

ARIZONA REVISED STATUTES
Vol. 10, Title 32, Professions and Occupations
Chapter 8, Chiropractic

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ARIZONA ADMINISTRATIVE CODE

CHAPTER 7

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ARTICLE 1. BOARD OF CHIROPRACTIC EXAMINERS

§32-900. Definitions

In this chapter, unless the context otherwise requires:

1. "Advisory letter" means a nondisciplinary letter to notify a licensee that either:
 - (a) While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.
 - (b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.
 - (c) The violation is a minor or technical violation, and while the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.
2. "Board" means the state board of chiropractic examiners.
3. "Certification" means that a doctor of chiropractic has been certified by the board in a specialty of chiropractic as provided by law.
4. "Chiropractic assistant" means an unlicensed person who has completed an educational training program approved by the board, who assists in basic health care duties in the practice of chiropractic under the supervision of a doctor of chiropractic and who performs delegated duties commensurate with the chiropractic assistant's education and training but who does not evaluate, interpret, design or modify established treatment programs of chiropractic care or violate any statute.
5. "Doctor of chiropractic" means a natural person who holds a license to practice chiropractic pursuant to this chapter.
6. "License" means a license to practice chiropractic.
7. "Physical medicine modalities" means any physical agent applied to produce therapeutic change to biologic tissues, including thermal, acoustic, noninvasive light, mechanical or electric energy, hot or cold packs, ultrasound, galvanism, microwave, diathermy and electrical stimulation.
8. "Therapeutic procedures" means the application of clinical skills and services, including therapeutic exercise, therapeutic activities, manual therapy techniques, massage and structural supports, to improve a patient's neuromusculoskeletal condition.

§32-901. Board of chiropractic examiners; removal; immunity

- A. The state board of chiropractic examiners is established consisting of three licensed chiropractors and two consumer members who are appointed by the governor. One member shall be appointed each year for a term of five years, to begin and end on July 1.
- B. Each member of the board shall be a resident of this state, and each of the licensed chiropractic members shall have practiced chiropractic in this state for three years or more. The two consumer members of the board shall not be in any manner connected with, or have an interest in, any college or school of chiropractic or any person practicing any form of healing or treatment of bodily or mental ailments. A board member shall not receive compensation as an agent or employee of or a contractor for an insurance company. This subsection does not prevent a board member who is a licensed chiropractor from receiving compensation from an insurance company for patient care as provided for in a patient's insurance policy.
- C. Before taking office, each board member shall take an oath prescribed by law and shall affirm by oath that the board member meets the qualifications as prescribed in this section.
- D. Board members may be removed by the governor for neglect of duty, malfeasance or misfeasance in office. Vacancies occurring on the board other than by expiration of a term shall be filled for the unexpired portion of the term by appointment in the same manner as regular appointments.
- E. No member of the board may serve more than two consecutive terms.
- F. A board member who acts within the board member's authority is personally immune from civil liability with respect to all actions taken in good faith pursuant to this chapter.

§32-902. Organization; meetings

- A. The board shall annually elect from its membership a chairman and vice-chairman.
- B. The board shall hold regular meetings at such places as it determines in January and July of each year, and may hold other meetings at times and places determined by a majority of the board. The board shall notify the public of such dates, time and place of meetings at least twenty-four hours prior to any meeting as provided by law. Meetings of the board shall be open to the public as provided by law.
- C. A majority of the members of the board shall constitute a quorum and a majority vote of a quorum present at any meeting shall govern all actions taken by the board, except that licenses shall be issued pursuant to this chapter only upon the vote of a majority of the full board.

§32-903. Compensation

The salary of the executive director shall be as determined pursuant to section 38-611. The members of the board shall receive compensation in the amount of one hundred dollars for each day of actual service in the business of the board and are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

§32-904. Powers and duties

- A. The board may administer oaths, summon witnesses and take testimony on matters within its powers and duties.
- B. The board shall:
 - 1. Adopt a seal which shall be affixed to licenses issued by the board.
 - 2. Adopt rules that are necessary and proper for the enforcement of this chapter.
 - 3. Adopt rules regarding chiropractic assistants who assist a doctor of chiropractic, and the board shall determine the qualifications and regulation of chiropractic assistants who are not otherwise licensed by law.
 - 4. At least once each fiscal year and before establishing the amount of a fee for the subsequent fiscal year, review the amount of each fee authorized in this chapter in a public hearing.
- C. A copy of the rules shall be filed with the secretary of state upon adoption as provided by law.

§32-905. Executive director of board; duties; other personnel; immunity

- A. Subject to title 41, chapter 4, article 4, the board shall appoint an executive director who is not a member of the board and who shall serve at the pleasure of the board.
- B. The executive director shall:
 - 1. Keep a record of the proceedings of the board.
 - 2. Collect all monies due and payable to the board.
 - 3. Deposit, pursuant to sections 35-146 and 35-147, all monies received by the board in the board of chiropractic examiners fund.
 - 4. Prepare bills for authorized expenditures of the board and obtain warrants from the director of the department of administration for payment of bills.
 - 5. Administer oaths.

6. Act as custodian of the seal, books, minutes, records and proceedings of the board.
 7. At the request of the board, do and perform any other duty not prescribed for the executive director elsewhere in this chapter.
- C. Subject to title 41, chapter 4, article 4, the board may employ other personnel as it deems necessary to carry out the purposes of this chapter.
 - D. The executive director and a person acting pursuant to the executive director's direction is personally immune from civil liability for all actions taken in good faith pursuant to this chapter.

§32-906. Board of chiropractic examiners fund

- A. All monies, except civil penalties collected pursuant to section 32-924, that are received by the board shall be deposited monthly. Pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of the monies in the general fund and deposit the remaining ninety per cent in the board of chiropractic examiners fund. All monies that are derived from civil penalties collected pursuant to section 32-924 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.
- B. Monies that are deposited in the board of chiropractic examiners fund are subject to section 35-143.01.

§32-907. Additional fees

In addition to charging the fees and making the refunds provided by this chapter, the board may charge fees for services requested but not required to be provided by this chapter and for applications, certifications, license issuances, renewals and reinstatements and preceptor filings.

ARTICLE 2. LICENSING AND REGULATION

§32-921. Application for license; qualifications of applicant; fee; background Investigations

- A. A person who wishes to practice chiropractic in this state shall submit a complete application to the board at least forty-five days before the next scheduled examinations on a form and in the manner prescribed by the board.
- B. To be eligible for an examination and licensure, the applicant shall:
 1. Be a person of good character and reputation.
 2. Be a graduate of a chiropractic college that both:
 - (a) Is accredited by or has status with the council on chiropractic education or is accredited by an accrediting agency recognized by the

United States department of education or the council on postsecondary accreditation.

- (b) Teaches a resident course of four years of not less than nine months each year, or the equivalent of thirty-six months of continuous study, and that comprises not less than four thousand credit hours of resident study required to receive a degree of doctor of chiropractic (D.C.).
 3. Be physically and mentally able to practice chiropractic skillfully and safely.
 4. Have a certificate of attainment for part I and part II and a score of three hundred seventy-five or more on part III of the examination conducted by the national board of chiropractic examiners.
- C. The board may refuse to give an examination or may deny licensure to an applicant who:
1. Fails to qualify for an examination or licensure under subsection B of this section.
 2. Has had a license to practice chiropractic refused, revoked, suspended or restricted by a regulatory board in this or any other jurisdiction for any act that constitutes unprofessional conduct pursuant to this chapter.
 3. Is currently under investigation by a regulatory board in this or any other jurisdiction for an act that constitutes unprofessional conduct pursuant to this chapter.
 4. Has surrendered a license to practice chiropractic in lieu of disciplinary action by a regulatory board in this or any other jurisdiction for an act that constitutes unprofessional conduct pursuant to this chapter.
 5. Has engaged in any conduct that constitutes grounds for disciplinary action pursuant to section 32-924 or board rules.
- D. On making application, the applicant shall pay to the executive director of the board a nonrefundable fee of not more than three hundred twenty-five dollars as established by the board. The board shall keep a register of all applicants and the result of each examination.
- E. In order to determine an applicant's eligibility for examination and licensure, the board may require the applicant 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 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.

§32-922. Examinations

- A. The examination for a license to practice chiropractic required of applicants shall be conducted at a time and place designated by the board at least semiannually. Each applicant to be examined shall first file a completed application found to be true and correct and shall be given at least twenty days' written notice of the time and place of the examination.

- B. The examination shall be in English, practical in character and designed to include subjects that are necessary to ascertain the applicant's knowledge of and fitness to practice chiropractic safely and skillfully as authorized in this state. Examinations shall include material relating to chiropractors and Arizona jurisprudence and the following subjects as taught by accredited chiropractic colleges:
 - 1. Anatomy.
 - 2. Physiology.
 - 3. Pathology.
 - 4. Bacteriology.
 - 5. Symptomatology.
 - 6. Diagnosis, including physical, clinical, x-ray and laboratory subjects.
 - 7. Chiropractic orthopedics.
 - 8. Principles of chiropractic and adjusting.
 - 9. Neurology.
 - 10. Chemistry, including biochemistry and nutrition.
 - 11. Public health and hygiene.
 - 12. Chiropractic spinal analysis.

- C. The board may waive examination in those subjects that the applicant passed previously with the percentage of correct answers prescribed in subsection D of this section in an examination conducted by the national board of chiropractic examiners.

- D. The board shall grant a license to an applicant who meets all of the following requirements:
 - 1. Correctly answers at least seventy-five percent of all questions asked on the subjects identified in subsection B of this section or attains a board approved passing score on all questions asked on the subjects identified in subsection B of this section in an examination administered by a board approved testing facility.

2. Correctly answers at least seventy-five percent of the questions on jurisprudence.
 3. Meets all other licensing requirements of this chapter.
 4. Pays the original license fee of not more than one hundred twenty-five dollars as established by the board.
- E. An applicant who fails the examination for the first time may retake the examination within one year if the applicant submits an updated application that meets the requirements of section 32-921.
- F. An applicant shall reapply for licensure if the applicant does not pay the original license fee within one year after having been notified by the board that the applicant is eligible to receive a license.

§32-922.01. Reciprocity; requirements

- A. The board shall issue a license to practice chiropractic under this section to an applicant who meets the following requirements:
1. Holds a current license to practice chiropractic issued after examination by a licensing board in another state or country in which, in the opinion of the board, the licensing requirements are at least substantially equivalent to those of this state and the other state or country grants similar reciprocal privileges to chiropractors licensed in this state.
 2. Receives a grade of at least seventy-five per cent on the Arizona jurisprudence examination.
 3. Pays the original license fee of one hundred dollars.
- B. The applicant shall pay the application fee prescribed by section 32-921 and present proof satisfactory to the board that:
1. A license issued by any other state has not been sanctioned for any cause that is a basis of a sanction imposed by the board pursuant to this chapter, except for failure to pay fees.
 2. The applicant has not previously failed to pass the examination in this state.
 3. The applicant has been engaged in the practice of chiropractic continuously for not less than three of the five years immediately preceding the application.

§32-922.02. Specialties; certification; fees

- A. In order to practice a chiropractic specialty a licensee shall be certified in that specialty by the board.

- B. An applicant who wishes to be certified to perform acupuncture shall submit the following to the board:
 - 1. Documentation of successful completion of a minimum of one hundred hours of study in acupuncture at an accredited chiropractic college or postgraduate study with an instructor on the active or postgraduate staff of an accredited chiropractic college.
 - 2. A complete application as prescribed by the board.
 - 3. Documentation of having passed a board approved acupuncture examination.
- C. An applicant who wishes to be certified to perform physical medicine modalities and therapeutic procedures shall submit the following to the board:
 - 1. A complete application as prescribed by the board.
 - 2. Documentation of successful completion of a minimum of one hundred twenty hours of study in physical medicine modalities and therapeutic procedures at an accredited chiropractic college or postgraduate study with an instructor on the active or postgraduate staff of an accredited chiropractic college.
 - 3. Documentation of having passed an examination in physical medicine modalities and therapeutic procedures that is approved by the board.
- D. The board shall issue a certificate to any applicant who meets the requirements of this section, who correctly answers at least seventy-five percent of all questions asked on the specialty examination and who pays a certificate fee of not more than one hundred twenty-five dollar as established by the board.
- E. On making application, the applicant shall pay to the executive director of the board a nonrefundable fee not more than one hundred twenty-five dollars as established by the Board. The board shall keep a register of all applicants and the result of each examination.
- F. A chiropractor who is certified to perform physiotherapy before July 29, 2010 is deemed to be certified in physical medicine modalities and therapeutic procedures.

§32-922.03. Licensure by endorsement; requirements

- A. The board may issue a license to practice chiropractic pursuant to this chapter by endorsement to an applicant who meets all of the following requirements:
 - 1. Has actively practiced chiropractic in another state or jurisdiction for at least five of the immediately preceding seven years.
 - 2. Has not had an adverse disciplinary action taken against a professional license issued by another state or jurisdiction.

3. Receives a grade of at least seventy-five percent on the Arizona jurisprudence examination.
 4. On making application, pays the executive director of the board a nonrefundable fee of not more than five hundred dollars as established by the board.
 5. Pays the original license fee as prescribed by section 32-922.
- B. The applicant shall present proof satisfactory to the Board that:
1. A professional license of the applicant issued by any other state or jurisdiction has not been sanctioned for any cause that may be basis of a sanction imposed by the Board pursuant to this chapter. Except for failure to pay fees.
 2. The applicant has not previously failed to pass the examination in this State.
 3. The applicant qualifies for licensure as prescribed in section 32-921, except the applicant is not required to submit proof of obtaining a passing score on Part III or IV of the examination conducted by the National Board of Chiropractic Examiners.
- C. An applicant under this section is not required to pay the fee prescribed in section 32-921, Subsection D.

§32-923. Change of address; annual renewal fee; failure to renew; waivers; definition

- A. Every person who is licensed pursuant to this chapter shall notify the board in writing of any change in residence or office address and telephone number within thirty days after that change. The board shall impose a penalty of fifty dollars on a licensee who does not notify the board as required by this subsection.
- B. Except as provided in section 32-4301, every person who is licensed to practice chiropractic in this state shall annually make a renewal application to the board before January 1 after original issuance of a license and shall pay a renewal license fee of not more than two hundred twenty-five dollars as established by the board. The renewal application shall be made on a form and in a manner prescribed by the board. At least thirty days before the renewal application and renewal fee are due, the board shall send by first class mail a renewal application and notice requiring license renewal and payment of the renewal fee.
- C. The board shall administratively suspend a license automatically if the licensee does not submit a complete application for renewal and pay the renewal license fee as required by this section.
- D. The board may reinstate a license if the person completes an application for reinstatement as prescribed by the board, complies with the continuing education requirements for each year that the license was suspended, pays the annual renewal license fee for each year that the license was suspended and pays an additional fee of two hundred dollars. An applicant who does not request reinstatement within two

years of the date of suspension shall apply for a license as a new candidate pursuant to section 32-921 or 32-922.01.

- E. The board may waive the annual renewal license fee if a licensee presents evidence satisfactory to the board that the licensee has permanently retired from the practice of chiropractic and has paid all fees required by this chapter before the waiver.
- F. During the period of waiver the retired licensee shall not engage in the practice of chiropractic. A violation of this subsection subjects the retired licensee to the same penalties as are imposed in this chapter on a person who practices chiropractic without a license.
- G. The board may reinstate a retired licensee to active practice on payment of the annual renewal license fee and presentation of evidence satisfactory to the board that the retired licensee is professionally able to engage in the practice of chiropractic and still possesses the professional knowledge required. After a hearing, the board may refuse to reinstate a retired licensee to active practice under this subsection on any of the grounds prescribed in section 32-924.
- H. For the purpose of this section, "administratively suspend" means a nondisciplinary action that is imposed for failure to renew a license and that requires the licensee to suspend practice until renewal requirements are met.

§32-924. Grounds for disciplinary action; hearing; civil penalty; definition

- A. The following are grounds for disciplinary action, regardless of where they occur:
 - 1. Employment of fraud or deception in securing a license.
 - 2. Practicing chiropractic under a false or assumed name.
 - 3. Impersonating another practitioner.
 - 4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
 - 5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
 - 6. Conviction of a misdemeanor involving moral turpitude or of a felony.
 - 7. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
 - 8. Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not true.
 - 9. Offering, undertaking or agreeing to cure or treat a condition by a secret means, method, device or instrumentality.

10. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a condition.
11. Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.
12. Acting or assuming to act as a member of the board if this is not true.
13. Advertising in a false, deceptive or misleading manner.
14. Having had a license refused, revoked or suspended by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct.
15. Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.
16. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.
17. Failing to sign the physician's name, wherever required, in any capacity as "chiropractic doctor", "chiropractic physician" or "doctor of chiropractic" or failing to use and affix the initials "D.C." after the physician's name.
18. Failing to place or cause to be placed the word or words "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic physician" in any sign or advertising media.
19. Using physical medicine modalities and therapeutic procedures without passing an examination in that subject and without being certified in that specialty by the board.
20. Using acupuncture without passing an examination in that subject and without being certified in that specialty by the board.
21. Engaging in sexual intercourse or oral sexual contact with a patient in the course of treatment.
22. Billing or otherwise charging a patient or third party payor for services, appliances, tests, equipment, an x-ray examination or other procedures not actually provided.
23. Intentionally misrepresenting to or omitting a material fact from the patient or third party payor concerning charges, services, appliances, tests, equipment, an x-ray examination or other procedures offered or provided.

24. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures for a specified price without also specifying the services, procedures or items included in the advertised price.
 25. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures as free without also disclosing what services or items are included in the advertised service or item.
 26. Billing or charging a patient or third party payor a higher price than the advertised price in effect at the time the services, appliances, tests, equipment, x-ray examinations or other procedures were provided.
 27. Advertising a specialty or procedure that requires a separate examination or certificate of specialty, unless the licensee has satisfied the applicable requirements of this chapter.
 28. Solicitation by the licensee or by the licensee's compensated agent of any person who is not previously known by the licensee or the licensee's agent, and who at the time of the solicitation is vulnerable to undue influence, including any person known to have experienced any of the following within the last fifteen days:
 - (a) Involvement in a motor vehicle accident.
 - (b) Involvement in a work-related accident.
 - (c) Injury by, or as the result of actions of, another person.
- B. The board on its own motion or on receipt of a complaint may investigate any information that appears to show that a doctor of chiropractic is or may be in violation of this chapter or board rules or is or may be mentally or physically unable to safely engage in the practice of chiropractic. The board shall notify the licensee as to the content of the complaint as soon as is reasonable. Any person who reports or provides information to the board in good faith is not subject to civil damages as a result of that action.
- C. The board may require a licensee under investigation pursuant to this section to be interviewed by the board or its representatives. The board may require a licensee who is under investigation pursuant to this section to undergo, at the licensee's expense, any combination of medical, physical or mental examinations that the board finds necessary to determine the licensee's competence.
- D. If the board finds based on the information it receives under subsections B and C of this section that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board may order a summary suspension of a license pending proceedings for revocation or other action. If the board takes this action it shall also serve the licensee with a written notice that states the charges and that the licensee is entitled to a formal hearing within sixty days.

- E. If, after completing its investigation, the board finds that the information provided pursuant to this section is not of sufficient seriousness to merit disciplinary action against the licensee, it may take any of the following actions:
1. Dismiss the complaint if in the board's opinion the information is without merit or does not warrant sanction of the licensee.
 2. Issue an advisory letter. An advisory letter is a nondisciplinary action and is a public document.
 3. Issue a nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment. Failure to complete a nondisciplinary order requiring continuing education is a violation of subsection A, paragraph 16 of this section.
- F. The board may request a formal interview with the licensee concerned. At a formal interview the board may receive and consider pertinent documents and sworn statements of persons who may be called as witnesses in a formal hearing. Legal counsel may be present and participate in the formal interview. If the licensee refuses the request or if the licensee accepts the request and the results of the interview indicate suspension or revocation of the license may be in order, the board shall issue a complaint and order that a hearing be held pursuant to title 41, chapter 6, article 10. If, after the formal interview, the board finds that the information provided pursuant to this section is true but is not of sufficient seriousness to merit suspension or revocation of the license, it may take any of the following actions:
1. Dismiss the complaint if in the board's opinion the information is without merit or does not warrant sanction of the licensee.
 2. Issue an advisory letter. An advisory letter is a nondisciplinary action and is a public document.
 3. Issue an order to cease and desist.
 4. Issue a letter of concern.
 5. Issue an order of censure. An order of censure is an official action against the licensee and may include a requirement for restitution of fees to a patient resulting from a violation of this chapter or board rules.
 6. Fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. Any costs incidental to the terms of probation are at the licensee's own expense. Probation may include restrictions on the licensee's license to practice chiropractic.
 7. Impose a civil penalty of not more than one thousand dollars for each violation of this chapter.
 8. Refuse to renew a license.

9. Issue a disciplinary or nondisciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of current developments, skills, procedures or treatment.
- G. If the board believes the charge is of such magnitude as to warrant suspension or revocation of the license, the board shall immediately initiate formal revocation or suspension proceedings pursuant to title 41, chapter 6, article 10. The board shall notify a licensee of a complaint and hearing by certified mail addressed to the licensee's last known address on record in the board's files. The notice of a complaint and hearing is effective on the date of its deposit in the mail. The board shall hold a formal hearing within one hundred eighty days after that date.
- H. If the licensee wishes to be present at the formal hearing in person or by representation, or both, the licensee shall file with the board a written answer to the charges in the complaint. A licensee who has been notified of a complaint pursuant to this section shall file with the board a written response not more than twenty days after service of the complaint and the notice of hearing. If the licensee fails to file an answer in writing, it is deemed an admission of the act or acts charged in the complaint and notice of hearing and the board may take disciplinary action pursuant to this chapter without a hearing.
- I. Any licensee who, after a hearing, is found to be in violation of this chapter or board rules or is found to be mentally or physically unable to safely engage in the practice of chiropractic is subject to any combination of those disciplinary actions identified in subsection F or suspension or revocation of the license. In addition, the board may order the licensee to pay restitution or all costs incurred in the course of the investigation and formal hearing in the matter, or both.
- J. The board shall report allegations of evidence of criminal wrongdoing to the appropriate criminal justice agency.
- K. The board may accept the surrender of an active license from a licensee who admits in writing to having violated this chapter or board rules.
- L. For the purposes of this section, "solicitation" includes contact in person, by telephone, telegraph or telefacsimile or by other communication directed to a specific recipient and includes any written form of communication directed to a specific recipient.

§32-925. Practice of chiropractic: limitations

- A. A doctor of chiropractic is a portal of entry health care provider who engages in the practice of health care that includes:
 1. The diagnosis and correction of subluxations, functional vertebral or articular dysarthrosis or neuromuscular skeletal disorders for the restoration and maintenance of health.
 2. Physical and clinical examinations, diagnostic x-rays and clinical laboratory procedures that are limited to urine collection, finger pricks or venipuncture

in order to determine the propriety of a regimen of chiropractic care or to form a basis for referral of patients to other licensed health care professionals, or both.

3. Treatment by:
 - (a) Physical medicine modalities, therapeutic procedures and adjustment of the spine or bodily articulations.
 - (b) Procedures related to the correction of subluxations and neuromuscular skeletal disorders.
 - (c) Prescription of orthopedic supports.
 - (d) Acupuncture.

B. A doctor of chiropractic licensed under this chapter shall not prescribe or administer medicine or drugs, perform surgery or practice obstetrics.

§32-926. Practice of chiropractic without license prohibited; exemptions

- A. It is unlawful for a person to:
 1. Practice chiropractic in this state without having first obtained a license as provided in this chapter.
 2. Work as a chiropractic assistant except under the supervision of a doctor of chiropractic and pursuant to this chapter and rules adopted pursuant to this chapter.
 3. Use the abbreviation "C.A." or the term "chiropractic assistant" unless the person is working under the supervision of a doctor of chiropractic pursuant to this chapter and rules adopted by the board.
 4. Practice chiropractic in this state after the board places the person on inactive status pursuant to section 32-933.
- B. This chapter does not prevent:
 1. A person who is licensed by another state, territory or district from meeting within this state in consultation with a person licensed pursuant to this chapter if that person does not open an office or appoint a place of meeting to receive patients in this state.
 2. Any person from acting at the direction and under the supervision of a doctor of chiropractic licensed pursuant to this chapter if that person is acting in an assistant or technical capacity, is not in violation of this chapter and does not claim to be licensed to practice chiropractic.
 3. Any chiropractic student from participating in a preceptorship training program approved by the board.

§32-927. Violations; classification

A person is guilty of a class 6 felony who:

1. Practices chiropractic without a license.
2. Buys, sells or fraudulently obtains a diploma or license to practice chiropractic.
3. Uses the title chiropractor, D.C., or any other word or title to induce belief that he is engaged in the practice of chiropractic, without a license to practice chiropractic.

§32-928. Injunctive relief

The board of chiropractic examiners, the attorney general or the county attorney of the county in which a person engages in the practice of chiropractic without having first obtained a license may, in accordance with the laws governing injunctions maintained in any of the states, commence an action in the county in which the offense is committed to enjoin such person from so engaging until a license is secured. A person so enjoined who violates the injunction shall be punished as for contempt of court. The injunction shall not relieve the person practicing chiropractic without a license from criminal prosecution, but shall be in addition to any remedy provided for the criminal prosecution of the offender.

§32-929. Right to examine and copy evidence; summoning witnesses and documents; taking testimony; right to counsel; court aid; process

- A. In connection with an investigation by the board on its own motion, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents, reports, records or any other physical evidence of any person being investigated, or the reports, records and any other documents maintained by and in possession of any hospital, clinic, physician's office, laboratory, pharmacy or any other public or private agency, and any health care institution as defined in section 36-401, if such documents, reports, records or evidence relate to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic.
- B. For the purpose of all investigations and proceedings conducted by the board:
 1. The board on its own initiative, or upon application of any person involved in the investigation, may issue subpoenas compelling the attendance and testimony of witnesses, or demanding the production for examination or copying of documents or any other physical evidence if such evidence relates to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic. Within five days after the service of a subpoena on any person requiring the production of any evidence in his possession or under his control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not

relate to unlawful practices covered by this chapter, is not relevant to the charge which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the physical evidence whose production is required.

2. Any person appearing before the board may be represented by counsel.
3. The superior court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order either:
 - (a) Requiring such person to appear before the board or the duly authorized agent to produce evidence relating to the matter under investigation.
 - (b) Revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to unlawful practices covered by this chapter, is not relevant to the grounds for censure, suspension, revocation, fines or refusal to issue a license pursuant to section 32-924 which is the subject matter of the hearing or investigation, or does not describe with sufficient particularity the evidence whose production is required. Any failure to obey such order of the court may be punished by such court as contempt.
- C. Patient records, including clinical records, medical reports, laboratory statements and reports, any file, film, any other report or oral statement relating to examinations, findings or treatment of patients, any information from which a patient or his family might be identified or information received and records kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public.
- D. Nothing in this section or any other provision of law making communications between a chiropractic physician and his patient a privileged communication applies to investigations or proceedings conducted pursuant to this chapter. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this chapter.

§32-930. Chiropractic assistant

Nothing in this chapter shall be construed to prevent a chiropractic assistant from assisting a doctor of chiropractic pursuant to rules adopted by the board except the chiropractic specialty of acupuncture by needle insertion.

§32-931. Continuing education; requirements

- A. The board by rule may require each licensee to complete up to twelve hours of continuing education each calendar year as a condition of licensure renewal.
- B. Continuing education shall cover topics listed in section 32-922, subsection B and section 32-922.02 and shall be taught by a faculty member of a college or university

that is accredited by or has status with the council on chiropractic education or is accredited by an accrediting agency recognized by the United States department of education or the council on postsecondary accreditation. Beginning July 1, 2012, the board shall adopt rules to prescribe the continuing education requirements.

- C. Compliance with this section shall be documented at the times and in the manner as prescribed by the board in rule.
- D. Failure of a person holding a license to practice chiropractic to comply with this section without adequate cause being shown is grounds for probation or suspension of the person's license.

§32-932-Repealed

§32-933. Inactive license; restrictions; reinstatement to active license

- A. On written request, the board shall place a licensee in good standing on inactive status. The request shall state that the licensee is not currently engaged in the practice of chiropractic in this state.
- B. If an inactive licensee applies to the board for reinstatement to active licensure within two years after the date the board issues a notice of inactive status, the inactive licensee shall submit the full annual license renewal fee and prove to the board's satisfaction that the licensee has met the continuing education requirements of section 32-931 and board rules relating to continuing education.
- C. In addition to meeting the requirements of subsection B of this section, a licensee who has been on inactive status and who has not been actively engaged in the practice of chiropractic for more than two years must pass the national board of chiropractic examiners spec examination before reinstatement to active licensure.
- D. A licensee who is on inactive status shall meet all of the requirements of section 32-923.
- E. The practice of chiropractic in this state during any time that a license is on inactive status is grounds for sanction of the licensee.

§32-934. Business entities; registration; fees; medical records protocol; civil penalty; exemptions; violation; classification

- A. A business entity may not offer chiropractic services pursuant to this chapter unless:
 - 1. The entity is registered with the board pursuant to this section and rules adopted pursuant to this chapter.
 - 2. The services are conducted by a doctor of chiropractic who is licensed pursuant to this chapter.

- B. The business entity must file a registration application and pay a fee as prescribed by the board by rule.
- C. Registration expires on June 1 of each year. A business entity that wishes to renew a registration must submit an application for renewal as prescribed by the board on an annual basis before the expiration date and pay a renewal fee as prescribed by the board by rule. The board shall prorate the renewal fee for the first year registration renewal based on the first day of the month that the business entity was registered with the board. An entity that fails to renew the registration before the expiration date is subject to a late fee as prescribed by the board by rule.
- D. A business entity must notify the board in writing within thirty days after any change:
 - 1. In the entity's name, address or telephone number.
 - 2. In the entity's officers or directors.
 - 3. In the name of any doctor of chiropractic who is authorized to provide and who is responsible for providing or supervising the provision of chiropractic services in any facility.
- E. The board shall impose a civil penalty as prescribed by the board by rule on a business entity that does not notify the board as required by subsection D of this section.
- F. A business entity must comply with this chapter and board rules.
- G. A business entity must establish a written protocol for the secure storage, transfer and access of the medical records of the business entity's patients. This protocol must include, at a minimum, procedures for:
 - 1. Notifying patients of the future locations of their records if the business entity Terminates or sells the practice.
 - 2. Disposing of unclaimed medical records.
 - 3. The timely response to requests by patients or their representatives for copies of their records.
- H. A business entity must notify the board within thirty days after the entity's dissolution or the closing or relocation of any facility and must disclose to the board the entity's procedure by which its patients may obtain their records.
- I. The board may impose discipline consistent with this chapter if an entity violates any statute or board rule.
- J. The board shall deposit, pursuant to sections 35-146 and 35-147, civil penalties collected pursuant to this section in the state general fund.
- K. This section does not apply to:

1. A facility owned by a person who is licensed pursuant to this chapter.
 2. A sole proprietorship or partnership that consists of persons who are licensed pursuant to this chapter.
 3. A professional corporation or professional limited liability company, the shares of which are owned by persons who are licensed pursuant to this chapter.
 4. An administrator or executor of the estate of a deceased doctor of chiropractic or a person who is legally authorized to act for a doctor of chiropractic who has been adjudicated to be mentally incompetent for not more than one year after the date of the doctor of chiropractic's death or incapacitation.
 5. A health care institution that is licensed pursuant to title 36.
 6. A health professional who is not licensed pursuant to this chapter but who acts within the scope of practice as prescribed by the health professional's regulatory board.
- L. A business entity that offers chiropractic services pursuant to this chapter without complying with the registration requirements of this section is guilty of a class 6 felony.

ARIZONA ADMINISTRATIVE CODE

CHAPTER 7: BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 1. BOARD OF CHIROPRACTIC EXAMINERS

R4-7-101. Definitions

In addition to the definitions in A.R.S. § 32-900, unless otherwise specified, the following terms have the following meanings:

1. "Adequate patient records" means legible chiropractic records containing, at the minimum, sufficient information to identify the patient and physician, support the diagnosis, identify the specific elements of the chiropractic service performed, indicate special circumstances or instruction provided to the patient, if any, identify a treatment plan, and provide sufficient information for another practitioner to assume continuity of patient care.
2. "Business day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. except for state holidays.
3. "C.A." means a chiropractic assistant under A.R.S. § 32-900.
4. "Certification" means approval to practice chiropractic specialties under A.R.S. § 32-922.02.

5. "Chiropractor" means doctor of chiropractic or chiropractic physician pursuant to A.R.S. §§ 32-925(A), 32-926(A) and (B) and may be designated by the abbreviation "D.C."
6. "Controlled substance" means a drug or substance identified, defined, or listed in A.R.S. Title 36, Chapter 27, Article 2.
7. "Device" has the same meaning as prescribed in A.R.S. § 32-1901.
8. "Diagnosis" means the determination of the nature of a condition or illness under A.R.S. § 32-925(A) and (B).
9. "Dispense" means to deliver to an ultimate user under A.R.S. § 32-925(A) and (B).
10. "Extern" means a student of a Board-approved chiropractic college who participates in the preceptorship training program.
11. "License" means a document issued by the Board to practice chiropractic.
12. "Non-prescription drug" or "over-the-counter drug" has the same meaning as prescribed in A.R.S. § 32-1901. Drug has the same meaning as prescribed in A.R.S. § 32-1901, but does not include those substances referenced in subsection (13).
13. "Nutrition" includes, but is not limited to, vitamins, minerals, water, enzymes, botanicals, homeopathic preparations, phytonutrients, glandular extracts, and natural hormones.
14. "Preceptor" means a supervising chiropractor approved by the Board to supervise a student in a Board approved preceptorship training program.
15. "Preceptorship training program" means a Board approved program by which a student may practice chiropractic under the supervision of a preceptor.
16. "Prescribe" means to order or recommend a treatment or device.
17. "Prescription drug" has the same meaning as prescribed in A.R.S. § 32-1901.
18. "Supervision" means a licensed chiropractor is present in the office, sees a patient, assigns the work to be done regarding the patient, and is available to check the work of the supervised individual as it progresses and the completed work.

R4-7-102. Repealed

R4-7-103. Renumbered

R4-7-104. Meetings

The Board shall hold its annual election of officers during its July meeting.

ARTICLE 2. COMMITTEES

R4-7-201. Formation

The Board may from time to time appoint such committees as it deems necessary or proper to assist it in carrying out its duties. Committees may be appointed for such periods of time as the Board designates.

R4-7-202. Powers and duties

Committees appointed by the Board shall make reports to the Board based on their findings or investigations and may make recommendations for further action by the Board.

R4-7-203. Renumbered

ARTICLE 3. HEARINGS

R4-7-301. Investigation of a Complaint

- A. The Board may investigate any complaint alleging violation of A.R.S. § 32-900 et seq. or this Chapter.
- B. A subpoena compelling the production of documentary evidence or testimony of a witness under A.R.S. § 32-929 shall bear the seal of the Board and the signature of any member of the Board or the Board's executive director.
- C. If the Board finds probable cause that a licensee has violated A.R.S. § 32-900 et seq. or this Chapter, the Board shall notice the licensee of the time and place for a formal interview under A.R.S. Title 32, Chapter 8, Article 2, for a public hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-7-302. Service

- A. Service of any document, or a copy thereof, is deemed to have been made upon personal service or by enclosing a copy of the document in a sealed envelope and depositing the envelope as certified mail in the United States mail, with first-class postage prepaid, addressed to the party, at the address last provided to the Board.
- B. Service by mail is deemed complete five days following the day the paper to be served is deposited in the United States mail.
- C. In computing time, the date of mailing is not counted. All intermediate Sundays and holidays are counted but, if the last day falls on a Sunday or a holiday, that day is not counted and service is considered completed on the next business day.
- D. The Board shall mail each notice of formal interview or hearing and final decision by certified mail to the last known address reflected in the records of the Board.
- E. In addition to service of any pleading upon the Board or any member of the Board, a copy of the pleading shall also be served upon the Attorney General of this state.

R4-7-303. Conduct of Hearing or Formal Interview

- A. All hearings shall be conducted before the Board or a hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 10. All formal interviews shall be conducted before the Board pursuant to A.R.S. Title 32, Chapter 8, Article 2.
 - 1. Parties may stipulate to any facts that are not in dispute. Stipulations may be made in writing or orally by reading the stipulation into the record. A stipulation is binding upon the parties unless the Board grants permission to withdraw from the stipulation. The Board may set aside any stipulation and proceed to ascertain the facts.
 - 2. The Board may, of its own motion or at request of any party, call a conference of the parties at the opening of any hearing or formal interview or at any subsequent time, for the purpose of clarifying the procedural steps to be followed in the proceeding, or the legal or factual issues involved.
 - 3. By order of the Board, proceedings involving a common question of law or fact may be consolidated for hearing or formal interview regarding any or all matters at issue.
- B. If a licensee fails to appear when noticed at any proceeding before the Board, the Board may act upon the available evidence and information without further notice to the licensee.

R4-7-304. Repealed

R4-7-305. Rehearing or Review

- A. Except as provided in subsection (G), any party in an appealable agency action or contested case before the Board aggrieved by a decision may file with the Board a written motion for rehearing or review specifying the particular grounds not later than 30 days after service of the final administrative decision.
- B. A party may amend a motion for rehearing or review no later than eight days prior to the date set for the Board to rule on the motion. A party may respond within 15 days after service of the motion or amended motion. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. The Board may grant a rehearing or review for any of the following causes materially affecting the moving party's rights:
 - 1. Irregularity in the administrative proceedings of the Board, its hearing officer, or the prevailing party, or any order or abuse of discretion that deprives the moving party of a fair hearing;
 - 2. Misconduct of the Board, the hearing officer, or the prevailing party;
 - 3. Accident or surprise that could not have been prevented by ordinary prudence;

4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
 7. That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds for the order.
- E. Not later than 10 days after the decision, the Board may, after serving each party with notice and an opportunity to be heard, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the order granting a rehearing or review shall specify the grounds on which it is granted.
- F. When a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 10 days after service, serve an opposing affidavit. The Board may extend the period for serving an opposing affidavit for not more than 20 days for good cause shown or by written stipulation of the parties. The Board may permit a reply affidavit.
- G. If the Board makes a specific finding that the immediate effectiveness of a particular decision is necessary for the preservation of the public peace, health, or safety and that a rehearing or review is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an application for judicial review of the decision may be made within the time limits permitted for applications for judicial review of the Board's final decisions.

ARTICLE 4. EXAMINATIONS

R4-7-401. Repealed

R4-7-402. Renumbered

R4-7-403. Repealed

R4-7-404. Investigations

The Board may require an applicant to appear and supply to the Board information or documents necessary to establish the qualifications of applicant.

R4-7-405. Refusal to Issue Licenses

If the Board, after investigation of an applicant either before or after the applicant has taken the examination, determines that an applicant is not qualified to be issued a license, the Board shall notify applicant immediately of its decision to refuse to issue a license and the reasons therefore.

R4-7-406. Repealed

ARTICLE 5. LICENSES

R4-7-501. Display of Licenses

A licensee shall, at all times, display the license issued to the licensee by the Board in a conspicuous place at all locations where the licensee engages in the practice of chiropractic, including mobile practices. A licensee shall, upon request of any person, produce for inspection the license renewal certificate for the current calendar year.

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, 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 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 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. 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.
- 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 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 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 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.
- 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.
 3. Substantive review time-frame: 70 business days.
 4. Overall time-frame: 95 business days.

R4-7-504. License: Denial

If the Board denies a license, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial; and
3. The time periods for appealing the denial; and
4. The right to request an informal settlement conference with the Board's authorized agent.

R4-7-505. Renumbered

ARTICLE 6. ACUPUNCTURE CERTIFICATION

R4-7-601. Definition of Acupuncture as Applied to Chiropractic

- A. Acupuncture as applied to chiropractic is stimulation of a certain meridian point or points on or near the surface of the body to control and regulate the flow and balance of energy of the body.
- B. Acupuncture includes acupuncture by needle, electrical stimulation, ultrasound, acupressure, laser, auricular therapy, or any implement that stimulates acupuncture points.
- C. Acupuncture does not include cupping, moxibustion, or cosmetic therapy.

R4-7-602. Repealed

R4-7-603. Renumbered

R4-7-604. Renumbered

R4-7-605. Renumbered

R4-7-606. Renumbered

ARTICLE 7. STANDARDS OF EDUCATION

R4-7-701. Repealed

R4-7-702. Educational Requirements for Licensure

To qualify for licensure, an individual shall have graduated from a college of chiropractic that is accredited as specified in A.R.S. § 32-921(B)(2)(a) or that meets the standards of education for accreditation contained in The Council on Chiropractic Education Standards for Doctor of Chiropractic Programs and Institutions.

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.
- 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 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.
- 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;
 2. Malpractice defense;
 3. Practice management;
 4. Risk management;
 5. Promotion of a product or a service or a requirement that attendees purchase a product or service;
 6. Strategies to increase insurance payments;
 7. Administrative or economic aspects of a practice;

8. Motivational courses;
 9. Legal courses other than pre-approved Board jurisprudence;
 10. Anti-aging;
 11. Hormone treatment;
 12. Aroma therapy;
 13. Stress management;
 14. Psychological treatment;
 15. HIPAA;
 16. Homeopathic practice that exceeds A.R.S. § 32-925;
 17. Professional or business meetings, speeches at luncheons, banquets, etc.;
 18. Subject matter that exceeds the assessment, diagnosis and treatment of patients within the scope of practice of chiropractic as defined in this chapter;
 19. 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;
 20. 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.

R4-7-802. Documenting Compliance with Continuing Education Requirements

- A. A licensee shall retain documents to verify compliance with the continuing education requirements for at least five years from the date the continuing education credit is used to qualify the licensee for renewal. The Board may audit continuing education compliance at any time during those five years by requiring submission of documentation of course completion.
- B. With each license renewal application, a licensee shall attest by providing the licensee's signature, that the licensee has met the continuing education requirements, and complied with R4-7-503(C) (8) and subsection (A). A licensee's documentation of compliance on the license renewal application shall include the name of the approved course provider.
- C. The Board may require a licensee to provide documentation to verify compliance with continuing education requirements, including evidence that:
1. Each continuing education credit was for 50 minutes of education,

2. The requirements of subsections (A) and (B) were satisfied,
 3. Continuing education credit was earned between the immediately preceding January 1 and the date that the license renewal application was filed or the date on which an extension of time expired,
 4. No continuing education credit earned between the immediately preceding January 1 and the date that the license renewal application was filed was earned under an extension of time to comply with the continuing education requirements of a previous year, and
 5. The provisions of A.R.S. § 32-931 and R4-7-801 were met.
- D. Documentation shall be in the form of a certificate of completion issued by a Board-approved provider. The Board may require submission of a time sheet demonstrating that the licensee was in attendance for a continuous 50 minutes for every hour of continuing education credit awarded.
- E. The Board shall suspend a license upon notification to the licensee that the licensee has failed to demonstrate compliance with continuing education requirements as per A.R.S. § 32-923(C), A.R.S. § 32-931 and R4-7-801.

R4-7-803. Effect of Suspension on Continuing Education Requirements

A licensee whose license is suspended under A.R.S. §§ 32,923, 32-924, or 32-931, shall complete 12 credits of continuing education for each calendar year or part of calendar year that the license is suspended before the license may be reinstated or renewed.

ARTICLE 9. UNPROFESSIONAL CONDUCT

R4-7-901. Advertising of a Deceptive and Misleading Nature

The Board shall investigate an allegation of advertising in a false, deceptive, or misleading manner by a licensee and may sanction a licensee for a violation under A.R.S. § 32-924. Advertising of a false, deceptive, or misleading manner includes, but is not limited to, the following:

1. Advertising painless procedures;
2. Advertising complete health services; or
3. Advertising that uses the words "specialist," "specializing," or "expert."

R4-7-902. Unprofessional or Dishonorable Conduct

Unprofessional or dishonorable conduct, as used in A.R.S. § 32-924(A)(5), means:

1. Failing to disclose, in writing, to a patient or a third-party payor that the licensee has a financial interest in a diagnostic or treatment facility, test, good, or service when referring a patient for a prescribed diagnostic test, treatment, good, or service and

that the diagnostic test, treatment, good or service is available on a competitive basis from another provider. This subsection does not apply to a referral by one licensee to another within a group of licensees who practice together. This subsection applies regardless of whether the referred service is provided at the licensee's place of practice or at another location.

2. Knowingly making a false or misleading statement to a patient or a third-party payor.
3. Knowingly making a false or misleading statement, providing false or misleading information, or omitting material information in any oral or written communication, including attachments, to the Board, Board staff, or a Board representative or on any form required by the Board.
4. Knowingly filing with the Board an application or other document that contains false or misleading information.
5. Failing to create an adequate patient record that includes the patient's health history, clinical impression, examination findings, diagnostic results, x-ray films if taken, x-ray reports, treatment plan, notes for each patient visit, and a billing record. The notes for each patient visit shall include the patient's name, the date of service, the chiropractic physician's findings, all services rendered, and the name or initials of the chiropractic physician who provided services to the patient.
6. Failing to maintain the information required by subsection (5) for a patient, for at least six years after the last treatment date, or for a minor, six years after the minor's 18th birthday, or failing to provide written notice to the Board about how to access the patient records of a chiropractic practice that is closed by providing, at a minimum, the physical address, telephone number and full name of a person who can be contacted regarding where the records are maintained, for at least six years after each patient's last treatment date or 18th birthday.
7. Failing to:
 - a. Release a copy of all requested patient records under subsection (5), including the original or diagnostic quality radiographic copy x-rays, to another licensed physician, the patient, or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so. This subsection does not require the release of a patient's billing record to another licensed physician.
 - b. Release a copy of any specified portion or all of a patient's billing record to the patient or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so.
 - c. In the case of a patient or a patient's authorized agent who has verbally requested the patient record:
 - i. Provide the patient record, or

- ii. Inform the patient or patient's authorized agent that the record must be provided if a written request is made under subsection (7)(a) or (b).
 - d. Return original x-rays to a licensed physician within 10 business days of a written request to do so.
 - e. Provide free of charge, copies of patient records to another licensed physician, the patient, or the authorized agent of the patient in violation of A.R.S. Title 12, Chapter 13, Article 7.1.
8. Representing that the licensee is certified by this Board in a specialty area in which the licensee is not certified or has academic or professional credentials that the licensee does not have.
9. Failing to provide to a patient upon request documentation of being certified by the Board in a specialty area or the licensee's academic certification, degree, or professional credentials.
10. Practicing, or billing for services under any name other than the name by which the chiropractic physician is licensed by the Board, including corporate, business, or other licensed health care providers' names, without first notifying the Board in writing.
11. Suggesting or having sexual contact, as defined in A.R.S. § 13-1401, in the course of patient treatment or within three months of the last chiropractic examination, treatment, or consultation with an individual with whom a consensual sexual relationship did not exist prior to a chiropractic/patient relationship being established.
12. Intentionally viewing a completely or partially disrobed patient in the course of an examination or treatment if the viewing is not related to the patient's complaint, diagnoses, or treatment under current practice standards.
13. Improper billing. Improper billing means:
- a. Knowingly charging a fee for services not rendered;
 - b. Knowingly charging a fee for services not documented in the patient record as being provided;
 - c. Charging a fee by fraud or misrepresentation, or willfully and intentionally filing a fraudulent claim with a third-party payor;
 - d. Misrepresenting the service provided for the purpose of obtaining payment; and
 - e. Charging a fee for a service provided by an unlicensed person who is not a chiropractic assistant under A.R.S. § 32-900 or for services provided by an unsupervised chiropractic assistant; and

- f. Repeatedly billing for services not rendered or not documented as rendered or repeatedly engaging in acts prohibited under subsections (13)(c) through (e).
14. Failing to timely comply with a board subpoena pursuant to A.R.S. § 32-929 that authorizes Board personnel to have access to any document, report, or record maintained by the chiropractic physician relating to the chiropractic physician's practice or professional activities.
 15. Failing to notify the Board of hiring a chiropractic assistant or to register a chiropractic assistant under R4-7-1102 or failing to supervise a chiropractic assistant, under A.R.S. § 32-900 that is supervised or employed by the chiropractic physician.
 16. Allowing or directing a person who is not a chiropractic assistant and who is not licensed to practice a health care profession to provide patient services, other than clerical duties.
 17. Intentionally misrepresenting the effectiveness of a treatment, diagnostic test, or device.
 18. Administering, prescribing, or dispensing prescription-only medicine, or prescription-only drugs, or a prescription-only device as defined in A.R.S. § 32-1901 and pursuant to A.R.S. § 32-925(B). This subsection does not apply to those substances identified under R4-7-101(13).
 19. Performing surgery or practicing obstetrics in violation of A.R.S. § 32-925(B).
 20. Performing or providing colonic irrigation.
 21. Penetration of the rectum by a rectal probe or device for the administration of ultrasound, diathermy, or other modalities.
 22. Use of ionizing radiation in violation of A.R.S. § 32-2811.
 23. Promoting or using diagnostic testing or treatment for research or experimental purposes:
 - a. Without obtaining informed consent from the patient, in writing, before the diagnostic test or treatment. Informed consent includes disclosure to the patient of the research protocols, contracts the licensee has with researchers, if applicable, and information on the institutional review committee used to establish patient protection.
 - b. Without conforming to generally accepted research or experimental criteria, including following protocols, maintaining detailed records, periodic analysis of results, and periodic review by a peer review committee; or
 - c. For the financial benefit of the licensee.
 24. Having professional connection with, lending one's name to, or billing on behalf of an illegal practitioner of chiropractic or an illegal practitioner of any healing art.

25. Holding oneself out to be a current or past Board member, Board staff member or a Board chiropractic consultant if this is not true.
26. Claiming professional superiority in the practice of chiropractic under A.R.S. § 32-925.
27. Engaging in disruptive or abusive behavior in a clinical setting.
28. Providing substandard care due to an intentional or negligent act or failure to act regardless of whether actual injury to the patient is established.
29. Intentionally disposing of confidential patient information or records without first redacting all personal identifying patient information or by any means other than shredding or incinerating the information or record.
30. Intentionally disclosing a privileged communication or document, or confidential patient information except as otherwise required or allowed by law.
31. Having been diagnosed by a physician whom the Board determines is qualified to render the diagnosis as habitually using or having habitually used alcohol, narcotics, or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
32. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. Conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
33. Having an action taken against a professional license in another jurisdiction, any limitation or restriction of the license, probation, suspension, revocation, surrender of the license as a disciplinary measure or denial of a license application or license renewal for a reason related to unprofessional conduct.
34. Directly or indirectly dividing a professional fee for patient referrals among health care providers or health care institutions or between providers and institutions or entering into a contractual arrangement to that effect. This subsection does not prohibit the members of any regularly and properly organized business entity recognized by law from dividing fees received for professional services among themselves as they determine necessary.
35. Failing to report in writing to the Board any information based upon personal knowledge that a chiropractic physician may be grossly incompetent, guilty of unprofessional or dishonorable conduct, or mentally or physically unable to provide chiropractic services safely. Any person who reports or provides information to the Board in good faith is not subjected to civil damages as a result of reporting or providing the information. If the informant requests that the informant's name not be disclosed, the Board shall not disclose the informant's name unless disclosure is essential to the disciplinary proceedings conducted under A.R.S. § 32-924 or required under A.R.S. § 41-1010.
36. Violating any federal or state statute or rule or regulation applicable to the practice of chiropractic.

37. Any act or omission identified in A.R.S. § 32-924(A).

ARTICLE 10. PRECEPTORSHIP TRAINING PROGRAM

R4-7-1001. Eligibility; Application

- A. Both extern and preceptor shall submit a written application to the Board for approval of participation in a preceptor training program. The Board shall process the application within the time-frames provided in R4-7-502(J).
1. The application shall be submitted on a form that contains:
 - a. The extern's photo;
 - b. The extern's and preceptor's names, addresses, telephone numbers, and any other names of the extern or preceptor;
 - c. The preceptor's license number, number of years in practice, and disciplinary history;
 - d. A waiver of confidentiality under subsection (B)(2) and notarized signature from both the extern and preceptor;
 - e. The beginning and ending date of the program;
 - f. Location, days, and hours of the program;
 - g. The name and contact number for the college sponsoring the preceptorship program under subsection (B)(1);
 - h. The date of extern graduation from a chiropractic college and identification of the proposed scope of the program for which the application is being submitted and the eligibility of the applicants for approval.
 2. The application shall require the extern and the preceptor to disclose any convictions or sanctions and whether the extern or preceptor is currently under investigation for a violation of criminal or administrative law.
- B. Except as provided in subsection (D), the Board shall approve participation by an extern who does not come under subsection (C) and who:
1. Concurrently participates in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college and provides verifiable proof of enrollment;
 2. Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the extern's eligibility for or performance in the program;

3. Provides a certificate of attainment on Parts I and II of the examination by the National Board of Chiropractic Examiners;
4. Successfully completes and provides documentation of the coursework required by A.R.S. § 32-922.02 for practice of chiropractic specialties, if specialties are to be included in the training program; and
5. Submits the \$75.00 filing fee, which is non-refundable except if A.R.S. § 41-1077 applies.

C. The Board shall not approve participation for an extern who:

1. Has been the subject of disciplinary sanction or convicted of a felony or misdemeanor involving moral turpitude;
2. Is currently under investigation for a licensing violation, or a felony or misdemeanor involving moral turpitude;
3. Fails to demonstrate good character and reputation;
4. Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely; or
5. Has practiced chiropractic without a license or through participation in an approved preceptor program.

D. The Board shall approve participation for a preceptor who:

1. Concurrently participates as a preceptor at the chiropractic college in which the extern is enrolled throughout the time period of the preceptor program and provides verifiable proof of participation;
2. Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the preceptor's eligibility for or performance in the program; and
3. Is continuously licensed in Arizona for at least five years before the date the program is to begin and, if the program is to include practice of chiropractic specialties, is certified in those specialties for at least three years before the date upon which the program is to begin; and

E. The Board shall not approve participation for a preceptor who:

1. Has been the subject of disciplinary sanction or convicted of a felony or a misdemeanor involving moral turpitude;
2. Is currently under investigation for a licensing violation, felony, or misdemeanor involving moral turpitude;
3. Fails to demonstrate good character and reputation; or
4. Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely.

R4-7-1002. Practice Limitations

- A. Under the supervision of the preceptor and commensurate with the extern's education, training, and experience, an extern may engage in the practice of health care, as defined in A.R.S. § 32-925, except that an extern shall not perform any procedure defined as a chiropractic specialty requiring certification unless the extern and the preceptor have met the eligibility requirements in R4-7-1001 for that specialty.
- B. At all times when patients may be present, the extern shall wear a badge showing the extern's name and the title "Extern" in capital letters equal in size to the name.
- C. Before an extern conducts an examination or renders care to a patient, the preceptor shall secure from the patient a written consent to the examination or care. The written consent shall specify that the patient understands that an extern is not a licensed doctor, and that the preceptor retains responsibility for quality of care. The preceptor shall maintain the signed consent as a part of the patient's file.

R4-7-1003. Regulation and Termination of the Preceptorship Program

- A. The Board, on its own initiative or upon receipt of a complaint, may investigate conduct of an extern or preceptor occurring within the program for compliance with this Chapter and A.R.S. § 32-924. The Board may, pursuant to A.R.S. § 32-929, obtain patient records as part of the investigation.
- B. If after investigation, the Board determines that the conduct of the extern or preceptor imperatively requires emergency action, the Board shall suspend approval of the program pending proceedings for termination or other action. The Board shall promptly notify the extern, the preceptor, and the college of the suspension, the reasons for the suspension, and the conditions under which the suspension may be lifted, if any.
- C. If after a hearing, the Board determines that the conduct of the preceptor or the extern constitutes a violation of this Chapter or A.R.S. § 32-924, the Board shall terminate the program and may sanction the preceptor or deny licensure to the extern if the extern has applied for a license.
- D. If the Board receives written verification from a chiropractic college that the extern or preceptor is no longer concurrently participating in the associated chiropractic college program, the Board shall terminate approval of the extern's training program.
- E. An extern may participate in a preceptorship program until the results of the next scheduled Part IV of the National Board of Chiropractic Examiners examination are released or for six months immediately following the extern's date of graduation from chiropractic college, whichever occurs first.

Appendix A. Repealed

Appendix B. Repealed

Appendix C. Repealed

Appendix D. Repealed

Appendix E. Repealed

Appendix F. Repealed

ARTICLE 11. CHIROPRACTIC ASSISTANTS

R4-7-1101. Use of the Term "Chiropractic Assistant"

Only a chiropractic assistant as defined in A.R.S. § 32-900 who assists a chiropractor by performing basic health care duties, shall use the term "chiropractic assistant" or "C.A."

R4-7-1102. Chiropractic Assistant Training

- A. A C.A. shall complete 24 clock hours of coursework, with a minimum of four hours in each of the following subjects: chiropractic principles, management of common diseases, history taking, recordkeeping, professional standards of conduct, and CPR. If a chiropractor supervising a C.A. is certified in physiotherapy under A.R.S. § 32-922.02, the C.A. shall complete 12 hours of training in physiotherapy in addition to the 24 hours of coursework. If a chiropractor supervising a C.A. is certified in acupuncture under A.R.S. § 32-922.02, the C.A. shall complete two hours of training in acupuncture in addition to the 24 hours of coursework.
- B. A C.A. shall take coursework from a Board-approved facility or chiropractor. The facility or chiropractor providing coursework shall submit documentation that describes each subject listed in subsection (A) to the Board for approval prior to offering the course.
- C. A chiropractor shall inform the Board, in writing, that the chiropractor has employed a chiropractic assistant within seven days of hiring the C.A. by submitting the name of the C.A., the name and license number of the supervising chiropractor, the address and phone number where the C.A. is employed, and the initial date of hire. A C.A. shall begin Board-approved coursework within three months of initial employment with a supervising chiropractor, and shall complete the coursework within one year of initial employment with the supervising chiropractor.
- D. A C.A. shall register with the Board upon completing required coursework. A C.A. shall submit a separate registration form for each place of employment and each supervisor. A C.A. shall register by submitting documentation to the Board on a Board-approved form, signed by the supervising chiropractor, showing the date that the C.A. completed each required subject. The Board shall issue the C.A.'s registration upon approval of the registration form.
- E. A chiropractor supervising a C.A. shall maintain at the C.A.'s place of employment a copy of the C.A.'s registration.

R4-7-1103. Scope of Practice

- A. A C.A. may only perform clinical duties that are:
 - 1. Consistent with a supervising chiropractor's licensure and certification; and
 - 2. Delegated by the supervising chiropractor.

- B. Clinical duties that a chiropractic assistant may perform as directed by the supervising chiropractor under subsection (A) include, but are not limited to:
 - 1. Asepsis and infection control,
 - 2. Taking patient histories and vital signs,
 - 3. Performing first aid and CPR,
 - 4. Preparing patients for procedures,
 - 5. Assisting the supervising chiropractor with examinations and treatments, and
 - 6. Collecting and processing specimens.

- C. A chiropractic assistant who meets the education requirements for physiotherapy under R4-7-1102(A) may administer, under the direct supervision of a chiropractor certified in physiotherapy, but is not limited to administering:
 - 1. Whirlpool treatments,
 - 2. Diathermy treatments,
 - 3. Electronic galvanization stimulation treatments,
 - 4. Ultrasound therapy,
 - 5. Massage therapy,
 - 6. Traction treatments,
 - 7. Transcutaneous nerve stimulation unit treatments, and
 - 8. Hot and cold pack treatments.

- D. A chiropractic assistant that meets the education requirements for acupuncture under R4-7-1102(A) may prepare and sterilize instruments and may remove acupuncture needles under the direct supervision of a chiropractor certified in acupuncture.

- E. A C.A. shall not:
 - 1. Take an x-ray,

2. Perform an independent examination,
 3. Diagnose a patient,
 4. Determine a regimen of patient care,
 5. Change the regimen of patient care set by the supervising chiropractor,
 6. Perform an adjustment, or
 7. Perform acupuncture by needle insertion.
- F. A person who has had a license to practice chiropractic or any other health care profession suspended, revoked, or denied for any reason other than failing to meet education or licensing examination requirements in this or any other jurisdiction shall not perform the clinical duties of a chiropractic assistant.
- G. As per A.R.S. § 32-900(3), a chiropractic assistant shall not be licensed to practice chiropractic in this or any other jurisdiction.
- H. A supervising chiropractor shall be responsible for all acts or omissions of a C.A.
- I. A person who does not meet the requirements of R4-7-1102 shall perform only clerical or administrative duties.

ARTICLE 12. EXPIRED

R4-7-1201. Expired

R4-7-1202. Expired

R4-7-1203. Expired

R4-7-1204. Expired

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.
- 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.

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

ARTICLE 14. BUSINESS ENTITIES

R4-7-1401. Application for Business Entity; qualifications of applicant; 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.

R4-7-1402. Display of Registration

A business entity shall, at all times, display the registration issued to the business entity by the Board in a conspicuous place at all locations where a doctor of chiropractic is employed, contracted or otherwise functions in any capacity under a chiropractic license, including mobile practices. The business entity shall, upon request of any person, immediately produce for inspection the annual renewal certificate for the current registration period and shall keep a renewal certificate issued by the Board present at all locations.

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

- A. 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. 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. 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. The social security number for each owner, officer, or director.
 11. 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. A copy of the written protocol required by A.R.S. § 32-934(G).
 13. The name, phone number and address for a contact person.
 14. 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. An applicant shall reapply for registration if the applicant does not pay the prorated registration fee within three months after having been notified by the Board that the applicant is eligible to receive an approved registration.
- K. 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 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.
- 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 R4-7-1402 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 30 of the registration period for which the business entity registration renewal is made.

- G. On or after July 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.
- 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.

R4-7-1405. Business Entity Registration: Denial

If the Board denies a business entity registration, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial;
3. The time periods for appealing the denial; and,
4. The right to request a settlement conference with the Board's authorized agent.

R4-7-1406. Reporting; Civil Penalty

- A. A business entity that reports a change to any owner, officer or director pursuant to A.R.S. § 32-934 (D) (2) shall include the following:
 1. Any record of the new 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.
 2. Any record of a new 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 the new owner, officer or director's license in this or any other jurisdiction.
- B. A business entity that fails to comply with A.R.S. § 32-934(D) shall pay to the Board a non-refundable civil penalty of one hundred dollars for each violation. If the business entity fails to pay the civil penalty within 30 days, the business entity shall within 15 days pay an increased civil penalty of \$150 for each violation.

R4-7-1407. Licensed Doctors of Chiropractic and Business Entities, Unprofessional Conduct

- A. Nothing in this Section shall be construed to exempt a licensed doctor of chiropractic from complying with this Chapter.
- B. The following are grounds for disciplinary action under A.R.S. § 32-924(A) and R4-7-902 for a licensed doctor of chiropractic who:
 1. Performs any service according to R4-7-1401(A) for a business entity in the State of Arizona that is not registered per this Chapter, and/or;

2. Enters into an agreement of any nature with a business entity to engage in any activity that violates A.R.S. § 32- 924(A), R4-7-901 or R4-7-902 or any provision of this Chapter, and/or;
3. Fails to report in writing to the Board any knowledge of a business entity that fails to register with this Board under this Chapter or a business entity that violates any provisions of this Chapter.

R4-7-1408. Exemptions

A chiropractic assistant does not hold a license and is not exempt from A.R.S. § 32-934 or this Article.

**From A.R.S. Title 12: Courts and Civil Proceedings
Chapter 5**

§12-570. Malpractice settlement or award reporting; civil penalty

- A. If a medical malpractice action or an action brought under section 46-455 against a nursing care institution is settled or a court enters a monetary judgment:
 1. The professional liability insurers shall provide the defendant's health profession regulatory board with all information required to be filed with the national practitioner data bank pursuant to Public Law 99-660. In the case of an action brought under section 46-455 against a nursing care institution, the information shall be provided to the department of health services.
 2. The plaintiff's attorney shall provide the defendant's health profession regulatory board, or, in the case of an action brought against a nursing care institution, the department of health services, with the notice described in subsection B of this section, a copy of the complaint and a copy of either the agreed terms of settlement or the judgment. The attorney shall provide this notice and these documents within thirty days after a settlement is reached or a judgment is entered.
- B. The notice required by subsection A of this section shall contain the following information:
 1. The name and address of each defendant.
 2. The name, date of birth and address of each plaintiff.
 3. The date and location of the occurrence which created the claim.
 4. A statement specifying the nature of the occurrence resulting in the malpractice action.
 5. A copy of all expert witness depositions, a transcript of all expert witness court testimony or a written evaluation of the case by an expert witness.

- C. The notice required by subsection A of this section is not discoverable and not admissible as evidence.
- D. An attorney who does not supply the information required by subsections A and B of this section within thirty days after the notice of settlement or judgment is due under subsection A of this section is subject to a civil penalty of five hundred dollars.
- E. A confidentiality clause in a settlement agreement does not apply to the reporting requirements of this section.
- F. For the purposes of this section, "health profession regulatory board" has the same meaning prescribed in section 32-3201.

§12-571. Qualified immunity; health professionals; nonprofit clinics; previously owned prescription eyeglasses

- A. A health professional, as defined in section 32-3201, who provides medical or dental treatment within the scope of the health professional's certificate or license at a nonprofit clinic where neither the professional nor the clinic receives compensation for any treatment provided at the clinic is not liable in a medical malpractice action, unless such health professional was grossly negligent.
- B. A health professional who, within the professional's scope of practice, provides previously owned prescription eyeglasses free of charge through a charitable, nonprofit or fraternal organization is not liable for an injury to the recipient if the recipient or the recipient's parent or legal guardian has signed a medical malpractice release form and the injury is not a direct result of the health professional's intentional misconduct or gross negligence. For purposes of this subsection, "medical malpractice release form" means a document that the recipient or the recipient's parent or legal guardian signs before the recipient receives eyeglasses pursuant to this subsection to acknowledge that the eyeglasses were not made specifically for the recipient and to accept full responsibility for the recipient's eye safety.

**From A.R.S. Title 12: Courts and Civil Proceedings
Chapter 13**

§12-2291. Definitions

In this article, unless the context otherwise requires:

1. "Clinical laboratory" has the same meaning prescribed in section 36-451.
2. "Contractor" means an agency or service that duplicates medical records on behalf of health care providers.
3. "Department" means the department of health services.
4. "Health care decision maker" means an individual who is authorized to make health care treatment decisions for the patient, including a parent of a minor

or an individual who is authorized pursuant to section 8-514.05, title 14, chapter 5, article 2 or 3 or section 36-3221, 36-3231 or 36-3281.

5. "Health care provider" means:
 - (a) A person who is licensed pursuant to title 32 and who maintains medical records.
 - (b) A health care institution as defined in section 36-401.
 - (c) An ambulance service as defined in section 36-2201.
 - (d) A health care services organization licensed pursuant to title 20, chapter, article 9.
6. "Medical records" means all communications related to a patient's physical or mental health or condition that are recorded in any form or medium and that are maintained for purposes of patient diagnosis or treatment, including medical records that are prepared by a health care provider or by other providers. Medical records do not include materials that are prepared in connection with utilization review, peer review or quality assurance activities, including records that a health care provider prepares pursuant to section 36-441, 36-445, 36-2402 or 36-2917. Medical records do not include recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity, but include communications that are recorded in any form or medium between emergency medical personnel and medical personnel concerning the diagnosis or treatment of a person.
7. "Payment records" means all communications related to payment for a patient's health care that contain individually identifiable information.
8. "Source data" means information that is summarized, interpreted or reported in the medical record, including x-rays and other diagnostic images.

§12-2292. Confidentiality of medical records and payment records

- A. Unless otherwise provided by law, all medical records and payment records, and the information contained in medical records and payment records, are privileged and confidential. A health care provider may only disclose that part or all of a patient's medical records and payment records as authorized by state or federal law or written authorization signed by the patient or the patient's health care decision maker.
- B. This article does not limit the effect of any other federal or state law governing the confidentiality of medical records and payment records.

§12-2293. Release of medical records and payment records to patients and health care decision makers; definition

- A. Except as provided in subsections B and C of this section, on the written request of a patient or the patient's health care decision maker for access to or copies of the patient's medical records and payment records, the health care provider in possession of the record shall provide access to or copies of the records to the patient or the patient's health care decision maker.
- B. A health care provider may deny a request for access to or copies of medical records or payment records if a health professional determines that either:
 - 1. Access by the patient is reasonably likely to endanger the life or physical safety of the patient or another person.
 - 2. The records make reference to a person other than a health professional and access by the patient or the patient's health care decision maker is reasonably likely to cause substantial harm to that other person.
 - 3. Access by the patient's health care decision maker is reasonably likely to cause substantial harm to the patient or another person.
 - 4. Access by the patient or the patient's health care decision maker would reveal information obtained under a promise of confidentiality with someone other than a health professional and access would be reasonably likely to reveal the source of the information.
- C. A health care provider may deny a request for access to or copies of medical records or payment records if the health care provider determines that either:
 - 1. The information was created or obtained in the course of clinical research and the patient or the patient's health care decision maker agreed to the denial of access when consenting to participate in the research and was informed that the right of access will be reinstated on completion of the research.
 - 2. A health care provider is a correctional institution or is acting under the direction of a correctional institution and access by a patient who is an inmate in the correctional institution would jeopardize the health, safety, security, custody or rehabilitation of the patient or other inmates or the safety of any officer, employee or other person at the correctional institution or of a person who is responsible for transporting the inmate.
- D. If the health care provider denies a request for access to or copies of the medical records or payment records, the health care provider must note this determination in the patient's records and provide to the patient or the patient's health care decision maker a written explanation of the reason for the denial of access. The health care provider must release the medical records or payment records information for which there is not a basis to deny access under subsection B of this section.

- E. For the purposes of this section, "health professional" has the same meaning prescribed in section 32-3201.

§12-2294. Release of medical records and payment records to third parties

- A. A health care provider shall disclose medical records or payment records, or the information contained in medical records or payment records, without the patient's written authorization as otherwise required by law or when ordered by a court or tribunal of competent jurisdiction.
- B. A health care provider may disclose medical records or payment records, or the information contained in medical records or payment records, pursuant to written authorization signed by the patient or the patient's health care decision maker.
- C. A health care provider may disclose medical records or payment records or the information contained in medical records or payment records and a clinical laboratory may disclose clinical laboratory results without the written authorization of the patient or the patient's health care decision maker as otherwise authorized by state or federal law, including the health insurance portability and accountability act privacy standards (45 Code of Federal Regulations part 160 and part 164, subpart (E), or as follows:
 - 1. To health care providers who are currently providing health care to the patient for the purpose of diagnosis or treatment of the patient.
 - 2. To health care providers who have previously provided treatment to the patient, to the extent that the records pertain to the provided treatment.
 - 3. To ambulance attendants as defined in section 36-2201 for the purpose of providing care to or transferring the patient whose records are requested.
 - 4. To a private agency that accredits health care providers and with whom the health care provider has an agreement requiring the agency to protect the confidentiality of patient information.
 - 5. To a health profession regulatory board as defined in section 32-3201.
 - 6. To health care providers for the purpose of conducting utilization review, peer review and quality assurance pursuant to section 36-441, 36-445, 36-2402 or 36-2917.
 - 7. To a person or entity that provides services to the patient's health care providers or clinical laboratories and with whom the health care provider or clinical laboratory has an agreement requiring the person or entity to protect the confidentiality of patient information and as required by the health insurance portability and accountability act privacy standards, 45 Code of Federal Regulations part 164, subpart E.
 - 8. To the legal representative of a health care provider in possession of the medical records or payment records for the purpose of securing legal advice.

9. To the patient's third party payor or the payor's contractor.
 10. To the industrial commission of Arizona or parties to an industrial commission claim pursuant to title 23, chapter 6.
- D. A health care provider may disclose a deceased patient's medical records or payment records or the information contained in medical records or payment records to the patient's health care decision maker at the time of the patient's death. A health care provider also may disclose a deceased patient's medical records or payment records or the information contained in medical records or payment records to the personal representative or administrator of the estate of a deceased patient, or if a personal representative or administrator has not been appointed, to the following persons in the following order of priority, unless the deceased patient during the deceased patient's lifetime or a person in a higher order of priority has notified the health care provider in writing that the deceased patient opposed the release of the medical records or payment records:
1. The deceased patient's spouse, unless the patient and the patient's spouse were legally separated at the time of the patient's death.
 2. The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse if the trust was a revocable inter vivos trust during the deceased patient's lifetime and the deceased patient was a beneficiary of the trust during the deceased patient's lifetime.
 3. An adult child of the deceased patient.
 4. A parent of the deceased patient.
 5. An adult brother or sister of the deceased patient.
 6. A guardian or conservator of the deceased patient at the time of the patient's death.
- E. A person who receives medical records or payment records pursuant to this section shall not disclose those records without the written authorization of the patient or the patient's health care decision maker, unless otherwise authorized by law.
- F. If a health care provider releases a patient's medical records or payment records to a contractor for the purpose of duplicating or disclosing the records on behalf of the health care provider, the contractor shall not disclose any part or all of a patient's medical records or payment records in its custody except as provided in this article. After duplicating or disclosing a patient's medical records or payment records on behalf of a health care provider, a contractor must return the records to the health care provider who released the medical records or payment records to the contractor.

§12-2294.01. Release of medical records or payment records to third parties pursuant to subpoena

- A. A subpoena seeking medical records or payment records shall be served on the health care provider and any party to the proceedings at least ten days before the production date on the subpoena.
- B. A subpoena that seeks medical records or payments records must meet one of the following requirements:
 - 1. The subpoena is accompanied by a written authorization signed by the patient or the patient's health care decision maker.
 - 2. The subpoena is accompanied by a court or tribunal order that requires the release of the records to the party seeking the records or that meets the requirements for a qualified protective order under the health insurance portability and accountability act privacy standards (42 Code of Federal Regulations section 164.512(e).
 - 3. The subpoena is a grand jury subpoena issued in a criminal investigation.
 - 4. The subpoena is issued by a health profession regulatory board as defined in section 32-3201.
 - 5. The health care provider is required by another law to release the records to the party seeking the records.
- C. If a subpoena does not meet one of the requirements of subsection B of this section, a health care provider shall not produce the medical records or payment records to the party seeking the records, but may either file the records under seal pursuant to subsection D of this section, object to production under subsection E of this section or file a motion to quash or modify the subpoena under rule 45 of the Arizona rules of civil procedure.
- D. It is sufficient compliance with a subpoena issued in a court or tribunal proceeding if a health care provider delivers the medical records or payment records under seal as follows:
 - 1. The health care provider may deliver by certified mail or in person a copy of all the records described in the subpoena by the production date to the clerk of the court or tribunal or if there is no clerk then to the court or tribunal, together with the affidavit described in paragraph 4 of this subsection.
 - 2. The health care provider shall separately enclose and seal a copy of the records in an inner envelope or wrapper, with the title and number of the action, name of the health care provider and date of the subpoena clearly inscribed on the copy of the records. The health care provider shall enclose the sealed envelope or wrapper in an outer envelope or wrapper that is sealed and directed to the clerk of the court or tribunal or if there is no clerk then to the court or tribunal.

3. The copy of the records shall remain sealed and shall be opened only on order of the court or tribunal conducting the proceeding.
 4. The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:
 - (a) That the affiant is the duly authorized custodian of the records and has authority to certify the records.
 - (b) That the copy is a true complete copy of the records described in the subpoena.
 - (c) If applicable, that the health care provider is subject to the confidentiality requirements in 42 United States Code sections 290dd-3 and 290ee-3 and applicable regulations and that those confidentiality requirements may apply to the requested records. The affidavit shall request that the court make a determination, if required under applicable federal law and regulations, as to the confidentiality of the records submitted.
 - (d) If applicable, that the health care provider has none of the records described or only part of the records described in the subpoena.
 5. The copy of the records is admissible in evidence as provided under rule 902(11), Arizona rules of evidence. The affidavit is admissible as evidence of the matters stated in the affidavit and the matters stated are presume true. If more than one person has knowledge of the facts, more than one affidavit may be made. The presumption established by this paragraph is a presumption affecting the burden of producing evidence.
- E. If a subpoena does not meet one of the requirements of subsection B of this section or if grounds for objection exist under rule 45 of the Arizona rules of civil procedure, a health care provider may file with the court or tribunal an objection to the inspection or copying of any or all of the records as follows:
1. On filing an objection, the health care provider shall send a copy of the objection to the patient at the patient's last known address, to the patient's attorney if known and to the party seeking the records, unless after reasonable inquiry the health care provider cannot determine the last known address of the patient.
 3. On filing the objection, the health care provider has no further obligation to assert a state or federal privilege pertaining to the records or to appear or respond to a motion to compel production of records, and may produce the records if ordered by a court or tribunal. If an objection is filed, the patient or the patient's attorney is responsible for asserting or waiving any state or federal privilege that pertains to the records.
 3. If an objection is filed, the party seeking production may request an order compelling production of the records. If the court or tribunal issues an order compelling production, a copy of the order shall be provided to the health

care provider. On receipt of the order, the health care provider shall produce the records.

4. If applicable, an objection shall state that the health care provider is subject to the confidentiality requirements in 42 United States Code sections 290dd-3 and 290ee-3, shall state that the records may be subject to those confidentiality requirements and shall request that the court make a determination, if required under applicable federal law and regulations, on whether the submitted records are subject to discovery.
- F. If a party seeking medical records or payment records wishes to examine the original records maintained by a health care provider, the health care provider may permit the party to examine the original records if the subpoena meets one of the requirements of subsection B of this section. The party seeking the records also may petition a court or tribunal for an order directing the health care provider to allow the party to examine the original records or to file the original records under seal with the court or tribunal under subsection D of this section.

§12-2295. Charges

- A. Except as otherwise provided by law, a health care provider or contractor may charge a person who requests copies of medical records or payment records a reasonable fee for the production of the records. Except as necessary for continuity of care, a health care provider or contractor may require the payment of any fees in advance.
- B. A health care provider or contractor shall not charge for the pertinent information contained in medical records provided to:
1. Another health care provider for the purpose of providing continuing care to the patient to whom the medical record pertains.
 2. The patient to whom the medical record pertains for the demonstrated purpose of obtaining health care.
 3. The health care decision maker of the patient to whom the medical record pertains for the demonstrated purpose of obtaining health care for the patient.
 4. The Arizona medical board, the board of osteopathic examiners in medicine and surgery or an officer of the department of health services or the local health department requesting records pursuant to section 36-662.

§12-2296. Immunity

A health care provider, contractor or clinical laboratory that acts in good faith under this article is not liable for damages in any civil action for the disclosure of medical records, payment records or clinical laboratory results or information contained in medical records, payment records or clinical laboratory results that is made pursuant to this article or as otherwise provided by law. The health care provider, contractor or clinical laboratory is

presumed to have acted in good faith. The presumption may be rebutted by clear and convincing evidence.

**From A.R.S. Title 13: Criminal Code
Chapter 14: Sexual Offenses**

§13-1401. Definitions

In this chapter, unless the context otherwise requires:

1. "Oral sexual contact" means oral contact with the penis, vulva or anus.
2. "Sexual contact" means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
3. "Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
4. "Spouse" means a person who is legally married and cohabiting.
5. "Without consent" includes any of the following:
 - (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
 - (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
 - (c) The victim is intentionally deceived as to the nature of the act.
 - (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

**From A.R.S. Title 13: Criminal Code
Chapter 36: Family Offenses**

§13-3620. Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

- A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not

explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, christian science practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, christian science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, christian science practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, christian science practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, christian science practitioner or priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
 2. Any peace officer, member of the clergy, priest or christian science practitioner.
 3. The parent, stepparent or guardian of the minor.
 4. School personnel or domestic violence victim advocate who develop the reasonable belief in the course of their employment.
 5. Any other person who has responsibility for the care or treatment of the minor.
- B. A report is not required under this section for conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.
- C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.
- D. Reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two hours. The reports shall contain:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if known.
 2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.
- E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to child protective services in the department of economic security. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.
- F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.
- G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer or child protective services worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer or child protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.
- H. When telephone or in-person reports are received by a peace officer, the officer shall immediately notify child protective services in the department of economic security and make the information available to them. Notwithstanding any other statute, when child protective services receives these reports by telephone or in person, it shall immediately notify a peace officer in the appropriate jurisdiction.
- I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the involved minor may be performed.
- J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has

been charged with or is suspected of abusing or neglecting the child or children in question.

- K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:
1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
 2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
 3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or child protective services in the department of economic security.
- L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a christian science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this subsection discharges a member of the clergy, a christian science practitioner or a priest from the duty to report pursuant to subsection A of this section.
- M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:
1. Personal information about individuals other than the patient.
 2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.
- N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, upon application of a peace officer or child protective services worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer or child protective services worker investigating the abuse, child abuse, physical injury or neglect.
- O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.
- P. For the purposes of this section:
1. "Abuse" has the same meaning prescribed in section 8-201.

2. "Child abuse" means child abuse pursuant to section 13-3623.
3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
 - (b) Surreptitious photographing, videotaping, filming or digitally recording of a minor pursuant to section 13-3019.
 - (c) Child prostitution pursuant to section 13-3212.
 - (d) Incest pursuant to section 13-3608.

§13-3620.01. False reports; violation; classification

- A. A person acting with malice who knowingly and intentionally makes a false report of child abuse or neglect or a person acting with malice who coerces another person to make a false report of child abuse or neglect is guilty of a class 1 misdemeanor.
- B. A person who knowingly and intentionally makes a false report that a person has violated the provisions of subsection A of this section is guilty of a class 1 misdemeanor.

**From A.R.S. Title 32: Professions and Occupations
Chapter 28**

Radiological Technologists

§32-2801. Definitions

In this chapter, unless the context otherwise requires:

1. "Agency" means the radiation regulatory agency established under section 30- 652.
2. "Board" means the medical radiologic technology board of examiners.
3. "Certificate" means a certificate granted and issued by the board.
4. "Certified technologist" means a person holding a certificate granted and issued by the board.
5. "Direction" means responsibility for and control of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

6. "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles or rays.
7. "Leg" means that part of the lower limb between the knee and the foot.
8. "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, podiatry, chiropractic or naturopathic medicine in this state.
9. "Practical technologist in podiatry" means a person holding a practical technologist in podiatry certificate granted and issued by the board.
10. "Practical technologist in podiatry certificate" means a certificate issued to person, other than a licensed practitioner, who applies ionizing radiation to the foot and leg for diagnostic purposes while under the specific direction of a licensed practitioner.
11. "Practical technologist in radiology" means a person holding a practical technologist in radiology certificate granted and issued by the board.
12. "Practical technologist in radiology certificate" means a certificate issued to a person, other than a licensed practitioner, who applies ionizing radiation to specific parts of the human body for diagnostic purposes while under the specific direction of a licensed practitioner.
13. "Radiologic technologist" means a person who holds a certificate issued by the board that allows that person to apply ionizing radiation to individuals at the direction of a licensed practitioner for general diagnostic or therapeutic purposes.
14. "Radiologic technology" means the science and art of applying ionizing radiation to human beings for general diagnostic or therapeutic purposes.
15. "Radiologic technology certificate" means a certificate issued in radiologic technology to a person with at least twenty-four months of full-time study or its equivalent through an approved program and who has successfully completed an examination by a national certifying body.
16. "Radiologist" means a licensed practitioner of medicine or osteopathy who has undertaken a course of training which meets the requirements for admission to the examination of the American board of radiology or the American osteopathic board of radiology.
17. "Radiologist assistant" means a person who holds a certificate pursuant to section 32-2819.
18. "Unethical professional conduct" means the following acts, whether occurring in this state or elsewhere:
 - (a) Intentional betrayal of a professional confidence or intentional violation of a privileged communication except as required by law.

This subdivision does not prevent members of the board from the exchange of information with the radiologic licensing and disciplinary boards of other states, territories or districts of the United States or foreign countries.

- (b) Use of controlled substances as defined in section 36-2501, narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401 or hypnotic drugs, derivatives or any compounds, mixtures or preparations that may be used for producing hypnotic effects or use of alcohol to the extent that it affects the ability of the certificate or permit holder to practice his profession.
- (c) Using drugs for other than accepted therapeutic purposes.
- (d) Gross malpractice.
- (e) Acting or assuming to act as a member of the board if this is not true.
- (f) Procuring or attempting to procure a certificate or license by fraud or misrepresentation.
- (g) Having professional connection with or lending one's name to an illegal practitioner of radiologic technology or any other health profession.
- (h) Offering, undertaking or agreeing to correct, cure or treat a condition, disease, injury, ailment or infirmity by a secret means, method, device or instrumentality.
- (i) Refusing to divulge to the board, on reasonable notice and demand, the means, method, device or instrumentality used in the treatment of a condition, disease, injury, ailment or infirmity. This subdivision shall not apply to communication between a technologist or permit holder and a patient with reference to a disease, injury, ailment or infirmity, or as to any knowledge obtained by personal examination of the patient.
- (j) Giving or receiving, or aiding or abetting the giving or receiving, of rebates, either directly or indirectly.
- (k) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of radiologic technology.
- (l) Refusal, revocation or suspension of a certificate or license by any other state, territory, district or country for reasons that relate to the person's ability to safely and skillfully practice radiologic technology or to any act of unprofessional conduct.
- (m) Any conduct or practice which does or would constitute a danger to the health of the patient or the public.

- (n) Obtaining a fee by fraud or misrepresentation or willfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient.
 - (o) Employing uncertified persons to perform or aiding and abetting uncertified persons in the performance of work which can be done legally only by certified persons.
 - (p) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate the provisions of this chapter or a rule adopted by the board.
19. "Unlimited practical technologist in radiology" means a person holding an unlimited practical technologist in radiology certificate granted and issued by the board.
20. "Unlimited practical technologist in radiology certificate" means a certificate issued to a person in 1977 or 1978, other than a licensed practitioner, who applies ionizing radiation to the human body for diagnostic purposes while under the specific direction of a licensed practitioner.

§32-2811. Prohibitions and limitations; exceptions

- A. No person may use ionizing radiation on a human being unless the person is a licensed practitioner or the holder of a certificate as provided in this chapter.
- B. A person holding a certificate may use ionizing radiation on human beings only for diagnostic or therapeutic purposes while operating in each particular case at the direction of a licensed practitioner. The application of ionizing radiation and the direction to apply ionizing radiation are limited to those persons or parts of the human body specified in the law under which the practitioner is licensed. The provisions of the technologist's certificate govern the extent of application of ionizing radiation.
- C. Nothing in the provisions of this chapter relating to technologists shall be construed to limit, enlarge or affect in any respect the practice of their respective professions by duly licensed practitioners.
- D. The requirement of a certificate shall not apply to:
 - 1. A hospital resident specializing in radiology who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, osteopathy, podiatry, dentistry, naturopathy, chiropractic or radiologic technology who applies ionizing radiation to a human being while under the specific direction of a licensed practitioner.
 - 2. A person engaged in performing the duties of a technologist in such person's employment by an agency, bureau or division of the government of the United States.

3. Dental hygienists licensed in the state of Arizona and dental assistants holding a valid certificate in dental radiology from a course approved by the Arizona state board of dental examiners.
 4. Persons providing assistance during an ionizing radiation procedure, apart from such procedures conducted in a health care institution, under the direction of a person licensed for the use of an ionizing radiation machine.
- E. The provisions of subsection B of this section do not apply to ionizing radiation ordered by a licensed practitioner for other than diagnostic or therapeutic purposes pursuant to section 13-2505, subsection E.

**From A.R.S. Title 32: Professions and Occupations
Chapter 32: Health Professionals**

§32-3201. Definitions

In this chapter, unless the context otherwise requires:

1. "Health profession regulatory board" means any board that regulates one or more health professionals in this state.
2. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter 17.
3. "Medical record" has the same meaning prescribed in section 12-2291 but does not include prescription orders.

§32-3202. License or certificate suspension

The certificate or license of a health professional who does not renew the certificate or license as prescribed by statute and who has been advised in writing that an investigation is pending at the time the certificate or license is due to expire or terminate does not expire or terminate until the investigation is resolved. The license is suspended on the date it would otherwise expire or terminate and the health professional shall not practice in this state until the investigation is resolved. The certificate is suspended on the date it would otherwise expire or terminate and the health professional shall not practice as a certified health professional in this state until the investigation is resolved.

§32-3203. Malpractice claim investigation

On receipt of a malpractice report and a copy of a malpractice complaint as provided in section 12-570, the health profession regulatory board shall initiate an investigation into the matter to determine if the licensee is in violation of the statutes or rules governing licensure.

§32-3206. Disciplinary action; information; disclosure

- A. At least ten business days before a disciplinary interview or a hearing, if the board does not hold a disciplinary interview, the health profession regulatory board shall notify the health professional and, at that person's request, the board shall provide the health professional or the health professional's attorney with the information listed in this section. The board shall provide the following information:
 - 1. Any review conducted by an expert or consultant providing an evaluation of or opinion on the allegations.
 - 2. Any records on the patient obtained by the board from other health care providers.
 - 3. The results of any evaluations or tests of the health professional conducted at the board's direction.
 - 4. Any other factual information that the board will use in making its determination.
- B. A person who obtains information from the board pursuant to this section may not release it to any other person or entity or use it in any proceeding or action except the disciplinary interview and any administrative proceedings or appeals related to the disciplinary interview. A person who violates this subsection commits an act of unprofessional conduct.
- C. The board may charge the health professional or the health professional's attorney for the cost of providing the information received up to the fee for making a copy of each page as prescribed by section 12-284, subsection A.

§32-3208. Criminal charges; mandatory reporting requirements; civil penalty

- A. A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.
- B. An applicant for licensure or certification as a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after submitting the application must notify the regulatory board in writing within ten working days after the charge is filed.
- C. On receipt of this information the regulatory board may conduct an investigation.
- D. A health professional who does not comply with the notification requirements of this section commits an act of unprofessional conduct. The health professional's regulatory board may impose a civil penalty of not more than one thousand dollars in addition to other disciplinary action it takes.
- E. The regulatory board may deny the application of an applicant who does not comply with the notification requirements of this section.

- F. On request a health profession regulatory board shall provide an applicant or health professional with a list of misdemeanors that the applicant or health professional must report.

§32-3211. Medical records; protocol; unprofessional conduct; corrective action; exemptions

- A. A health professional must prepare a written protocol for the secure storage, transfer and access of the medical records of the health professional's patients. At a minimum the protocol must specify:
1. If the health professional terminates or sells the health professional's practice and the patient's medical records will not remain in the same physical location, the procedure by which the health professional shall notify each patient in a timely manner before the health professional terminates or sells the health professional's practice in order to inform the patient regarding the future location of the patient's medical records and how the patient can access those records.
 2. The procedure by which the health professional may dispose of unclaimed medical records after a specified period of time and after the health professional has made good faith efforts to contact the patient.
 3. How the health professional shall timely respond to requests from patients for copies of their medical records or to access their medical records.
- B. The protocol prescribed in subsection A of this section must comply with the relevant requirements of title 12, chapter 13, article 7.1 regarding medical records.
- C. A health professional shall indicate compliance with the requirements of this section on the health professional's application for relicensure in a manner prescribed by the health professional's regulatory board.
- D. A health professional who does not comply with this section commits an act of unprofessional conduct.
- E. In addition to taking disciplinary action against a health professional who does not comply with this section, the health professional's regulatory board may take corrective action regarding the proper storage, transfer and access of the medical records of the health professional's patients. For the purposes of this subsection, corrective action does not include taking possession or management of the medical records.
- F. For the purposes of this section, health professional does not include a veterinarian.
- G. This section does not apply to a health professional who is employed by a health care institution as defined in section 36-401 that is responsible for the maintenance of the medical records.

§32-3213. Health professionals; disclosure; unprofessional conduct; definition

- A. An advertisement for health care services that includes a health professional's name shall identify the title and type of license the health professional holds and under which the health professional is practicing.
- B. A health professional who violates this section commits an act of unprofessional conduct.
- C. For the purposes of this section, "advertisement" includes billboards, brochures, pamphlets, radio and television scripts, electronic media, printed telephone directories, telephone and direct mail solicitations and any other means of promotion intended to directly or indirectly induce any person to enter into an agreement for services with the health professional. Advertisement does not include materials that provide information about network providers and that are created by an entity regulated under title 20.

§32-3214. Board actions; records; website; compliance deadline

- A. If a health profession regulatory board dismisses a complaint, the record of that complaint is available to that regulatory board and the public pursuant to section 39-121 but may not appear on the board's website. For the purposes of this subsection, "dismisses a complaint" means that a board does not issue a disciplinary or nondisciplinary order or action against a licensee or certificate holder.
- B. If a health profession regulatory board issues a nondisciplinary order or action against a licensee or certificate holder, the record of the nondisciplinary order or action is available to that board and the public pursuant to section 39-121, but may not appear on the board's website, except that a practice limitation or restriction, and documentation relating to that action, may appear on the board's website.
- C. If a health profession regulatory board maintains a website, the board must display on its website a statement that a person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.
- D. This section does not prohibit a health profession regulatory board from conducting its authorized duties in a public meeting.
- E. Subsections A and B of this section do not apply to meeting minutes and notices kept by the board in accordance with the public meeting requirements of title 38, chapter 3, article 3.1.
- F. A health profession regulatory board must comply with the requirements of this section on or before January 1, 2012.

§32-3217. Volunteer health services registration; health professionals; free medical clinic

- A. A health profession regulatory board in this state may issue a volunteer health services registration to allow a health professional who is not a licensee to practice in this state for a total of up to fourteen days each calendar year if the health professional meets all of the following requirements:
1. Holds an active and unrestricted license in a state, territory or possession of the United States.
 2. Has never had a license revoked or suspended.
 3. Is not the subject of an unresolved complaint.
 4. Applies for registration every two years as prescribed by the board.
 5. Agrees to render services at a free medical clinic that does not provide abortions and restricts the health professional's authorized services and duties to the provision of care or service at a free medical clinic.
 6. Provides only the care or services that the health professional is licensed or authorized to provide by the health professional's regulatory agency or this state's regulatory board for the same health profession, whichever is more stringent.
- B. The fourteen days of practice prescribed by subsection A of this section may be performed consecutively or cumulatively during each calendar year.
- C. For the purpose of meeting the requirements of subsection A of this section, an applicant shall provide the appropriate health profession regulatory board the name of each state in which the person is licensed or has held a license and the board shall verify with the applicable regulatory agency of each state that the applicant is licensed or has held a license, has never had the license revoked or suspended and is not the subject of an unresolved complaint. The board may accept the verification of the information required by subsection A, paragraphs 1, 2 and 3 of this section from each of the other state's regulatory agencies either electronically or by hard copy.
- D. A health profession regulatory board issuing a volunteer health services registration pursuant to this section may not charge a fee.
- E. A health profession regulatory board may immediately suspend or revoke a registration issued pursuant to this section on receiving proof satisfactory to the health profession regulatory board that the holder of the registration has engaged in practice in this state that is outside the scope of the registration or that grounds exist for action against the holder of the registration under the relevant chapter of this title. The holder of a registration may request a hearing to challenge the suspension or revocation of a registration in the manner permitted for appealable agency actions under title 41, chapter 6, article 10.

§32-3218. Health profession regulatory boards; members; training; definitions

- A. Beginning January 1, 2015, each member of a health profession regulatory board shall complete a twelve-hour training within one year after the member's initial appointment to the board. Any member of a health profession regulatory board whose initial appointment was before January 1, 2015 has until January 1, 2016 to complete the training required by this subsection. The training must include the subjects of governance and administrative management, disciplinary procedures, conduct of quasi-judicial proceedings, administrative procedure and rule adoption and licensure as they apply to the health profession regulatory board. Any training completed by a current board member on and after January 1, 2014 on the topics specified in this subsection may count toward the requirements of this subsection.
- B. The training of board members required by this section may be provided by the staff of any health profession regulatory board, the office of the attorney general, the department of administration, the auditor general or an outside educational institution or any other provider that is approved by the health profession regulatory board on which the member is serving.
- C. Any board action taken by a health profession regulatory board is not subject to challenge or invalidation because a board member has not completed the training required by this section.
- D. For the purposes of this section:
 - 1. "Health profession regulatory board" means any board that regulates one or more health professional in this state.
 - 2. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 34, 35, 39, 41 or 42 of this title.

**From A.R.S. Title 32: Professions and Occupations
Chapter 37: Child Support Obligations**

§32-3701. Child support arrearages; suspension of license or certificate; applicability; definition

- A. A licensing board or agency shall suspend a license within thirty days after receiving a certificate of noncompliance from the court pursuant to section 25-518. The licensing board or agency shall not lift the suspension until it receives a certificate of compliance from the court.
- B. The licensing board or agency shall notify the department of economic security within thirty days in writing, or by any other means prescribed by the department, of all license suspensions pursuant to this section. The information shall include the person's name, address, date of birth and social security number.
- C. This section applies to support obligations ordered by any state, territory or district of the United States.

- D. For purposes of this section, "license" means any license, certificate, registration, permit or other authorization that:
1. Is issued by an agency or regulatory board.
 2. Is subject before expiration to suspension, revocation, forfeiture or termination by the issuing board or agency.
 3. A person must obtain to practice or engage in a particular business, occupation or profession.

**From A.R.S. Title 32: Professions and Occupations
Chapter 43: Out-of-state applicants; military spouses; reciprocity**

ARTICLE 1. General Provisions

§32-4301. License, certificate or registration expiration; military active duty; one hundred eighty day extension

- A. Except as otherwise provided in this section, a license, certificate or registration issued pursuant to this title to any member of the Arizona national guard or the United States armed forces reserves shall not expire while the member is serving on federal active duty and shall be extended one hundred eighty days after the member returns from federal active duty, provided that the member, or the legal representative of the member, notifies the license, certificate or registration issuing authority of the federal active duty status of the member. A license, certificate or registration issued pursuant to this title to any member serving in the regular component of the United States armed forces shall be extended one hundred eighty days from the date of expiration, provided that the member, or the legal representative of the member, notifies the license, certificate or registration issuing authority of the federal active duty status of the member.
- B. A license, certificate or registration issued pursuant to this title to any member of the Arizona national guard, the United States armed forces reserves or the regular component of the United States armed forces shall not expire and shall be extended one hundred eighty days from the date the military member is able to perform activities necessary under the license, certificate or registration if the member both:
1. Is released from active duty service.
 2. Suffers an injury as a result of active duty service that temporarily prevents the member from being able to perform activities necessary under the license, certificate or registration.
- C. If the license, certificate or registration is renewed during the applicable extended time period after the member returns from federal active duty, the member is responsible only for normal fees and activities relating to renewal of the license, certificate or registration and shall not be charged any additional costs such as late fees or delinquency fees.

- D. The member, or the legal representative of the member, shall present to the authority issuing the license, certificate or registration a copy of the member's official military orders, a redacted military identification card or a written verification from the member's commanding officer before the end of the applicable extended time period in order to qualify for the extension.
- E. This section does not apply to licenses issued pursuant to chapter 10 of this title if a person other than the person who is a member of the Arizona national guard, the United States armed forces reserves or the regular component of the United States armed forces as described in subsection A is authorized to renew the license.
- F. A license or certificate issued pursuant to chapter 36 of this title to any member of the Arizona national guard, the United States armed forces reserves or the regular component of the United States armed forces shall be placed in active status for ninety days after the member returns from federal active duty, provided that the member, or the legal representative of the member, notifies the state board of appraisal of the federal active duty status of the member.

§32-4302. Out-of-state applicants; military spouses; reciprocity

- A. Notwithstanding any other law, a license or certificate shall be issued, in the discipline applied for and at the same practice level as determined by the regulating entity, pursuant to this title without an examination to a person who is married to an active duty member of the armed forces of the United States and who is accompanying the member to an official permanent change of station to a military installation located in this state if all of the following apply:
 - 1. The person is currently licensed or certified in at least one other state in the discipline applied for and at the same practice level as determined by the regulating entity and the license or certification is in good standing in all states in which the person holds a license or certification.
 - 2. The person has been licensed or certified by another state for at least one year. If the person has been licensed or certified for fewer than five years, the regulating entity may require the person to practice under the direct supervision of a licensee or certificate holder in the practice area in this state.
 - 3. When the person was licensed or certified by another state there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state.
 - 4. The person previously passed an examination required for the license or certification.
 - 5. The person has not had a license or certificate revoked and has not voluntarily surrendered a license or certificate in any other state or country while under investigation for unprofessional conduct.

6. The person has not had discipline imposed by any other regulating entity. If another jurisdiction has taken disciplinary action against the person, the regulating entity shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the regulating entity may not issue or deny a license until the matter is resolved.
 7. The person does not have a complaint, allegation or investigation pending before another regulating entity in another state or country that relates to unprofessional conduct. If an applicant has any complaints, allegations or investigations pending, the regulating entity in this state shall suspend the application process and may not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved.
 8. The person pays all applicable fees.
- B. This section does not prevent a regulating entity under this title from entering into a reciprocity agreement with another state or jurisdiction for persons married to active duty members of the armed forces of the United States, except that the agreement may not allow out-of-state licensees or certificate holders to obtain a license or certificate by reciprocity in this state if the applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the regulating entity on a case-by-case basis.
- C. This section does not apply to a regulating entity under this title that has entered into a licensing compact with another state for the regulation of practice under the regulating entity's jurisdiction.

**From A.R.S. Title 41: State Government
Chapter 10: Administrative Appeals Procedures**

ARTICLE 10. Uniform Administrative Appeals Procedures

§41-1092. Definitions

In this article, unless the context otherwise requires:

1. "Administrative law judge" means an individual or an agency head, board or commission that sits as an administrative law judge, that conducts administrative hearings in a contested case or an appealable agency action and that makes decisions regarding the contested case or appealable agency action.
2. "Administrative law judge decision" means the findings of fact, conclusions of law and recommendations or decisions issued by an administrative law judge.
3. "Appealable agency action" means an action that determines the legal rights, duties or privileges of a party and that is not a contested case. Appealable agency actions do not include interim orders by self-supporting regulatory boards, rules, orders, standards or statements of policy of general application

issued by an administrative agency to implement, interpret or make specific the legislation enforced or administered by it or clarifications of interpretation, nor does it mean or include rules concerning the internal management of the agency that do not affect private rights or interests. For the purposes of this paragraph, administrative hearing does not include a public hearing held for the purpose of receiving public comment on a proposed agency action.

4. "Director" means the director of the office of administrative hearings.
5. "Final administrative decision" means a decision by an agency that is subject to judicial review pursuant to title 12, chapter 7, article 6.
6. "Office" means the office of administrative hearings.
7. "Self-supporting regulatory board" means any one of the following:
 - (a) The state board of accountancy.
 - (b) The state board of appraisal.
 - (c) The board of barbers.
 - (d) The board of behavioral health examiners.
 - (e) The Arizona state boxing and mixed martial arts commission.
 - (f) The state board of chiropractic examiners.
 - (g) The board of cosmetology.
 - (h) The state board of dental examiners.
 - (i) The state board of funeral directors and embalmers.
 - (j) The Arizona game and fish commission.
 - (k) The board of homeopathic and integrated medicine examiners.
 - (l) The Arizona medical board.
 - (m) The naturopathic physicians medical board.
 - (n) The state board of nursing.
 - (o) The board of examiners of nursing care institution administrators and adult care home managers.
 - (p) The board of occupational therapy examiners.
 - (q) The state board of dispensing opticians.

- (r) The state board of optometry.
- (s) The Arizona board of osteopathic examiners in medicine and surgery.
- (t) The Arizona peace officer standards and training board.
- (u) The Arizona state board of pharmacy.
- (v) The board of physical therapy examiners.
- (w) The state board of podiatry examiners.
- (x) The state board for private postsecondary education.
- (y) The state board of psychologist examiners.
- (z) The board of respiratory care examiners.
- (aa) The office of pest management.
- (bb) The state board of technical registration.
- (cc) The Arizona state veterinary medical examining board.
- (dd) The acupuncture board of examiners.
- (ee) The Arizona regulatory board of physician assistants.
- (ff) The board of athletic training.
- (gg) The board of massage therapy.

§41-1092.01. Office of administrative hearings; director; powers and duties; fund

- A. An office of administrative hearings is established.
- B. The governor shall appoint the director pursuant to section 38-211. At a minimum, the director shall have the experience necessary for appointment as an administrative law judge. The director also shall possess supervisory, management and administrative skills, as well as knowledge and experience relating to administrative law.
- C. The director shall:
 - 1. Serve as the chief administrative law judge of the office.
 - 2. Make and execute the contracts and other instruments that are necessary to perform the director's duties.

3. Subject to chapter 4, article 4 of this title, hire employees, including full-time administrative law judges, and contract for special services, including temporary administrative law judges, that are necessary to carry out this article. An administrative law judge employed or contracted by the office shall have graduated from an accredited college of law or shall have at least two years of administrative or managerial experience in the subject matter or agency section the administrative law judge is assigned to in the office.
4. Make rules that are necessary to carry out this article, including rules governing ex parte communications in contested cases.
5. Submit a report to the governor, speaker of the house of representatives and president of the senate by November 1 of each year describing the activities and accomplishments of the office. The director's annual report shall include a summary of the extent and effect of agencies' utilization of administrative law judges, court reporters and other personnel in proceedings under this article and recommendations for changes or improvements in the administrative procedure act or any agency's practice or policy with respect to the administrative procedure act.
6. Secure, compile and maintain all decisions, opinions or reports of administrative law judges issued pursuant to this article and the reference materials and supporting information that may be appropriate.
7. Develop, implement and maintain a program for the continuing training and education of administrative law judges and agencies in regard to their responsibilities under this article. The program shall require that an administrative law judge receive training in the technical and subject matter areas of the sections to which the administrative law judge is assigned.
8. Develop, implement and maintain a program of evaluation to aid the director in the evaluation of administrative law judges appointed pursuant to this article that includes comments received from the public.
9. Annually report the following to the governor, the president of the senate and the speaker of the house of representatives by December 1 for the prior fiscal year:
 - (a) The number of administrative law judge decisions rejected or modified by agency heads.
 - (b) By category, the number and disposition of motions filed pursuant to section 41-1092.07, subsection A to disqualify office administrative law judges for bias, prejudice, personal interest or lack of expertise.
 - (c) By agency, the number and type of violations of section 41-1009.
10. Schedule hearings pursuant to section 41-1092.05 upon the request of an agency or the filing of a notice of appeal pursuant to section 41-1092.03.

- D. The director shall not require legal representation to appear before an administrative law judge.
- E. Except as provided in subsection F of this section, all state agencies supported by state general fund sources, unless exempted by this article, and the registrar of contractors shall use the services and personnel of the office to conduct administrative hearings. All other agencies shall contract for services and personnel of the office to conduct administrative hearings.
- F. An agency head, board or commission that directly conducts an administrative hearing as an administrative law judge is not required to use the services and personnel of the office for that hearing.
- G. Each state agency, and each political subdivision contracting for office services pursuant to subsection I of this section, shall make its facilities available, as necessary, for use by the office in conducting proceedings pursuant to this article.
- H. The office shall employ full-time administrative law judges to conduct hearings required by this article or other laws as follows:
 - 1. The director shall assign administrative law judges from the office to an agency, on either a temporary or a permanent basis, at supervisory or other levels, to preside over contested cases and appealable agency actions in accordance with the special expertise of the administrative law judge in the subject matter of the agency.
 - 2. The director shall establish the subject matter and agency sections within the office that are necessary to carry out this article. Each subject matter and agency section shall provide training in the technical and subject matter areas of the section as prescribed in subsection C, paragraph 7 of this section.
- I. If the office cannot furnish an office administrative law judge promptly in response to an agency request, the director may contract with qualified individuals to serve as temporary administrative law judges. These temporary administrative law judges are not employees of this state.
- J. The office may provide administrative law judges on a contract basis to any governmental entity to conduct any hearing not covered by this article. The director may enter into contracts with political subdivisions of this state, and these political subdivisions may contract with the director for the purpose of providing administrative law judges and reporters for administrative proceedings or informal dispute resolution. The contract may define the scope of the administrative law judge's duties. Those duties may include the preparation of findings, conclusions, decisions or recommended decisions or a recommendation for action by the political subdivision. For these services, the director shall request payment for services directly from the political subdivision for which the services are performed, and the director may accept payment on either an advance or reimbursable basis.
- K. The office shall apply monies received pursuant to subsections E and J of this section to offset its actual costs for providing personnel and services.

§41-1092.02. Appealable agency actions; application of procedural rules; exemption from article

- A. This article applies to all contested cases as defined in section 41-1001 and all appealable agency actions, except contested cases with or appealable agency actions of:
1. The state department of corrections.
 2. The board of executive clemency.
 3. The industrial commission of Arizona.
 4. The Arizona corporation commission.
 5. The Arizona board of regents and institutions under its jurisdiction.
 6. The state personnel board.
 7. The department of juvenile corrections.
 8. The department of transportation.
 9. The department of economic security except as provided in sections 8-506.01, 8-811 and 46-458.
 10. The department of revenue regarding:
 - (a) Income tax or withholding tax.
 - (b) Any tax issue related to information associated with the reporting of income tax or withholding tax unless the taxpayer requests in writing that this article apply and waives confidentiality under title 42, chapter 2, article 1.
 11. The board of tax appeals.
 12. The state board of equalization.
 13. The state board of education, but only in connection with contested cases and appealable agency actions related to applications for issuance or renewal of a certificate and discipline of certificate holders pursuant to sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.
 14. The board of fingerprinting.
- B. Unless waived by all parties, an administrative law judge shall conduct all hearings under this article, and the procedural rules set forth in this article and rules made by the director apply.
- C. Except as provided in subsection A of this section:

1. A contested case heard by the office of administrative hearings regarding taxes administered under title 42 shall be subject to the provisions under section 42-1251.
 2. A final decision of the office of administrative hearings regarding taxes administered under title 42 may be appealed by either party to the director of the department of revenue, or a taxpayer may file and appeal directly to the board of tax appeals pursuant to section 42-1253.
- D. Except as provided in subsections A, B, E, F and G of this section and notwithstanding any other administrative proceeding or judicial review process established in statute or administrative rule, this article applies to all appealable agency actions and to all contested cases.
- E. Except for a contested case or an appealable agency action regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09 do not apply to the department of revenue.
- F. The board of appeals established by section 37-213 is exempt from:
1. The time frames for hearings and decisions provided in section 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.
 2. The requirement in section 41-1092.06, subsection A to hold an informal settlement conference at the appellant's request if the sole subject of an appeal pursuant to section 37-215 is the estimate of value reported in an appraisal of lands or improvements.
- G. Auction protest procedures pursuant to title 37, chapter 2, article 4.1 are exempt from this article.

§41-1092.03. Notice of appealable agency action or contested case; hearing; informal settlement conference; applicability

- A. Except as provided in subsection D of this section, an agency shall serve notice of an appealable agency action or contested case pursuant to section 41-1092.04. The notice shall:
1. Identify the statute or rule that is alleged to have been violated or on which the action is based.
 2. Identify with reasonable particularity the nature of any alleged violation, including, if applicable, the conduct or activity constituting the violation.
 3. Include a description of the party's right to request a hearing on the appealable agency action or contested case.
 4. Include a description of the party's right to request an informal settlement conference pursuant to section 41-1092.06.

- B. A party may obtain a hearing on an appealable agency action or contested case by filing a notice of appeal or request for a hearing with the agency within thirty days after receiving the notice prescribed in subsection A of this section. The notice of appeal or request for a hearing may be filed by a party whose legal rights, duties or privileges were determined by the appealable agency action or contested case. A notice of appeal or request for a hearing also may be filed by a party who will be adversely affected by the appealable agency action or contested case and who exercised any right provided by law to comment on the action being appealed or contested, provided that the grounds for the notice of appeal or request for a hearing are limited to issues raised in that party's comments. The notice of appeal or request for a hearing shall identify the party, the party's address, the agency and the action being appealed or contested and shall contain a concise statement of the reasons for the appeal or request for a hearing. The agency shall notify the office of the appeal or request for a hearing and the office shall schedule an appeal or contested case hearing pursuant to section 41-1092.05, except as provided in section 41-1092.01, subsection F.
- C. If good cause is shown an agency head may accept an appeal or request for a hearing that is not filed in a timely manner.
- D. This section does not apply to a contested case if the agency:
 - 1. Initiates the contested case hearing pursuant to law other than this chapter and not in response to a request by another party.
 - 2. Is not required by law, other than this chapter, to provide an opportunity for an administrative hearing before taking action that determines the legal rights, duties or privileges of an applicant for a license.

§41-1092.04. Service of documents

Unless otherwise provided in this article, every notice or decision under this article shall be served by personal delivery or certified mail, return receipt requested, or by any other method reasonably calculated to effect actual notice on the agency and every other party to the action to the party's last address of record with the agency. Each party shall inform the agency and the office of any change of address within five days of the change.

§41-1092.05. Scheduling of hearings: prehearing conferences

- A. Except as provided in subsections B and C, hearings for:
 - 1. Appealable agency actions shall be held within sixty days after the notice of appeal is filed.
 - 2. Contested cases shall be held within sixty days after the agency's request for a hearing.
- B. Hearings for appealable agency actions of or contested cases with self-supporting regulatory boards that meet quarterly or less frequently shall be held at the next meeting of the board after the board receives the written decision of an administrative law judge or the issuance of the notice of hearing, except that:

1. If the decision of the administrative law judge is received or the notice of hearing is issued within thirty days before the board meets, the hearing shall be held at the following meeting of the board.
 2. If good cause is shown, the hearing may be held at a later meeting of the board.
- C. The date scheduled for the hearing may be advanced or delayed on the agreement of the parties or on a showing of good cause.
- D. The agency shall prepare and serve a notice of hearing on all parties to the appeal or contested case at least thirty days before the hearing. The notice shall include:
1. A statement of the time, place and nature of the hearing.
 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
 3. A reference to the particular sections of the statutes and rules involved.
 4. A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. After the initial notice and on application, a more definite and detailed statement shall be furnished.
- E. Notwithstanding subsection D, a hearing shall be expedited as provided by law or upon a showing of extraordinary circumstances or the possibility of irreparable harm if the parties to the appeal or contested case have actual notice of the hearing date. Any party to the appeal or contested case may file a motion with the director asserting the party's right to an expedited hearing. The right to an expedited hearing shall be listed on any abatement order. The Arizona health care cost containment system administration may file a motion with every member grievance and eligibility appeal that cites federal law and that requests that a hearing be set within thirty days after the motion is filed.
- F. Prehearing conferences may be held to:
1. Clarify or limit procedural, legal or factual issues.
 2. Consider amendments to any pleadings.
 3. Identify and exchange lists of witnesses and exhibits intended to be introduced at the hearing.
 4. Obtain stipulations or rulings regarding testimony, exhibits, facts or law.
 5. Schedule deadlines, hearing dates and locations if not previously set.
 6. Allow the parties opportunity to discuss settlement.

§41-1092.06. Appeals of agency actions and contested cases; informal settlement conferences; applicability

- A. If requested by the appellant of an appealable agency action or the respondent in a contested case, the agency shall hold an informal settlement conference within fifteen days after receiving the request. A request for an informal settlement conference shall be in writing and shall be filed with the agency no later than twenty days before the hearing. If an informal settlement conference is requested, the agency shall notify the office of the request and the outcome of the conference, except as provided in section 41-1092.01, subsection F. The request for an informal settlement conference does not toll the sixty day period in which the administrative hearing is to be held pursuant to section 41-1092.05.
- B. If an informal settlement conference is held, a person with the authority to act on behalf of the agency must represent the agency at the conference. The agency representative shall notify the appellant in writing that statements, either written or oral, made by the appellant at the conference, including a written document, created or expressed solely for the purpose of settlement negotiations are inadmissible in any subsequent administrative hearing. The parties participating in the settlement conference shall waive their right to object to the participation of the agency representative in the final administrative decision.

§41-1092.07. Hearings

- A. A party to a contested case or appealable agency action may file a nonperemptory motion with the director to disqualify an office administrative law judge from conducting a hearing for bias, prejudice, personal interest or lack of technical expertise necessary for a hearing.
- B. The parties to a contested case or appealable agency action have the right to be represented by counsel or to proceed without counsel, to submit evidence and to cross-examine witnesses.
- C. The administrative law judge may issue subpoenas to compel the attendance of witnesses and the production of documents. The subpoenas shall be served and, on application to the superior court, enforced in the manner provided by law for the service and enforcement of subpoenas in civil matters. The administrative law judge may administer oaths and affirmations to witnesses.
- D. All parties shall have the opportunity to respond and present evidence and argument on all relevant issues. All relevant evidence is admissible, but the administrative law judge may exclude evidence if its probative value is outweighed by the danger of unfair prejudice, by confusion of the issues or by considerations of undue delay, waste of time or needless presentation of cumulative evidence. The administrative law judge shall exercise reasonable control over the manner and order of cross-examining witnesses and presenting evidence to make the cross-examination and presentation effective for ascertaining the truth, avoiding needless consumption of time and protecting witnesses from harassment or undue embarrassment.
- E. All hearings shall be recorded. The administrative law judge shall secure either a court reporter or an electronic means of producing a clear and accurate record of

the proceeding at the agency's expense. Any party that requests a transcript of the proceeding shall pay the costs of the transcript to the court reporter or other transcriber.

F. Unless otherwise provided by law, the following apply:

1. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings is grounds for reversing any administrative decision or order if the evidence supporting the decision or order is substantial, reliable and probative.
2. Copies of documentary evidence may be received in the discretion of the administrative law judge. On request, parties shall be given an opportunity to compare the copy with the original.
3. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be used in the evaluation of the evidence.
4. On application of a party or the agency and for use as evidence, the administrative law judge may permit a deposition to be taken, in the manner and on the terms designated by the administrative law judge, of a witness who cannot be subpoenaed or who is unable to attend the hearing. Subpoenas for the production of documents may be ordered by the administrative law judge if the party seeking the discovery demonstrates that the party has reasonable need of the materials being sought. All provisions of law compelling a person under subpoena to testify are applicable. Fees for attendance as a witness shall be the same as for a witness in court, unless otherwise provided by law or agency rule. Notwithstanding section 12-2212, subpoenas, depositions or other discovery shall not be permitted except as provided by this paragraph or subsection C of this section.
5. Informal disposition may be made by stipulation, agreed settlement, consent order or default.
6. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
7. A final administrative decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

G. Except as otherwise provided by law:

1. At a hearing on an agency's denial of a license or permit or a denial of an application or request for modification of a license or permit, the applicant has the burden of persuasion.
 2. At a hearing on an agency action to suspend, revoke, terminate or modify on its own initiative material conditions of a license or permit, the agency has the burden of persuasion.
 3. At a hearing on an agency's imposition of fees or penalties or any agency compliance order, the agency has the burden of persuasion.
 4. At a hearing held pursuant to title 41, chapter 23 or 24, the appellant or claimant has the burden of persuasion.
- H. Subsection G of this section does not affect the law governing burden of persuasion in an agency denial of, or refusal to issue, a license renewal.

§41-1092.08. Final administrative decisions; review

- A. The administrative law judge of the office shall issue a written decision within twenty days after the hearing is concluded. The written decision shall contain a concise explanation of the reasons supporting the decision. The administrative law judge shall serve a copy of the decision on the agency. Upon request of the agency, the office shall also transmit to the agency the record of the hearing as described in section 12-904, except as provided in section 41-1092.01, subsection F.
- B. Within thirty days after the date the office sends a copy of the administrative law judge's decision to the head of the agency, executive director, board or commission, the head of the agency, executive director, board or commission may review the decision and accept, reject or modify it. If the head of the agency, executive director, board or commission declines to review the administrative law judge's decision, the agency shall serve a copy of the decision on all parties. If the head of the agency, executive director, board or commission rejects or modifies the decision the agency head, executive director, board or commission must file with the office, except as provided in section 41-1092.01, subsection F, and serve on all parties a copy of the administrative law judge's decision with the rejection or modification and a written justification setting forth the reasons for the rejection or modification.
- C. A board or commission whose members are appointed by the governor may review the decision of the agency head, as provided by law, and make the final administrative decision.
- D. Except as otherwise provided in this subsection, if the head of the agency or a board or commission does not accept, reject or modify the administrative law judge's decision within thirty days after the date the office sends a copy of the administrative law judge's decision to the head of the agency, executive director, board or commission, as evidenced by receipt of such action by the office by the thirtieth day the office shall certify the administrative law judge's decision as the final administrative decision. If the board or commission meets monthly or less frequently, if the office sends the administrative law judge's decision at least thirty days before the next meeting of the board or commission and if the board or

commission does not accept, reject or modify the administrative law judge's decision at the next meeting of the board or commission, as evidenced by receipt of such action by the office within five days after the meeting the office shall certify the administrative law judge's decision as the final administrative decision.

- E. For the purposes of subsections B and D of this section, a copy of the administrative law judge's decision is sent on personal delivery of the decision or five days after the decision is mailed to the head of the agency, executive director, board or commission.
- F. The decision of the agency head is the final administrative decision unless either:
 - 1. The agency head, executive director, board or commission does not review the administrative law judge's decision pursuant to subsection B of this section or does not reject or modify the administrative law judge's decision as provided in subsection D of this section, in which case the administrative law judge's decision is the final administrative decision.
 - 2. The decision of the agency head is subject to review pursuant to subsection C of this section.
- G. If a board or commission whose members are appointed by the governor makes the final administrative decision as an administrative law judge or upon review of the decision of the agency head, the decision is not subject to review by the head of the agency.
- H. A party may appeal a final administrative decision pursuant to title 12, chapter 7, article 6, except as provided in section 41-1092.09, subsection B and except that if a party has not requested a hearing upon receipt of a notice of appealable agency action pursuant to section 41-1092.03, the appealable agency action is not subject to judicial review.
- I. This section does not apply to the Arizona peace officer standards and training board established by section 41-1821.

§41-1092.09. Rehearing or review

- A. Except as provided in subsection B of this section:
 - 1. A party may file a motion for rehearing or review within thirty days after service of the final administrative decision.
 - 2. The opposing party may file a response to the motion for rehearing within fifteen days after the date the motion for rehearing is filed.
 - 3. After a hearing has been held and a final administrative decision has been entered pursuant to section 41-1092.08, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.

- B. A party to an appealable agency action of or contested case with a self-supporting regulatory board shall exhaust the party's administrative remedies by filing a motion for rehearing or review within thirty days after the service of the administrative decision that is subject to rehearing or review in order to be eligible for judicial review pursuant to title 12, chapter 7, article 6. The board shall notify the parties in the administrative decision that is subject to rehearing or review that a failure to file a motion for rehearing or review within thirty days after service of the decision has the effect of prohibiting the parties from seeking judicial review of the board's decision.
- C. Service is complete on personal service or five days after the date that the final administrative decision is mailed to the party's last known address.
- D. Except as provided in this subsection, the agency head, executive director, board or commission shall rule on the motion within fifteen days after the response to the motion is filed or, if a response is not filed, within five days of the expiration of the response period. A self-supporting regulatory board shall rule on the motion within fifteen days after the response to the motion is filed or at the board's next meeting after the motion is received, whichever is later.

§41-1092.10. Compulsory testimony; privilege against self-incrimination

- A. A person may not refuse to attend and testify or produce evidence sought by an agency in an action, proceeding or investigation instituted by or before the agency on the ground that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture unless it constitutes the compelled testimony or the private papers of the person that would be privileged evidence either pursuant to the fifth amendment of the Constitution of the United States or article II, section 10, Constitution of Arizona, and the person claims the privilege before the production of the testimony or papers.
- B. If a person asserts the privilege against self-incrimination and the agency seeks to compel production of the testimony or documents sought, the office or agency as provided in section 41-1092.01, subsection F may issue, with the prior written approval of the attorney general, a written order compelling the testimony or production of documents in proceedings and investigations before the office or agency as provided in section 41-1092.01, subsection F or apply to the appropriate court for such an order in other actions or proceedings.
- C. Evidence produced pursuant to subsection B of this section is not admissible in evidence or usable in any manner in a criminal prosecution, except for perjury, false swearing, tampering with physical evidence or any other offense committed in connection with the appearance made pursuant to this section against the person testifying or the person producing the person's private papers.

§41-1092.11. Licenses; renewal; revocation; suspension; annulment; withdrawal

- A. If a licensee makes timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.
- B. Revocation, suspension, annulment or withdrawal of any license is not lawful unless, before the action, the agency provides the licensee with notice and an opportunity for a hearing in accordance with this article. If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the agency may order summary suspension of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

§41-1092.12. Private right of action; recovery of costs and fees; definitions

- A. If an agency takes an action against a party that is arbitrary, capricious or not in accordance with law, the action is an appealable agency action if all of the following apply:
 - 1. Within ten days after the action that is arbitrary, capricious or not in accordance with law, the party notifies the director of the agency in writing of the party's intent to file a claim pursuant to this section. This notice shall include a description of the action the party claims to be arbitrary, capricious or not in accordance with law and reasons why the action is arbitrary, capricious or not in accordance with law.
 - 2. The agency continues the action that is arbitrary, capricious or not in accordance with law more than ten days after the agency receives the notice.
 - 3. The action is not excluded from the definition of appealable agency action as defined in section 41-1092.
- B. This section only applies if an administrative remedy or an administrative or a judicial appeal of final agency action is not otherwise provided by law.
- C. If the party prevails, the agency shall pay reasonable costs and fees to the party from any monies appropriated to the agency and available for that purpose or from other operating monies of the agency. If the agency fails or refuses to pay the award within fifteen days after the demand, and if no further review or appeal of the award is pending, the prevailing party may file a claim with the department of administration. The department of administration shall pay the claim within thirty days in the same manner as an uninsured property loss under title 41, chapter 3.1, article 1, except that the agency is responsible for the total amount awarded and shall pay it from its operating monies. If the agency had appropriated monies available for paying the award at the time it failed or refused to pay, the legislature shall reduce the agency's operating appropriation for the following fiscal year by the

amount of the award and shall appropriate that amount to the department of administration as reimbursement for the loss.

- D. If the administrative law judge determines that the appealable agency action is frivolous, the administrative law judge may require the party to pay reasonable costs and fees to the agency in responding to the appeal filed before the office of administrative hearings.
- E. For the purposes of this section:
1. "Action against the party" means any of the following that results in the expenditure of costs and fees:
 - (a) A decision.
 - (b) An inspection.
 - (c) An investigation.
 - (d) The entry of private property.
 2. "Agency" means the department of environmental quality established pursuant to title 49, chapter 1, article 1.
 3. "Costs and fees" means reasonable attorney and professional fees.
 4. "Party" means an individual, partnership, corporation, association and public or private organization at whom the action was directed and who has expended costs and fees as a result of the action against the party.

ARTICLE 7.1 License Eligibility

§41-1080. Licensing eligibility; authorized presence; documentation; applicability; definitions

- A. Subject to subsections C and D of this section, an agency or political subdivision of this state shall not issue a license to an individual if the individual does not provide documentation of citizenship or alien status by presenting any of the following documents to the agency or political subdivision indicating that the individual's presence in the United States is authorized under federal law:
1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
 2. A driver license issued by a state that verifies lawful presence in the United States.
 3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.

4. A United States certificate of birth abroad.
 5. A United States passport.
 6. A foreign passport with a United States visa.
 7. An I-94 form with a photograph.
 8. A United States citizenship and immigration services employment authorization document or refugee travel document.
 9. A United States certificate of naturalization.
 10. A United States certificate of citizenship.
 11. A tribal certificate of Indian blood.
 12. A tribal or bureau of Indian affairs affidavit of birth.
 13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.
- B. This section does not apply to an individual if either:
1. Both of the following apply:
 - (a) The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
 - (b) The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.
 2. All of the following apply:
 - (a) The individual is a resident of another state.
 - (b) The individual holds an equivalent license in that other state and the equivalent license is of the same type being sought in this state.
 - (c) The individual seeks the Arizona license to comply with this state's licensing laws and not to establish residency in this state.
- C. If, pursuant to subsection A of this section, an individual has affirmatively established citizenship of the United States or a form of nonexpiring work authorization issued by the federal government, the individual, on renewal or reinstatement of a license, is not required to provide subsequent documentation of that status.

- D. If, on renewal or reinstatement of a license, an individual holds a limited form of work authorization issued by the federal government that has expired, the individual shall provide documentation of that status.
- E. If a document listed in subsection A, paragraphs 1 through 12 of this section does not contain a photograph of the individual, the individual shall also present a government issued document that contains a photograph of the individual.
- F. For the purposes of this section:
 - 1. "Agency" means any agency, department, board or commission of this state or any political subdivision of this state that issues a license for the purposes of operating a business in this state or to an individual who provides a service to any person.
 - 2. "License" means any agency permit, certificate, approval, registration, charter or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state or to an individual who provides a service to any person where the license is necessary in performing that service.

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ACTIVITIES OUTSIDE THE SCOPE OF PRACTICE COLONIC IRRIGATION

The Board has determined that colonic irrigation is considered to be outside the scope of practice of chiropractic in the State of Arizona.

PROSTATE TREATMENT

The Board has determined that penetration of the rectum by a rectal probe for the administration of ultrasound, diathermy or other modalities is considered to be outside the scope of practice of chiropractor in the State of Arizona.

FACE LIFT

The Board has determined that treatment to improve facial appearance by a method other than that which might result from the adjustment of the spine is considered to be outside the scope of chiropractic in the State of Arizona. Failure to cease such activities, which are outside the scope, will result in formal action by the board.

ADOPTED 08/12/81

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ADVERTISING "SPECIALIST" OR "EXPERT"

The Board of Chiropractic Examiners has determined that advertisements incorporating the words "SPECIALIST" or "EXPERT" constitute advertising of a nature likely to deceive or defraud the public.

Arizona law authorizes the practice of two chiropractic specialties after certification by the Board: Acupuncture and Physiotherapy.

The Board will view advertising such as "Specialist in low back problems", "Industrial Specialist", "Accident Specialist", "Techniques Specialist", or "Expert" as being potentially deceptive advertising.

An example of acceptable language would be "Practice limited to ... " only if such can be proven to be the case. Techniques such as "Palmer", "Applied Kinesiology", "Activator", "Grostic", etc. may be listed, but the advertising may not infer that one technique is superior to another, or that the chiropractor is somehow superior to others because he/she uses that procedure.

Certification by any specialty council of A.C.A. or specific technique certification by any similar professional association is not recognized by statute or rule in Arizona. A.R.S. §32-924.A.13 provides the "Advertising in a false, deceptive or misleading manner" is grounds for disciplinary action.

ADOPTED 11/16/83

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PRACTICE GUIDELINES

The Board of Chiropractic Examiners has determined that the Board will not use The practice guidelines developed by either the Mercy or Wyndham Conferences as a regulatory standard in Arizona. In particular, the board notes that those guidelines do not define the term "recognized standards of the profession" occurring in A.R.S. §32-924(A)(15).

The Board recognizes that its decision not to use those particular guidelines does not prevent or deter other agencies and private businesses from adopting those guidelines to advise or regulate chiropractic physicians participating in those agencies' or business' programs.

ADOPTED 11/08/95

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REQUIREMENT TO REINSTATE A LICENSE PLACED ON PERMANENT RETIREMENT STATUS

In order to have a retired license reinstated to active practice, the licensee is required to take and pass the SPEC examination administered by the National Board of Chiropractic Examiners with a score of 75% or better and produce evidence of having completed 12 hours of continuing education if the license has been on retirement status for one year or less, or 24 hours of continuing education if the license has been on retirement status in excess of one year. This is a minimum requirement. All other requirements of A.R.S. §32-923 apply.

ADOPTED 01/99

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PROCEDURES FOR REVIEWING STUDENT LOAN DEFAULTS

The U.S. Department of Health and Human Services, Office of the Inspector General, will notify the Arizona State Board of Chiropractic Examiners when an Arizona chiropractor has defaulted on a Health Education Student Loan. The default will normally result in exclusion from participation in the Medicare, Medicaid, and all federal health care programs as defined in 1128B(f) of the Social Security Act. Section 1128(e) of the Act requires the appropriate licensing or certification authority be notified of such exclusion and requested to make appropriate investigations.

When a notice of student loan default is received, the following actions will be taken:

1. Notify the doctor in writing of the notice with instructions to respond in writing. A copy of this letter will be sent to HHS (Attention: Health Care Administrative Sanctions)
2. If the doctor acknowledges the default and indicates he/she is attempting to rectify the matter, it will be placed in a hold file and followed-up at least quarterly to ensure that the doctor is still attempting to resolve the matter.
3. If the doctor fails to respond or indicates in the written response that he/she does not intend to make arrangements to resolve the matter, it will be placed on the Board's agenda to consider opening a complaint.

ADOPTED 09/23/99

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SUBMISSION OF EARLY APPLICATIONS

The Board shall not accept or process a signed and notarized application or completed fingerprint card if the application and/or fingerprint card is dated more than 90 days preceding the date the applicant is expected to sit the jurisprudence examination.

ADOPTED 01/11/01

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LASERS

A laser approved by the Federal Drug Administration for therapeutic use is acceptable as a treatment device provided the laser is used within the scope of the practice of chiropractic in this State. A license issued by the Arizona Radiation Regulatory Agency is required for each laser with a III b or above classification. A doctor of chiropractic is responsible for obtaining the appropriate license, adhering to the laws governing the use of the laser and knowing and applying the appropriate protocol for use of the laser.

The statutes and rules applicable to chiropractic assistants apply when an unlicensed person uses a laser. Any contradicting rule that appears outside of the Chiropractic Act does not supercede the statutes and rules governing the practice of chiropractic.

ADOPTED 11/13/03

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DIAGNOSTIC TESTING

The Board of Chiropractic Examiners has determined that the following criteria must be met regarding any in-office diagnostic testing, including testing performed by "mobile labs":

The physician must clearly document the medical necessity for each and every test. The physician shall determine that the service is medically appropriate, necessary to meet the patient's health needs, consistent with the diagnosis, and consistent with widely accepted clinical standards of care concerning reliability, validity, and timing of the test.

The physician must clearly document that the chosen diagnostic test is the best or most appropriate test available and that it will provide results that will support a diagnosis and/or assist in clinical decision-making regarding treatment and/or referral.

The physician must be sufficiently trained in the utilization of the diagnostic equipment to be able to perform the chosen test and to supervise (as defined in R4-7-101 (18)) the performance of the test. The physician shall determine that the equipment is in good operational order, is reliable, and presents no harm to the patient.

If a technician is utilized, then the physician must supervise the technician as described in R4-7-101 (18), verify the technician's training, and retain documentation verifying the training.

The physician shall disclose any pecuniary interest in the testing. In determining whether to order any diagnostic test, the physician's primary consideration shall be whether the test is in the best interest of the patient.

ADOPTED 07/14/05

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APPROVAL OF CHIROPRACTIC ASSISTANT TRAINING COURSE INSTRUCTORS

The Board of Chiropractic Examiners has determined that a chiropractic physician who is currently the subject of a disciplinary sanction does not qualify to be approved as an instructor for a chiropractic assistant training course. A previously sanctioned chiropractic physician will not qualify to be approved as an instructor for a chiropractic assistant training course for three years from the date the chiropractor's order was terminated.

The Board shall rescind the approval of a chiropractic assistant training course instructor if the instructor becomes the subject of a disciplinary sanction.

ADOPTED 03/10/2005

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CONTINUING EDUCATION AUDIT SUSPENSIONS

A.A.C. R4-7-802 establishes that the Board may audit continuing education compliance at any time during the five years in which a licensee is required to retain documentation of continuing education compliance. The audit may require the licensee to submit documentation of course completion. A.A.C. R4-7-802(E) establishes that the Board shall suspend a license upon notification to the licensee that the licensee has failed to demonstrate compliance with continuing education requirements as per A.R.S. § 32-931, R4-7-801 and R4-7-802.

The Board has established the enforcement of A.A.C. R4-7-802(E) as follows:

- A. If a licensee fails to provide any documentation of continuing education compliance, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license;
- B. If a licensee cannot demonstrate that at least 12 hours of continuing education was completed, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license.
- C. If the licensee provides 12 hours of documentation of continuing education, but none of the coursework qualifies under the Chiropractic Practice Act, the license will be suspended upon notification to the licensee. The licensee must apply to the Board for reinstatement of the license;
- D. If the licensee provides documentation of continuing education that qualifies for credit under the Chiropractic Practice Act for the period of time audited, but after the license has been suspended, Board staff may reinstate the license. Board staff cannot accept make-up hours (hours taken in a following year) for reinstatement.
- E. If a licensee provides documentation of completing 12 hours of continuing education that demonstrates that the topic/subject qualified under the Chiropractic Practice Act, but the course cannot be demonstrated to have met the requirements for faculty, sponsor, or Board approval, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).
- F. If a licensee provides documentation of completing 12 hours of continuing education that demonstrates that the faculty or sponsor requirement was met, but the topic/subject did not qualify under the Chiropractic Practice Act, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).

- G. If a licensee provides documentation of 12 hours of continuing education with partial compliance with the Chiropractic Practice Act, but not full compliance, the matter will be placed on a Board agenda to determine if the license should be suspended under A.A.C. R4-7-802(E).

- H. If the licensee produces no documentation of continuing education compliance, or the documentation provided is not consistent with the licensee's license renewal application for reporting of continuing education compliance, in addition to the suspension of his/her license as per subsections A through C, the matter will be placed on a Board agenda to determine whether to open a complaint against the licensee for fraud and deception in securing a license and for providing false or misleading information on an application.

ADOPTED 07/15/10

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CONTRAST DYE AND DIAGNOSTIC IMAGING

It is within the scope of chiropractic for a DC to order imaging studies that include the administration of contrast media. A DC may not administer the contrast dye unless he or she holds an additional professional license that authorizes them to do so. Such studies should be conducted and read by a licensed radiologist.

ADOPTED 11/17/11

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USE OF UNLICENSED CHIROPRACTORS

ADOPTED 10/23/81

REPEALED 11/17/11