

AGENCY RECEIPT  
NOTICE OF FINAL RULEMAKING

SECRETARY OF STATE

2017 DEC 12 AM 11:37

FILED

**1. Agency name:** Board of Chiropractic Examiners

**2. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:**

4, Professions and Occupations

7. Board of Chiropractic Examiners

5, Licensing,

R4-7-502

R4-7-503

6, Acupuncture Certification,

R4-7-602

8, Continuing Education,

R4-7-801

13, Charges,

R4-7-1301

14, Business Entities

R4-7-1401,

R4-7-1403,

R4-7-1404

GOVERNOR'S REGULATORY REVIEW COUNCIL  
CERTIFICATE OF APPROVAL OF FINAL RULES

SECRETARY OF STATE  
2017 DEC 12 AM 11:37

FILED

1. Agency Name: Board of Chiropractic Examiners
2. Chapter Heading: Board of Chiropractic Examiners
3. Code Citation for the Chapter: 4 A.A.C 7, Article 5, Licenses; Article 6, Acupuncture Certification; Article 8, Continuing Education; Article 13, Charges; Article 14, Business Entities

Subchapters, Articles, Parts and Sections

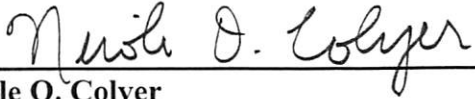
Action:

R4-7-502	Amend
R4-7-503	Amend
R4-7-602	Amend
R4-7-801	Amend
R4-7-1301	Amend
R4-7-1401	Amend
R4-7-1403	Amend
R4-7-1404	Amend

4. The rules contained in this package and described above are approved as final rules.

Check all that are applicable:

- ☐ approved as submitted
- ☐ approved in part, returned in part; copy of certificate provided to agency contact person listed in the cover letter or applicable notice
- ☐ approved with changes accepted by the agency; copy of certificate provided to agency contact person listed in the cover letter or applicable notice
- ☒ immediate effective date, including any date earlier than a 60-day effective Date
- ☐ date later than a 60-day effective date

  
\_\_\_\_\_  
Nicole O. Colyer  
Chairwoman

12/5/17  
\_\_\_\_\_  
Date of Approval

AGENCY CERTIFICATE  
NOTICE OF FINAL RULEMAKING

SECRETARY OF STATE

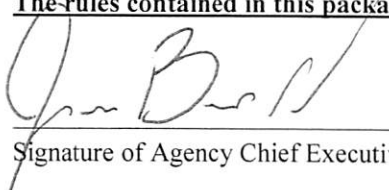
2017 DEC 12 AM 11:37

FILED

1. Agency name: Board of Chiropractic Examiners
2. Chapter heading: 7. Board of Chiropractic Examiners
3. Code citation for the Chapter: A.A.C. R4 - 7
4. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order:

<u>Article, Part, or Section Affected (as applicable)</u> (in numerical order)	<u>Rulemaking Action</u>
R4-7-502	Amend
R4-7-503	Amend
R4-7-602	Amend
R4-7-801	Amend
R4-7-1301	Amend
R4-7-1401	Amend
R4-7-1403	Amend
R4-7-1404	Amend

5. The rules contained in this package are true and correct as proposed:

6.   
\_\_\_\_\_  
Signature of Agency Chief Executive Officer in ink

December 8, 2017  
\_\_\_\_\_  
Date signed

Justin Bohall  
\_\_\_\_\_  
Printed or typed name of signer

Executive Director  
\_\_\_\_\_  
Title of signer

NOTICE OF FINAL RULEMAKING  
TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

SECRETARY OF STATE

2017 DEC 12 AM 11:37

PREAMBLE

FILED

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-7-502	Amend
R4-7-503	Amend
R4-7-602	Amend
R4-7-801	Amend
R4-7-1301	Amend
R4-7-1401	Amend
R4-7-1403	Amend
R4-7-1404	Amend

**2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-904(B)(2)

Implementing statute: A.R.S. § 32-904(B)(2)

**3. The effective date of the rule:** January 1, 2018

**4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 23 A.A.R. 1905, July 14, 2017

Notice of Proposed Rulemaking: 23 A.A.R. 1847, July 14, 2017

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Justin Bohall, Executive Director

Address: 1951 West Camelback Road, Suite 330, Phoenix, Arizona 85015

After December 27, 2017: 1740 West Adams Street, Suite 2430, Phoenix, Arizona 85007

Telephone: (602) 864-5088

Fax: (602) 864-5099

E-mail: [Rules@chiroboard.az.gov](mailto:Rules@chiroboard.az.gov)

Web site: [www.chiroboard.az.gov](http://www.chiroboard.az.gov)

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

An exemption from Executive Order 2017-02 was provided for this rulemaking by Mara Mellstrom, Policy Advisor, Governor's Office, in an email dated February 22, 2017.

The Board proposed to amend rules to address: legislative changes, outdated rules, and to reduce the regulatory burden on professionals.

The Board is also proposing to promulgate rules regarding "Percutaneous Therapy" Technique.

**7. A reference to any study relevant to the rule 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:**

Not Applicable.

**8. 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:**

This rulemaking does not diminish a previous grant of authority of a political subdivision.

**9. The summary of the economic, small business, and consumer impact:**

The Board does not anticipate a substantial increase cost to licensees, small businesses or consumers. The Board anticipates that there will be a reduction of cost due to the relieving of regulatory burdens as well as a reduction of the processing times in various applications. The Board expects the rulemaking, which implements a statutory change made by the legislature to have a minimal economic impact. The fees that increased have not been changed for over 20 years.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

There have been no changes between the proposed rulemaking and the final rulemaking. The Board may make minor grammatical and technical corrections, as needed.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

No comments were received regarding the rulemaking. No one presented oral or written comments at the oral proceeding held on August 16, 2017. The record closed at 5:00 p.m. on August 18, 2017.

**12. 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:**

The rules do not require a permit.

**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:**

There is no applicable federal law regarding Chiropractors, Chiropractic Business Entities, “Percutaneous Therapy” Technique, or other subjects of the rules.

**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 analysis was submitted.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None.

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

No rule in this rulemaking was previously made, amended, or repealed as an emergency rule.

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS  
CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 5. LICENSES**

Section

R4-7-502. Procedures for Processing Initial License Applications

R4-7-503. Renewal License: Issuance, Reinstatement

**ARTICLE 6. ~~ACUPUNCTURE CERTIFICATION~~ SPECIALITY CERTIFICATIONS**

Section

R4-7-602. ~~Repealed Percutaneous Therapy as Applied to Chiropractic~~

## **ARTICLE 8. CONTINUING EDUCATION**

Section

R4-7-801. Continuing Education Requirements

## **ARTICLE 13. CHARGES**

Section

R4-7-1301. Additional Charges

## **ARTICLE 14. BUSINESS ENTITIES**

Section

R4-7-1401. Application for Business Entity; Qualifications of ~~applicant~~Applicant; ~~fee~~Fee; ~~background~~  
~~investigations~~

R4-7-1403. Procedures for Processing Initial Registration Applications

R4-7-1404. Business Entity Registration Renewal: Issuance, Reinstatement

## ARTICLE 5. LICENSES

### **R4-7-502. Procedures for Processing Initial License Applications**

**A.** An applicant may obtain a license application package at the Board Office on business days, from the Board website, or by requesting that the Board mail the application to an address specified by the applicant. An applicant shall pay the Board a non-refundable \$10 fee for each license application package.

**B.** A completed license application package shall be submitted to the Board office on business days. The Board shall deem the license application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office;

**C.** To complete a license application package, an applicant shall provide the following information and documentation:

1. Two identical passport quality photographs, ~~measuring three inches by four inches,~~ showing the applicant's full front face ~~as the applicant will appear at the time of the examination~~ and a description of identifying characteristics, if any;
2. The applicant's full current name and any former names;
3. The applicant's current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office address or addresses for the past five years;
4. The type of license, for which application is made;
5. All applicable fees, ~~required by A.R.S. §§ 32-921(D) and (E) and 32-922.02(E).~~
6. A record of education requirements described in A.R.S. § 32-921(B) including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for Parts I, II, III, and IV of the examination conducted by the National Board of Chiropractic Examiners;
7. Any record of being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or charge within the last 12 months. The applicant shall submit any record of being refused a license to practice chiropractic or any other health care profession in this or any other state, and any record of a formal sanction taken against the applicant's license in this or any other state;
8. A completed fingerprint card;



9. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other health care profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other state or jurisdiction;

10. The name and professional designation of the owner or owners of the clinic or office at which the applicant will be employed, if applicable;

11. The applicant's Social Security number;

12. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant;

13. A score of 75% or higher on the Arizona Jurisprudence Examination. The applicant shall not sit for the Arizona Jurisprudence Examination until the application package is otherwise complete.

**D.** Within 25 business days of receiving a license application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing. If the Board does not provide notice to the applicant, the license application package shall be deemed complete after the passage of 25 business days.

**E.** An applicant with an incomplete license application package shall supply the missing information within 60 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 60 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 60-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

**F.** If an applicant fails to submit a complete license application package within the time permitted, the Board shall close the applicant's file and send a notice to the applicant by U.S. Mail that the application file has been closed. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.

**G.** After receiving all missing information as specified in subsection (E), the Board shall notify the applicant that the license application package is complete.

**H.** The Board shall render a licensing decision no later than 120 business days after receiving a completed license application package. The Board shall deem a license application package to be complete on the postmarked date of the notice advising the applicant that the package is complete.

**I.** An applicant seeking initial licensure by reciprocity under A.R.S. § 32-922.01 shall submit an application to the Board and shall comply with all provisions of R4-7-502 except that the applicant is not required to submit proof of obtaining a passing score on Part IV of the examination conducted by the National Board of Chiropractic Examiners.

**J.** An applicant seeking initial licensure by endorsement under A.R.S. § 32-922.03 shall submit an application to the Board and shall comply with all provisions of R4-7-502 except that the applicant is not required to submit proof of obtaining a passing score on Part III & IV of the examination conducted by the National Board of Chiropractic Examiners.

**J.K.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial licenses:

1. Administrative completeness review time-frame: 25 business days.
2. Substantive review time-frame: 120 business days.
3. Overall time-frame: 145 business days.

**R4-7-503. Renewal License: Issuance, Reinstatement**

**A.** ~~At least 30 days before a renewal application and renewal fee are due, the Executive Director of the Board shall send by first class mail to a licensee at the licensee's address of record, a renewal application and notice.~~ Under A.R.S. §32-923(B), an individual licensed under A.R.S. Title 32, Chapter 8, shall renew the license every year before January 1.

**B.** The licensee renewal application shall be returned to the Board office on a business day. The date of receipt shall be the postmarked date or the date the licensee hand delivers the license renewal application.

**C.** To complete a license renewal application, a licensee shall provide the following information and documentation:

1. The licensee's full name;

2. The licensee's current home and office addresses, current home and all office phone numbers, and all current office fax numbers;
3. The name and professional designation of the owner or owners of the clinic or office at which the licensee is employed;
4. The licensee's Social Security number;
5. A record of any professional disciplinary investigation or sanction taken against the licensee by a licensing board since the licensee last applied for renewal of a license in this or any other state;
6. A record of any arrest, indictment or charge or any conviction or plea agreement for a misdemeanor or felony since the licensee last applied for renewal of the license;
7. The renewal fee of ~~\$170.00~~ \$200 as required by A.R.S. § 32-923;
8. Attestation of compliance with the continuing education requirements under A.R.S. § 32-931 and R4-7-801. The licensee shall attest to compliance with continuing education requirements by documenting, on the renewal form, the date or dates the continuing education course was attended, the number of hours of continuing education completed, the qualifying course topic or topics, and the name of the accredited college or university with whom the course instructor is affiliated with as faculty. If the course does not meet the requirements under A.R.S. § 32-931 and R4-7-801, but has been approved by the Board, the applicant shall provide the continuing education course approval number issued by the Board instead of the name of the affiliated college or university;
9. The licensee's signature attesting to the truthfulness of the information provided by the licensee.

**D.** In accordance with A.R.S. § 32-923(C), the Board shall automatically suspend a license if the licensee does not submit a completed application for renewal before January 1 of each calendar year. The Board shall send written notice of the license suspension to the licensee on or before January 20.

**E.** The Board shall reinstate a suspended license if the licensee pays the annual license renewal fee, pays an additional fee of ~~\$100~~ \$200 as required by A.R.S. § 32-923(D), and submits a completed license renewal application between January 1, and March 31 of the calendar year for which the license renewal is made.

F. On or after ~~April~~ July 1 of the calendar year for which a license renewal application was to be made, an individual who wishes to have a suspended license reinstated shall apply for reinstatement in accordance with A.R.S. § 32-923(D).

G. An application for reinstatement of license ~~may be obtained at the Board office on business days or by requesting that the Board mail one to an address specified by the applicant~~ shall be made on a form and in a manner prescribed by the Board.

H. A completed application for reinstatement of a license shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of a license received on the date that the Board stamps on the application as the date it is delivered to the Board office.

I. To complete an application for reinstatement of license, an applicant shall provide the following information and documentation:

1. The applicant's full current name, suspended license number, and certification number if a specialty certification was held by the licensee;

2. The applicant's current home and all office addresses, current home and all office phone numbers, and all current office fax numbers;

3. The name and professional designation of the owner or owners of the office or clinic at which the applicant will be employed;

4. The applicant's Social Security number;

5. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other health care profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions;

6. A list of required continuing education courses completed and certification of course completion;

7. A record of any professional disciplinary investigation or sanction initiated since the applicant last applied to renew the license;

8. A record of any arrest, indictment or charge or any conviction or plea agreement for a misdemeanor or a felony since the date of the applicant's last application for licensure;

9. The applicant's notarized signature attesting to the truthfulness of the information provided by the applicant.

J. The Board shall process a license reinstatement application in accordance with R4-7502(D) through (J). The Board shall deem the application received on the date that the Board stamps on the application as the date the application is delivered to the Board Office.

K. The Board shall reinstate or renew a license if:

1. The applicant or licensee has complied with the requirements of this Chapter and A.R.S. § 32-900 et seq.;

2. The applicant or licensee has not had any professional disciplinary sanction taken against the applicant's or licensee's license by a licensing board since the last application for licensure;

3. The applicant or licensee has not been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or a felony since the last application for licensure.

L. If the provisions of subsection (K) are satisfied, the Board shall issue a license renewal certificate on or before February 1, of each year. The license renewal certificate shall serve as notice that the renewal application is complete and approved.

M. If there is reason to believe that the provisions of subsection (K) have not been satisfied or that possible grounds for denying the renewal or reinstatement application exist, the Board shall notify the applicant of this possibility within 25 business days of the date that the application is received at the Board office.

N. An applicant who is so notified that renewal or reinstatement may be denied may provide a written response and shall submit any documentation as required through written notice by the Board within 60 calendar days from the date of the Board's notice. An applicant who is unable to supply the required documentation within 60 calendar days may submit a written request to the Board for an extension of time in which to provide the required documentation. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of the required documentation, and shall state the reason that the applicant is unable to comply with the 60-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the

applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

O. If an applicant fails to submit required documentation within the time permitted, the Board shall issue a notice of intent to deny the renewal application or reinstatement application.

P. The Board shall make a licensing decision no later than 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the documentation as the date the documentation is delivered to the Board's office.

Q. For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for renewal or reinstatement of licenses:

1. Administrative completeness review time-frame: 25 business days.
2. Substantive review time-frame: 70 business days.
3. Overall time-frame: 95 business days.

#### **ARTICLE 6. ~~ACUPUNCTURE CERTIFICATION~~ SPECIALTY CERTIFICATIONS**

##### **R4-7-602. ~~Repealed. Percutaneous Therapy as Applied to Chiropractic~~**

A. "Percutaneous Therapy" means a skilled procedure performed by a Chiropractic Physician that uses a filiform needle to penetrate the skin and produce changes to underlying neural, muscular and other biologic tissues for the evaluation and management of neuromusculoskeletal conditions.

B. "Percutaneous Therapy" includes the use of electrified needles.

C. Effective January 1, 2018, A Chiropractic Physician, who wishes to perform the Percutaneous Therapy procedure, shall have met the qualifications established in paragraph (D) before providing "Percutaneous Therapy."

D. A Chiropractic Physician offering to provide or providing "Percutaneous Therapy" procedure(s) shall provide documented proof of compliance with the qualifications to the Board within 30 days of completion of the course content in paragraph (G - J) or within 30 days of initial licensure as a chiropractic physician in Arizona.

E. An application for review and approval of a chiropractic physician offering to provide “Percutaneous Therapy” shall be made on a form and in a matter prescribed by the Board. An applicant shall pay the Board a non-refundable \$50 fee for each application package.

F. An application for approval of a “Percutaneous Therapy” course shall comply with R4-7-801 (E).

G. The course content shall be approved by one or more of the following entities prior to the course(s) being completed by the Chiropractic Physician.

1. State of Arizona Board of Chiropractic Examiners
2. American Chiropractic Association
3. The Federation of Chiropractic Licensing Boards
4. International Chiropractic Association
5. Providers of Approved Continuing Education (PACE)
6. American Medical Association
7. American Osteopathic Association
8. Accreditation Council for Continuing Medical Education (ACCME)

H. The course content shall include the following components of education and training:

1. Sterile Needle procedures to include either the U.S. Centers for Disease Control and Prevention, or The U.S. Occupational Safety and Health Administration
2. Anatomical Review
3. Blood Borne Pathogens
4. Indications and Contraindication for “Percutaneous Therapy”

I. The course content required of this section shall total a minimum of 24 in person contact hours of education.

J. At the request of a licensee, the Board may:

1. Review coursework completed prior to January 1, 2018 for approval.
2. Waive some or all of the hours required by subsection 4, if the licensee presents satisfactory proof of completing course work that constitutes adequate training of “Percutaneous Therapy” or of the components of education and training require for “Percutaneous Therapy”.

3. Determine the licensee has received adequate training to be eligible to perform “Percutaneous Therapy.”

4. Determine that a licensee who has been issued an Acupuncture certification is qualified to perform “Percutaneous Therapy”.

**K.** The Standard of Care of the “Percutaneous Therapy” procedure includes, but is not limited to the following:

1. “Percutaneous Therapy” cannot be delegated to any assistive personnel.
2. Consent & Documentation for Treatment shall be maintained in accordance with R4-7-101(1) and R4-7-902(5) & (6).

**L.** The Board may upon its own motion or on receipt of a complaint may withdraw its approval for a licensee to provide “Percutaneous Therapy” or it may withdraw its approval of a “Percutaneous Therapy” course.

**M.** The Board shall keep a register of licensees who have been approved to provide “Percutaneous Therapy”.

## **ARTICLE 8. CONTINUING EDUCATION**

### **R4-7-801. Continuing Education Requirements**

**A.** To be eligible to renew a license, a licensee shall complete 12 credits of continuing education between January 1 and December 31 of each year, and document compliance with continuing education requirements on the license renewal application as required by R4-7-503(C). Continuing education credit shall be given for a minimum of fifty minutes of continuous study for each class hour. No credit shall be allowed for breaks or for time expended for study outside of the classroom.

**B.** Basic requirements – The primary consideration in determining whether or not a specific course qualifies as acceptable continuing education is that it must be a formal program of learning which will contribute directly to the professional competence of a licensee in the practice of chiropractic. Each course shall be on subjects of clinical benefit to the consumer of chiropractic services.

1. The content of the course, seminar or workshop must be recognized by reputable authorities as having validity, and must conform to the scope of practice for assessment, treatment and diagnosis as authorized under A.R.S. § 32-925 and A.R.S. § 32-922.02.



2. Instructors shall be qualified by education and/ or experience to provide instruction in the relevant subject matter.

3. Each licensee is responsible for determining in advance that the course which he or she attends qualifies for continuing education credit under this Article.

**C.** A licensee shall only obtain continuing education credit by:

1. Attending a course, (which includes a seminar or workshop), through a provider and on a subjects that have been pre-approved by the Board.

2. Participating in the development of, or proctoring the National Board of Chiropractic Examiners (NBCE) examinations. Continuing education credits earned in this manner are calculated as one credit hour for each hour of participation in the development of the NBCE examination for a maximum credit of eight hours per year, and one credit hour for each hour proctoring the NBCE exam for a total of eight hours per year. A licensee shall obtain a certificate of participation from the National Board of Chiropractic Examiners to verify compliance with this provision.

3. By teaching a post-graduate course that has been pre-approved by the Board for continuing education credit under this Section as a faculty member of a college or university that is accredited by or is in good standing with the Council on Chiropractic Education or is accredited by an accrediting agency recognized by the United States Department of Education or the Private Postsecondary Education Board during the renewal year. Continuing education credits earned in this manner are calculated as one credit of continuing education for each hour of post-graduate course instruction. A maximum of six credits of continuing education credit may be earned in this manner annually.

4. By completing a post-graduate mediated instruction or programmed learning course pre-approved by the Board through an accredited college or university that meets the requirements of A.R.S. § 32-931(B). Mediated instruction and programmed learning refers to learning transmitted by intermediate mechanisms such as webinar or other internet delivered courses that are structured to confirm 50 minutes of continuous instruction for each credit hour received. A licensee shall obtain a certificate of program completion from the accredited college or university to verify compliance with this provision.

**D.** The following are predetermined to meet Board approval as providers for continuing education. Additional approval is not required, nor should it be expected. An application submitted for a course that falls under this subsection shall be returned to the applicant without a review and subsection (E) does not

apply. Coursework provided by these entities is approved as meeting continuing education requirements only for those subjects listed in subsections (J) and (K) of this Section. Preapproval does not include mediated instruction or programmed learning courses.

1. A college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a), the American Chiropractic Association and the International Chiropractors Association, with qualified instructors and that provide courses that meet the subject requirements under subsections (J) or (K).

2. CPR training provided or sponsored by the American Heart Association, the American Red Cross, or an entity that meets equivalent standards of the American Heart Association and the American Red Cross. A maximum of four credits of continuing education credit may be earned in this manner annually.

3. Participation in the development of or proctoring the NBCE examinations.

**E.** Prior approval is required for all course providers not mentioned in subsection (D) and for all mediated instruction or programmed learning courses regardless of subsection (D). A provider applying for approval of a continuing education course shall submit a complete application to the Board at least 60 days prior to the anticipated initial date of the course if submitted by internet, or 75 days if provided in hard copy form. The Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing and the applicant must submit the missing information within 10 days of the notice. The Board will not approve a course if a complete application has not been submitted at least 15 business days prior to the initial date of the course identified in the initial application. If the applicant changes the initial date of the course or the course content or the instructors, it shall be considered a new application. A complete application shall include:

1. The name, dates, and locations of the course.
2. The number of hours requested for approval.
3. The subjects of the course, broken down by the specific time of instruction in/of each subject.
4. A course description including the content, explicit written objectives identifying expected learner outcomes for each section of the course and teaching method (i.e. lecture, discussion, PowerPoint, internet, webinar).

5. A detailed, hour by hour syllabus identifying the subject of instruction for each hour, with the instructor for each section identified. If less than an hour is dedicated to a subject, the syllabus shall identify the number of minutes dedicated to instruction on that subject.
6. A resume or curriculum vitae for each instructor and an attestation of the following:
  - a. Licenses for all instructors are currently in good standing.
  - b. No instructor has had a license placed on probation or restricted within the past five years in this or any other jurisdiction.
  - c. No instructor has ever had a license suspended or surrendered for unprofessional conduct or revoked in this or any other jurisdiction.
  - d. No instructor has had a license application or renewal denied for unprofessional conduct.
  - e. No instructor has been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction.
7. Documentation of license in good standing for each instructor for each state in which the instructor has or currently holds a license, if applicable. If an instructor is currently under investigation by a regulatory agency or is under investigation for, or been charged with, a criminal offence, the applicant shall disclose the investigation or charge and shall provide all relevant records.
8. One letter of reference for each course instructor from a person familiar with the instructor's qualifications as an instructor and education and/or experience in the relevant subject.
9. Identification of a sponsor, if applicable, and disclosure of any connection between the provider and/or instructor and/or sponsor of any commercial relationship and/or any external entity giving financial support to the course. If the course does have a sponsor, a completed sponsor/program provider agreement for continuing education, signed and notarized by a responsible party must be provided with the application.
10. Documentation of the method by which attendance will be monitored, confirmed and documented.

11. The name and contact information for the attendance certifying officer with an attestation that the certifying officer is supervised by the applicant provider and a description of the supervision method employed to confirm that the certifying officer is performing the duty of monitoring and confirming attendance.

12. Attestation that each course hour consists of no less than 50 minutes of continuous instruction and that credit is not provided for breaks.

13. The non-refundable fee required under R4-7-1301 for each course, whether individual or included in a program of multiple courses.

14. The name, address, telephone number, fax number and e-mail of a contact person.

15. Any other information required or requested by the Board.

16. If the course is a mediated instruction or programmed learning course, a detailed description of the method used to confirm that the participant was engaged in 50 minutes of continuous instruction for each credit hour awarded.

17. The Board may require that the applicant provide additional information in support of the application if the course qualifications are not clearly demonstrated through the materials provided.

18. At the request of a provider, the Board may review courses for retroactive approval and waive the requirement of 60 days, if the following requirements are met:

- a. The provider submits an application for retroactive course approval.
- b. Pays the nonrefundable retroactive application fee of \$50.00.
- c. The course was provided no more than 12 months prior to the application being submitted.
- d. Meets all other requirements of this section.

F. The Board shall approve a continuing education course if the applicant has submitted a complete application to the Board's satisfaction within the time-frame required by this chapter and has demonstrated the following:

- 1. The course complies with this Chapter.
- 2. The course instructor is faculty at an accredited college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a) or demonstrates equivalent qualifications through postgraduate study and experience teaching postgraduate coursework. An instructor must:

- a. Hold an applicable license in good standing.
  - b. Shall not have had a license placed on probation within the last five years.
  - c. Shall not ever have had a license suspended, surrendered for unprofessional conduct or revoked.
  - d. Shall not have had a license application or renewal denied for unprofessional conduct.
  - e. Shall not or been convicted of a felony in this or any other jurisdiction.
3. The course instructor is qualified by education and experience to provide instruction in the relevant subject matter.
4. The subject of the course qualifies under subsections (D)(2) and (3), (J) and (K).
5. The course demonstrates attendance and/or monitoring procedures. Monitoring procedures must provide confirmation that a licensee was engaged in 50 minutes of continuous study for each credit hour.
- G.** The Board shall not approve a continuing education course if the applicant fails to submit a complete application within the time-frame required by this Chapter or if:
- 1. The course does not qualify under this Chapter.
  - 2. The course subject does not qualify for continuing education credit under subsections (D)(2) and (3), (J) and (K).
  - 3. The instructor's does not qualify as per subsection (F)(2).
  - 4. The instructor's references do not support the qualifications of the instructor as per subsection (F).
  - 5. The course primary focus is to promote a product or service.
  - 6. The course requires participants to purchase a product or service.
  - 7. The course has no significant relationship to the assessment, diagnosis or treatment of patients within the scope of practice of chiropractic as defined under A.R.S. §§ 32-925 and 32-922.02.
  - 8. The content cannot be verified.
  - 9. The course refutes generally accepted medical care and treatment and/or instructs participants to encourage patients to stop taking medication and/or stops participating in generally accepted medical care or fails to qualify under subsection (K).

**H.** A course approved by the Board pursuant to subsections (E) and (F) shall be issued an approval number. Once approved, a course provider shall:

1. Provide course attendees with a certificate confirming course participation. The certificate shall: a.) include the name of the college or university through which the course was completed, or the course approval code issued by the Board, if applicable, b.) the name and Arizona license number of the attendee, c.) the name of the course provider, the course subject matter, d.) the name of the course if different than the subject matter listed, e.) the date and location of the course, and the number of hours of continuing education completed.

2. Maintain a list of all course attendees for a minimum of five years after each date that the course is held, and shall provide a copy of the list to the board within 10 days of a written request to do so.

3. Maintain a copy of the course syllabus and stated learning objectives, a list of instructors and documentation of the name, location and date of the course for a minimum of five years and shall provide the Board with a copy these materials within 10 days of a written request to do so.

4. Monitor course attendance by each attendee in a manner that confirms that the attendee was present and participating in the course for a continuous 50 minutes for each hour of continuing education credited.

5. Notify the Board immediately of concerns or problems that may arise regarding the approved course, to include discipline being imposed on the license of an instructor or an instructor being convicted of a criminal offense.

6. Reapply for Board approval every two years no later than the first day of the month in which the course was initially approved, and every time the subject of the course changes and/or there is a change in instructors that does not include an instructor already approved by the Board. Failure to reapply as per this subsection shall disqualify the course for ongoing continuing education credit.

7. Not represent that the course is sanctioned or promoted by the state of Arizona Board of Chiropractic Examiners. The provider may state that the course meets the continuing education requirements as per A.R.S. § 32-931. If the course has been directly approved by the Board, the provider may display the Board's course approval number.

**I.** The Board may monitor a continuing education provider's compliance with continuing education statutes and rules as follows:

1. The Board may request any or all documentation as per Section (H) of this rule from a board-approved Continuing education provider for any course registered for license renewal to ensure compliance with this rule.

2. A representative of the Board may attend any approved continuing education course for the purpose of verifying the content of the program and ensuring compliance with the Board's continuing education rules at no charge to the Board representative.

3. If the Board finds that a course or provider is not compliant with the Continuing statutes or rules, has misrepresented course content or instructors in an application, failed to obtain new approval for a course with a change in subject or instructor or failed to pay the course fee, the Board may withdraw its approval for continuing credit for the course and/or the provider. The withdrawal of approval shall be effective upon written notification to the provider's contact of record by the Board.

4. The Board shall notify a provider that it will consider withdrawal of course approval and provide the date, time and location of the meeting at which the matter will be discussed and possible action taken.

5. If approval is withdrawn, the Board shall notify the provider of the reasons for withdrawal of approval.

6. The provider shall notify all Arizona licensees who attended the course that any course hours obtained through the course cannot be used for continuing education credit of license renewal in the State of Arizona. If a provider fails to provide appropriate notice to Arizona licensed attendees, within ten business days of written notice from the Board that course approval has been withdrawn, that provider shall not be considered for approval of continuing education credit in the future. The notice to the Arizona licensed attendees must be made by certified mail in order to establish documentation that the requirement was met.

**J.** Course subjects approved for continuing education for renewal of an Arizona chiropractic license are:

1. Adjusting techniques;
2. Spinal analysis;

3. Physical medicine modalities and therapeutic procedures as defined in A.R.S. § 32-900(7) and (8);
4. Record keeping and documentation;
5. Ethics;
6. CPR;
7. Public health;
8. Communicable diseases;
9. Sexual boundaries;
10. Emergency procedures;
11. Acupuncture;
12. Nutrition;
13. Examination;
14. Assessment and diagnostic procedures to include physical, orthopedic, neurological procedures;
15. Radiographic technique;
16. Diagnostic imaging and interpretation;
17. Laser as permitted by law;
18. Clinical laboratory procedures limited to urine collection, fingerpicks and venipuncture (not to be confused with evaluation of lab reports);
19. Anatomy;
20. Physiology;
21. Bacteriology;
22. Chiropractic orthopedics and neurology;
23. Chemistry;
24. Pathology;
25. Patient management;
26. Evidence-based clinical interventions models;
27. Symptomatology;
28. Arizona jurisprudence; ~~and~~



~~29. Participation in National Board of Chiropractic Examiners examination development or administration of examinations.~~

29. Billing & Coding

30. recognition of substance abuse in a patient and Substance Abuse and Mental Health Services Administration Topics, and,

31. Participation in National Board of Chiropractic Examiners examination development or administration of examinations.

**K.** In addition to the subjects in subsections (A), (C), (D) and (J), courses for the purpose of recognizing, assessing and determining appropriate referral or collaborative treatment of complex conditions, including but not limited to cancer, autism, multiple sclerosis, diabetes, and developmental disorders, for the purpose of co-management of the patient's condition with qualified medical providers shall qualify for continuing education credit.

**L.** The following subjects shall not qualify for continuing education for the purpose of license renewal and shall not be approved by the Board:

- ~~1. Billing, coding;~~
1. Malpractice defense;
2. Practice management;
3. Risk management;
4. Promotion of a product or a service or a requirement that attendees purchase a product or service;
5. Strategies to increase insurance payments;
6. Administrative or economic aspects of a practice;
7. Motivational courses;
8. Legal courses other than pre-approved Board jurisprudence;
9. Anti-aging;
10. Hormone treatment;
11. Aroma therapy;
12. Stress management;
13. Psychological treatment;

14 HIPAA;

15. Homeopathic practice that exceeds A.R.S. § 32-925;

16. Professional or business meetings, speeches at luncheons, banquets, etc.;

17 Subject matter that exceeds the assessment, diagnosis and treatment of patients within the scope of practice of chiropractic as defined in this chapter;

18. Any course without a significant relationship to the safe and effective practice of chiropractic under A.R.S. § 32-925 and A.R.S. § 32-922.02;

19. And any course that involves a distance learning format or materials if the course has not been pre-approved by the board and issued a board approval number;

**M.** A licensee's compliance with subsections (A), and (C), shall include the following coursework in order to renew a license.

1. Each licensee shall complete a minimum of two hours of continuing education in recordkeeping for every even numbered year.

2. Each person who is issued a new license to practice chiropractic in Arizona on or after January 1, 2013 is required to attend three hours of a single regularly scheduled Board meeting within the first year of residence in Arizona. The licensee cannot distribute the three hours of Board meeting attendance over two or more Board meetings. The licensee shall notify the Board in writing within ten days of moving to Arizona. The meeting attendance must be pre-scheduled and pre-approved by Board staff. Continuing education credit will not be awarded if the licensee is attending the meeting as a subject of an investigation or other Board review or if the licensee fails to properly schedule attendance as per this Section. This subsection does not pertain to any person who has had a license to practice chiropractic in Arizona issued prior to January 1, 2013.

**N.** The Board shall grant an extension of 90 days to comply with the continuing education requirements to a qualified licensee. To qualify for an extension, a licensee shall:

1. Timely file a license renewal application and renewal fee; and

2. Submit a written request for an extension no later than December 1 of the current renewal year, including evidence of good cause why the continuing education requirements cannot be met by December 31 of the current renewal year.

**O.** The following reasons constitute good cause for the Board to grant an extension of time to comply with the continuing education requirements:

1. The licensee lived in a country where there was no accredited chiropractic college, or a college that meets the requirements of R4-7-702, for at least seven months during the year that the continuing education requirements are to be met;
2. The licensee was in active military service for at least seven months during the year that the continuing education requirements are to be met; or
3. The licensee was not able to complete the continuing education requirements because of a documented disability of the licensee or the licensee's spouse, child, or parent.

**P.** If the Board grants an extension of time to complete the required 12 hours of continuing education requirements, 12 hours of required continuing education credits obtained during the 90-day extension shall be applied to meet only the requirements for which the extension is granted. A licensee shall not report those 12 hours of continuing education credit earned during a 90-day extension for a subsequent renewal year.

### **ARTICLE 13. FEES**

#### **R4-7-1301. Additional Charges**

~~**A.** The Board shall collect charges for services as follows:~~

- ~~1. Annual license renewal fee: \$170.00;~~
- ~~2. Copies of public records: \$0.25 per page, with a minimum fee of \$2.00;~~
- ~~3. Directories or labels: \$40.00;~~
- ~~4. Annual subscription for meeting minutes: \$70.00;~~
- ~~5. Agendas: \$25.00 for an annual subscription or \$2.00 per agenda;~~
- ~~6. Recordings of Board meetings: \$5.00 per disc or tape;~~
- ~~7. Lists of licensees, applicants, chiropractic assistants: \$0.05 per name, with a minimum fee of \$2.00;~~
- ~~8. Hard copy credential verification: \$2.00 per name;~~
- ~~9. Verification of license status: \$25.00;~~
- ~~10. Continuing education course review for approval: \$50.00;~~
- ~~11. Jurisprudence booklet: \$10.00;~~

- ~~12. Duplicate renewal receipt: \$5.00;~~
- ~~13. Duplicate ornamental license: \$20.00;~~
- ~~14. Duplicate ornamental certificate: \$20.00; and~~
- ~~15. Penalty for insufficient funds check submitted to Board as payment of fee or other charge: \$25.00.~~

**A.** The Board shall collect charges for services as follows:

1. Annual license renewal fee: \$225.00;
2. Licensure by Examination & Reciprocity Application Fee: \$325.00
3. Licensure by Endorsement Application Fee: \$500.00
4. Specialties Certification Application Fee: \$125.00
5. Issuance Fee: \$125.00
6. Copies of public records: \$0.25 per page, with a minimum fee of \$2.00;
7. Directories or labels: \$40.00;
8. Annual subscription for meeting minutes: \$70.00;
9. Agendas: \$25.00 for an annual subscription or \$2.00 per agenda;
10. Recordings of Board meetings: \$5.00 per disc or tape;
11. Lists of licensees, applicants, chiropractic assistants: \$0.05 per name, with a minimum fee of \$2.00;
12. Hard copy credential verification: \$2.00 per name;
13. Verification of license status: \$25.00;
14. Continuing education course review for approval: \$50.00;
15. Jurisprudence booklet: \$10.00;
16. Renewal Receipt: \$5.00;
17. Ornamental License: \$20.00;
18. Ornamental Certificate: \$20.00; and
19. Penalty for insufficient funds check submitted to Board as payment of fee or other charge: \$25.00.

**B.** All charges are non-refundable, except if A.R.S. § 41-1077 applies.

**C.** The fees in this Section pertain regardless of the method by which the document is delivered.

## **ARTICLE 14. BUSINESS ENTITIES**

### **R4-7-1401. Application for Business Entity; Qualifications of ~~applicant~~Applicant; ~~fee~~Fee; ~~background investigations~~**

**A.** A business entity that wishes to operate a clinic, franchise, business, club, or any other entity which uses the services of a licensed doctor of chiropractic to provide a service, supervise the provision of services, act as clinical director or otherwise perform any function under a person's chiropractic license (doctor of chiropractic) shall submit a complete application to the Board at least sixty days prior to the intended implementation of engaging the services of a licensed doctor of chiropractic. A business entity that uses the services of a doctor of chiropractic as defined in this subsection prior to the effective date of these rules shall submit a complete application to the Board no later than ten days from the effective date of these rules. A business entity shall not engage the services of a doctor of chiropractic as noted in this section until the Board has approved and issued the registration. The registration shall serve as a license for the purpose of compliance with this Chapter.

**B.** "Owner, officer or director" means any person with a fiscal or an administrative interest in the business entity, regardless of whether the business is a for-profit or non-profit affiliation.

**C.** To be eligible for business entity registration, the applicant owners, officers or directors shall:

1. Be of good character and reputation.
2. Have obtained a license or a permit to conduct a business under applicable law and

jurisdiction.

**D.** The Board may deny registration to a business entity if:

1. The business entity fails to qualify for registration.
2. An owner, an officer or a director has had a license to practice any profession refused,

revoked, suspended, surrendered or restricted by a regulatory entity in this or any other jurisdiction for any act that constitutes unprofessional conduct pursuant to this Chapter.

3. An owner, an officer or a director is currently under investigation by a regulatory entity in this or any other jurisdiction for an act that may constitute unprofessional conduct pursuant to this Chapter.

4. An owner, an officer or a director has surrendered a license for an act that constitutes unprofessional conduct pursuant to this Chapter in this or any other jurisdiction.

5. An owner, an officer or a director has been convicted of criminal conduct that constitutes grounds for disciplinary action pursuant to this Chapter.

6. The business entity allows or has allowed any person to practice chiropractic without a license or fails or failed to confirm that a person that practices chiropractic is properly licensed.

7. The business entity allows or has allowed a person who is not a licensed doctor of chiropractic and who is not a chiropractic assistant to provide patient services according to this Chapter.

E. The applicant shall pay to the Board a nonrefundable application fee of \$400.00.

~~F. In order to determine an applicant business entity's (applicant) eligibility for approval, the Board may require the business entity's owners, officers or directors to submit a full set of fingerprints to the Board. The Board shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section A.R.S. 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The Board shall charge each applicant a fee that is necessary to cover the cost of the investigation. The Board shall forward this fee to the department of public safety.~~

#### **R4-7-1403. Procedures for Processing Initial Registration Applications**

A. An application for Business Entity Registration shall be made on a form and in a manner prescribed by the Board. ~~An applicant may obtain an application package at the Board Office on a business day, or by requesting that the Board send the application to an address specified by the applicant~~

B. A completed business entity registration application package shall be submitted to the Board office on a business day. The Board shall deem the business entity application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office.

C. To complete a business entity application package, an applicant shall provide the following information and documentation:

1. The full current name and any former names and title of any and all owners, officers or directors.

2. The current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office addresses for the past five years for each owner, officer or director.

3. The business name and the current addresses, phone numbers and fax numbers for each office, clinic or other setting where any service is performed, supervised or directed by a licensed doctor of chiropractic according to R4-7-1401(A) and this Chapter.

4. The non-refundable application fee of four hundred dollars.

5. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity according to R4-7-1401(A) and this Chapter.

~~6. A completed fingerprint card for each owner, officer or director.~~

~~7. Copies of any and all contracts or any other agreement between the business entity and the doctor of chiropractic, to include employment or franchise contracts, agreements or equivalent.~~

~~8.6.~~ Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or charge that has not been concluded.

~~9. 7.~~ Any record of an owner, officer or director being refused a license to practice chiropractic or any other profession in this or any other jurisdiction, and any record of a disciplinary action taken against an owner, officer or director's license in this or any other jurisdiction.

~~10. 8.~~ The social security number for each owner, officer, or director.

~~11. 9.~~ A government issued photo identification confirming U.S. citizenship or legal presence in the United States for each owner, officer or director, or if those individuals reside outside of the United States, confirmation of legal authority to operate a business in the United States.

~~12. 10.~~ A copy of the written protocol required by A.R.S. § 32-934(G).

~~13. 11.~~ The name, phone number and address for a contact person.

~~14. 12.~~ A notarized signature for each owner, officer or director attesting to the truthfulness of the information provided by the applicants. A stamped signature will not be accepted for the purposes of completing the application.

**D.** Within 25 business days of receiving a business entity registration application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing.

**E.** An applicant with an incomplete business entity registration application package shall supply the missing information within 30 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 30 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 30-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 30-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 30-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

**F.** If an applicant fails to submit a complete business entity registration application package within the time permitted, the Board shall close the applicant's file and send a notice to the applicant by U.S. Mail that the application file has been closed. An applicant whose file has been closed and who later wishes to become registered shall reapply pursuant to R4-7-1401 and R4-7-1403.

**G.** After timely receipt of all missing information as specified in subsection (E), the Board shall notify the applicant that the application package is complete.

**H.** The Board shall render a decision no later than 120 business days after receiving a completed registration application package. The Board shall deem a registration application package to be complete on the postmarked date of the notice advising the applicant that the package is complete.

**I.** The Board shall approve the registration for a business entity that meets all of the following requirements:

1. Timely submits a complete application.
2. The Board does not find grounds to deny the application under subsection R4-7-1401(D).
3. Pays the original business entity prorated renewal fee of seventeen dollars per month from the first day of the month the business entity is registered through May 31 plus \$25 for each duplicate license issued by the Board for the purpose of compliance with R4-7-1402.

**J.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial registration:

1. Administrative completeness review time-frame: 25 business days.



2. Substantive review time-frame: 120 business days.
3. Overall time-frame: 145 business days.

**R4-7-1404. Business Entity Registration Renewal: Issuance, Reinstatement**

- A. A business entity registration expires on ~~May 31~~ June 1 of each year.
- B. ~~At least 30 days before a renewal application and renewal fee are due, the executive director of the Board shall send a business entity a renewal application and notice by first class mail to its address of record for the business entity contact person.~~ Under A.R.S. §32-934(C), a Business Entity Registered under A.R.S. Title 32, Chapter 8, shall renew the registration every year before June 1.
- C. The business entity registration renewal application shall be returned to the Board office on a business day. The Board shall deem the business entity registration renewal application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office.
- D. To complete a registration renewal application, a business entity shall provide the following information and documentation:
  1. The name of the business entity.
  2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter.
  3. Notice of any change of owners, officers or directors, to include any additions and/or deletions with the date of the change for each individual, and notice of any change in home address, office address and phone numbers for owners, officers or directors with the date of the change for each individual.
  4. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity per Section R4-7-1401(A), to include any affiliation through a franchise.
  5. The record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction within the last 12 months.
  6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment within the last 12 months.

7. A statement attesting that the contract or any other form of agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of any new or amended contract or agreement.

8. Report any change in the status of the business entity's license or permit to own and operate a business in the State of Arizona.

9. The renewal fee of \$200 plus a \$25 fee for each duplicate Board issued renewal certificate for the purpose of compliance with R4-7-1402. A business entity applying for renewal for the first time shall pay a prorated fee according to A.R.S. § 32-934(C).

10. The name, address, phone number, fax number and email for a contact person.

11. The original signature of the delegated contact person attesting to the truthfulness of the information provided by the business entity. All owners, officers or directors also remain responsible for the accuracy and truthfulness of the application. A stamped signature will not be accepted for the purpose of a complete application.

E. A business entity registration shall automatically expire if the business entity does not submit a completed application for renewal, the renewal fee and the fee for duplicate renewal certificates for the purpose of complying with R4-71402 before June 1 of each registration period. The Board shall send written notice to the business entity that its registration has expired on or before June 20. A business entity shall not use the services of a licensed doctor of chiropractic according to R4-7-1401(A) if the business entity's registration has expired.

F. The Board shall reinstate an expired business entity registration if the business entity pays the annual renewal fee, the additional fee for duplicate certificates for the purpose of compliance with R4-7-1402, pays an additional non-refundable late fee of \$200 as required by A.R.S. § 32-934(C), and submits a completed renewal application between June 1, and ~~June~~ July 30 of the registration period for which the business entity registration renewal is made.

G. On or after ~~July~~ August 1 of the registration period for which a renewal application was to be made, a business entity that wishes to have an expired registration reinstated shall apply in accordance with subsection (L).

H. If the business entity fails to timely submit a complete business entity reinstatement application within 6 months of the date the registration expired, the business entity's registration shall lapse. "Lapse" means that the business entity is no longer registered and cannot offer services per this Chapter.

I. A business entity that has had a registration lapse and that later wishes to become registered must apply as a new candidate pursuant to R4-7-1401 and R4-7-1403.

J. An application for reinstatement of business entity registration ~~may be obtained from the Board office on business days or by requesting that the Board send one to an address specified by the applicant.~~ shall be made on a form and in a manner prescribed by the Board.

K. A completed application for reinstatement of a business entity registration shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of a business entity registration received on the date that the Board stamps on the application as the date it is delivered to the Board office.

L. To complete an application for reinstatement of a registration, a business entity shall provide the following information and documentation:

1. The business entity's name and expired registration number.
2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter.
3. The names, home addresses, office addresses and phone numbers for each owner, officer or director.
4. The name and license number of each doctor of chiropractic employed with, contracted with or otherwise affiliated with the business entity according to R4-7-1401(A) and this Chapter, to include franchises.
5. The record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction.
6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment, or charge within the last 12 months, to include new owners, officers or directors.

7. A statement attesting that the contract or other agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of the new or amended contract or agreement.

8. Report any change in the status of the business entity's license or other permit to own and operate a business in the State of Arizona.

9. The non-refundable renewal fee of \$200 and a \$25 fee for each Board issued duplicate renewal certificate for the purpose of compliance with R4-7-1402.

10. The non-refundable late fee of \$200.

11. The name, phone number, fax number and email for a contact person.

12. The original signature of the delegated contact attesting to the truthfulness of the information provided by the business entity. All owners, officers or directors also remain responsible for the accuracy and truthfulness of on application. A stamped signature will not be accepted for the purpose of completing an application.

M. The Board shall process a business entity registration reinstatement application in accordance with R4-7-1403(D) through (G).

N. The Board shall reinstate or renew a business entity registration if:

1. The business entity has timely submitted a complete application and paid all fees.

2. The business entity has complied with the requirements of this Chapter and A.R.S. § 32-900 et seq.

3. The Board does not find grounds to deny the application under subsection (D).

4. The business holds a current business license or other permit to own and operate the business in the State of Arizona.

O. If the provisions of subsection (N) are satisfied, the Board shall issue a business registration renewal certificate. The renewal certificate shall serve as notice that the renewal application is complete and approved.

P. The Board shall make a decision no later than 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the documentation as the date the documentation is delivered to the Board's office.

**Q.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for registration renewal or reinstatement of registration:

1. Administrative completeness review time-frame: 25 business days.
2. Substantive review time-frame: 70 business days.
3. Overall time-frame: 95 business days.

## Economic, Small Business, and Consumer Impact Statement <sup>1</sup>

### Title 4. Professions and Occupations

#### Chapter 8.

##### 1. Identification of the rulemaking:

Under Laws 2015, Chapter 134, the legislature increased various fees collected by the board, and added a new type of licensure application, the Board was directed to update the fees in rule as well as provide a reduction of outdated regulations in the current rule. The proposed rule increases the options for continuing education course subjects to include items like recognition of substance abuse. The other portion of the rulemaking addresses concerns for the health, safety, and welfare of the public by defining the training in the Percutaneous Therapy technique that is able to be performed by Chiropractic Physicians. In this rulemaking, the Board makes the directed changes. An exemption from EO2017-02 was provided for this rulemaking by Mara Mellstrom, Policy Advisor in the Governor's office, in an email dated February 22, 2017.

- a. The conduct and its frequency of occurrence that the rule is designed to change:  
Until this rulemaking is completed, the Board will not have established standards for reviewing training taken by Chiropractic Physicians who wish to perform the Percutaneous Therapy technique. Additionally, this rulemaking codifies in rules the changes set in statute in to address application and renewal fees as well as reduce regulatory burdens by removing outdated regulatory items.
- b. The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:  
The Board is attempting to act on the principles of good government by keeping rules consistent with statute and up to date.
- c. The estimated change in frequency of the targeted conduct expected from the rule change: Upon completion of this rulemaking, the Board's rules will be consistent and current with state statute and the Board will have continued in its duty to keep regulatory burden to a minimum will protect the health, safety, and welfare of the public.

##### 2. A brief summary of the information included in the economic, small business, and consumer impact statement:

The Board does not anticipate a substantial increase cost to licensees, small businesses or consumers. The Board anticipates that there will be a reduction of cost due to the relieving of regulatory burdens as well as a reduction of the processing times in various applications. The Board expects the rulemaking, which implements a statutory change made by the legislature to have a minimal economic impact. The fees that increased have not been changed for over 20 years.

<sup>1</sup> If adequate data is not reasonably available, the agency shall explain the limitations of the data, the methods used in an attempt to obtain the data, and characterize the probable impacts in qualitative terms.

3. The person to contact to submit or request additional data on the information included in the economic, small business, and consumer impact statement:

Name: Justin Bohall, Executive Director

Address: 1951 West Camelback Road, Suite 330, Phoenix, Arizona 85015

Telephone: (602) 864-5088

Fax: (602) 864-5099

E-mail: [Rules@chiroboard.az.gov](mailto:Rules@chiroboard.az.gov)

Website: [www.chiroboard.az.gov](http://www.chiroboard.az.gov)

4. Persons who will be directly affected by, bear the costs of, or directly benefit from the rulemaking:

Applicants for a Chiropractic License or License Renewal, Licensed Chiropractic Physicians performing the Percutaneous Therapy technique, and owners of registered business entities who offer chiropractic services will be directly affected by and benefit from this rulemaking. However, the economic benefits and costs resulting from the statutory change rather than the rulemaking.

The Board currently licenses about 2500 Chiropractic Physicians in the state of Arizona and receives about 100 applications for Chiropractic licensure each year. The fees addressed in this statutory fee change is on average is less than fifty dollars a year per licensed individual. The Board is in research has determined that even with the increased fees the Arizona Board of Chiropractic Examiners operates at the national average for licensure renewal fees of Chiropractic Physicians.

The Board does not anticipate any financial impact with the vast majority of the proposed rule.

The Board is also directly affected by, bears the cost of, or directly benefits from the rulemaking. With the increased funds, the Board is undertaking technology enhancements to reduce applications times and reduce technological burdens in the application and renewal process. In this undertaking, the Board strives to allow new chiropractors to enter the profession in a reduced time-frame which will overall limit the time that a new chiropractor is unable to work within the state.

5. Cost-benefit analysis:

- a. Costs and benefits to state agencies directly affected by the rulemaking include the number of new full-time employees at the implementation agency required to implement and enforce the proposed rule:

The Board of Chiropractic Examiners is the only state agency directly affected by the rulemaking. The costs and benefits for the Board are discussed in item #4. The Board has determined no additional FTEs are required to implement and enforce the proposed rules.

b. Costs and benefits to political subdivisions directly affected by the rulemaking:

No political subdivision is directly affected by the proposed rules.

c. Costs and benefits to businesses directly affected by the rulemaking:

This was addressed broadly in item #4, but to specifically address business entity owners, this rule reduces Des

6. Impact on private or public employment:

The Board believes the rulemaking will have no impact on private or public employment.

7. Impact on small business:

a. Identification of the small businesses subject to the rulemaking:

The less than half of the businesses identified in item 5c are small businesses.

b. Administrative and other costs required for compliance with the rulemaking:

All applicants for licensure are required to submit an application, take a licensing examination, and pay a licensing and renewal fee.

c. Description of methods that may be used to reduce the impact on small business:

The Board has taken every step to ensure a reduction of the impact on small businesses. There is no increase in fees for registered chiropractic business entities.

8. Cost and benefit to private persons and consumers who are directly affected by the rulemaking:

No private persons or consumers are directly affected by the rulemaking.

9. Probable effects on state revenues:

As the agency is a 90 /10 agency, there will not be an impact on state revenues. This state will not expend any general funds on the implementation of these rules. The effect on the increased fees will be a potential increase in revenue to the state's general fund.

10. Less intrusive or less costly alternative methods considered:

The Board believes the rules are the least intrusive and least costly possible.

<sup>2</sup> Small business has the same meaning specified in A.R.S. § 41-1001(21).  
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