



Writing and Posting Rules That People Can Use

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Topics for this morning

- Setting the context – what and why
- Helping rule writers be both clear and legally accurate
- Posting rules online (primarily about formatting)
 - Easy to find
 - Easy to use
 - Accessible to everyone

Setting the context – what and why



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What is a regulation?

A regulation is a legal document that sets out the standards and procedures by which an agency of the government expects both itself and those affected by the regulation to carry out the intent of the law.

Three assertions about regulations

- Regulations are meant to communicate information as well as to state legal requirements.
- Many regulations do not communicate effectively to the people who must understand them.
- We can have legally accurate and sufficient regulations that also communicate effectively.

Consider this example

45-2 Instructions and Certification of Managers and Clerks in the Use of Vote Recorders.

Not less than ten nor more than twenty-one days before each election in counties in which vote recorders are to be used, the commissioners of elections or other electoral board shall instruct or cause to be instructed in the use of the vote recorder, and in their duties in connection therewith, the managers and clerks appointed to serve in such election, and who have not been previously instructed and found qualified. The commissioners of election or other electoral board shall give to each poll manager and clerk, who has received such instruction and is found qualified to conduct such election with the vote recorder, a certificate to that effect. For the purpose of giving such instructions, the commissioners of election or other electoral board shall call such meeting or meetings of managers and clerks as shall be necessary. Each manager and clerk shall, upon notice, attend such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the election with vote recorders. No manager or clerk shall be permitted to conduct an election at which a vote recorder is used unless he shall have been qualified to perform his duties in connection therewith, shall have received a certificate to that effect from the commissioners of election or other electoral board. But nothing herein shall prevent the appointment of a person as a manager or clerk of an election on the day of the election or on the preceding day.



Why should we care?
Why do the people you regulate care?



Does your state require clear rules?

I order the Governor's Office and Executive Branch Agencies to take the following steps:

- Use language commonly understood by the public;
- Write in short and complete sentences;
- Present information in a format that is easy-to-find and easy-to-understand; and
- Clearly state directions and deadlines to the audience.

The Office of the Governor will provide guidance for implementing Minnesota's Plain Language policy. This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State.

In Testimony Whereof, I have set my hand this 4th day of March, 2014.



Mark Dayton
Governor

Can we do better?

Yes. Clear rules – Example 1

Rule 2. Voter Registration

2.1 Submission of voter registration forms

- 2.1.1 An applicant may submit a properly executed voter registration form to the county clerk in person, by mail, by fax, by online voter registration, or as an email attachment.
- 2.1.2 If any portion of a mail application is illegible, the county clerk must notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.
- 2.1.3 For submitting applications by fax, email, or online voter registration, close of business is 11:59 p.m. MT.



[WACs](#) > [Title 296](#) > [Chapter 296-16A](#) > [Section 296-16A-040](#)

[Print](#)

[296-16A-030](#) << [296-16A-040](#) >> [296-16A-050](#)

WAC 296-16A-040

Agency filings affecting this section

What if my worker has more than one claim or other qualifying employers?

(1) We will reimburse you only once for an incurred expense: If your worker has more than one claim, we will not reimburse you more than once for the same wages paid or training, clothing, or equipment provided.

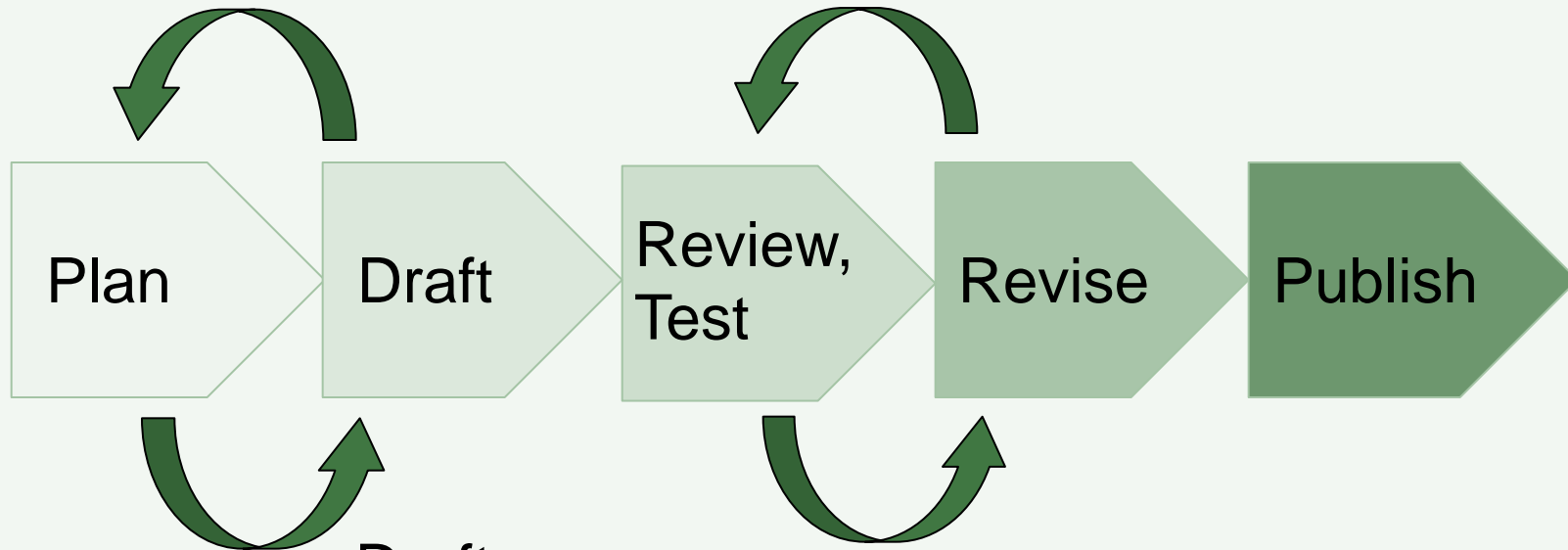
(2) If we receive valid reimbursement requests from different employers for the same claim, we will pay the requests in the order received by the department up to the per claim limits.

[Statutory Authority: RCW [51.04.020](#) and [51.32.090](#). WSR 12-09-056, § 296-16A-040, filed 4/17/12, effective 5/21/12.]

Helping rule writers be both clear and legally accurate



Writing clear rules is a process



Draft =
Select
Organize
Write
Format

Plan



For everything you write,
answer these questions:

- **Why?** (Purposes)
- **Who?** (Personas)
- **What?** (Conversations)

Why? (Purposes)

Focus on your readers and what you want them to do (or not do)

We want



to give all the rules about training poll workers



These rules will be successful if

[these people] _____

[do this] _____.

These rules will be successful if

[these people]_____

[do this] _____.



These rules will be successful if election officials make sure that poll workers are properly trained and certified close enough to the election that the poll workers remember what they have to do on election day.

Who? (Personas)



Who must (or should) read these rules?
(Name the different groups.)

What should you keep in mind about those people?
(Examples: busy, tired, don't know our legal words,
English is their second language,...)

not what *content* they are looking for
– that's a different aspect of planning

What? (Conversations)



Are there rules about training poll workers?

What key messages must this rule convey to those readers?

You must train all the managers and clerks who will work with the voting machines (or arrange for someone to train them).

The training must be between 21 days and 10 days before the election.



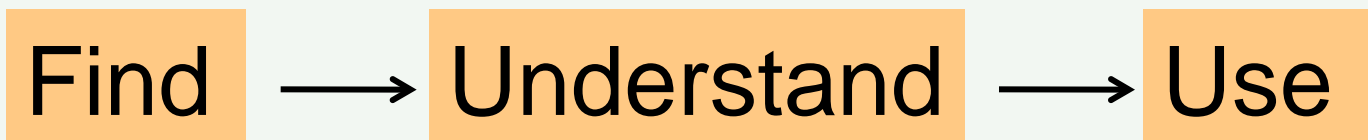
Draft =
Select
Organize
Write
Format



Clear communication
= plain language
= usable regulations

A communication is clear only if
the people who must (or should) deal with it
can

- **find** what they need
- **understand** what they find
- **use** what they find to meet their needs



www.plainlanguage.gov



Organize

1. Break it up
 - and show how it is broken.
2. Use meaningful headings.

state or domicile; and

(VI) Any other information deemed necessary by the Director of Insurance.

DRAFTING NOTE: For experience to be considered credible for purposes of (ii), the company should be able to provide claim termination patterns over no more than six (6) years reflecting at least 5,000 claim terminations during the third through fifth claim durations on reasonably similar applicable policy forms.

For claim reserves to reflect "sound values" and/or reasonable margins, reserve tables based on credible experience should be adjusted regularly to maintain reasonable margins. Demonstrations may be required by the commissioner of the state of domicile based on published literature (e.g. Goldman, TSA XLII).

c. Duration of Disablement. For contracts with an elimination period, the duration of disablement should be measured as dating from the time that benefits would have begun to accrue had there been no elimination period.

2. All Other Benefits.

a. Interest. The maximum interest rate for claim reserves is specified in Appendix A.

b. Morbidity or Other Contingency. The reserve should be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

C. Claim Reserve Methods Generally.

1. Any generally accepted or reasonable actuarial method or combination of methods may be used to estimate all claim liabilities.

2. The methods used for estimating liabilities generally may be aggregate methods, or various reserve items may be separately valued. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves, however, shall be determined in the aggregate.

SECTION III. Premium Reserves.

A. General.

1. Unearned premium reserves are required for all contracts with respect to the period of coverage for which premiums, other than premiums paid in advance, have been paid beyond the date of valuation.

2. If premiums due and unpaid are carried as an asset, such premiums must be treated as premiums in force, subject to unearned premium reserve determination. The value of unpaid commissions, premium taxes, and the cost of collection associated with due and unpaid premiums must be carried as an offsetting liability.

3. The gross premiums paid in advance for a period of coverage commencing after the next premium due date which follows the date of valuation may be appropriately discounted to the valuation date and shall be held either as a separate liability or as an addition to the unearned premium reserve which would otherwise be required as a minimum.

B. Minimum Standards for Unearned Premium Reserves.

1. The minimum unearned premium reserve with respect to any contract is the pro rata unearned modal premium that applies to the premium period beyond the valuation date, with such premium determined on the basis of:

- a. The valuation net modal premium on the contract reserve basis applying to the contract; or
- b. The gross modal premium for the contract if no contract reserve applies.

2. However, in no event may the sum of the unearned premium and contract reserves for all contracts of the insurer subject to contract reserve requirements be less than the gross modal unearned premium reserve on all such contracts, as of the date of valuation. Such reserve shall never be less than the expected claims for the period beyond the valuation date represented by such unearned premium

140 IAC 2-4-5 Plate design requirements and costs

Authority: IC 9-14-8-3

Affected: IC 9-18.5-12

Sec. 5. Prior to August 1 of the calendar year immediately preceding the calendar year of issuance of the special group recognition license plate, the organization must submit camera-ready artwork to the bureau to be used for plate production. (*Bureau of Motor Vehicles; 140 IAC 2-4-5; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA*)

140 IAC 2-4-6 Not-for-profit

Authority: IC 9-14-8-3; IC 9-13-2-170

Affected: IC 9-18.5-12

Sec. 6. A group petitioning for a special group recognition license plate must show its not-for-profit status by a determination letter from the Internal Revenue Service (letter 947 or equivalent) as to the organization's qualification for exemption from taxation under Section 501 of the Internal Revenue Code. (*Bureau of Motor Vehicles; 140 IAC 2-4-6; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA*)

140 IAC 2-4-7 Nondiscriminatory; nonrecreational

Authority: IC 9-14-8-3

Affected: IC 9-18.5-12

Sec. 7. (a) An organization participating in the special group recognition license plate program must not discriminate in its membership practices, activities, or provision of services to its community in contravention of federal, state, or local law, regulation, decree, or order.

(b) Organizations predominantly recreational in purpose will not be eligible for inclusion in the special group recognition plate program. (*Bureau of Motor Vehicles; 140 IAC 2-4-7; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2675; readopted filed Jul 30, 2001,*

140 IAC 2-4-5 Plate design requirements and costs

Authority: IC 9-14-2-2

Affected: IC 9-18-25

Sec. 5. Prior to August 1 of the calendar year immediately preceding the calendar year of issuance of the special group recognition license plate, the organization must submit camera-ready artwork to the bureau to be used for plate production.

(Bureau of Motor Vehicles; 140 IAC 2-4-5; filed Jun 16, 1995, 3:30 p.m.: 18 IR 2674; readopted filed Jul 30, 2001, 10:24 a.m.: 24 IR4228; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; readopted filed Nov 3, 2014, 1:43 p.m.: 20141203-IR-140140375RFA)

INCOME

- 418.3301 What is income?
- 418.3305 What is not income?
- 418.3310 Whose income do we count?
- 418.3315 What is earned income?
- 418.3320 How do we count your earned income?
- 418.3325 What earned income do we not count?
- 418.3330 What is unearned income?
- 418.3335 What types of unearned income do we count?
- 418.3340 How do we count your unearned income?
- 418.3350 What types of unearned income do we not count?

RESOURCES

- 418.3401 What are resources?
- 418.3405 What types of resources do we count?
- 418.3410 Whose resources do we count?
- 418.3415 How do we determine countable resources?
- 418.3420 How are funds held in financial institution accounts counted?
- 418.3425 What resources do we exclude from counting?

Applying for unemployment benefits—General.

(1) **How do I apply for benefits?** You may apply for benefits by:

(a) Using the department's online services; or

(b) Calling the unemployment claims center; or

(c) If you have a physical or sensory disability, or are in unusual circumstances that make filing by telephone or internet difficult, the commissioner may authorize other methods of applying for benefits.

(2) **When can I apply?**

(a) You may apply online using the department's online services at any time.

(b) You may apply by telephone (excluding state holidays) during the days and hours designated by the department.

(3) **What information am I required to provide?** The minimum information needed to process your application is your:

(a) Legal name; and

(b) Social Security account number.

You should also be prepared to provide the names, addresses, dates worked, and reasons for job separation for all of your employers during the past eighteen months. Other information may be required in individual circumstances.

(4) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week. However, you must file a claim for this week before we can pay you any benefits for future weeks.

[Statutory Authority: RCW **50.12.010** and **50.12.040**. WSR 16-21-013, § 192-110-005, filed 10/7/16, effective 11/14/16; WSR 15-02-051, § 192-110-005, filed 1/5/15, effective 2/5/15; WSR 07-22-055, § 192-110-005, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW **50.20.010** and **50.12.040**. WSR 99-08-073, § 192-110-005, filed 4/5/99, effective 5/6/99.]

What types of headings work well?

Questions

Whose income do we count?

When can I apply?

How much shared leave may an employee receive?

Action phrases

Applying for unemployment benefits

Meaningful phrases (sometimes)

Maximum benefits payable

What types of headings do not work well?

- Vague words

General

- Many single nouns

Notice, Program, Procedure, Commencement

Exception: Definitions

- Long noun strings

Election Petition Signature Verification Random
Sampling Verification Methodology



Write

1. Keep each sentence to one thought – or two tightly connected thoughts.
2. Put the context first.
3. Tell who must (or must not) act – and put the actor first.
4. Use "you" and "we" when you can.
5. Write with strong verbs.
6. Consider using "must" instead of "shall"

Keep each sentence to one thought – or two tightly connected thoughts

In counties that use vote recorders, the managers and clerks who will serve in an election must receive instruction in their responsibilities in regard to the vote recorder and how to use the vote recorder.

The county commissioners of elections or other electoral board must give the instruction or arrange for qualified instructors.

The instruction must take place not less than 10 days nor more than 21 days before the election in which those managers and clerks will serve.

My first draft
of a possible
revision

Put the context first



Prior to August 1 of the calendar year immediately preceding the calendar year of issuance of the special group recognition license plate, the organization must submit camera-ready artwork to the bureau to be used for plate production.



For the bureau to produce the special plate, the organization must submit camera-ready artwork before August 1 of the year immediately before the year in which the bureau will issue the special plate. Example: For a plate that the bureau will issue in 2019, the deadline for the artwork is August 1, 2018.

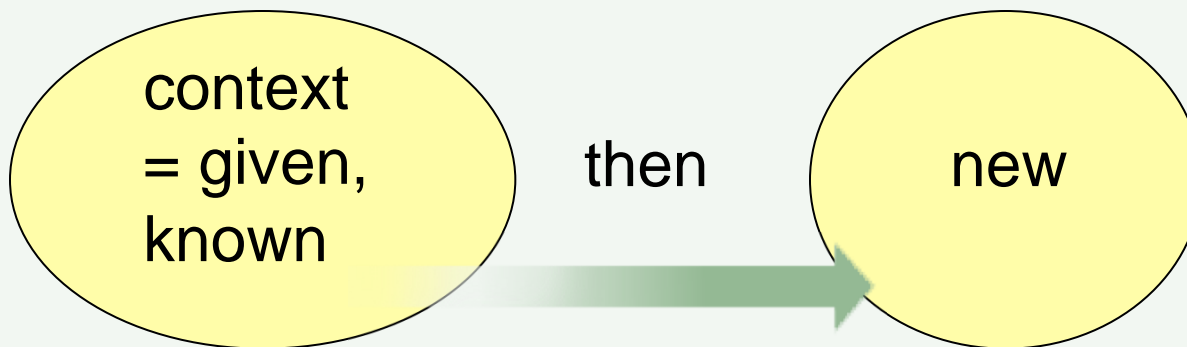
Approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation for shipments of yams from foreign countries.



How would you say this in a conversation?

If you are importing yams, [someone] must fumigate them when they arrive at the port of entry.

To fumigate yams, [someone] must use this procedure:

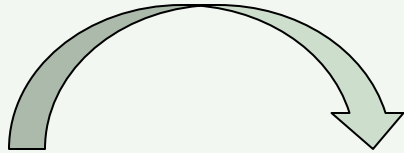


The applicant must fill out the form.

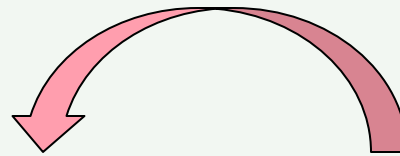
The form must be filled out by the applicant.

The form must be filled out.

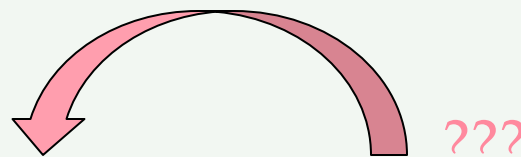
Tell who must (or must not) act
– and put the actor first.



The applicant must fill out the form.



The form must be filled out by the applicant.



The form must be filled out. ???

Use "you" and "we" when you can

WAC 192-110-020

How will the department verify my identity?

When you apply for benefits, the information you provide must be sufficient for the department to confirm your identity to its satisfaction.

(1) If we can verify your identity with this information, we will file your application for benefits.

(2) If we cannot verify your identity, we will request additional verification.

Write with strong verbs



Retention of their data for a period of seven years is a requirement for all researchers.



All researchers are required to retain their data for seven years.



All researchers must keep their data for seven years.
You must keep your data for seven years.

1. Find the underlying verb.
2. Then find a simpler verb.

Look for this	As in this example	Which should be this verb
- al	denial	
- ance	mainten ance	
- ence	concurr ence	
- ment	assign ment	
- sion	transmiss ion	
- tion	recommenda tion	
- ure	fail ure	

Consider using "must" instead of "shall"

Rule 5. Personalized License Plates

140 IAC 2-5-1 Application for personalized license plates

Authority: IC 9-14-2-2; IC 9-18-15-14

Affected: IC 9-18

Sec. 1. (a) To apply for a new PLP or to renew an existing PLP, an applicant must submit a fully completed bureau approved PLP application form.

For this situation

Use this word

obligation

must

permission

may

strong suggestion

should

physical possibility

can

deny permission

must not, may not

suggest negative

should not

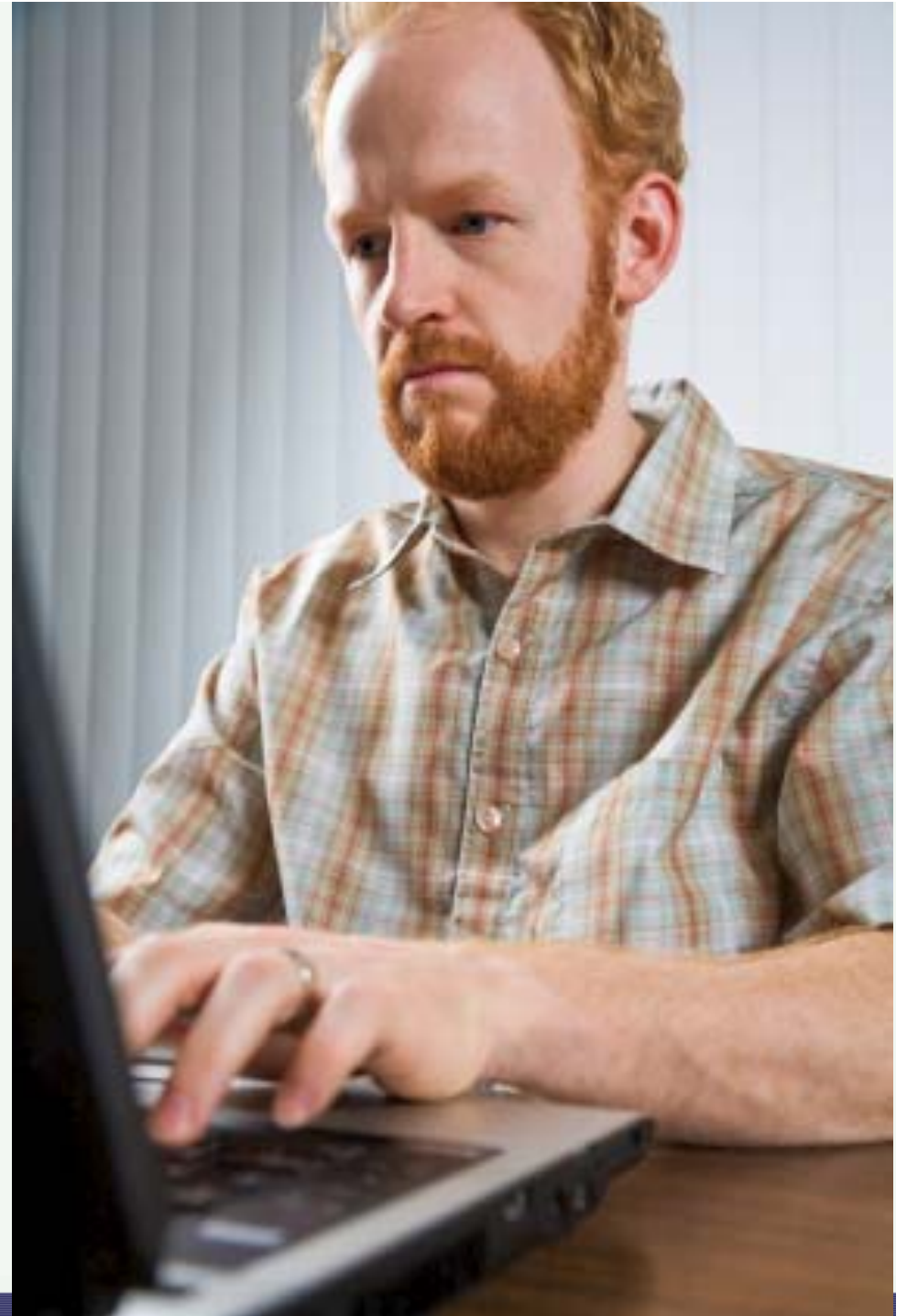
future

will

Posting rules online

(primarily about formatting)

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Walk a persona through their conversation



- TITLE 1: GENERAL PROVISIONS
- TITLE 2: GOVERNMENTAL ORGANIZATION
- TITLE 3: LEGISLATURE
- TITLE 4: DISCRIMINATION PROCEDURES
- TITLE 8: AGRICULTURE AND ANIMALS
- TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
- TITLE 14: COMMERCE
- TITLE 17: CONSERVATION
- TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
- TITLE 23: EDUCATION AND CULTURAL RESOURCES
- TITLE 26: ELECTIONS
- TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
- TITLE 32: ENERGY
- TITLE 35: ENVIRONMENTAL PROTECTION
- TITLE 38: FINANCIAL INSTITUTIONS
- TITLE 41: FIRE PROTECTION
- TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT AND PROPERTY MANAGEMENT
- TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
- TITLE 50: INSURANCE
- TITLE 53: INTERGOVERNMENTAL RELATIONS
- TITLE 56: LABOR AND EMPLOYMENT
- TITLE 59: MENTAL HEALTH
- TITLE 62: MINING
- TITLE 68: PROFESSIONS AND OCCUPATIONS
- TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY

- [Section 150.5 Applicability](#)
- [Section 150.10 Definitions](#)
- [Section 150.15 Filing of a Complaint](#)
- [Section 150.20 Form of Complaint](#)
- [Section 150.25 Service of Complaint](#)
- [Section 150.30 Preliminary Review of Complaint](#)
- [Section 150.35 Documents Pertaining to Hearings](#)
- [Section 150.40 Computation of Time](#)
- [Section 150.45 Appearances](#)
- [Section 150.50 Non-Legal Assistance](#)
- [Section 150.55 Designation of Parties](#)
- [Section 150.60 Answer](#)
- [Section 150.65 Appointment and Qualifications of Hearing Examiner](#)
- [Section 150.70 Authority of Hearing Examiner](#)
- [Section 150.75 Disqualification of Hearing Examiner](#)
- [Section 150.80 Motions](#)
- [Section 150.85 Consolidation and Severance of Claims: Additional Provisions](#)

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS
PART 150 ADMINISTRATIVE COMPLAINT PROCEDURES FOR VIOLATIONS OF
TITLE III OF HAVA
SECTION 150.75 DISQUALIFICATION OF HEARING EXAMINER

Section 150.75 Disqualification of Hearing Examiner

Any party to a hearing may file a written request for disqualification of the hearing examiner, setting forth the nature of the personal bias, prejudice, or other grounds for disqualification. The request shall be made to the General Counsel who will make the decision as to whether the hearing examiner should be disqualified. When a hearing examiner is disqualified, or it becomes impractical for him or her to continue, another hearing examiner shall be appointed in the same manner as provided for the initial appointment. A hearing examiner may at any time voluntarily disqualify himself or herself. A request for disqualification made by a party shall be considered timely if made within 10 business days after the dispatch of the notice of the appointment of the hearing examiner and, if received by the General Counsel pursuant to Section 150.35, at least five business days prior to the commencement of the hearing.

- TITLE 1 - LEGISLATIVE RESEARCH COMMISSION
- TITLE 2 - GENERAL ASSEMBLY
- TITLE 4 - JUDICIAL BRANCH
- TITLE 5 - LIEUTENANT GOVERNOR
- TITLE 9 - EXECUTIVE BRANCH ETHICS COMMISSION
- TITLE 10 - GOVERNOR'S OFFICE
- TITLE 11 - KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
- TITLE 12 - AGRICULTURAL EXPERIMENT STATION
- TITLE 13 - COUNCIL ON POSTSECONDARY EDUCATION
- TITLE 14 - KENTUCKY INFORMATION SYSTEMS COMMISSION
- TITLE 15 - KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION
- TITLE 16 - EDUCATION PROFESSIONAL STANDARDS BOARD
- TITLE 17 - DEPARTMENT OF VETERANS' AFFAIRS
- TITLE 20 - DEPARTMENT OF TREASURY
- TITLE 30 - SECRETARY OF STATE
- TITLE 31 - STATE BOARD OF ELECTIONS
- TITLE 32 - DEPARTMENT OF STATE - REGISTRY OF ELECTION FINANCE
- TITLE 40 - DEPARTMENT OF LAW
- TITLE 45 - AUDITOR OF PUBLIC ACCOUNTS
- TITLE 101 - PERSONNEL
- TITLE 102 - TEACHERS' RETIREMENT SYSTEM
- TITLE 103 - FINANCE AND ADMINISTRATION CABINET - DEPARTMENT OF REVENUE
- TITLE 104 - COMMISSION ON HUMAN RIGHTS
- TITLE 105 - KENTUCKY RETIREMENT SYSTEMS
- TITLE 106 - DEPARTMENT OF MILITARY AFFAIRS
- TITLE 107 - CRIME VICTIMS COMPENSATION BOARD
- TITLE 108 - BOARD OF CLAIMS
- TITLE 109 - DEPARTMENT FOR LOCAL GOVERNMENT
- TITLE 115 - ENERGY CABINET
- TITLE 200 - FINANCE AND ADMINISTRATION CABINET
- TITLE 201 - GENERAL GOVERNMENT CABINET
- TITLE 202 - INDEPENDENT ADMINISTRATIVE BODIES
- TITLE 300 - TOURISM, ARTS AND HERITAGE CABINET
- TITLE 301 - TOURISM, ARTS AND HERITAGE CABINET - DEPARTMENT OF FISH AND WILDLIFE RESOURCES
- TITLE 302 - DEPARTMENT OF AGRICULTURE
- TITLE 303 - TOURISM, ARTS AND HERITAGE CABINET - KENTUCKY STATE FAIR BOARD
- TITLE 304 - TOURISM, ARTS AND HERITAGE CABINET - DEPARTMENT OF PARKS
- TITLE 306 - CABINET FOR ECONOMIC DEVELOPMENT

Title 1. General Provisions

Title 2. Administration

Title 3. Food and Agriculture

Title 4. Business Regulations

Title 5. Education

Title 7. Harbors and Navigation

Title 8. Industrial Relations

Title 9. Rehabilitative and Developmental Services

Title 10. Investment

Title 11. Law

Title 12. Military and Veterans Affairs

Title 13. Motor Vehicles

Title 14. Natural Resources

Title 15. Crime Prevention and Corrections

Title 16. Professional and Vocational Regulations

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Title 11	Gaming
Title 12	Health
Title 13	Housing
Title 14	Insurance
Title 15	Judicial
Title 16	Labor and Employment
Title 17	Libraries and Cultural Resources
Title 18	Professional and Occupational Licensing

Manufacturer's Certificate of Origin (MCO)

- » 39.02.10, Rules Governing Sales of Abandoned Vehicles
- » 39.02.11, Rules Governing Odometer Readings on Title Records
- » 39.02.12, Rules Governing Issuing Certificates of Title and Bonded Certificates of Title
- » 39.02.13, Rules Governing Waiver of Titling Requirements

- » 39.02.22, Rules Governing Registration and Permit Fee Administration
- » 39.02.24, Rules Governing 'Gray Market' Vehicle Registration and Titling
- » 39.02.26, Rules Governing Temporary Vehicle Clearance for Carriers
- » 39.02.27, Rules Governing Titling and Registration of Non-Resident Commercial Vehicles and Transient Farm Labor Vehicles

Arizona Administrative Code Index

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Accountants (CPAs & PAs)

Accountancy, Board of

Accupuncture

Acupuncture Board of Examiners



65G-2.002 License Application and Renewal Procedures.

(1) All facilities in which clients reside must operate under a current license issued by the Agency.

(2) APPLICATION. All applications for initial licensure as well licensure renewal must be submitted using Facility Application form APD 2014-01 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04405> (April 1, 2014) which is incorporated herein by reference. A copy of this form may be obtained by contacting the Regional office. The Agency shall review license applications in compliance with the requirements of Section 120.60, F.S.

(3) LICENSE RENEWALS. The licensee shall submit an application for license renewal to the Regional Office at least 45 days prior to the expiration of the prior license. The failure to submit a complete application at least 45 days prior to the expiration of the prior license shall be considered a Class III violation. No fine shall be imposed if the renewal application is received between 30 and 45 days prior to expiration.

(4) The Agency shall consider prior licensing sanctions against a facility licensee, applicant, owner, or manager when reviewing whether to grant a facility a license. This may also include consideration of whether a licensee, applicant, owner, or manager has previously been determined guilty of operating an unlicensed assisted living facility pursuant to Section 429.08, F.S. In making a determination under this subsection with respect to an applicant, licensee, owner or manager with prior sanctions, the Agency will consider the nature and seriousness of any violation for which a sanction was imposed, the type of sanction imposed including the amount of any applicable fine imposed, the number of prior sanctions, compliance with any conditions or requirements of any sanction and the length of time the facility has operated without any violation since the most recent violation for which a sanction was imposed. In making a determination under this subsection with respect to a licensee, applicant, owner or manager who has been determined guilty of operating an unlicensed assisted living facility, the Agency will consider whether the person at any time operated the assisted living facility with a proper license under Section 429.07, F.S., the length of time for which the facility operated with a license, and the length of time the facility was operated with an expired license.

(5) If the applicant has not provided sufficient supporting information with the application, the Agency shall require the applicant to provide additional information regarding the applicant's qualifications for the types of residents or the level of services the applicant wishes to serve.

(6) A license shall be valid for the dates specified on the license but shall not exceed 1 year. A license which has not been renewed prior to the expiration date is invalid and the facility shall be considered unlicensed except as otherwise provided under Section 120.60(4), F.S.

(7) A license to operate a facility is not assignable and is valid only for the applicant identified on the application, and for the premises and purposes specified on the license.

(8) The licensee must give at least 30 days' notice to the Regional Office in writing prior to the licensee's intent to close a licensed facility, intent to discontinue responsibility for the management of a licensed facility, or intent to sell or lease the facility to another owner or operator. The applicant's failure to provide adequate and timely notice of a facility's intent to close or the applicant's intent to sell or lease a facility shall be considered during the review of future license applications by the applicant.

(a) Notice of facility's intent to close that is delivered to the Agency between 20 and 30 days prior to the closure of the facility shall be considered a Class III violation for each facility resident.

(b) Notice of facility's intent to close that is delivered to the Agency between 10 and 19 days prior to the closure of the facility shall be considered a Class II violation for each facility resident.

(c) Notice of a facility's intent to close that is provided less than 10 days prior to the closure of the facility shall be considered a Class I violation for each facility resident.

(9) Each facility owned and managed under a single corporation, firm, partnership or association must operate under a separate and distinct license.

(10) Agency staff shall review applications for licensure using the following forms: Foster Care Facility Checklist APD 2014-03 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04406> (effective April 1, 2014), Group Home Facility Checklist APD 2014-04 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04407> (effective April 1, 2014), Residential Habilitation Center

Making PDFs accessible



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Thank you!

More questions?

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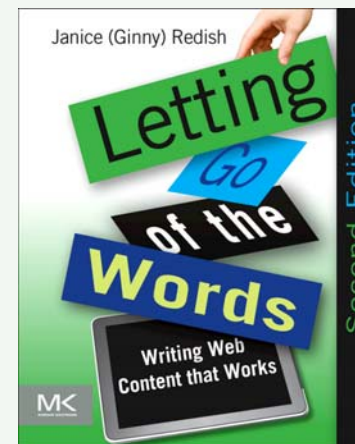
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