

NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 9. DEPARTMENT OF HEALTH SERVICES –
PROCUREMENT ORGANIZATIONS

PREAMBLE

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| <u>1.</u> | <u>Article, Part or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| | R9-9-402 | Amend |
| <u>2.</u> | <u>Citations to the agency’s statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):</u> | |
| | Authorizing Statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G) | |
| | Implementing Statutes: A.R.S. §§ 36-851.01, 36-851.02 and 36-851.03 | |
| <u>3.</u> | <u>Citations to all related notices published in the <i>Register</i> as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:</u> | |
| | Notice of Docket Opening: 28 A.A.R. 3505, November 11, 2022 | |
| <u>4.</u> | <u>The agency’s contact person who can answer questions about the rulemaking:</u> | |
| | Name: Megan Whitby, Bureau Chief | |
| | Address: Department of Health Services | |
| | Public Health Licensing Services | |
| | 150 N. 18th Ave., Suite 400 | |
| | Phoenix, AZ 85007 | |
| | Telephone: (602) 364-3052 | |
| | Fax: (602) 364-2079 | |
| | E-mail: megan.whitby@azdhs.gov | |
| | or | |
| | Name: Stacie Gravito, Interim Office Chief | |
| | Address: Arizona Department of Health Services | |
| | Office of Administrative Counsel and Rules | |
| | 150 N. 18th Ave., Suite 200 | |
| | Phoenix, AZ 85007 | |
| | Telephone: (602) 542-5879 | |
| | Fax: (602) 364-1150 | |
| | E-mail: stacie.gravito@azdhs.gov | |

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

Arizona Revised Statutes (A.R.S.) § 36-851.01 requires that a person acting as a procurement organization in Arizona be licensed by the Department, except as provided in A.R.S. § 36-851.01(F). A.R.S. § 36-851.02 specifies requirements for accredited procurement organizations, and A.R.S. § 36-851.03 specifies requirements for procurement organizations that are not accredited. The Department has adopted rules in Arizona Administrative Code (A.A.C.) Title 9, Chapter 9. After obtaining an exception from the rulemaking moratorium established by Executive Order 2022-01, the Department is revising the rules to align with statutory requirements, reduce the burden on stakeholders by consolidating steps, procedures, and processes, to make the rules clearer, more concise and understandable, and make the rule consistent with other sections of the Chapter. The changes to be made will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated, but reduce a burden due to unnecessary requirements without compromising health and safety. This rulemaking will modify already existing rules, and, thus, no new or additional rules will be created as part of this rulemaking. The new rules will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary State.

6. A reference to any study relevant to the rules 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 Department 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:

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Not applicable

10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rules under A.R.S. § 41-1027(C):

Close of record: Wednesday, January 11, 2023, at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:

Not applicable

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

Not applicable

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

No such 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 9. DEPARTMENT OF HEALTH SERVICES –
PROCUREMENT ORGANIZATIONS

ARTICLE 1. ADMINISTRATION FOR AN ACCREDITED PROCUREMENT ORGANIZATION

Section

R9-9-402. Donor Consent; NTAD and NAM Identification

ARTICLE 4. ADMINISTRATION FOR AN ACCREDITED PROCUREMENT ORGANIZATION

R9-9-402. Donor Consent; NTAD and NAM Identification

In addition to the requirements in Article 1, a licensee of an accredited procurement organization shall ensure that:

1. A donor consent form includes:
 - a. The intended use of the NAM,
 - b. How the NAM may be used,
 - c. A statement that the NAM will be treated with dignity at all times, and
 - d. A statement that the NAM may require international export to an end-user.
2. A donor consent form is maintained in the donor's record and retained for at least 10 years beyond the date of final disposition.
3. An electronic identification system for donors is established and maintained for NTAD or NAM;
 - a. Assigns a unique ~~identifier using a combination of letters, numbers, and symbols~~ for NTAD or NAM identification number according to A.R.S. § 36-851.03(A)(6)(a);
 - b. Tracks the complete history of all NAM; and
 - c. Records the date and staff member involved in each significant step of the operation from the time of NTAD acquisition through final disposition.
4. The information required to register the death of a NTAD is submitted within seven calendar days after receiving the NTAD according to A.R.S. § 36-325.