



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2001: department of health services; rulemaking
Sponsor: Representative Cook, LD 7
Committee on Government

Overview

Exempts the Arizona Department of Health Services (DHS) rules from the Arizona Administrative Procedures Act (APA) if certain criteria are met.

History

The APA provides procedures for agency rulemaking and for appealing agency decisions. Specifically, [Title 41, Chapter 6, Article 3](#) outlines the statutory requirements for state agencies in regard to rulemaking authority. These requirements are designed to ensure adequate public participation in the rulemaking process.

A *rule* is an agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of an agency ([A.R.S. § 41-1001](#)). If a proposed rule falls within any of the specific categories listed in [A.R.S. § 41-1005](#), it is exempt from the APA and can be made without following APA procedures and the effective date of an exempt rule depends on the statutory exemption ([Arizona Rulemaking Manual](#)).

DHS conducts [regular rulemaking](#) according to the statutory requirements. Currently, DHS is exempt from: 1) capped fee-for-service schedule adopted by AHCCCS; 2) emergency medical services protocols; 3) fee schedules; and 4) the administration and implementation of the hospital assessment ([A.R.S. § 41-1005](#)).

Provisions

1. States that DHS rules from the APA are exempt if all are applicable:
 - a) The rules reduce a regulatory burden without jeopardizing health and safety;
 - b) The rules do not increase costs to persons who are regulated by the rule; and
 - c) Before adoption of the rules, the public is provided at least 15 days to comment on the rules. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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