

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 15. BOARD OF MASSAGE THERAPY**

Editor's Note: 4 A.A.C. 15 made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). This Chapter formerly contained the rules for the Department of Liquor Licenses and Control before being recodified to 19 A.A.C. 1 in 1995 (Supp. 04-2).

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ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of R4-15-101 and R4-15-102, made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-101. Definitions

In addition to the definitions in A.R.S. § 32-4201, in this Chapter:

1. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges,
 - b. Middle States Association of Colleges and Secondary Schools,
 - c. North Central Association of Colleges and Schools,
 - d. Northwest Association of Schools and Colleges,
 - e. Southern Association of Colleges and Schools,
 - f. Western Association of Schools and Colleges,
 - g. National Commission for Certifying Agencies, or
 - h. Commission on Massage Therapy Accreditation.
2. "Applicant" means an individual requesting a regular, renewal, or reciprocity license from the Board or recogni-

tion as an out-of-state school as required by A.R.S. § 32-4228.

3. "Application packet" means the documents, forms, fees, and additional information required by the Board of an applicant.
4. "Classroom instruction" means the physical or distance learning format environment in which massage therapy didactic teaching or lecturing takes place.
5. "Client" means an individual receiving massage therapy.
6. "Clinical instruction" means the hands-on application of massage therapy.
7. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to massage therapy.
8. "Day" means calendar day.
9. "Distance learning" means the instructor of a continuing education and the individual receiving the continuing education are not located in the same room in which the continuing education is being provided.
10. "FSMTB" means Federation of State Massage Therapy Boards, the body that administers a massage and bodywork licensing examination.
11. "Health care practitioner" means "practitioner" defined in A.R.S. § 32-3101.
12. "Hour" or "classroom hour" means 50 to 60 minutes of participation.
13. "High school equivalency diploma" means:
 - a. A document issued by the Arizona Department of Education under A.R.S. § 15-702 to an individual who passes a high school equivalency test or meets the requirements of A.R.S. § 15-702(B),
 - b. A document issued by a state other than this state to an individual who passes a high school equivalency test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B), or
 - c. A document issued by a country other than the United States to an individual who has completed that country's equivalent of a 12th grade education as determined by the Board based upon information obtained from American or foreign consulates or embassies or other governmental entities.
14. "Good moral character" means an applicant:
 - a. Has not been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, or other related offense;
 - b. Has not been convicted of an act involving dishonesty, fraud, misrepresentation, or gross negligence;
 - c. Is not currently incarcerated in a local, state, or federal penal institution or is not on community supervision;
 - d. Has not had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action; or
 - e. Has not had a massage therapy certification revoked or suspended by a national massage therapy certifying agency.
11. "License" means written authorization issued by the Board to engage in the practice of massage therapy in Arizona.

16. "Massage therapy student" means an individual receiving instruction in massage therapy or bodywork therapy at a Board-recognized school.
 17. "NCBTMB" means National Certification Board for Therapeutic Massage and Bodywork, the body that is accredited by the National Commission for Certifying Agencies and provides examinations of and certifies individuals in massage therapy and bodywork.
 18. "Regular license" means an approval issued by the Board to an applicant who meets the requirements in A.R.S. § 32-4222(A) and (B), and this Chapter.
 19. "Practice of massage therapy" means the same as "massage therapy" as defined in A.R.S. § 32-4201.
 20. "Supervised instruction" means a licensee responsible for a massage therapy student at a Board-recognized school:
 - a. For clinical instruction:
 - i. Is present at the location where the massage therapy student is performing massage therapy as part of the massage therapy student's education,
 - ii. Is immediately available for consultation, and
 - iii. Evaluates the performance of the massage therapy student.
 - b. For classroom instruction:
 - i. Is immediately available for consultation, and
 - ii. Evaluates the performance of the massage therapy student.
 21. "TOEFL" means Test of English as a Foreign Language.
 22. "TOEIC" means Test of English for International Communications.
- a. Inform the client and other health care practitioners, if applicable, of the licensee's qualifications, education, and experience;
 - b. Provide only those massage therapies that are within the licensee's qualifications, education, and experience;
 - c. Provide massage therapy only when the licensee believes that it will be advantageous to the client;
 - d. Refer the client to other health care practitioners after evaluating the client for any contraindications and the referral is within the best interests of the client;
 - e. Provide draping that ensures the safety, comfort, and privacy of the client;
 - f. Respect the client's right to refuse, modify, or terminate treatment;
 - g. Safeguard the confidentiality of all client information unless disclosure is requested by the client in writing, medically necessary, required by law, or necessary for the protection of the public; and
 - h. Refrain from engaging in sexual activity with the client even if the client attempts to sexualize the relationship.
2. A licensee shall not advertise that the licensee offers sensual or erotic massage that constitutes sexual activity as stated in A.R.S. § 32-4253 or for the purposes of sexual gratification.
 3. A licensee shall not discriminate against a client on the basis of race, sex, age, religion, disability, or national origin.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-102. Fees

- A.** The Board shall charge the following fees that are nonrefundable, unless A.R.S. § 41-1077 applies:
1. Application for a license, \$195;
 2. Reinstatement of a license, \$125;
 3. Duplicate license, \$25;
 4. License renewal, \$95; and
 5. Delinquent renewal of a license, \$40.
- B.** The Board shall charge 25 cents per page for copying records, documents, letters, minutes, applications, and files.
- C.** If an applicant submits a paper application, the applicant shall pay any of the fees listed in subsection (A) by cashier's check or money order. If an applicant submits an electronic application, the applicant shall pay by credit card.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 15 A.A.R. 1562, effective September 1, 2009 (Supp. 09-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-103. Ethical Standards

Pursuant to A.R.S. § 32-4203(A)(6), the Board is adopting the following ethical standards, which a licensee is required to meet:

1. When a licensee agrees to provide massage therapy to a client, the licensee shall:

Historical Note

New Section made by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

ARTICLE 2. LICENSING

Article 2, consisting of R4-15-201 through R4-15-207, made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2).

R4-15-201. Qualifications; Application for a Regular License

- A.** To meet the requirements in A.R.S. § 32-4222(B), an applicant who submits an application:
1. Before January 1, 2008 shall complete 500 classroom and clinical hours of supervised instruction at a Board-recognized school, and
 2. On and after January 1, 2008 shall complete 700 classroom and clinical hours of supervised instruction at a Board-recognized school.
- B.** An applicant for a regular license shall meet the requirements in A.R.S. § 32-4222(A) and (B) before submitting an application packet that contains:
1. An application form that includes:
 - a. The applicant's name, date of birth, place of birth, social security number, email address, residence and business addresses, residence and business telephone numbers, and mailing address, if applicable;
 - b. The applicant's race, gender, height, weight, and eye color;
 - c. Each name or alias previously or currently being used by the applicant;
 - d. The applicant's name as it will appear on the license;
 - e. To satisfy the requirements in A.R.S. § 32-4222(A)(5):
 - i. If the applicant graduated from a high school, the date of graduation and name of the high school;

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- ii. If the applicant received a high school equivalency diploma, the date the high school equivalency diploma was awarded; or
 - iii. If the applicant passed an ability to benefit examination recognized by the United States Department of Education, written documentation of passage;
 - f. One passport quality photograph of the applicant's head and shoulders no larger than 2 1/2 by 3 inches taken no more than 60 days before the date of the application;
 - g. The name and address of each Board-recognized school attended by the applicant, dates of attendance, and date of completion of the course of study;
 - h. The number of hours of classroom and clinical instruction completed by the applicant at a Board-recognized school;
 - i. Whether the applicant has passed the examination administered by the NCBTMB or FSTMB and if so, the name of the entity and date the examination was taken;
 - j. Whether the applicant has been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, or a related offense or entered into a plea of no contest and, if so:
 - i. Charged felony or offense;
 - ii. Date of conviction;
 - iii. Court having jurisdiction over the felony or offense;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - k. Whether the applicant currently holds or has held a massage therapy license issued by another state and if so, the name of each state;
 - l. Whether the applicant has ever voluntarily surrendered a license under A.R.S. § 32-4254 or had a license to practice massage therapy or another related license revoked by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline pursuant to this Chapter;
 - m. Whether the applicant is currently under investigation, suspension, or restriction by a political subdivision of this state or a regulatory board in another jurisdiction in the United States for an act that occurred in that jurisdiction that would be subject to discipline pursuant to this Chapter;
 - n. Whether the applicant has committed any of the actions or been subject to any of the actions listed in the definition of good moral character in R4-15-101;
 - o. Whether English is the applicant's native language and, if not:
 - i. What the applicant's native language is, and
 - ii. Whether the applicant has met the requirements in subsection (C); and
 - p. A notarized statement, signed by the applicant, stating: the information on the application form is true and correct;
2. Documentation of citizenship or alien status that meets the requirements in A.R.S. § 41-1080;
 3. A completed and legible fingerprint card; and
 4. The fee required in R4-15-102.
- C. If English is not the native language of the applicant, to meet the requirements in A.R.S. § 32-4222(E), the applicant shall take and pass, no more than twenty four months before the date of the application, either of the following examinations:
1. The internet-based TOEFL with the following minimum scores:
 - a. For the writing section, 25;
 - b. For the speaking section, 25;
 - c. For the reading section, 25; and
 - d. For the listening section, 25; or
 2. The TOEIC with the following minimum scores:
 - a. For the speaking section, 150;
 - b. For the writing section, 150;
 - c. For the listening section, 300;
 - d. For the reading section, 350.
- D. In addition to the requirements in subsections (A), (B), and (C), an applicant shall arrange to have directly submitted to the Board from the issuing entity:
1. Written verification of a passing score on the NCBTMB or FSTMB examination;
 2. To show proof of completion of the classroom hours of supervised instruction at a Board-recognized school required in subsection (A), academic transcripts from the Board-recognized school from which the applicant graduated; and
 3. The score earned on the examination in subsection (C).

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-202. Expired**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Section expired under A.R.S. § 41-1056(E) at 15 A.A.R. 1941, effective October 31, 2009 (Supp. 09-4).

R4-15-203. Application for a License by Reciprocity

An applicant for a license by reciprocity shall meet the requirements in A.R.S. § 32-4223 and:

1. Submit an application packet that contains the information in R4-15-201 (B)(1)(a), (b), (c), (d), (e), (i), (j), (k), (m), (n), (B)(2), and photograph required by R4-15-201(B)(1)(f) and:
 - a. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(1), the name of the state where the applicant was licensed continuously for five years immediately before the date of the application;
 - b. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(2), whether the applicant holds a current certification from the NCBTMB or another agency that meets the standards of the National Commission for Certifying Agencies; and
 - c. A notarized statement, signed by the applicant, stating that the information on the application form is true and correct;
2. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(1), arrange to have verification of the license or certificate in

- the jurisdiction in the other state sent directly to the Board from the jurisdiction including:
- a. The license or certificate number issued to the applicant by the jurisdiction,
 - b. Whether the jurisdiction has instituted disciplinary proceedings against the applicant or has unresolved complaints pending against the applicant, and
 - c. Whether the license or certificate is in good standing.
3. If the applicant wishes to demonstrate that the applicant meets the requirements in A.R.S. § 32-4223(A)(2), arrange to have:
 - a. A verification of certification as a massage therapist sent directly to the Board from the NCBTMB or other agency that meets the standards of the National Commission for Certifying Agencies; and
 - b. Academic transcripts from the Board-recognized school from which the applicant completed the course of study;
 4. Submit a completed and legible fingerprint card; and
 5. Submit the fee required in R4-15-102.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-204. Board-recognized School

- A. A massage therapy school or bodywork therapy school in this state that is offered by a community college or approved by the Arizona State Board for Private Postsecondary Education is a Board-recognized school.
- B. A massage therapy school or bodywork therapy school in another state that is approved by an agency similar to the Board for Private Postsecondary Education and that wishes to be a Board-recognized school shall:
 1. Have a program that meets requirements that are substantially equivalent to those imposed by the Board for Private Postsecondary Education in A.R.S. Title 32, Chapter 30 and 4 A.A.C. 39; and
 2. Submit an application packet to the Board that includes:
 - a. The name, address, and telephone number of the massage therapy school or bodywork therapy school;
 - b. The same information required by the Board for Private Postsecondary Education in R4-39-103(B); and
 - c. Documentation from the agency similar to the Board for Private Postsecondary Education that states the applicant meets the requirements of the agency.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-205. Application for Renewal of a License

An applicant for a renewal license shall submit:

1. An application form that contains the licensee's:
 - a. Name;
 - b. Massage therapy license number;
 - c. Massage therapy license expiration date;
 - d. Birthdate;
 - e. Residence and practice addresses;
 - f. Residence and practice telephone numbers;
 - g. Mailing address;
 - h. E-mail address;

- i. Alien status declaration if the licensee is not a citizen or national of the United States;
- j. Declaration of whether the licensee has been charged with or convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, or a related offense or entered into a plea of no contest during the two-year period immediately preceding the renewal application date and, if so, the licensee shall provide the following information:
 - i. The charged felony or offense;
 - ii. The date of conviction;
 - iii. The court having jurisdiction over the felony or offense;
 - iv. The probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the restoration of civil rights, if applicable;
- k. Declaration that the licensee has completed the continuing education required by A.R.S. § 32-4225(E) during the two-year period immediately preceding the renewal application date or if audited, the documentation required in R4-15-303(B); and
 - l. Signature and date of submission; and
2. The fee required in R4-15-102(A).

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-206. Reserved

R4-15-207. Licensing Time-frames

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame shall not be extended by more than 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1 and begins when the Board receives an application.
 1. If the application packet is not complete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 2. If an application is complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. If the Board grants the license during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written

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request for additional information or documentation until the Board receives the additional information or documentation.

2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 32, Chapter 42 and this Chapter.
 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 32, Chapter 42 and this Chapter.
- D.** The Board shall consider an application withdrawn if within 365 days from the application submission date the applicant fails to supply the missing information under subsection (B)(1) or (C)(1).
- E.** An applicant who does not wish an application withdrawn may request a denial in writing within 365 days from the application submission date.
- F.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

Table 1. Time-frames (in Days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Regular license R4-15-201	A.R.S. § 32-4222	120	60	60
License by Reciprocity R4-15-203	A.R.S. § 32-4223	120	60	60
Board-recognized school R4-15-204	A.R.S. § 32-4228	120	60	60
Renewal License	A.R.S. § 32-4225	60	30	30

Historical Note

New Table 1 made by final rulemaking at 10 A.A.R. 2668, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

ARTICLE 3. CONTINUING EDUCATION

R4-15-301. Required Continuing Education Hours

- A.** During the two-year period immediately preceding license expiration, a licensee applying for a renewal license shall complete 24 hours or more of continuing education.
- B.** A licensee may complete a maximum of 12 continuing education hours from a distance learning format to satisfy the requirement in subsection (A).
- C.** A licensee shall not carry over hours from one renewal period to another renewal period.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-302. Approval of Continuing Education

The following continuing education is approved by the Board:

1. Continuing education that is taught by an association, corporation, or organization:
 - a. Accredited by the National Commission for Certifying Agencies, or
 - b. Approved by the NCBTMB.
2. Continuing education sponsored by a massage therapy school or bodywork therapy school that is:
 - a. Affiliated with a community college located in this state, or
 - b. Approved by the Arizona State Board for Private Postsecondary Education;
3. Continuing education offered by a regionally or nationally accredited post-secondary institution in a state other than Arizona;
4. Continuing education offered by an institution approved by a post-secondary educational entity as a massage therapy or bodywork therapy school in a state other than Arizona.
5. For each renewal period no more than four hours of CPR or four hours of First Aid for a combination of no more than eight hours that is taught by an instructor who has been certified in CPR or First Aid instruction by the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council and has a current card issued by the American Red Cross, American Heart Association, or American Safety and Health Institute, or National Safety Council that contains:
 - a. The instructor's name,
 - b. A statement by the certifying entity that authorizes the instructor to teach CPR or first aid, and
 - c. A certification expiration date;
6. For each renewal period no more than three hours for attendance at a Board meeting, if the licensee obtains a document that states the licensee attended a minimum of three hours at a Board meeting, the date of the Board meeting, and the signature of the Board's chair or executive director. The licensee may claim only the actual number of hours attended by the licensee for a maximum of three hours; or
7. For each renewal period one hour for each eight hours serving as an instructor of a massage therapy class at a Board-recognized school for a maximum of 10 hours and the licensee documents:
 - a. The name of the Board-recognized school,
 - b. The title of the massage therapy class,
 - c. The subject matter of the massage therapy class,
 - d. The dates of the instruction,
 - e. The location of the massage therapy class, and
 - f. A confirmation of number of hours that is on official school letterhead and signed by the owner of the Board-recognized school or designee.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3). Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

R4-15-303. Documentation of Completion of Continuing Education

- A.** When renewing a license, a licensee shall submit on a renewal application an affirmation of completion of 24 hours of continuing education.

- B.** The Board may annually and randomly select a minimum of 10% of active licenses for an audit of continuing education and require the following information:
1. The name of the licensee,
 2. The title of the continuing education,
 3. The subject matter of the continuing education,
 4. The date of the continuing education,
 5. The hours completed,
 6. The location where the continuing education took place, and
 7. The name of the instructor providing the continuing education.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).

Amended by final rulemaking at 20 A.A.R. 2246, effective August 5, 2014 (Supp. 14-3).

ARTICLE 4. REGULATORY PROVISIONS

R4-15-401. Rehearing or Review of Board's Decision

- A.** Except as provided in subsection (F), a party who is aggrieved by a decision issued by the Board may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section and except as provided in A.R.S. § 41-1092.09(C), a decision is considered served when personally delivered to the party's last known address or mailed by certified mail to the party at the party's last known address or the party's attorney.
- B.** A party filing a motion for rehearing or review under this Section may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion and may permit oral argument.
- C.** The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the party's rights:
1. Irregularity in the proceedings of the Board, administrative law judge, or any abuse of discretion that deprived the party of a fair hearing;
 2. Misconduct of the Board or administrative law judge;
 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 hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or
 7. That the findings of fact or decision are not supported by the evidence or are contrary to law.
- D.** The Board may affirm or modify its decision or grant a rehearing or review to all or any of the parties on all or part of the issues for the reasons specified in subsection (C). An order modifying a decision or granting a rehearing or review shall specify the grounds for the rehearing or review and the rehearing or review shall cover only those matters specified.
- E.** No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reasons in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- F.** If the Board makes specific findings that the immediate effectiveness of the decision is necessary for the preservation of the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If the Board issues the decision as a final decision without an opportunity for a rehearing or review, the aggrieved party may make an application for judicial review within the time limits permitted for an application for judicial review of the Board's final decision under A.R.S. § 12-904.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2759, effective September 9, 2006 (Supp. 06-3).