

Division for Planning and Operations Administrative Counsel and Rules

1740 W. Adams, Suite 203 Phoenix, Arizona 85007-2670 (602) 542-1020 (602) 364-1150 FAX DOUGLAS A. DUCEY, GOVERNOR CARA M. CHRIST, M.D., DIRECTOR

June 23, 2015

Sent Via U.S. Mail

Arizona Association of Midwives Legal and Regulatory Committee P.O. Box 80751 Phoenix, AZ 85060

Re: Response-May 5, 2015 Letter

To Whom It May Concern:

On behalf of the Arizona Department of Health Services ("ADHS"), I am responding to your letter dated May 5, 2015 and received by ADHS on May 14, 2015 ("Letter"). In your Letter you state the "Arizona Association of Midwives (AAM) is submitting the attached Petition for a Rule (or Review of a Practice or Policy) to [ADHS] as permitted in Arizona Revised Statutes § 41-1033 (Administrative Procedures Act)." Your Letter requests ADHS to amend a currently codified rule, Arizona Administrative Code ("A.A.C.") R9-16-111.

Please note that your Letter does not request that ADHS make a final rule, where one does not already exist, or review an existing agency practice or substantive policy statement that you allege constitutes a rule. See Arizona Revised Statutes ("A.R.S.") § 41-1033(A). Rather, your Letter requests that ADHS amend an already established rule, specifically A.A.C. R9-16-111. Accordingly, ADHS does not believe that your Letter satisfies the requirements in A.R.S. § 41-1033.

Even if your Letter is considered a sufficient Petition for Rulemaking under A.R.S. § 41-1033, please be advised that ADHS does not currently plan to initiate a rule making or make a rule in response to it. On July 1, 2013, after numerous drafts, stakeholder input and stakeholder meetings, as documented at

http://www.azdhs.gov/ops/oacr/rules/rulemakings/active/recent.php?pg=midwifery and http://www.azdhs.gov/licensing/special/midwives/index.php#committees-spac-home, ADHS revised the midwifery rules in A.A.C. Title 9, Chapter 16. ADHS believes the current midwifery rules properly administer and enforce A.R.S. Title 36, Chapter 6, Article 7. See A.R.S. § 36-755. ADHS also believes that the current midwifery rules contain the necessary standards to "safeguard the health and safety of the mother and child." See id.

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If you have any questions regarding this response, please contact the Division for Planning and Operations, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

Robert Lane, Interim Manager

Division for Planning and Operations, Administrative Counsel and Rules

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