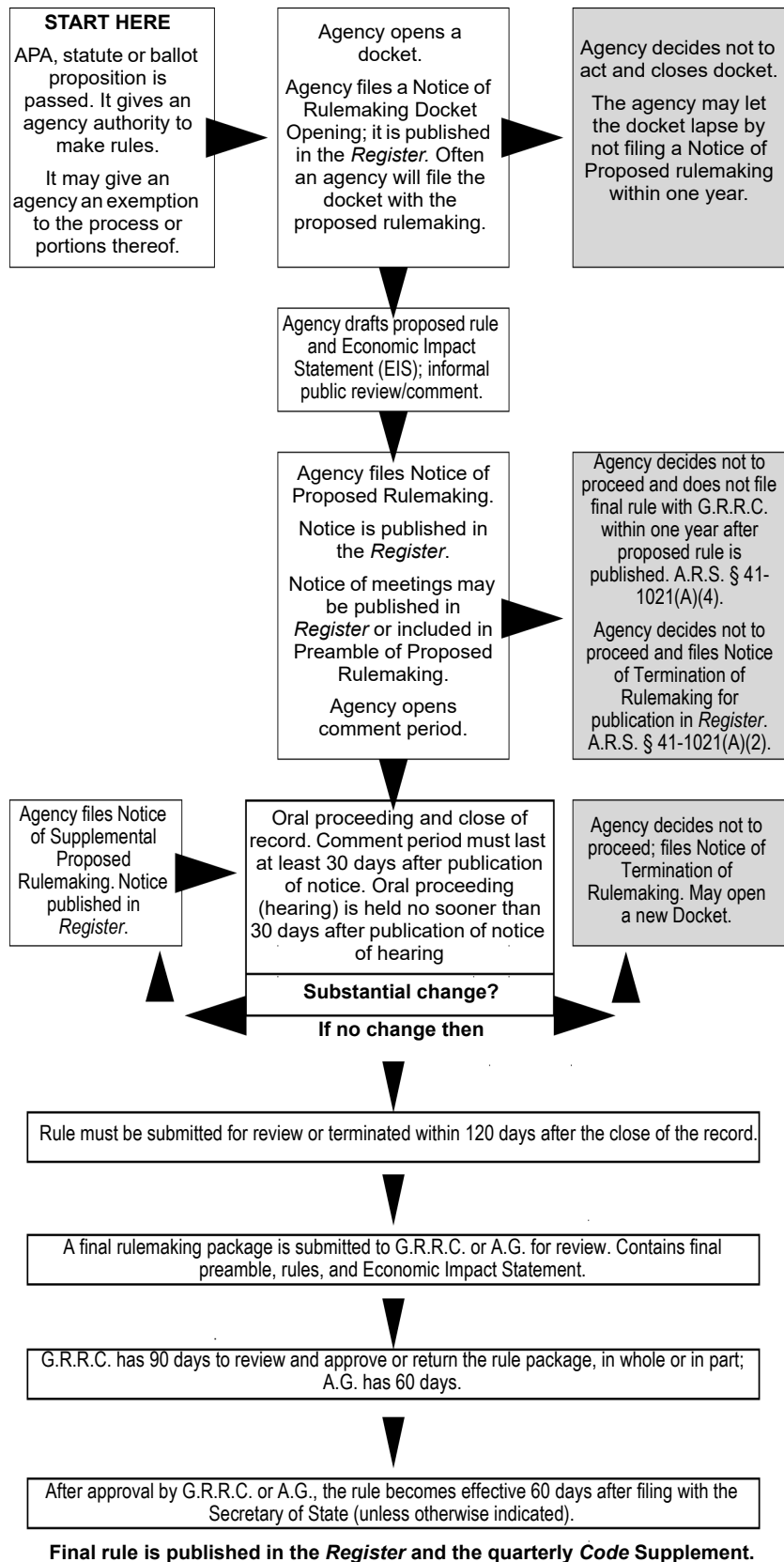
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, 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).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

[R23-234]

PREAMBLE

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

	<u>Rulemaking Action</u>
R4-18-101	Amend
R4-18-106	Amend
R4-18-108	Amend
R4-18-110	Amend
R4-18-111	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-1504(A)

Implementing statute: A.R.S. §§ 32-1501(8)(A) and (B), 32-1504(24), 32-1528, 32-1551, 32-1584(H)(1)
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 29 A.A.R. 3638, November 24, 2023
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Gail Anthony, Executive Director

Address: Naturopathic Physicians Medical Board
1740 W. Adams, Suite 3002
Phoenix, AZ 85007

Telephone: (602) 542-8242

Email: Gail.anthony@nd.az.gov

Website: <https://nd.az.gov>
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

R4-18-101(6) defines the term "Device" by referencing A.R.S. § 32-1584(H)(1). The definition is redundant and unnecessary. Section R4-18-101(13) defines "medical student" by referencing A.R.S. § 32-1504(24). This definition is redundant and unnecessary. Section R4-18-106 outlines rules relating to rehearing or review of board decisions and provides 30 days for a written motion for rehearing to be filed with the Board. The rule states in part that any party who is aggrieved by a decision issued by the Board may file the motion. The language "any party" is confusing because a complainant in a Board case or parties not under the jurisdiction of the Board are not entitled to a rehearing. For clarity, the language "under the jurisdiction of the board" should be inserted.

R4-18-108 references titles and use of abbreviations. Subsections (C) and (D) of this rule references "Board approved school of naturopathic medicine"; however, the Board does not approve schools of naturopathic medicine but rather relies on the accreditation process of recognized accrediting agencies as listed in A.R.S. § 32-1501(8)(A) and (B). The Board seeks to clarify R4-18-108(E). A person who holds a retired naturopathic medical license may reinstate the license, therefore the retirement of the license may not be permanent. The Board seeks to strike the word "permanently" from this subsection.

R4-18-110(B) and R4-18-110(D) include the language "business or institution." The Board seeks to strike the language from rule because it is not needed. The Board does not regulate businesses or institutions. R4-18-111(B) requires notice of civil and criminal actions. The Board seeks to simplify the rule by striking the word "either" and the language "photocopy or facsimile."

- 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 Board did not review or rely on any study for this rulemaking.

- 7. 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

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

There should be no economic, small business or consumer impact related to the changes to the rule.

- 9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Gail Anthony, Executive Director

Address: Naturopathic Physicians Medical Board
1740 W. Adams, Suite 3002
Phoenix, AZ 85007

Telephone: (602) 542-8242

Email: Gail.anthony@nd.az.gov

Website: <https://nd.az.gov>

- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No proceeding is currently scheduled. Pursuant to A.R.S. § 41-1023, a person may submit a written request for an oral proceeding within 30 days after the published Notice of Proposed Rulemaking with the Secretary of State. Written requests or written comments regarding the proposed rulemaking may be submitted to the agency's contact person outlined in item 9. The agency will publish a Notice of Oral Proceeding on Proposed Rulemaking in the event written request for an oral proceeding is received. If no one requests an oral proceeding, the public comment period will close 30 days after publication of the Notice of Proposed Rulemaking. If anyone requests an oral proceeding, the public comment period will close at 11:59 p.m. on the date of the oral proceeding.

- 11. 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:**

- 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:**

The Board issues Naturopathic Medical Licensure to a qualified applicant to conduct identified activities. Use of a general permit allowing for specific activities is 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:**

No Federal law is applicable to this rule.

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

The Board did not receive such an analysis from any person.

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

This rule does not incorporate any referenced material into the rule as specified in A.R.S. § 41-1028

- 13. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-18-101. Definitions
R4-18-106. Rehearing or Review of Decision
R4-18-108. Titles, Use of Abbreviations
R4-18-110. Display of Licenses and Certificates; Notice of Change of Status; Student Identification
R4-18-111. Notice of Civil and Criminal Actions

ARTICLE 1. GENERAL PROVISIONS

R4-18-101. Definitions

In addition to the definitions in A.R.S. § 32-1501 through 32-1581, the following definitions apply to this Chapter unless otherwise specified:

1. "Administrative completeness review" means the Board's process for determining that an applicant has provided, or caused to be provided, all of the application packet information and documentation required by statute or rule for an application for a license or a certificate.

2. "Applicant" means a person requesting from the Board an initial, temporary, or renewal license or certificate.
3. "Approved Specialty College or Program" means a post- doctoral training program that awards a medical specialist certificate, and is certified by a Specialty Board of Examiners, The American Association of Naturopathic Physicians ("AANP") or another professional association or, another state's licensing agency, and which is recognized by the Board.
4. "Chief medical officer" means a physician who is responsible for a clinical, preceptorship, internship, or postdoctoral training program's compliance with state and federal laws, rules, and regulations.
5. "Continuing medical education" or "CME" means courses, seminars, lectures, programs, conferences, and workshops related to subjects listed in A.R.S. § 32- 1525(B), that are offered or sanctioned by one of the organizations referenced in R4-18-205(B).
6. ~~"Device" means the same as in A.R.S. § 32-1581(H)(1).~~
- 7-6. "Endorsement" means the procedure for granting a license in this state to an applicant who is currently licensed to practice naturopathic medicine by another state, district, or territory of the United States or by a foreign country that requires a written examination substantially equivalent to the written examination provided for in A.R.S. § 32-1525.
- 8-7. "Facility" means a health care institution as defined in A.R.S. § 36-401, office or clinic maintained by a health care institution or by an individual licensed under A.R.S. Title 32, Chapter 13, 14, 17, or 29, office or public health clinic maintained by a state or county, office or clinic operated by a qualifying community health center under A.R.S. § 36-2907.06, or an office or clinic operated by a corporation, association, partnership, or company authorized to do business in Arizona under A.R.S. Title 10.
- 9-8. "Informed consent" means a document, signed by a patient or the patient's legal guardian, which contains the information in R4-18-802(A)(1), (A)(2), and (A)(3).
- 10-9. "Institutional review board" means a group of persons that is approved according to guidelines of the United States Department of Health and Human Services, Office for Human Research Protection, which reviews investigational or experimental protocols and approves their use on animals or humans for the purposes of protecting the subjects of the investigational or experimental protocol from undue harm and assures that the research and its review is carried out according to guidelines of the United States Department of Health and Human Services, Office for Human Research Protection.
- 11-10. "Internship" means clinical and didactic training by a doctor of naturopathic medicine certified by the Board according to A.R.S. § 32-1561.
- 12-11. "License" means a document issued by the Board that authorizes the individual to whom it is issued to practice naturopathic medicine.
13. ~~"Medical student" means naturopathic medical student defined in A.R.S. § 32-1501(24).~~
- 14-12. "Medication" means the same as drug defined in A.R.S. § 32-1501(15) or natural substance defined in A.R.S. § 32-1501(23).
- 15-13. "National board" means any of the following:
 - a. The Federation of State Medical Licensing Boards,
 - b. The National Board of Chiropractic Examiners,
 - c. The National Board of Medical Examiners,
 - d. The National Board of Osteopathic Examiners, or
 - e. The North American Board of Naturopathic Examiners.
- 16-14. "Procedure" means an activity directed at or performed on an individual for improving health, treating disease or injury, or making a diagnosis.
- 17-15. "Protocol" means an explicit detailed plan of an experimental medical procedure or test that is approved by an institutional review board.
- 18-16. "Resident physician in training" means a person who holds a degree of doctor of naturopathic medicine and is certified by the Board to diagnose and treat patients under supervision in an internship, preceptorship, or a post doctoral training program.
- 19-17. "Substantive review" means the Board's process for determining whether an applicant for licensure, certification, or approval meets the requirements of A.R.S. Title 32, Chapter 14 and this Chapter.
- 20-18. "Verified" means a notarized form dated, and signed by the applicant, affirming the information provided in the application, including any accompanying documents submitted by or on behalf of the applicant, is true and complete.

R4-18-106. Rehearing or Review of Decision

- A. Except as provided in subsection (G), any party under the jurisdiction of the Board who is aggrieved by a decision issued by the Board regarding an appealable agency action, may file with the Board not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the rehearing or review. For purposes of this Section, a decision is considered served when personally delivered or five days after mailing by certified mail to the party at the party's last known residence or place of business.
- B. A motion for rehearing or review under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of the motion or amended motion by any other party. The Board may require the filing of written briefs upon the issue raised in the motion and may provide for oral argument.
- C. A rehearing or review of a decision may be granted by the Board for any of the following reasons materially affecting the party's rights:
 1. Irregularity in the proceedings of the Board, administrative law judge, or any abuse of discretion that deprives the moving party of a fair hearing;
 2. Misconduct of the Board or an administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or
 7. That the findings of fact or decision is not justified by the evidence, or is contrary to law.

- D. The Board may affirm or modify its decision or grant a rehearing or review, to all or any of the parties on all or part of the issues for the reasons specified in subsection (C). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters specified.
- E. Not later than 35 days after the date a decision is rendered, the Board may, on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. In either case, the order shall specify the grounds for rehearing and review.
- F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for good cause.
- G. If the Board makes specific findings that the immediate effectiveness of the decision is necessary for the preservation of the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions under A.R.S. Title 12, Chapter 7, Article 6.

R4-18-108. Titles, Use of Abbreviations

- A. A physician issued a license by the Board may use any of the following titles or abbreviations:
 - 1. Doctor of Naturopathic Medicine,
 - 2. N.M.D.,
 - 3. Doctor of Naturopathy,
 - 4. N.D.,
 - 5. Naturopath,
 - 6. Naturopathic Physician, or
 - 7. Naturopathic Medical Doctor.
- B. A physician issued a license, or a graduate of a school approved by the Board, shall not use any of the following titles or abbreviations:
 - 1. Doctor of medicine (naturopathic),
 - 2. M.D.(N.), or
 - 3. M.D.(naturopathic).
- C. An unlicensed graduate of ~~a Board-~~ an approved school of naturopathic medicine as defined in A.R.S. § 32-1501(8)(a), (b), who is certified by the Board to engage in preceptorship training shall use the designation “(Preceptee)” after any of the designations in subsection (A). The preceptee shall also ensure that any patient treated by the preceptee signs an informed consent treatment form stating clearly that the preceptee is undergoing training, is not licensed, and identifying the name of the supervising physician.
- D. An unlicensed graduate of ~~a Board-~~ an approved school of naturopathic medicine as defined in A.R.S. § 32-1501(8)(a) and (b), who is certified by the Board to engage in internship training shall use the designation “(Intern)” after any of the designations in subsection (A). The intern shall ensure that any patient treated by the intern signs an informed consent treatment form stating clearly that the intern is undergoing training, is not licensed and identifying the name of the supervising physician.
- E. A person who is ~~permanently retired from the practice of naturopathic medicine~~ under A.R.S. § 32-1528 may use any of the designations listed in subsection (A) if that person also uses the designation “(Retired)” after each designation.

R4-18-110. Display of Licenses and Certificates; Notice of Change of Status; Student Identification

- A. Each person licensed by the Board shall display that license, or a Board issued duplicate in a conspicuous place in each location in which the person conducts regular and ongoing patient care activity.
- B. A person, ~~business, or institution~~ regulated by the Board shall notify the Board of any change in the information provided to the Board concerning a license or certificate application or its renewal, including changes in name, address, place of practice, or actions taken against the licensee, for any reason, in any court or by any governmental regulatory body.
- C. Each person certified by the Board to engage in clinical training shall wear an identification card issued by the approved naturopathic medical school conducting the training that clearly identifies the person as a student, at all times that the person is involved in clinical training. An approved school may keep all certificates to engage in clinical training issued by the Board at a central location of the primary training facility, if it is easily available for public viewing.
- D. Each person, ~~business, or institution~~ that is issued a certificate by the Board shall display that certificate or a Board issued duplicate, in a conspicuous place at each location in which the person, business, or institution conducts regular and ongoing business activity.
- E. All notice requirements under this rule shall be in writing and made within 30 days of change of status.

R4-18-111. Notice of Civil and Criminal Actions

- A. As required under A.R.S. § 32-3208, A person licensed or certified by the Board shall, within 10 days of receipt, notify the Board of any notice, subpoena, summons, or receipt of complaint, whether civil or criminal, arising directly or indirectly out of the person's conduct of the person's professional activities.
- B. To provide notice to the Board a person licensed or certified by the Board shall provide ~~either a photocopy or facsimile~~ copy of the notice or other service or a letter advising the Board of the nature of the cause of action allegations made, and the date, time, and place where appearance is required.

Time: 2:00 p.m.
 Location: meet.google.com/tig-riby-kxd
 Nature: Public Hearing

11. 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:

No other matters have been prescribed.

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:

The rulemaking must be established consistent with 42 CFR § 1003.200. The rule is not more stringent than federal law.

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.

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

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
 ADMINISTRATION**

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

Section

R9-22-1104. Mitigating Circumstances
 R9-22-1105. Aggravating Circumstances
 R9-22-1108. Request for a Compromise

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

R9-22-1104. Mitigating Circumstances

AHCCCS shall consider any of the following to be mitigating circumstances when determining the amount of a ~~penalty, assessment, or penalty penalties~~ and assessments.

1. ~~Nature and circumstances of each claim.~~ The following are mitigating circumstances:
 - a. All the services are of the same type,
 - b. All the dates of services occurred within six months or less,
 - c. The number of claims submitted is less than 25,
 - d. The nature and circumstances do not indicate a pattern of inappropriate claims for the services, and
 - e. The total amount claimed for the services is less than \$1,000.
2. ~~Degree of culpability.~~ The degree of culpability of a person who presents or causes to present a claim is a mitigating circumstance, ~~including but not limited to, if:~~
 - a. Each service is the result of an unintentional and unrecognized error in the process that the person followed in presenting or in causing to present the service,
 - b. Corrective steps were taken promptly by the person after the error was discovered, and
 - c. The person had a fraud and abuse control plan that was operating effectively at the time each claim was presented or caused to be presented.
3. ~~Financial condition.~~ The financial condition of a person who presents or causes to present a claim is a mitigating circumstance if the imposition of a penalty, assessment, or penalty and assessment without reduction will render the provider incapable to continue providing services. AHCCCS shall consider the resources available to the person when determining the amount of the penalty, assessment, or penalty and assessment.
4. ~~Other matters as justice may require.~~ AHCCCS shall take into account other circumstances of a mitigating nature, if in the interest of justice, the circumstances require a reduction of the penalty, assessment, or penalty and assessment.

R9-22-1105. Aggravating Circumstances

AHCCCS shall consider any of the following to be aggravating circumstances when determining the amount of a penalty, assessment, or penalty and assessment.

1. ~~Nature and circumstances of each claim.~~ The nature and circumstances of each claim and the circumstances under which the claim is presented or caused to be presented are aggravating circumstances if:
 - a. ~~A person has forged, altered, recreated, or destroyed records;~~ A person has forged, altered, recreated, destroyed, or failed to maintain records;
 - b. The person refuses to provide pertinent documentation to AHCCCS for a claim or refuses to cooperate with investigators;

- c. ~~The services are of several types;~~The services are of several billing code types;
- d. ~~All the dates of services did not occur within six months or less;~~All the dates of services occurred within six months or greater;
- e. The number of claims submitted is greater than 25;
- f. The nature and circumstances indicate a pattern of inappropriate claims for the services; and
- g. The total amount claimed for the services is \$5,000 or greater.
- 2. ~~Degree of culpability.~~ The degree of culpability of a person who presents or causes to present each claim is an aggravating circumstance, including but not limited to, if:
 - a. The person knows or had reason to know that each service was not provided as claimed,
 - b. The person knows or had reason to know that no payment could be made because the person had been excluded from reimbursement by AHCCCS, or
 - c. The person knows or had reason to know that the payment would violate the terms of an agreement between the person and AHCCCS system.
 - d. The person knows or had reason to know that the payment would violate state or federal law.
- 3. ~~Prior offenses.~~ The prior offenses of a person who presents or causes to present each claim are an aggravating circumstance if:
 - a. At any time before the submittal of the claim the person was held criminally or civilly liable for any act, or
 - b. The person had received an administrative sanction in connection with:
 - i. A Medicaid program,
 - ii. A Medicare program, or
 - iii. Any other public or private program of reimbursement for medical services.
- 4. ~~Effect on patient care.~~ The adverse effect on patient care that resulted, or could have resulted, from the failure to provide medically necessary care by a person in connection with a claim.
- 5. ~~Other matters as justice may require.~~ AHCCCS shall take into account other circumstances of an aggravating nature, if in the interest of justice, the circumstances require an increase of the penalty, assessment, or penalty and assessment.

R9-22-1108. Request for a Compromise

- A. To request a compromise, the person shall file a written request with AHCCCS within 30 days from the date of receipt of the Notice of Intent. The written request for compromise shall contain the person's reasons for the reduction or modification of the penalty, assessment, or penalty and assessment.
- B. Within 30 days from the date of receipt of the request for compromise from the person, AHCCCS shall send a Notice of Compromise Decision that accepts, denies, or offers a counter proposal to the person's request for compromise. If AHCCCS offers a counter proposal the amount of the counter proposal shall represent the penalty, assessment, or penalty and assessment.
 - 1. If AHCCCS does not withdraw the Notice of Intent under R9-22-1112 or denies the request for compromise the original penalty, assessment, or penalty and assessment is upheld.
 - 2. To dispute the Compromise Decision, the person shall file a request for a State Fair Hearing under R9-22-1110 within 30 days from the date of receipt of the Notice of Compromise Decision. A failure to respond to the Notice of Compromise Decision will lead to the decision being upheld.



NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Supplemental Proposed Rulemakings. After an agency has filed a Notice of Proposed Rulemaking and it is published in the *Register*, an agency may decide to make substantial changes to the rule after it is proposed.

The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the *Register*.

The Notice of Supplemental Proposed Rulemaking shall be published in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #11 for the close of record and information related to public hearings and oral comments.

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

[R23-236]

PREAMBLE

- Citations to the agency's Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Rulemaking (if applicable) as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A):**

Notice of Rulemaking Docket Opening: 29 A.A.R. 422, January 27, 2023

Notice of Proposed Rulemaking: 29 A.A.R. 1361, June 16, 2023

- Article, Part, or Section Affected (as applicable)**

Rulemaking Action

R4-30-102

Amend

R4-30-201

Amend

R4-30-202

Amend

R4-30-204

Amend

R4-30-247

Amend

R4-30-301

Amend

R4-30-301.01

Amend

- Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: §§ 32-106, 32-111, and 32-121

Implementing statute: §§ 32-101, 32-122.02

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

Name: Kurt Winter, Deputy Director

Address: Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007

Telephone: (602) 364-4883

Fax: (602) 364-4931

Email: kurt.winter@azbtr.gov

Website: www.azbtr.gov

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

The Agency proposes to amend its rules to replace the requirement that a parallel inspector provide a signed affidavit, requiring a notary, with a less burdensome requirement to provide a signed affirmation, which does not require a notary, in A.A.C. R4-30-102(2). This amendment will expedite the time in which a home inspector applicant may apply to the Board and save parallel inspectors the time and money required to have an affidavit notarized. Additionally, the agency proposes to amend its rule to reduce the number of years a home inspector cannot perform a parallel inspection after receiving disciplinary action from the Board from three years to one year, as the industry has opined that three years is excessive and does not help protect the public.

The Agency proposes to add additional language to A.A.C. R4-30-247(C)(4) clarifying that a home inspector applicant need only provide a detailed explanatory statement regarding disciplinary action, license denial, or a conviction if it occurred within the last five years immediately preceding the application. This would reduce, and possibly eliminate, wait time for applicants with denial, conviction, or license denial history over five years old. Currently, applicants who have criminal/disciplinary history, no matter how old, must go before the Board for consideration of their application.

The Agency proposes to move language regarding the Home Inspector Pool and Spa Standards from A.A.C. R4-30-247(B) to A.A.C. R4-30-301.01 as the standards are directly related to the professional conduct of home inspectors.

The Agency proposes to update the Standards of Professional Practice adoption date under R4-30-301.01(A) and reference the most current standards. The standards currently referenced are over 20 years old. By adopting the new standards, the Board's Practice Act will align with contemporary industry standards.

The Agency proposes to add subsection (5) to R4-30-301.01(B), stipulating that a home inspector cannot perform or offer to perform a home inspection for a client while also acting as the client's real estate agent or broker. Board member and home inspector committee members have opined that a home inspector acting as both a home inspector and real estate professional for the same home buying client is a conflict of interest and of concern for public health, welfare, and safety.

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 Board did not conduct a study relevant to the rule. Comments from the home inspector industry discussed during the Board's home inspector rules and standards committee lead to the Board's justification and request to amend its rules.

7. An explanation of the substantial change which resulted in the supplemental notice:

After receiving public comment regarding the home inspector standards referenced in its Proposed Rulemaking, AZASHI approved additional changes to the home inspector standards of practice, which were subsequently adopted on October 27, 2023. In light of this, the Board wishes to adopt through incorporation the most current home inspector standards in the Agency's supplemental proposed rulemaking (amend R4-30-301.01).

The Agency proposes to add additional language clarifying that an applicant for professional registration and in-training designation need only provide a detailed explanatory statement regarding disciplinary action, license denial, or a conviction if it occurred within the last five years immediately preceding the application. This would match the language the Board proposed for home inspector applicants in its Proposed Rulemaking (amend R4-30-201 and R4-30-202).

The Board plans to move onto an e-licensing system at the beginning of 2024. This will necessitate all applicants and registrants submit and maintain a current email with the Board for both access to the Board's e-licensing platform and efficient communication with the Board. Therefore, the Board requires an amendment to its rules so that all applicants and registrants must submit and keep current an email with the Board (amend R4-30-201, R4-30-202 and R4-30-301).

To be consistent with national standards, the Board would like to reduce the need for Board approval for exam authorization to take the engineer and land surveyor fundamental examinations and allow 'auto-approval' for fundamental examination authorization applicants who meet the Board's current auto-approval criteria (amend R4-30-202 and R4-30-204).

The examination national councils in which the Board holds membership removed terminology regarding 'rolling-clocks' for exam application closure. The term 'rolling-clock' indicates a period of time in which an applicant's exam results remain acceptable. To be consistent with national standards and eliminate unnecessary limitations on acceptable test results, the Board asks to amend its rules regarding 'rolling clocks' (amend R4-30-204).

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

The amendment to R4-30-102 may have a positive economic impact for newly licensed home inspectors by reducing their wait time for signed parallel inspector affirmations and increasing the number of available parallel inspectors, and thereby allowing them to begin their home inspection careers earlier. Additionally, parallel inspectors would no longer need to seek out and pay for notary services and would no longer have to wait three years to perform parallel inspections, an economic benefit to the parallel inspector, after receiving disciplinary action.

The amendment to R4-30-247 may have a positive economic impact for newly licensed home inspectors with older past offenses because they may no longer have to wait for Board review of their applications and therefore begin their home inspection careers earlier.

The amendment and additions to R4-30-301.01 will benefit consumers. Referencing newly adopted standards that are contemporary with current industrial standards and adding additional language stipulating a home inspector cannot offer a home inspection to a client while also acting as the client's real estate professional will help the Board in its mission to protect the health, safety, and welfare of the public.

10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Kurt Winter, Deputy Director
Address: Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4883
Fax: (602) 364-4931
Email: kurt.winter@azbtr.gov



11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Board will accept written and/or oral comments at its office, 1110 W. Washington, Suite 240, Phoenix, AZ 85007 between 8:00 a.m. and 5:00 p.m., Monday through Friday, for 30 days from the date this notice is published in the *Register*. The Board will schedule opportunity for oral comment if a request is submitted within that timeframe.

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:

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 competitive-ness of business in this state to the impact on business in other states:
No one submitted an analysis to the Board regarding these rules.

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

Added as part of the rulemaking are the following incorporations by reference:

1. Arizona Chapter of American Home Inspectors "Standards of Professional Practice" adopted on October 27, 2023, located under R4-30-301.01(A).
2. Arizona Home Inspector Pools and Spas Standards of Professional Practice adopted on April 25, 2023, located under R4-30-301.01(B).

14. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 30. BOARD OF TECHNICAL REGISTRATION**

ARTICLE 1. GENERAL PROVISIONS

Section
R4-30-102. Home Inspection Definitions

ARTICLE 2. REGISTRATION PROVISIONS

Section
R4-30-201. Registration as an Architect, Engineer, Geologist, Landscape Architect, or Land Surveyor
R4-30-202. In-training Designation
R4-30-204. Examinations
R4-30-247. Home Inspector Certification

ARTICLE 3. REGULATORY PROVISIONS

Section
R4-30-301. Rules of Professional Conduct
R4-30-301.01. Home Inspector Rules of Professional Conduct

ARTICLE 1. GENERAL PROVISIONS

R4-30-102. Home Inspection Definitions

The following definitions apply to home inspection requirements in this Chapter:

1. "Parallel Inspection" means a home inspection completed by an applicant during the application process that is supervised by a certified home inspector acting as the Parallel Inspector, in the presence of no more than three other applicants. The applicant shall produce a written report for each Parallel Inspection, which the supervising certified home inspector, serving as the Parallel Inspector, shall review, analyze, correct, and return to the applicant within 10 calendar days after receiving the written report. The Parallel Inspector shall notate and instruct the applicant so that each report meets the Standards of Professional Practice for Arizona Home Inspectors. The applicant shall not perform any fee-paid Home Inspections during this Parallel Inspection period.
2. "Parallel Inspector" means an Arizona Certified Home Inspector who performs parallel inspections for a home inspector applicant so that the applicant can obtain a certification to conduct home inspections. A Parallel Inspector shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding ~~three years~~ year. The Parallel Inspector shall have been continuously certified by the Board as a Home Inspector for at least three years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Applicant shall provide a signed ~~Affidavit~~ affirmation from the Parallel Inspector affirming that the Parallel Inspector has met this criteria to the Board with the application for certification.

3. "Peer Review" means a home inspection performed alongside a supervising Peer Reviewer in order to comply with the terms of Board ordered discipline. The Arizona Certified Home Inspector subject to Board ordered discipline shall, at the conclusion of each Peer Review, submit a written Home Inspection Report to the Peer Reviewer for analysis and review. The Peer Reviewer shall notate and instruct the Arizona Certified Home Inspector subject to Board ordered discipline in order for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. The Arizona Certified Home Inspector subject to Board ordered discipline shall not perform any fee-paid Home Inspections during this Peer Review period.
4. "Peer Reviewer" means an Arizona Certified Home Inspector performing peer review inspections for a home inspector subject to Board ordered discipline so that inspector can fulfill the terms of the ordered discipline. A Peer Reviewer shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding three years. The Peer Reviewer shall have been continuously certified by the Board as a home inspector for at least five years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Arizona Certified Home Inspector subject to Board ordered discipline shall provide the Board with a signed Affidavit affirmation from the Peer Reviewer affirming that the Peer Reviewer has met these criterion at the conclusion of each peer review inspection.
5. "Report Checklist Supplement" a tool designed to assist home inspector applicants, parallel inspectors, peer reviewers, application reviewers, enforcement advisory evaluators and certified home inspectors when reviewing or filling out an application for home inspector certification and a home inspection report. The "Report Checklist Supplement" is not a substitute for the current version of the "Standards of Professional Practice."

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Registration as an Architect, Engineer, Geologist, Landscape Architect, or Land Surveyor

- A. An applicant for registration as an architect, engineer, geologist, landscape architect, or land surveyor shall submit a completed application package for professional registration that contains the following:
 1. Evidence of successful completion of the current national professional examination or waiver of the examination pursuant to A.R.S. § 32-126 and R4-30-203 in the category, and branch if applicable, for which registration is sought. Applicants shall arrange to have their examination results sent directly to the Board from the applicable testing agency holding the examination results;
 2. Name, residence address, mailing address if different from residence, email and telephone number, of the applicant;
 3. Date of birth and social security number of the applicant;
 4. Citizenship or legal residence of the applicant;
 5. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
 6. A detailed explanatory statement and documentation, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction, within five years before the date of application;
 - b. Refusal of any professional or occupational registration, certification, or license to the applicant by any state or jurisdiction, within five years before the date of application;
 - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant;
 - d. Any alias or other name used by the applicant; and
 - e. Any conviction of the applicant for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application.
 7. State or jurisdiction in which the applicant holds any other professional or occupational registration, certification, or license, type of registration, certification or license number, year granted, how registration, certification, or license was granted (by examination, education, experience, or reciprocity);
 8. State or jurisdiction in which the applicant has pending an application for any type of professional or occupational license, registration, or certification, type of license, registration or certification being sought, and the status of the application;
 9. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;
 10. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended, unless previously provided to the Board pursuant to R4-30-204;
 11. Name, current address, and telephone number of the applicant's current and former employers (the names of companies within the last ten-year period) in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week, unless previously provided to the Board pursuant to R4-30-204;
 12. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. An applicant who has been working in the category for which registration is sought for 10 or more years shall provide the names and address of all immediate supervisors during the most recent ten-year period. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three professional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought, unless previously provided to the Board pursuant to R4-30-204;
 13. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
 14. Certificate of Experience Report from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board, but the Board must receive them directly from the reference;



15. Evidence of successful completion, or waiver by the Board, of the applicable fundamentals examination. An applicant for registration who has successfully completed a fundamentals examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an engineer, geologist or land surveyor shall pass the applicable fundamentals examination before admission to the professional examination. An applicant seeking professional registration as a geologist may take the fundamentals examination on the same day;
 16. Certification that the information provided to the Board is accurate, true and complete; and
 17. The applicable fee.
- B. If an applicant does not have the required education and experience for registration, the Board may, upon request of the applicant, hold the application for a period of time that does not exceed one year from the date the application is filed with the Board. All timeframes adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during the above-referenced time.
 - C. An applicant holding a certificate of qualification issued by one of the national examination councils recognized in R4-30-203(B) shall arrange to have the record forwarded to the Board by the national registration body. If the forms provided by the national examination council contain all the information described in A.R.S. § 32-122.01 and subsection (A), the Board may accept the forms in lieu of requiring the applicant to furnish the information directly to the Board.
 - D. The Board staff shall review all applications and, if necessary, refer completed applications to an evaluator deemed qualified by the board and chosen from the pool of enforcement advisory committee members for evaluation. If the application for registration is complete and in the proper form and the Board staff or the evaluator is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered in the field for which the application was filed, the Board staff or evaluator shall recommend that the Board certify the applicant as eligible for registration. If for any reason the Board staff or the evaluator is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for registration, the Board staff shall make a further investigation of the applicant. The Board staff and evaluator shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for registration.
 - E. The Board may accept documentation that an applicant has passed a written national examination in the area for which registration is sought from a national council of which the Board is a member.
 - F. The Board shall not accept an application for registration renewal unless the applicant has responded to the questions on the application relating to good moral character and other misconduct and signed the application for renewal. The Board shall return an incomplete application to the applicant which may result in assessment of a delinquent renewal fee.
 - G. An applicant may withdraw an application for registration by written request to the Board. Any fee paid by the applicant is non-refundable. If an applicant withdraws an application, the Board shall close the file. An applicant whose file has been closed and who later wishes to apply for professional registration shall submit a new application package to the Board pursuant to R4-30-201 and R4-30-202.

R4-30-202. In-training Designation

- A. An applicant for in-training designation shall submit an original completed in-training application package that contains the following:
 1. Category for which the applicant is seeking an in-training designation
 2. Evidence of successful completion, or waiver by the Board, of the current fundamentals examination in the category ~~and branch, if applicable~~, for which in-training designation is sought;
 3. ~~The applicable fee. Information regarding any conviction for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application;~~
 4. Any alias or other name used by the applicant; and
 5. The information set forth in subsections ~~(B)(1) (B)(2)~~ through (9); ~~and~~
- B. An examination applicant who wants to sit for a fundamentals examination who does not possess an educational degree recognized by the applicable national council or who is not in the final year of a degree program recognized by the applicable national council shall submit an original completed exam authorization application to the Board, and provide the following:
 1. Name of the fundamental examination the applicant wishes sit for;
 2. Name, residence address, mailing address if different from residence, email and telephone number of the applicant;
 3. Date of birth and social security number of the applicant;
 4. Citizenship or legal residence;
 5. ~~Category, and branch of engineering if applicable, for which the applicant is seeking an in-training designation.~~
 6. ~~Information regarding any conviction for a felony or misdemeanor, other than a minor traffic violation, and any alias or other name used by the applicant;~~
 7. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution that the applicant attended;
 8. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;
 9. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
 10. Certification that the information provided to the Board is accurate, true, and complete.
 11. The applicable fees.
- C. If otherwise qualified, the Board shall permit an applicant for in-training designation to take the fundamentals examination in the final year of a baccalaureate, masters, or other degree program ~~accepted that is not recognized by the Board~~ applicable national council and accredited in the category for which the application is made. The applicant shall have the application form endorsed by the

applicant's college dean or faculty advisor, or, if already a graduate, may arrange to have a final transcript, indicating the degree awarded, sent directly from the registrar to the Board, in lieu of the endorsement.

- D.** The Board shall permit an applicant ~~for in-training designation~~ without an accredited college degree or who is not in the final year of a degree program recognized by the applicable national council to take the fundamentals examination after submitting to the Board evidence of four years of satisfactory experience or education or both. The applicant shall provide the name, current address, and telephone number of all current and former employers; names of all supervisors and their titles; dates of employment; applicant's title, and a description of the work performed. The applicant shall provide Certificate of Experience Record and Reference Forms to immediate supervisors at present and past employers. The applicant shall ensure the completed reference forms are submitted to the Board. The applicant shall meet all other requirements of this Section.

R4-30-204. Examinations

- A.** Board Review For Authorization to Test: Applicants who wish to sit for professional examination who do not possess an educational degree recognized by the applicable national council shall submit to the Board the following information for approval:
1. Name, residence address, mailing address if different from residence, email and telephone number;
 2. Date of birth and Social Security number;
 3. Proof of citizenship or legal residence;
 4. Category, and branch of engineering if applicable;
 5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution attended;
 6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution attended;
 7. Evidence of at least 60 months of required education or experience, or both, in the category for which registration is sought.
 - a. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought;
 - b. Dates of employment;
 - c. Applicant's title;
 - d. Description of work performed; and
 - e. Number of hours worked per week;
 8. Names and current addresses of applicant's current and former employers (the names of companies within the last ten year period) in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
 9. A release authorizing the Board to investigate the applicant's education and experience;
 10. Certificate of Experience Report from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that the Board receives these Reports directly from the reference;
 11. Evidence of successful completion, or waiver by the Board, of the applicable fundamentals examination. An applicant who has successfully completed a fundamentals examination in another state or jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an engineer, geologist, or land surveyor shall pass the applicable fundamentals examination before admission to the professional examination. An applicant for registration as a geologist may take the in-training examination on the same date as the professional examination;
 12. Certification that the information provided to the Board is accurate, true, and complete; and
 13. The applicable fees.
 14. In addition to the above requirements, an applicant who does not possess education required for direct access to the NCARB Architect Registration Examination (ARE) shall provide the Board with 60 months of a diversity of experience directly related to the practice of architecture and of a character satisfactory to the Board, in each of the following categories, in order to obtain Board authorization to sit for the required registration examination:
 - a. Practice Management. The experience obtained in this category shall demonstrate abilities to manage architectural practice, including professional ethics, fiduciary responsibilities, and the regulations governing the practice of architecture. The experience obtained shall focus on issues related to pre-contract tasks including negotiation, human resource management, and consultant development. Applicants shall demonstrate an understanding of and abilities in business structure, business development, and asset development and protection.
 - b. Project Management. The experience obtained in this category shall demonstrate abilities to manage architectural projects, including organizing principles, contract management, and consultant management. The experience shall focus on issues related to office standards, development of project teams, and overall project control of client, fee, and risk management. Experience shall demonstrate an understanding of and abilities in quality control, project team configuration, and project scheduling. In addition, the experience shall demonstrate the ability to establish and deliver project services per contractual requirements in collaboration with consultants.
 - c. Programming and Analysis. The experience obtained in this category shall demonstrate abilities related to the evaluation of project requirements, constraints, and opportunities. The experience shall focus on issues related to programming, site analysis, and zoning and code requirements and demonstrate an understanding of and abilities in project type analysis, the establishment of qualitative and quantitative project requirements, evaluation of project site and context, and assessment of economic issues.
 - d. Project Planning and Design. The experience obtained in this category shall demonstrate abilities to assess objectives related to the preliminary design of sites and buildings. The experience shall focus on issues related to the generation or



evaluation of design alternatives that synthesize environmental, cultural, behavioral, technical and economic issues. The experience shall demonstrate an understanding of and abilities in design concepts, sustainability/ environmental design, universal design, and other forms of governing codes and regulations.

- e. Project Development and Documentation. The experience obtained in this category shall demonstrate objectives related to the integration and documentation of building systems, material selection, and material assemblies into a project. The experience shall focus on issues related to the development of design concepts, evaluation of materials and technologies, selection of appropriate construction techniques, and appropriate construction documentation. The experience shall demonstrate an understanding of and abilities in integration of civil, structural, mechanical, electrical, plumbing, and specialty systems into overall project design and documentation.
 - f. Construction and Evaluation. The experience obtained in this category shall demonstrate objectives related to construction contract administration and post-occupancy evaluation of projects. The experience shall focus on issues related to bidding and negotiation processes, support of the construction process, and evaluation of completed projects. The experience shall demonstrate an understanding of and abilities in construction contract execution, construction support services (including construction observation and shop drawing or submittal review), payment request processing, and project closeout. In addition, candidates shall also demonstrate an understanding and abilities in project evaluation of integrated building systems and their performance.
- B.** The Board staff shall review all applications and, if necessary, refer completed applications to an evaluator who meets qualifications approved by the Board for evaluation. If the application for examination is complete and in the proper form and the Board staff or the evaluator is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or evaluator shall recommend that the Board certify the applicant as eligible to take the examination. If for any reason the Board staff or evaluator is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.
- C.** National Council Examinations:
1. Applicants ~~for architect, landscape architect, engineer, or land surveyor registration~~ who wish to sit for a fundamental or professional examination, and who have earned an educational degree recognized by the applicable national council may apply directly to the applicable national council to take that exam. Applicants who wish to sit for a fundamental examination who are in the final year of a degree program recognized by the applicable national council may apply directly to the applicable national council to take that exam.
 2. Applicants not possessing the appropriate degree pursuant to subsection (C)(1) may apply to the Board for examination approval and after Board review, the Board may recommend them to the applicable national council for entry into the applicable national examination. Applicants shall meet all national council requirements for successful completion of applicable examinations.
 3. An applicant for ~~professional~~ examination in any category shall take and pass the examination or at least one division of a multi-divisional examination within one year after receiving approval. If an applicant fails to take and pass an examination within one year after receiving approval, the applicant shall submit a new application for ~~professional~~ examination authorization to the Board.
 4. ~~An applicant who has failed any division of a national multi-divisional examination shall be required to meet the applicable national council's requirements for successful completion of the examination.~~
 5. ~~Examinations administered by a national council of which the Board is a member, or a professional association approved by the Board, shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, reexamination, exam review and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.~~
 6. ~~The Board shall close an examination authorization file for multi-divisional national examination if the applicant fails to pass all divisions of the applicable examination within five years after first passing any division of the examination unless the Board approves an extension.~~
- D.** Board Administered Examinations:
1. An examination administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for a Board-administered examination, shall take and pass the examination within one year from making the request to test unless the Board grants an extension. The applicant shall communicate all questions and concerns regarding extensions, special accommodations and refunds to the Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date.
 2. An applicant who fails to achieve a passing grade on any examination administered by the Board may request reexamination by notifying the Board in writing of the applicant's desire to retake the examination and paying the applicable examination fee. An applicant who retakes any examination shall advise the Board of any changes in the information provided under subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to retake and pass the Board-administered examination within one year from the request for reexamination. An applicant whose file has been closed and who later wishes to apply for examination shall submit a new examination application package to the Board.
 3. An applicant for a Board-administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60 days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.
 4. An applicant who desires a regrade of a Board administered examination shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of

the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will regrade the examination.

R4-30-247. Home Inspector Certification

- A.** An applicant for certification as a home inspector shall submit an original completed application package that contains the following:
1. Evidence of successful completion, within two years before the date of application, of the National Home Inspector Examination as administered by the Examination Board of Professional Home Inspectors;
 2. The information in ~~subsections~~ subsection (B) and (C);
 3. A completed fingerprint card;
 4. Applicable fees;
 5. Evidence of successful completion of 84 hours of classroom training or an equivalent course conducted by an educational facility that is licensed by the Arizona State Board for Private Postsecondary Education, or accredited by the Distance Education Accrediting Commission, or by an accrediting agency approved by the United States Department of Education. The course of study shall encompass all of following major content areas:
 - a. Structural Components,
 - b. Exterior,
 - c. Roofing,
 - d. Plumbing,
 - e. Heating,
 - f. Cooling,
 - g. Electrical,
 - h. Insulation and Ventilation,
 - i. Interiors,
 - j. Fireplaces and Solid Fuel-Burning Devices,
 - k. Swimming Pools & Spas, and
 - l. Professional Practice;
 6. Evidence of completion of 30 parallel inspections. The 30 parallel inspections and home inspection report shall meet the standards in R4-30-301.01 and be retained by the applicant for at least two years from the date of application. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the applicant's package for a period of one year based solely on the need for time to permit the applicant to complete the required parallel inspections. All time frames promulgated under A.R.S. Title 41, Chapter 6, Article 7.1 are suspended during this period.
- ~~**B.** A certified home inspector is not required to inspect a pool and/or spa as part of a home inspection. If a certified home inspector conducts a pool and/or spa inspection, it shall be conducted in accordance with the "Standards of Professional Practice for the Inspection of Swimming Pools & Spas for Arizona Home Inspectors," ("Standards") adopted and published by the Board on February 28, 2012. Copies of the Standards are available at the Board's office.~~
- CB.** The application package shall contain the following:
1. Name, residence address, mailing address if different from residence address, email and telephone number;
 2. Date of birth and Social Security number of the applicant;
 3. Citizenship or legal residence;
 4. A detailed explanatory statement regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant in any state or jurisdiction, within five years before the date of application;
 - b. Refusal of any professional or occupational registration, license, or certification by any state or jurisdiction, within five years before the date of application;
 - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant;
 - d. Any alias or other name used by the applicant;
 - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application.
 5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies; evidence of having a valid fingerprint clearance card issued pursuant to Title 41, Chapter 12, Article 3.1;
 6. State or jurisdiction in which any professional or occupational registration, license or certification is held; type of registration, license, or certification; number; year granted, and how registration, license, or certification was granted (that is, by examination, education, experience, or reciprocity), 4 A.A.C. 30, Supp. 18-2, released June 30, 2018, page 18;
 - ~~7. The current status of any application for any type of professional or occupational registration, license, or certification pending in another state or jurisdiction;~~
 - ~~8. A release authorizing the Board to investigate the applicant's education, experience, and moral character and repute criminal and disciplinary action history;~~
 - ~~9. Certification that the information provided to the Board is accurate, true, and complete;~~
 - ~~10. Copy of one home inspection report that meets the standards in R4-30-301.01 and reports on at least one immediate major repair as defined in the standards, along with the Report Checklist Supplement; and~~
 - ~~11. Sworn statement or statements by the supervising certified home inspector or inspectors that the parallel inspections conducted by the applicant meet the standards in R4-30-301.01.~~



- DC.** The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee or a certified home inspector evaluator for evaluation. If the application is complete and in the proper form, the Board staff, committee, or evaluator is satisfied that all statements on the application are true, and the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff, committee, or evaluator shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of qualification for certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established qualification by clear and convincing evidence.
- ED.** A certified home inspector shall notify the Board in writing within five business days of any loss of, or change in, financial assurance. The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within 90 days of loss of financial assurance or lapse of policy. All certified home inspectors shall provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.
- FE.** A home inspector who places a home inspector certificate on inactive status shall retain the proof of financial assurance for at least two years after the date that the certificate becomes inactive. A home inspector who fails to retain financial assurance for the required two years is subject to suspension and revocation of the home inspection certificate as per subsection (E). In order to reactivate an inactive home inspection certificate, a home inspector shall provide proof of financial assurance to the Board with the application for reactivation. An inactive home inspector certification shall not qualify for reactivation until proof of financial assurance has been submitted to the Board.
- GF.** In order to reactivate an inactive home inspector certificate, a home inspector who has not practiced as a certified home inspector during that time in another state requiring registration for the previous five years shall take and pass the National Home Inspector Examination.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. If a registrant violates any state or federal criminal statute, the Board may take action against a registrant's license or certificate if a violation of the law is reasonably related to a registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Land Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, available at www.azpls.org. The Board of Technical Registration adopted the standards on June 15, 2001, and incorporated them into this subsection by reference. This incorporation by reference does not include any later amendments or editions and is available at the office of the Board of Technical Registration.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address, email and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.

17. Except as provided below and in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services that the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

R4-30-301.01. Home Inspector Rules of Professional Conduct

- ~~A.~~ ~~To the extent applicable, a~~ A certified home inspector shall conduct a home inspection in accordance with the "Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on ~~January 1, 2002~~ October 27, 2023, the provisions of which are incorporated by reference ~~and on file with the Office of the Secretary of State~~. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available ~~at the office of the Board of Technical Registration~~ electronically on the Board's website.
- ~~B.~~ A certified home inspector is not required to inspect a pool and/or spa as part of a home inspection. If a certified home inspector conducts a pool and/or spa inspection, it shall be conducted in accordance with the "Arizona Home Inspector Pools and Spas Standards of Professional Practice" ("Standards") adopted by the Board at its April 25, 2023 meeting, the provisions of which are incorporated by reference. This rule does not include any later amendments or editions of the incorporated matter. Copies of the Standards are available electronically on the Board's website.
- ~~B-C.~~ A Certified Home Inspector shall not:
 1. Pay, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee to a real estate company, real estate office, real estate ~~broker/sales person(s)~~ broker/salesperson or salespersons, real estate employees or real estate independent contractors in order to obtain referrals for home inspection business. This prohibition includes, but is not limited to, participation in pay-to-play programs by any name (e.g. "preferred vendor," "approved vendor," "marketing partner," "marketing services agreement");
 2. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee related to the correction of defects found within the scope of the home inspection;
 3. Perform, or offer to perform, for an additional fee, or have any financial interest in the performance of any repairs to the property that has been inspected by that inspector or the inspector's firm for a period of 24 months following the inspection;~~or~~
 4. Be accompanied by more than four home inspector candidates while conducting any parallel home inspection;~~or~~
 5. Perform, or offer to perform, a home inspection on a home while acting in the capacity of a licensed real estate salesperson or licensed real estate broker with any financial interest in the sale of the home.

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

[R23-237]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
R4-16-401
- Rulemaking Action**
Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-1404(D)
Implementing statute: A.R.S. § 32-1456(D)
3. **The effective date for the rules:**
January 8, 2024
 - 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):**
Not applicable
 - 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 as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 28 A.A.R. 3489, October 28, 2022
Notice of Proposed Rulemaking: 28 A.A.R. 3411, October 28, 2022
5. **The agency's contact person who can answer questions about the rulemaking:**
Name: Patricia McSorley, Executive Director
Address: Arizona Medical Board
1740 W. Adams St., Suite 4000
Phoenix, AZ 85007
Telephone: (480) 551-2700
Fax: (480) 551-2704
Email: patricia.mcsorley@azmd.gov
Website: www.azmd.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:**
Under Laws 2021, Chapter 259, the legislature amended A.R.S. § 32-1456 to require the Board to make a rule providing for a medical assistant training program designed and offered by a physician. The Board fulfills the statutory requirement in this rulemaking. An exemption from Executive Order 2022-01 for this rulemaking was provided by Brian Norman, of the Governor's Office, in an e-mail dated September 29, 2022. Approval to submit this rulemaking to GRRC, as required under A.R.S. § 41-1039(B), was provided by Zaida Dedolph, of the Governor's office, in an e-mail dated August 22, 2023.
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:**
The Board did not review or rely on a study in its evaluation of or justification for the rule in this rulemaking.

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:

The economic impact of the rule amendment is minimal because it simply makes the rule consistent with statute. A physician who wishes to exercise the option provided by the legislature and provide on-the-job training to a medical assistant will incur the cost of doing so.

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

No changes were made between the proposed and final rulemakings.

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

The Board received two written comments about the rulemaking. Nineteen individuals attended the oral proceeding on December 7, 2022. Most did not make comments. The comments made are addressed in the following table.

COMMENT	BOARD ANALYSIS	BOARD RESPONSE
Sean Housley of Lilac Ob-Gyn supported the amendment because he believes it will help to alleviate the dramatic undersupply of MAs.	The Board appreciates the comment.	No change
Kenzo Sanga of Honor Health asked that the definition of "approved training program" in R4-16-101 be broadened to include programs designed and offered by any provider—a physician, surgeon, PA, nurse practitioner, nurse midwife, etc. and that someone who is qualified in this manner before the rule is amended be "grandfathered" as an MA.	The suggested change is inconsistent with A.R.S. § 32-1456(D), which specifically provides that an on-the-job training program be designed and offered by a physician.	No change
Donald Balisa of the American Association of Medical Assistants asked that language in R4-16-401(A)(2) regarding successfully passing a medical assistant examination administered by a certifying organization be added to R4-16-401(A)(3) regarding training designed and provided by a physician.	The suggested change is inconsistent with A.R.S. § 32-1456(D), which requires the entry-level competencies of an MA to be verified but does not require passing an examination.	No change
Karen Everitt of Mutual Insurance Company of Arizona expressed concern because the physician designed training "...still would allow a participant to pass a certifying exam or would be the equivalent of the education required through the certification process..."	The physician designed training does not require passing an examination. It requires only that entry-level competencies be verified. Arizona does not certify MAs and does not require they be certified by any other entity.	No change
P Freeborn commented that the certification requirements for MAs be optional rather than required.	Medical Assistants are not certified by the state of Arizona and are not required to be certified by any other entity.	No change

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:

No. Medical assistants are not licensed or certified by the Board, are not certified by the state of Arizona, and are not required to be certified by any other entity.

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:

No federal law is directly applicable to 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

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:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

ARTICLE 4. MEDICAL ASSISTANTS

Section
R4-16-401. Medical Assistant Training Requirements

ARTICLE 4. MEDICAL ASSISTANTS

R4-16-401. Medical Assistant Training Requirements

- A.** After the effective date of this Section, a supervising physician or physician assistant shall ensure that before a medical assistant is employed, the medical assistant completes ~~either one of the following~~:
1. An approved training program identified in R4-16-101; ~~or~~
 2. An unapproved training program and successfully passes the medical assistant examination administered by a certifying organization accredited by either the National Commission for Certifying Agencies or the American National Standards Institute; or
 3. A training program that meets the requirements of A.R.S. § 32-1456(D) and is designed and offered by a physician.
- B.** This Section does not apply to any person who:
1. Before February 2, 2000:
 - a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
 - b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
 2. Completes a United States Armed Forces medical services training program.

NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

It is common for an agency to be exempt from some of the steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10, otherwise known as the Arizona Administrative Procedure Act (APA). An agency's exemption is written in laws - under the APA, or in statute by the Arizona State Legislature, or under a referendum or initiative passed into law by Arizona voters.

The Office makes a distinction when publishing certain

exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency's exemption. Other rule exemption types are published elsewhere in the *Register*.

Notices of Final Exempt Rulemaking were originally proposed with specific conditions, such as requiring the notice to be published in the *Register*, or requiring public input, or a public hearing on the rule.

Notices of Final Exempt Rulemaking include *Register* publication dates where the original Notice of Proposed Exempt Rulemaking was published.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R23-238]

PREAMBLE

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

<u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R2-20-809	New Section
R2-20-810	New Section
R2-20-811	New Section
R2-20-812	New Section
R2-20-813	New Section
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 16-974(A)(1)
 Implementing statute: A.R.S. §§ 16-974(A)(2)-(7); 16-974(B)
 Statute or session law authorizing the exemption: A.R.S. § 16-974(C)
3. **The effective date of the rule and the agency's reason it selected the effective date:**

October 26, 2023

The agency selected this date in order to ensure that the regulated community and the public were in a position to make informed decisions related to Arizona Revised Statutes Title 16, Chapter 6.1.
4. **A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

Notice of Proposed Exempt Rulemaking: 29 A.A.R. 1969, September 1, 2023.
5. **The agency's contact person who can answer questions about the rulemaking:**

Name: Thomas M. Collins
 Address: Citizens Clean Elections Commission
 1110 W. Washington St., Suite 250
 Phoenix, AZ 85007
 Telephone: (602) 364-3477
 Email: ccec@azcleelections.gov
 Website: www.azcleelections.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:**

The Voter's Right to Know Act, Chapter 6.1 of Title 16, Arizona Revised Statutes was passed by voters at the November 2022 General Election and certified by Governor Ducey on December 5, 2022. The Act provides for the disclosure of certain information related to the funding of political campaigns and disclaimers on campaign public communications. It also granted enforcement, rulemaking, and other powers to the Citizens Clean Elections Commission, a nonpartisan state commission. These proposed rules are part of the implementation of the Act.

R2-20-809 – Provides for complaints regarding violations of Title 16, Chapter 6.1 and related rules, as well as complaints by the Executive Director and referrals from other government entities. Provides a process for handling the administration of complaints.

R2-20-810 – Provides for a response by a person against whom a proper complaint has been filed. Provides the procedures for such a response, including requirements, and for a presumption that may arise based on a failure to respond.

R2-20-811 – Provide the process for investigation and enforcement. Authorizes the Executive Director or other staff member to issue subpoenas and other process and seek compliance with such process. Provides for an appeal to the Commission. Provides that attorneys may assist the Executive Director but may not also represent the Commission itself when it sits for a hearing. Provides for a report by the Executive Director including factual and legal allegations and recommendations and recommended penalties. Provides a process for consent agreements. Provides the Executive Director may dismiss a complaint at any time and provides that at the completion of an investigation if the Executive Director concludes there are not sufficient facts, the Executive Director shall dismiss the complaint and provide a report.

R2-20-812 – Provides for a hearing at a respondent's request. Provides for a pre-hearing conference and items that should be discussed, including scheduling, briefing, witnesses and other items. Provides for the Commission to hold a meeting and vote on whether to issue an order and assessment of penalties, dismiss a complaint or continue a complaint. Provides for judicial review by a respondent upon a final order and for the Executive Director to enforce a Commission order.

R2-20-813 – Provides rules relating to transactions and structuring. Provides that a person who is not a covered person may rely on records provided related to campaign media spending, but has the burden of establishing reasonable reliance, and may not claim reasonable reliance on records the person knows are false or misleading. Provides that a person who is not a covered person may issue a notice to another person that their donation may be used for campaign media spending. Provides that the Executive Director has the burden of establishing structuring by evidence of willful conduct with respect to a transaction or circumstance.

7. 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:

No studies were conducted relevant to these rules.

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:

The rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

9. The summary of the economic, small business and consumer impact, if applicable:

Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

The Commission approved several changes at a public meeting October 26, 2023. Materials provided to the Commission, including all changes adopted, meeting minutes, and recordings of the public meetings are available by contacting the Commission and requesting them. Materials are also available on the Commission's website, azcleanelections.gov.

R2-20-809: In adopting R20-20-809(A), the Commission changed who may file a complaint from any "person" to "Any qualified voter in this state," for consistency with A.R.S. § 16-977(A). In R2-20-809(C)(2) and R2-20-809(H)(2) the Commission changed the word "each" to "any" in sentence describing who a complaint must identify as having committed a violation. The Commission removed proposed R2-20-809(J) as redundant.

R2-20-810: In R2-20-810, the Commission changed the date from which the deadline a respondent has to provide their response to the date the respondent receives a written notice from the Commission, rather than the date the notice is sent.

R2-20-811: In R2-20-811(A), the Commission updated a reference to A.R.S. § 16-979(C) to correct a typographical error. In R2-20-811(F), the Commission added language that, in addition to allowing the Executive Director to dismiss a complaint at any time, provides that: "[i]f, upon completion of an investigation, the Executive Director does not find sufficient facts to substantiate the allegations in the complaint, the Executive Director shall dismiss the complaint and issue a written report to the respondent stating that after completion of an investigation, the Executive Director did not find sufficient facts substantiating the allegations in the complaint to pursue the matter."

R2-20-812: The Commission corrected typographical errors.

R2-20-813: The Commission removed proposed R2-20-813(D), a provision that was intended to highlight the role that attorneys and similar advisors may have in transactions covered by the Act and efforts to evade the requirements of the Act. A.R.S. § 16-975 prohibits structured transactions.

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

The Commission received comments from Statecraft, a Phoenix Law Firm, and the Campaign Legal Center about these proposed rules.

Statecraft Comment: Statecraft objects to much of the language included in Proposed R2-20-813(D). Proposed Section 813 provides rules related to implementing the anti-structuring provisions of the VRKA.

The anti-structuring provision of the Act provides that: "A person may not structure or assist in structuring, or attempt or assist in an attempt to structure any solicitation, contribution, donation, expenditure, disbursement or other transaction to evade the reporting requirements of this chapter or any rule adopted pursuant to this chapter." A.R.S. § 16-975. Proposed R2-20-813(D) proposed to address how this would apply in the case of lawyers and other advisors.

Statecraft's objections include that the Commission lacks authority to issue a rule that purports to regulate attorneys and other fiduciaries in the course of advising clients. Additionally, Statecraft argues, to the extent the Commission attempts to parallel otherwise existing obligations of these professionals, the rule is not sufficiently narrow. Statecraft expresses concern the rule could have a chilling effect on the ability of attorneys to advise clients. Finally, it specifically objects to the proposed language in the last sentence of the rule that provides an express prohibition on advising a course of action that violates the underlying statute prohibiting structuring.

While the Commission does not agree the rule is beyond its power, it acknowledges the concern about a potential chilling effect. In view of that the Commission removed proposed R2-20-813(D). The statute and rules themselves apply to all those subject to the Act, and so, as things stand the particularized focus on attorneys and advisors is unnecessary to assure compliance.

The Campaign Legal Center provided comment on several provisions of the proposed rules.

CLC Comment 1: Section R2-20-809 permits complaints from any person. In its comment, CLC argues that A.R.S. § 16-979, which authorizes the Commission to address complaints regarding violations of the VRKA, allows “any qualified voter in this state” to file a Complaint with the Commission. Moreover, CLC argues that the definition of person included in the Act and the already adopted rule includes a range of entities, not just individuals. Consequently, CLC argues that the proposed rule “is inconsistent with the statutory language and drastically expands who may submit a verified complaint.”

The Commission does not agree that there is an express conflict with the statute. For clarity’s sake, however, and because this will not substantially affect the actual complaints the Commission will receive the Commission adopted this change.

CLC Comment 2a: Section R2-20-810 provides the process for addressing a Complaint, including the timelines for response to the Complaint. It also provides for a reply by a complainant. While the proposed rules provide that when requesting a reply, the Executive Director may grant no more than 30 days to reply, CLC would like the Commission’s rules to require a minimum amount of time.

The Commission did not adopt the change in this comment. Staff regularly works with complainants and respondents on the timing of submitting documents to the Commission. Were an Executive Director to provide unreasonably short time periods to reply that would risk the fairness of the process and surely be brought to the Commission’s attention. Consequently, the Commission did not adopt the suggestion in this comment.

CLC Comment 2b: Proposed R2-20-810(A)(3) provides that if a proper Complaint is filed, the Respondent will receive a written communication from the Executive Director and will have an “opportunity to respond in writing in a timely manner and setting forth a deadline of not more than 30 days after the date of the written communication.” In its comment, CLC recommends the Commission change the deadline so it runs from the date that the Respondent receives the written communication, not the date of the communication.

The Commission adopted the suggestion of this comment, which, as a practical matter should not substantially affect either party or any public interest because the Executive Director already had discretion to set the deadline within the window of 30 days. The change is indicated in Exhibit 1.

CLC Comment 2c: Proposed Rule 810 also provides that when a response is requested, “[e]xtensions shall be granted on request at the discretion of the Executive Director.” CLC argues that the term shall is inherently mandatory and should be changed to may. It also argues that the rule should be changed so that extensions should only be granted upon a showing of good cause.

Staff did not recommend these changes and the Commission did not adopt them. The “shall” in the sentence regarding extensions is not mandatory as the sentence indicates that the extensions are granted at the discretion of the Executive Director. Further, ordinarily the Commission Staff grants extensions in its role enforcing the Clean Elections Act without any express authority. Wise attorneys will likely provide a basis for the need for an extension.

CLC Comment 3: Proposed Rule 811 provides for investigation and enforcement procedures including allowing the Executive Director to provide a report “stating with reasonable particularity the nature of the violation, including the facts, laws, or rules substantiating the allegations in the complaint, and issue it to the respondent.” The rule also provides the Executive Director may dismiss a Complaint at any time.

In its comment, CLC observes that it would be, at a minimum, a better practice for the Executive Director to provide the basis concluding that there are not sufficient facts to sustain a complaint. The CLC recommended the following language:

“If, upon completion of an investigation, the Executive Director does not find sufficient facts to substantiate the allegations in the complaint, the Executive Director shall dismiss the complaint and issue a written report to the respondent stating that after completion of an investigation, the Executive Director did not find sufficient facts substantiating the allegations in the complaint to pursue the matter.”

The substance of this comment was incorporated into the rule adopted by the Commission. Staff believes that an Executive Director who closes a Complaint ought to, as a background legal matter, provide a basis for that decision that is available to the public. Codifying that as a requirement is wise, but does not itself change the nature of the work that the Executive Director ought to do. The language is properly included in subsection (F).

12. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include but not be limited to:

No other matters have been prescribed.

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:

Federal law is not applicable to the subject of the rule.

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 such analysis was submitted.

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

Not applicable

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

These rules were not made as emergency rules.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 8. VOTER'S RIGHT TO KNOW ACT RULES

Section

R2-20-809. Complaint Procedures

R2-20-810. Response Procedures

R2-20-811. Investigation and Enforcement Procedures

R2-20-812. Enforcement Hearing Procedures

R2-20-813. Transactions and Structuring

ARTICLE 8. VOTER'S RIGHT TO KNOW ACT RULES

R2-20-809. Complaint Procedures

- A. Any qualified voter in this state may submit a complaint to the Executive Director if the person believes a violation of Arizona Revised Statutes Title 16, Chapter 6.1 or these rules has occurred. The complaint must be made in writing. Email submissions are acceptable.**
- B. Regardless of whether a complainant is represented by counsel, a complaint must contain the full name, email address, and mailing address of the complainant.**
- C. A complaint must:**
 - 1. Clearly recite the facts that describe a violation of Arizona Revised Statutes Title 16, Chapter 6.1 or these rules as specifically as possible. Citations to law are not required.**
 - 2. Clearly identify any person, including any individual, entity, committee, organization or group, that is alleged to have committed a violation.**
 - 3. Include any supporting documentation which the Complainant believes establishes the alleged violation, if available.**
 - 4. Differentiate between statements based on a complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information, and include supporting documentation if available. Contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized.**
- D. The Executive Director shall review the complaint within 5 days to determine if the Commission has jurisdiction to hear and rule on the complaint, and to ensure the complaint meets the criteria identified in subsection (C).**
- E. If the complaint does not meet the criteria, Commission staff shall notify the complainant of the deficiencies in the complaint and that no action shall be taken on the complaint unless those deficiencies are remedied.**
- F. If the complaint is deemed sufficient, Commission staff shall:**
 - 1. Assign the complaint a complaint number.**
 - 2. Confirm in a writing to the complainant and respondent that the complaint has been received.**
 - 3. Inform the complainant that the respondent shall be provided an opportunity to submit a response.**
- G. A complainant may withdraw the complaint by writing to the Executive Director no later than 14 days after filing the complaint or before the response, whichever is sooner.**
- H. The Executive Director may file a complaint if a person believes a violation of Arizona Revised Statutes Title 16, Chapter 6.1 or these rules has occurred. The complaint shall:**
 - 1. Clearly recite the facts that describe a violation of Arizona Revised Statutes Title 16, Chapter 6.1 or these rules as specifically as possible. Citations to law are not required;**
 - 2. Clearly identify any person, including any individual, entity, committee, organization or group, that is alleged to have committed a violation; and**
 - 3. Include any supporting documentation which the Complainant believes establishes the alleged violation, if available.**
- I. Any employee, agent or representative of another government agency or subdivision of Arizona, including the state, any Arizona county, or any Arizona city or town, may make a referral to the Executive Director under this subsection.**

R2-20-810. Response Procedures

- A. Within 14 days after receiving a complaint that complies with R2-20-809, a staff member shall send the respondent a copy of the complaint and a written communication describing the campaign finance processing procedures. The written communication shall:**
 - 1. Inform the respondent that the Executive Director has received allegations as to possible violations of campaign finance laws by the respondent.**
 - 2. Provide a copy of the complaint.**
 - 3. Gives the respondent an opportunity to respond in writing in a timely manner and setting forth a deadline of not more than 30 days after the respondent's receipt of the written communication. Extensions shall be granted on request at the discretion of the Executive Director.**
- B. The notification letter reflects no judgment about the accuracy of the allegations.**

- C. The response is the respondent's opportunity to demonstrate to the Executive Director why they should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations.
- D. Respondents, if they choose, may be represented by counsel. Once the Executive Director receives a notification that the respondent is represented by counsel, the Commission staff shall communicate only with the counsel unless otherwise authorized by the respondent or the respondent's counsel.
- E. The respondent's response shall be sworn to and signed in the presence of a notary public and shall be notarized. The respondent's failure to respond within the time specified in subsection A may be viewed as an admission to the allegations made in the complaint.
- F. If a respondent provides a response, the response should address each and every reason why no further action should be taken, including any legal or factual basis for an assertion that the matter is not subject to the Commission's jurisdiction.
- G. While not required, when possible, a response should provide documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts.
- H. The response may be submitted by email, and the respondent need not copy the complainant on the response.
- I. A complainant may request a copy of the response.
- J. Complainants other than the Executive Director are not parties to any enforcement matter that may arise as a result of the complaint and response.

R2-20-811. Investigation and Enforcement Procedures

- A. Upon the expiration of the time for a response, the Executive Director or other Commission staff may conduct an investigation. The Executive Director or other Commission staff may engage attorneys pursuant to A.R.S. § 16-979(D).
- B. Attorneys who do substantial work investigating the complaint or enforcing orders and other matters arising from the complaint shall not participate as attorneys for the Commission regarding the complaint. Such attorneys may represent the Executive Director or other Commission staff before the Commission.
- C. The Executive Director or other Commission staff may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or the exercise of its powers. The Executive Director or Commission staff may utilize attorneys to effectuate any of these actions, including filing any action necessary to compel compliance. A person subject to a subpoena or other order pursuant to this subsection may appeal to the Commission by sending a written request to the Commission's attention. The Chair or a Commissioner designated by the chair may confer with an independent legal advisor and shall issue an order scheduling the appeal for a public meeting of the Commission and may set a schedule for any additional briefing.
- D. Upon the completion of an investigation the Executive Director may prepare a report stating with reasonable particularity the nature of the violation, including the facts, laws, or rules substantiating the allegations in the complaint, and issue it to the respondent. The Executive Director may make a recommendation regarding the seriousness of violation, the appropriate remedy, and any other factors that the Executive Director and staff believe are relevant to the matter.
- E. If the Executive Director determines that a consent agreement with the respondent is sufficient, the Executive Director and the respondent may agree to present the agreement to the Commission for acceptance. A consent agreement may include a penalty. The Commission may vote to accept, reject, or modify the proposed consent agreement at a public meeting. At this meeting, the Commission's commission attorney for independent advice shall serve as the legal advisor for the commission. That attorney must not have worked on the investigation, enforcement, or consent agreement.
- F. The Executive Director may dismiss the complaint at any time. If, upon completion of an investigation, the Executive Director does not find sufficient facts to substantiate the allegations in the complaint, the Executive Director shall dismiss the complaint and issue a written report to the respondent stating that after completion of an investigation, the Executive Director did not find sufficient facts substantiating the allegations in the complaint to pursue the matter.

R2-20-812. Enforcement Hearing Procedures

- A. Within 30 days after the issuance of the Executive Director's report and recommendations, a respondent may request a hearing before the Commission. The Commission shall be represented by counsel who have had no role in the investigation or enforcement.
- B. No later than 14 days after the request, the Executive Director, other Commission staff or attorneys for the Executive Director shall meet with the respondent or their attorneys to develop a proposed hearing plan. At the conference the following matters shall be considered:
 - 1. The possibility of a consent agreement, and possible terms;
 - 2. Select at least three mutually-agreeable dates for the hearing to present to the Commission;
 - 3. Discuss whether any additional written material shall be provided to the Commission. If additional written material is necessary, discuss deadlines for the parties to exchange those materials prior to the hearing;
 - 4. Decide whether either side shall call live witnesses, disclosure of the witness' proposed testimony, and agree whether alternative procedures for providing the evidence are available and appropriate;
 - 5. Determine how much time each side shall need at the hearing;
 - 6. Any pre-hearing matters that must be decided by the Commission and a schedule for presenting such matters;
 - 7. A schedule for any pre-hearing briefing; and
 - 8. Each side may prepare a draft final order to be submitted to the Commission with other materials.
- C. Following the Conference, the Executive Director and respondent shall provide a report to the Commission's Chair or other Commission member designated by the Chair. The Chair may consult with an independent legal advisor. The Chair or the independent legal advisor shall issue a scheduling order.
- D. The complaint, the response, the report, and any additional documents shall be provided to the Commission no later than 14 days before the hearing.
- E. At the conclusion of hearing of the Commission may:
 - 1. Vote to issue a final order and assessment of penalties;

2. Vote to dismiss the matter; or
3. Vote to continue the matter to another meeting.
- E.** The Commission shall schedule the next hearing as soon as practicable, considering the schedules of respondent, respondent's counsel, the Executive Director, and any counsel for the Executive Director.
- G.** Following a vote in favor of a final order and assessment of penalties a respondent may seek timely judicial review.
- H.** At the expiration of the time for judicial review, the Executive Director or their representatives must seek compliance with the Commission's final order. This may include the Executive Director, Commission staff, or their attorneys seeking judicial enforcement of the order if necessary.

R2-20-813. Transactions and Structuring

- A.** A person, including an individual, may rely on records provided to the person as documentation of a transaction related to campaign media spending if the records are provided by an independent person who owns or controls the monies involved in the transaction. The person claiming reliance bears the burden of showing the reliance is reasonable by a preponderance of the evidence. The person claiming reliance must not have knowledge the records are false or misleading, and must not refuse to consider or produce information that indicates the records are false or misleading.
- B.** A person who is not a covered person may provide the notice prescribed by A.R.S. § 16-972(B) to another person who has given that person monies before transferring monies or making an in-kind donation to a covered person.
- C.** In order to establish structuring, the Executive Director shall provide evidence that a person acted willfully with regard to the transaction or other circumstance.

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that an agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires publication of the Notice of Rulemaking Docket Opening in the Register.

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

[R23-239]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 11, Civil Monetary Penalties and Assessments
Section numbers: R9-22-1104, R9-22-1105, R9-22-1108
2. **The subject matter of the proposed expedited rule:**
 This rule authorizes Administration to evaluate and enforce financial penalties imposed on healthcare providers and entities that participate in AHCCCS programs. These assessments aim to ensure compliance with state and federal regulations, as well as the proper use of Medicaid funds. They involve investigations into potential violations, such as fraud, waste or abuse in healthcare services.
3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Rulemaking: 29 A.A.R. 3671, December 1, 2023 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Sladjana Kuzmanovic
 Address: AHCCCS
 Office of the General Counsel
 801 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 Email: AHCCCSRules@azahcccs.gov
5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**
 The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. Email comments will be accepted.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
 The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 9. HEALTH SERVICES

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ARIZONA LONG-TERM CARE SYSTEM**

[R23-240]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 28, Arizona Health Care Cost Containment System - Arizona Long-term Care System
Article and its heading: 10, Civil Monetary Penalties and Assessments
Section numbers: R9-28-1001
2. **The subject matter of the proposed expedited rule:**
 This rule authorizes Administration to evaluate and enforce financial penalties imposed on healthcare providers and entities that participate in AHCCCS programs. These assessments aim to ensure compliance with state and federal regulations, as well as the proper use of Medicaid funds. They involve investigations into potential violations, such as fraud, waste or abuse in healthcare services.
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: Sladjana Kuzmanovic
 Address: AHCCCS
 Office of the General Counsel
 801 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4232
 Fax: (602) 253-9115
 Email: AHCCCSRules@azahcccs.gov
5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**
 The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. Email comments will be accepted.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
 The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Expedited Rulemaking will be published in an upcoming issue of the *Register*.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 9. HEALTH SERVICES

**CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
CHILDREN'S HEALTH INSURANCE PROGRAM**

[R23-241]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 31, Arizona Health Care Cost Containment System - Children's Health Insurance Program
Article and its heading: 11, Civil Monetary Penalties and Assessments
Section numbers: R9-31-1101
2. **The subject matter of the proposed expedited rule:**
 This rule authorizes Administration to evaluate and enforce financial penalties imposed on healthcare providers and entities that participate in AHCCCS programs. These assessments aim to ensure compliance with state and federal regulations, as well as the proper use of Medicaid funds. They involve investigations into potential violations, such as fraud, waste or abuse in healthcare services.
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: Sladjana Kuzmanovic
 Address: AHCCCS
 Office of the General Counsel

801 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4232

Fax: (602) 253-9115

Email: AHCCCSRules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. Email comments will be accepted.

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

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Expedited Rulemaking will be published in an upcoming issue of the *Register*.

NOTICES OF SUBSTANTIVE POLICY STATEMENT

SUMMARIES AND LOCATION OF STATEMENTS

Substantive policy statements are written expressions that inform the general public of an agency's current approach to rule or regulation practice as defined under A.R.S. § 41-1001(24).

Agencies are required to prepare a Notice of Substantive Policy Statement and publish the titles of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under A.R.S. § 41-1013(B)(9). These notices are published in this section of the *Register*.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect an agency's internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

Any person may petition an agency under A.R.S. § 41-1033(A)(2) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

Contact the agency liaison listed under Item #6.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA CORPORATION COMMISSION

[M23-58]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Arizona Corporation Commission Policy Statement Regarding the Regulatory Treatment of Loan Surcharges to Promote Fairness to Ratepayers and Long-Term Utility Viability; Decision No. 76335.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was voted on and approved by the Commission at the August 16, 2017, Open Meeting. The Commission issued Decision No. 76335 for the substantive policy statement on August 23, 2017, and determined it was effective on that date.
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement discusses the rate-making treatment of loan surcharge payments. The Commission adopts the policy of not treating loan surcharge payments of Contributions in Aid of Construction ("CIAC"), and additional regulatory mechanisms are created to assure fair collection of loan surcharges from customers.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
Article XV, Section 2 of the Arizona Constitution; Arizona Revised Statutes Title 40
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Nicole M. Layton, Staff Attorney
Address: Arizona Corporation Commission
Legal Division
1200 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 542-3402
Fax: (602) 542-4870
Email: NLayton@azcc.gov
Website: www.azcc.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
A copy of the substantive policy statement may be obtained at no cost from the Commission's website, <https://docket.images.azcc.gov/0000182270.pdf?i=1697659178348>.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA CORPORATION COMMISSON

[M23-59]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Arizona Corporation Commission Policy Statement Following the Commission's Investigation into Improving the Commission's Water Loss Policy for the Betterment of Water Conservation; Decision No. 76375
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was voted on and approved by the Commission at the September 12, 2017, Open Meeting. The Commission issued Decision No. 76375 for the substantive policy statement on September 19, 2017, and determined it was effective on that date.
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement establishes policies and action directives related to addressing water loss issues. A core component of the policy is establishing collaborative efforts between the Commission, utilities, and other state agencies.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
Article XV, Section 2 of the Arizona Constitution; Arizona Revised Statutes Title 40
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Nicole M. Layton, Staff Attorney
Address: Arizona Corporation Commission
Legal Division
1200 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 542-3402
Fax: (602) 542-4870
Email: NLayton@azcc.gov
Website: www.azcc.gov
7. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
A copy of the substantive policy statement may be obtained at no cost from the Commission's website, <https://docket.images.azcc.gov/0000182798.pdf?i=1697659178348>.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA CORPORATION COMMISSON

[M23-60]

1. **Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**
Arizona Corporation Commission Policy Statement Regarding Recovery of Income Tax Expenses in Rates; Decision No. 76631.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was voted on and approved by the Commission at the March 13, 2018, Open Meeting. The Commission issued Decision No. 78899 for the substantive policy statement on March 29, 2018, and determined it was effective on that date.
3. **Summary of the contents of the substantive policy statement:**
This substantive policy statement reverses policies established by Decision No. 73739 to disallow income tax expense consideration in rate cases for tax pass-through entities, except for case-by-case considerations for Class D and Class E utilities.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
Article XV, Section 2 of the Arizona Constitution; Arizona Revised Statutes Title 40
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **The agency contact person who can answer questions about the substantive policy statement:**
Name: Nicole M. Layton, Staff Attorney
Address: Arizona Corporation Commission
Legal Division
1200 W. Washington St.

Phoenix, AZ 85007
Telephone: (602) 542-3402
Fax: (602) 542-4870
Email: NLayton@azcc.gov
Website: www.azcc.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

A copy of the substantive policy statement may be obtained at no cost from the Commission's website, <https://docket.images.azcc.gov/0000186963.pdf?i=1697655013921>.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING

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PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

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FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

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PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

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SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
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E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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TM = Terminated proposed amended Section
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T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after
June 16, 2023	July 7, 2023	August 7, 2023
June 23, 2023	July 14, 2023	August 14, 2023
June 30, 2023	July 21, 2023	August 21, 2023
July 7, 2023	July 28, 2023	August 28, 2023
July 14, 2023	August 4, 2023	September 5, 2023
July 21, 2023	August 11, 2023	September 11, 2023
July 28, 2023	August 18, 2023	September 18, 2023
August 4, 2023	August 25, 2023	September 25, 2023
August 11, 2023	September 1, 2023	October 2, 2023
August 18, 2023	September 8, 2023	October 10, 2023
August 25, 2023	September 15, 2023	October 16, 2023
September 1, 2023	September 22, 2023	October 23, 2023
September 8, 2023	September 29, 2023	October 30, 2023
September 15, 2023	October 6, 2023	November 6, 2023
September 22, 2023	October 13, 2023	November 13, 2023
September 29, 2023	October 20, 2023	November 20, 2023
October 6, 2023	October 27, 2023	November 27, 2023
October 13, 2023	November 3, 2023	December 4, 2023
October 20, 2023	November 10, 2023	December 11, 2023
October 27, 2023	November 17, 2023	December 18, 2023
November 3, 2023	November 24, 2023	December 26, 2023
*November 9, 2023	December 1, 2023	January 2, 2024
November 17, 2023	December 8, 2023	January 8, 2024
November 24, 2023	December 15, 2023	January 16, 2024
December 1, 2023	December 22, 2023	January 22, 2024
December 8, 2023	December 29, 2023	January 29, 2024
December 15, 2023	January 5, 2024	February 5, 2024
December 22, 2023	January 12, 2024	February 12, 2024
December 29, 2023	January 19, 2024	February 20, 2024

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <https://grrc.az.gov>.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2023/2024 (MEETING DATES ARE SUBJECT TO CHANGE)

[M22-60/M23-49]

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> October 24, 2023	<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> November 28, 2023	<i>Tuesday</i> December 5, 2023
<i>Tuesday</i> November 21, 2023	<i>Tuesday</i> December 19, 2023	<i>Wednesday</i> December 27, 2023	<i>Tuesday</i> January 2, 2024
<i>Tuesday</i> December 19, 2023	<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> January 30, 2024	<i>Tuesday</i> February 6, 2024
<i>Tuesday</i> January 23, 2024	<i>Tuesday</i> February 20, 2024	<i>Tuesday</i> February 27, 2024	<i>Tuesday</i> March 5, 2024
<i>Tuesday</i> February 20, 2024	<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> March 26, 2024	<i>Tuesday</i> April 2, 2024
<i>Tuesday</i> March 19, 2024	<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> April 30, 2024	<i>Tuesday</i> May 7, 2024
<i>Tuesday</i> April 23, 2024	<i>Tuesday</i> May 21, 2024	<i>Wednesday</i> May 29, 2024	<i>Tuesday</i> June 4, 2024
<i>Tuesday</i> May 21, 2024	<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> June 25, 2024	<i>Tuesday</i> July 2, 2024
<i>Tuesday</i> June 18, 2024	<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> July 30, 2024	<i>Tuesday</i> August 6, 2024
<i>Tuesday</i> July 23, 2024	<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> August 27, 2024	<i>Wednesday</i> September 4, 2024
<i>Tuesday</i> August 20, 2024	<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> September 24, 2024	<i>Tuesday</i> October 1, 2024
<i>Tuesday</i> September 17, 2024	<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> October 29, 2024	<i>Tuesday</i> November 5, 2024
<i>Tuesday</i> October 22, 2024	<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> November 26, 2024	<i>Tuesday</i> December 3, 2024
<i>Tuesday</i> November 19, 2024	<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> December 31, 2024	<i>Tuesday</i> January 7, 2025
<i>Tuesday</i> December 24, 2024	<i>Tuesday</i> January 21, 2025	<i>Tuesday</i> January 28, 2025	<i>Tuesday</i> February 4, 2025

GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE NOVEMBER 7, 2023 MEETING

[M23-61]

A. CONSENT AGENDA ITEMS:**Rulemakings:****1. ARIZONA CRIMINAL JUSTICE COMMISSION**

Title 10, Chapter 4

Amend: R10-4-501**2. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

Title 20, Chapter 6

Amend: R20-6-401, R20-6-405, R20-6-409**3. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

Title 20, Chapter 6

Amend: R20-6-205, R20-6-604, R20-6-801, R20-6-1003, Appendix B, R20-6-2002, R20-6-2401**4. DEPARTMENT OF HEALTH SERVICES**

Title 9, Chapter 6

Amend: R9-6-1101, R9-6-1102, R9-6-1103, R9-6-1104**Five-Year Review Reports****5. WATER INFRASTRUCTURE FINANCE AUTHORITY**

Title 18, Chapter 15, Articles 1-7

6. DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 20

COUNCIL ACTION: CONSENT AGENDA APPROVED**B. CONSIDERATION AND DISCUSSION OF RULEMAKINGS:****1. ARIZONA STATE BOARD OF DENTAL EXAMINERS**

Title 4, Chapter 11

Amend: R4-11-403**COUNCIL ACTION: APPROVED****2. ARIZONA STATE BOARD OF DENTAL EXAMINERS**

Title 4, Chapter 11

Amend: R4-11-502, R4-11-903, R4-11-1503**COUNCIL ACTION: APPROVED****3. ARIZONA MEDICAL BOARD**

Title 4, Chapter 16

Amend: R4-16-401**COUNCIL ACTION: APPROVED****4. NATUROPATHIC PHYSICIANS MEDICAL BOARD**

Title 4, Chapter 18

Amend: R4-18-601, R4-18-602, R4-18-603**COUNCIL ACTION: APPROVED**

5. NATUROPATHIC PHYSICIANS MEDICAL BOARD

Title 4, Chapter 18

New Section: Article 10, R4-18-1001, R4-18-1002, R4-18-1003, R4-18-1004

Amend: R4-18-902, R4-18-903

COUNCIL ACTION: APPROVED

C. CONSIDERATION AND DISCUSSION OF FIVE-YEAR REVIEW REPORTS:

1. ARIZONA DEPARTMENT OF TRANSPORTATION

Title 17, Chapter 4, Article 1-3

COUNCIL ACTION: APPROVED

2. ARIZONA DEPARTMENT OF TRANSPORTATION

Title 17, Chapter 7, Article 1-7

COUNCIL ACTION: APPROVED

3. OFFICE OF ADMINISTRATIVE HEARINGS

Title 2, Chapter 19, Article 1

COUNCIL ACTION: APPROVED WITH CHANGES TO PROPOSED COURSE OF ACTION TIME FRAME

4. DEPARTMENT OF AGRICULTURE

Title 3, Chapter 3, Article 7-11

COUNCIL ACTION: APPROVED

5. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

Title 9, Chapter 21

COUNCIL ACTION: APPROVED

6. ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Title 4, Chapter 43

COUNCIL ACTION: APPROVED

7. ARIZONA BOARD OF NURSING

Title 4, Chapter 19, Articles 3 and 8

COUNCIL ACTION: APPROVED