

-Preface-

Arizona Department of Economic Security

Five – Year Review Reports

A.R.S. § 41-1056 requires that at least once every five years, each agency shall review its administrative rules and produce reports that assess the rules with respect to considerations including the rule’s effectiveness, clarity, conciseness and understandability. The reports also describe the agency’s proposed action to respond to any concerns identified during the review. The reports are submitted in compliance with the schedule provided by the Governor’s Regulatory Review Council (GRRC). A.R.S. § 18-305, enacted in 2016, requires that statutorily required reports be posted on the agency's website.

Department of Economic Security

Title 6, Chapter 13

State Assistance Programs

Five-Year Review Report

1. Authorization of the rule by existing statutes:

General Statutory Authority: A.R.S. §§ 41-1954(A)(3), 46-134(1), and 46-134(10)

Specific Statutory Authority: A.R.S. § 36-716

2. Analysis of rules:

Rule

Analysis

R6-13-102 Title: Definitions

Objective: The objective of this rule is to define words and phrases used in Chapter 13 to promote a uniform understanding of terms used by the Tuberculosis Control Program.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: The definitions in this article require updating to align phrases, terms, and definitions across programs administered by the Department, including the Nutrition Assistance and Cash Assistance programs.

Rule

Analysis

R6-13-103 Title: Individuals Who May Qualify for Assistance

Objective: The objective of this rule is to provide financial and nonfinancial criteria for individuals who may be eligible to participate in the Tuberculosis Control Program.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-104 Title: Applicant Responsibilities at Initial Application

Objective: The objectives of this rule are to explain how a person may apply for assistance, the information required in the application, and how the application filing date is determined.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to better describe how the Department determines the date of the application.

Rule **Analysis**

R6-13-105 Title: Department Responsibilities at Initial Application

Objective: The objective of this rule is to explain the Department's responsibilities when an application is received, the Department's requirement to assist the applicant in completing the application if needed, and to describe the contents of a completed application.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to remove out-of-date language and to more specifically describe the contents of a completed application.

Rule **Analysis**

R6-13-106 Title: Applicant Responsibilities at the Initial Interview

Objective: The objective of this rule is to inform an applicant of their responsibilities during and after the eligibility interview process.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to remove unnecessary information, and because the rule requires the applicant to provide verification of the documentation when the verification process is the Department's responsibility.

Rule **Analysis**

R6-13-107 Title: Agency Responsibilities at the Initial Interview

Objective: The objective of this rule is to describe the Department's responsibilities to inform applicants of the program's terms and conditions, the applicant's rights and responsibilities, and how the Department verifies the applicant's information to determine eligibility.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to improve clarity and understandability and to remove redundancy regarding the verification process.

Rule **Analysis**

R6-13-108 Title: Processing the Initial Application

Objective: The objective of this rule is to provide the timeframe within which the Department must complete the eligibility determination, the exceptions to the timeframe, and the reasons why an application may be denied.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to improve clarity and concision, and create an understanding of the process for approving, withdrawing or denying an application.

Rule **Analysis**

R6-13-109 Title: Case Record

Objective: The objective of this rule is to specify the information the Department maintains in the case record and how long the information is retained.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to update the retention period for a Tuberculosis Control Program case record to align with the retention period as published by the Secretary of State in the Arizona State Library, Archives and Public Records Retention Schedules for the Department.

Rule **Analysis**

R6-13-110 Title: Confidentiality

Objective: The objective of this rule is to explain the Department's responsibility to maintain the confidentiality of an applicant's or recipient's records.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-111 Title: Manuals

Objective: The objective of this rule is to describe the Department's responsibility to make the program's policy manual available through the Department website and for viewing in offices.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision because the name of the policy manual has changed and needs to be updated in the rules.

Rule **Analysis**

R6-13-112 Title: Nonfinancial Eligibility Determination

Objective: The objective of this rule is to explain the three nonfinancial eligibility factors that an applicant must satisfy to be eligible for the program.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-113 Title: Resource Limitations

Objective: The objective of this rule is to establish the resource limit that the assistance unit must not exceed to be eligible for the program, and specify the resource equity value excluded by the Department when determining countable resources.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-114 Title: Resource Verification

Objective: The objective of this rule is to inform the public that the Department will verify all resources.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-115 Title: Availability and Ownership of Resources

Objective: The objective of this rule is to describe how the Department establishes whether a resource is available or unavailable to the assistance unit and whether the resource is countable when determining eligibility.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to better explain how the Department considers resources and how the Department determines the availability of jointly owned resources in separate households.

Rule **Analysis**

R6-13-116 Title: Nonrecurring Lump-sum Payments

Objective: The objective of this rule is to describe when a lump sum payment is counted as a resource and when it is considered as income.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-117 Title: Treatment of Income; Overview

Objective: The objective of this rule is to describe the monies the Department considers as income and specify that the Department considers all non-excluded income available to the assistance unit.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-118 Title: Income Exclusions

Objective: The objective of this rule is to identify the types of income that are excluded when determining eligibility.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires updating to explain "Negative Rent Utility Payments" and to replace "Workforce Innovation and Opportunity Act" for "Workforce Investment Act" as this law was reauthorized and renamed by Congress.

Rule **Analysis**

R6-13-119 Title: Determining Income Eligibility and a Cash Benefit Amount for an Assistance Unit

Objective: The objective of this rule is to explain the methods by which the

Department determines countable monthly income, and the method used to determine a cash benefit amount.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-120 Title: Determining Monthly Gross Income

Objective: The objective of this rule is to explain how the Department calculates countable monthly gross income.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-121 Title: Methods to Determine Monthly Income

Objective: The objective of this rule is to explain the formulas the Department uses to convert income which is received other than once a month into a monthly gross amount.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-122 Title: Income Verification

Objective: The objective of this rule is to inform the public that the Department is required to verify income before determining eligibility and benefit amount.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-123 Title: Earned Income Deductions

Objective: The objective of this rule is to describe the earned income work expense deduction and its purpose.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-124 Title: Determining Income Eligibility and Cash Benefit Amount

Objective: The objective of this rule is to explain the methodology used when determining income eligibility and the cash benefit.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-125 Title: Benefit Payments

Objective: The objective of this rule is to establish timeframes for when initial and ongoing monthly benefits become available to the assistance unit.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-126 Title: Payment Method

Objective: The objective of this rule is to describe how the Department provides benefit payments to the assistance unit.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-127 Title: EBT Card Issuance

Objective: The objective of this rule is to explain the Department's responsibilities when issuing an EBT card to the assistance unit.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-128 Title: EBT Alternate Card Holder

Objective: The objective of this rule is to inform the recipient that they may designate up to two EBT Alternate Account Holders and the alternate account holders' responsibilities upon receipt of their EBT card.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-129 Title: Change in Arizona Residency

Objective: The objective of this rule is to inform an assistance unit that they may access any remaining EBT account funds if they move from the state of Arizona.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-130 Title: Replacing Lost, Stolen or Damaged Cards

Objective: The objective of this rule is to outline the responsibilities of the assistance unit, EBT Customer Service, and the Department when an EBT card is lost, stolen, or damaged.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-131 Title: Inactive Accounts; Unused Benefits

Objective: The objective of this rule is to inform recipients that they may lose access to the funds in their EBT account following a period of inactivity.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-132 Title: Supplemental Payments

Objective: The objective of this rule is to describe the Department's responsibility to correct the underpayment of benefits.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-133 Title: Overpayments: Date of Discovery, Collection

Objective: The objective of this rule is to inform an assistance unit of the Department's responsibility to identify and recoup overpayments.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-134 Title: Methods of Collection and Recoupment

Objective: The objective of this rule is to advise an assistance unit on the methods by which the Department may recover overpayments.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-135 Title: Overpayment Calculation Date

Objective: The objective of this rule is to explain how the Department determines when an assistance unit's overpayment period begins.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-136 Title: Completion of Treatment

Objective: The objective of this rule is to explain that an assistance unit is no longer eligible for benefits when the Department receives notification from the Department of Health Services that the treatment is complete.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-137 Title: Eligibility Review

Objective: The objective of this rule is to inform an assistance unit of the Department's eligibility review process.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-138 Title: Requirement to Report Changes

Objective: The objective of this rule is to inform the assistance unit of their responsibility to report, within a specified time frame, changes that may affect their eligibility or benefit amount and to provide verification when requested.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-139 Title: Agency Responsibilities for Processing Changes

Objective: The objective of this rule is to inform the assistance unit of the Department's actions when changes are reported.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-140 Title: Reinstatement of Terminated Benefits

Objective: The objective of this rule is to inform the assistance unit of the circumstances under which the Department reinstates terminated benefits.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-141 Title: Notice of Adverse Action

Objective: The objective of this rule is to explain the conditions under which the Department sends an assistance unit a notice of adverse action and the information contained in the notice.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-142 Title: Entitlement to a Hearing; Appealable Action

Objective: The objective of this rule is to notify an applicant or recipient of the right to a hearing on an appealable adverse action.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because it does not explain that a party may not only request a hearing on an adverse action taken by the Department, but they may also request a hearing when the Department fails to timely act.

Rule **Analysis**

R6-13-143 Title: Computation of Time

Objective: The objective of this rule is to explain how timeframes specific to these rules are calculated.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because it does not align with the current Department practice of allowing consideration of the additional five days for transmittal by U.S. Mail. The Department proposes to amend this rule to include the additional five days.

Rule **Analysis**

R6-13-144 Title: Request for Hearing; Form; Time Limits; Presumptions

Objective: The objective of this rule is to explain the methods by which a person can appeal an adverse action by requesting a hearing. The rule also explains how the date and timeliness of the request is determined.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because it is unclear on the methods for requesting an appeal and contains provisions no longer required by the Department. An applicant or recipient may file a hearing request by completing a Department form and submitting the form in person, by mail, fax, phone, or online as directed on the form. The Department currently processes any request for a hearing that contains sufficient information for the Department to determine an appellant's identity.

Rule **Analysis**

R6-13-145 Title: Family Assistance Administration: Transmittal of Appeal

Objective: The objective of this rule is to explain the program's responsibilities in processing an appeal.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: The rule is not effective because it does not accurately describe the prehearing summary process.

Rule **Analysis**

R6-13-146 Title: Stay of Adverse Action Pending Appeal

Objective: The objective of this rule is to explain that a recipient may continue to receive Tuberculosis Control Program assistance under specific conditions pending the receipt of a decision from the Hearing Officer.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to explain that there is no requirement for a client to proactively request to continue to receive benefits while awaiting an appeal decision. If the appeal is filed within the 10 day period, benefits will continue pending a hearing officer's decision.

Rule **Analysis**

R6-13-147 Title: Hearings: Location; Notice; Time

Objective: The objective of this rule is to explain the Office of Appeals' responsibilities to schedule the hearing and notify all parties within specific timeframes, and to describe the information included in the notice of hearing.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because the information contained in this

rule does not explain that a party may also request an in-person hearing or an earlier hearing and that the hearing officer may dismiss the hearing request if a party fails to appear for the hearing.

<u>Rule</u>	<u>Analysis</u>
R6-13-148	<p><u>Title:</u> Postponing the Hearing</p> <p><u>Objective:</u> The objective of this rule is to explain how the parties may request a postponement of the hearing and the process to do so.</p> <ul style="list-style-type: none">• Is this rule effective in meeting the objective? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No• Is this rule consistent with other rules and statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No• Is this rule enforced as written? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No• Is this rule clear, concise, and understandable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p><u>Explanation:</u> This rule is not effective because the Department permits the appellant to receive one postponement of the first scheduled hearing, not to exceed 30 days and does not require a showing of good cause for the first request. The Office of Appeals may grant subsequent postponements upon a showing of good cause.</p>

<u>Rule</u>	<u>Analysis</u>
R6-13-149	<p><u>Title:</u> Hearing Officer: Duties and Qualifications</p> <p><u>Objective:</u> The objective of this rule is to enumerate the responsibilities of the Hearing Officer in the appeals process.</p> <ul style="list-style-type: none">• Is this rule effective in meeting the objective? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No• Is this rule consistent with other rules and statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No• Is this rule enforced as written? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No• Is this rule clear, concise, and understandable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<u>Rule</u>	<u>Analysis</u>
R6-13-150	<p><u>Title:</u> Change of Hearing Officer; Challenges for Cause</p> <p><u>Objective:</u> The objective of this rule is to explain the circumstances under which a party may request a different Hearing Officer from the one currently assigned to the hearing and the responsibilities of the Office of Appeals when a request is made.</p>

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-151 Title: Subpoenas

Objective: The objective of this rule is to explain the process by which a party may request the issuance of a subpoena and the responsibilities of the requesting party, the Hearing Officer, and the Office of Appeals in this process.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to remove the requirement that a party first attempt to obtain documents or witness's appearance by voluntary means.

Rule **Analysis**

R6-13-152 Title: Parties' Rights

Objective: The objective of this rule is to list the rights of each party during the appeals process.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to add that a party may also bring witnesses to the hearing and may also question or refute any testimony or evidence presented.

Rule **Analysis**

R6-13-153 Title: Withdrawal of an Appeal

Objective: The objective of this rule is to explain the process by which an appellant may withdraw an appeal and the action of the Office of Appeals when an appeal is withdrawn.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because it does not include the Department's responsibility to send a written notification to the appellant confirming that an oral request to withdraw an appeal has been received and providing the appellant an opportunity to reinstate a hearing.

Rule **Analysis**

R6-13-154 Title: Failure to Appear; Default; Reopening

Objective: The objective of this rule is to explain the responsibilities of the Hearing Officer when the appellant fails to appear for a scheduled hearing and provide an opportunity for the appellant to request to reopen the proceedings.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because the Department has instituted procedural changes to the process for establishing good cause for failure to appear at a hearing. A separate hearing to determine the validity of a good cause claim is no longer required when the party requests that a hearing be reopened and provides an acceptable good cause reason for having not attended the original hearing. The hearing officer may reopen the proceedings and schedule a new hearing with notice to all parties.

Rule **Analysis**

R6-13-155 Title: Hearing Proceedings

Objective: The objective of this rule is to explain the hearing procedures,

including the responsibilities of the parties and the Hearing Officer.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision because the Arizona Revised Statutes citation in section (C) is incorrect and should be A.R.S. § 41-1062(A). This rule also requires updating to reflect updated practices.

Rule **Analysis**

R6-13-156 Title: Hearing Decision

Objective: The objective of this rule is to establish a timeframe for the hearing decision, the elements that must be included in the Hearing Officer's decision, and the notification requirements.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule requires revision to add that the hearing decision also contains a statement that an appeal of the decision may result in a reversal of the decision.

Rule **Analysis**

R6-13-157 Title: Effect of the Decision

Objective: The objective of this rule is to explain the types of decisions rendered by the hearing officer and the effect of the decision on all parties.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-158 Title: Further Administrative Appeal

Objective: The objective of this rule is to explain that a party may appeal the hearing officer's decision to the Department's Appeals Board, and explain the procedures for appealing the decision.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because section (C) should be deleted as the parties are no longer required to mail a copy of the petition for review to the other parties as this is a process conducted by the Office of Appeals. The Department proposes to delete section (D) as unnecessary and confusing.

Rule **Analysis**

R6-13-159 Title: Appeals Board

Objective: The objective of this rule is to explain the responsibilities of the Department's Appeals Board when a party has appealed the decision of a hearing officer.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Explanation: This rule is not effective because section (B) lists additional actions that the Appeals Board may take following a decision. The Department proposes to delete this rule as the actions of the Appeals Board are not governed by these rules.

Rule **Analysis**

R6-13-160 Title: Judicial Review

Objective: The objective of this rule is to explain the rights of the parties to appeal a decision to a court of higher jurisdiction under A.R.S. § 41-1993.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

Rule **Analysis**

R6-13-161 Title: Availability of TC Payments

Objective: The objective of this rule is to notify the public that assistance payments are contingent upon budgetary appropriation.

- Is this rule effective in meeting the objective? Yes No
- Is this rule consistent with other rules and statutes? Yes No
- Is this rule enforced as written? Yes No
- Is this rule clear, concise, and understandable? Yes No

3. Has the Department received written criticisms of the rules within the last five years?

Yes No

4. Economic, small business, and consumer impact comparison:

In the 2019 5YRR, the Department reported that 15 individuals had participated in the program, benefits paid totaled \$8,500, and no additional resources were added or necessary to operate the program. For FY 2024, 22 individuals participated in the program, and benefits paid totaled \$6,906. The Department does not anticipate requiring any additional resources to conduct the program, and that the program will continue to have minimal economic impact.

5. Has the agency received any business competitiveness analyses of the rules?

Yes No

6. Has the agency completed the course of action indicated in the agency's previous five-year review report?

Yes No

In the previous Five-Year Review Report approved by the Council in April 2019, the Department advised that it would identify rules to repeal or revise as rulemaking for the Department's Appellate Services Administration Consolidated Hearings Rules, 6 A.A.C. 9, Article 3, developed. Rulemaking for 6 A.A.C. 9, Article 3 was approved by the Governor on March 4, 2024, and is under internal review by the Department.

7. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the rules impose the least burden and costs to persons regulated by these rules, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objectives. These rules do not impose any cost to consumers or small businesses and will be modified to align with current Nutrition Assistance program rules, Cash Assistance program rules, and Appellate Services Administration rules when codified. Updates to the rules identified in this report outweigh any potential costs incurred from the proposed revisions.

8. **Are the rules more stringent than corresponding federal laws?**

Yes No

There is no corresponding federal law specific to the Tuberculosis Control Program.

9. **For rules adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Department has determined that A.R.S. § 41-1037 does not apply to these rules because the Department is not proposing a new rule or an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization.

10. **Proposed course of action:**

The Department proposes to update the rules in 6 A.A.C. 13, Article 1 to align the rules with the Department's current practices and to address issues identified in section 2 of this report. The Department is currently in the process of updating 6 A.A.C. 14, Nutrition Assistance program rules, and 6 A.A.C. 9, Appellate Service Administration, that support the proposed revisions for 6 A.A.C. 13, Article 1. The Department anticipates submitting a Notice of Final Rulemaking for revisions to 6 A.A.C. 13, Article 1 to the Council by March 2025.