

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 17. JOINT BOARD ON THE REGULATION OF PHYSICIAN'S ASSISTANTS

PREAMBLE

1. Sections Affected

R4-17-101
R4-17-102
Table 1
Article 2
R4-17-201
R4-17-201
R4-17-202
R4-17-202
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R4-17-203
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R4-17-203
R4-17-204
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R4-17-205
R4-17-206
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R4-17-208
R4-17-301
R4-17-301
R4-16-302
R4-17-302
R4-17-302
R4-17-303
R4-17-303
R4-17-304
R4-17-304
R4-17-305
R4-17-305
R4-17-401
R4-17-401
R4-17-402
R4-17-402
R4-17-403
R4-17-403

Rulemaking Action

Amend
New Section
New Section
Amend
Rename
New Section
Repeal
Rename
Amend
Repeal
New Section
Repeal
New Section
New Section
New Section
New Section
New Section
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New Section
Repeal
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New Section
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New Section
Rename
Amend
Rename
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2504(B)

Implementing statutes: A.R.S. §§ 32-2521, 32-2522, 32-2523, 32-2524, 32-2525, 32-2527, 32-2531, 32-2532, 32-2533, 32-2534, 32-2551 and 41-1072 *et seq.*

3. The effective date of the rules:

The date when filed with the Secretary of State following approval by the Governor's Regulatory Review Council.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 2 A.A.R. 1105, March 1, 1996.

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Notice of Proposed Rulemaking: 3 A.A.R. 1245, May 9, 1997.

Notice of Public Hearing: 3 A.A.R. 1246, May 9, 1997.

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Durena Sprague, Program Administrator
Address: Joint Board on the Regulation of Physician Assistants
1651 East Morten, Suite 210
Phoenix, Arizona 85020
Telephone: (602) 255-3751, Ext. 7600
Fax: (602) 255-1848

6. An explanation of the rule, including the agency's reasons for initiating the rule:

Article 1 is expanding and revising the current definitions, defining numerous organization acronyms and other terms necessary to clarify the rules in this chapter. As required by A.R.S. § 41-1072 *et seq.*, time-frames for certifications and approvals are also being established in a new section with a table specifying the essential time-frames. Article 2 is being amended to add additional specificity to physician assistant certification, including exemption from regular student training registration, the certifying examination, temporary certification, regular certification, continuing medical information, renewal of certification, denial of exemption or certification, and change of address. Information required to be provided for applications is specified. Article 3 is being amended to detail the scope of practice for physician assistants. It provides for the delegation of authority for controlled substances, labeling of drugs dispensed by the physician assistant, notification of physician supervision of a physician assistant, necessary reports by a supervising physician, and standards of supervision. Article 4 is being amended to establish civil penalties for certain violations, address termination of employment, and revise the existing rehearing rule. A new Article 2 was initially intended to be added to address physician assistant training program approval and was included in the Notice of Docket Opening for these rules. However, the Board decided to address the issue in a different manner prior to the filing of the proposed rules and it was removed. This remains an area which the Board will address in a future rule package. As a further result, the Board deleted the definition of "Approved program" that was in the proposed rules. Proposed rules, R4-17-202. Qualifications for Physician Assistant, and R4-17-402. Request for Hearing were also deleted from this rule package to eliminate a form which does not need to be included in these rules as it does not establish standards, and to omit procedures for administrative hearings which were confusing and already covered by rule and statute, respectively.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

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

The Board has incurred costs to promulgate the rules and will incur additional costs to notify interested parties of the new rules when the rules are finally approved. These costs are minimal. As these rules essentially update and fully elaborate on the existing practices and procedures already found in statute in rule, economic impacts are expected to be minimal. These rules provide protection of public health and safety while permitting mid-level health care professionals to provide skilled services to consumers. The Joint Board will benefit from the modernization and conciseness of the updated rules and the establishment of clear compliance standards, scope of practice, acceptable continuing medical education and information required for the various applications required by the Board.

There are no expected cost impacts on other governmental entities, health care providers or other businesses, including small businesses. Supervising physicians of physician assistants should also experience no increased costs. There are also expected to be no ordinary additional costs to individual physician assistants except those already provided for in A.R.S. §32-2526. Only under the new rule which addresses limited circumstances for the imposition of civil penalties will any physician assistant be subject to any additional costs; and, the civil penalties provided for are minimal. There should be no cost impact to consumers as well.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

At the Table of Contents, added a new section, "R4-17-102 Time-frames for Certifications and Approvals", and attendant "Table 1. Time-frames"

Delete "R4-17-202. Qualifications for Physician Assistant" and subsequent sections reordered and renumbered.

At the Table of Contents, Title of R4-17-207 changed to "Denial of Extension to Complete Continuing Education, Exemption from Registration, Temporary Certification, Certification, Recertification, or Cancellation of Certification".

At the Table of Contents, delete "R4-17-402. Request for Hearing" and renumbered subsequent sections.

At R4-17-101(3), added "or clinical research" after "contact".

At R4-17-101(5), deleted definition for "Approved program".

At R4-17-101(5), added a new definition to read: 5. "Application" means, for purposes of R4-17-102 only, forms designated as applications and the notification of supervision form, and all documents and additional information the Board requires to be submitted with an application or notification of supervision form.

At R4-17-101(7), revised to read: "Board official" means the Board program administrator or the executive director, deputy director, or an investigator of the Board of Medical Examiners.

At R4-17-101(8), replaced "for" by "of".

At R4-17-101(10), revised to read: "Category I continuing medical education" means an activity certified as Category I by an institution or organization accredited for continuing medical education by ACCME, the AMA, the American Academy of Physician Assistants, or the American Osteopathic Association.

At R4-17-101(13), added a new definition to read: "Full day" means not less than 8 hours.' and renumbered subsequent sections.

At R4-17-101(17), revised to read: "Service" means personal delivery or mailing by certified mail to a physician assistant, supervising physician, supervising physician's agent, or applicant affected by a decision of the Board at the physician assistant's, supervising physician's, supervising physician's agent, or applicant's last known residence or place of business.

Added a new definition at R4-17-101(18) to read: 18. "State fiscal year" means from July 1 of 1 calendar year to June 30 of the next calendar year.' and renumbered subsequent section.

At R4-17-101(19), revised to conform to exact statutory language and italicized.

Added a new Section R4-17-102, for purposes of centralizing licensing time-frame provisions, to read:

R4-17-102. Time-frames for Certifications and Approvals

- A. For each type of certification, renewal of certification, or approval issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B. For each type of certification, renewal of certification, or approval issued by the Board, the administrative completeness review time-frame described in A.R.S. §41-1072(1) is set forth in Table 1 and begins on the date the Board receives an application.
 - 1. If the application is not administratively complete, the Board shall send a deficiency notice to the applicant.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application.
 - b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Board the missing information specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.
 - c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.
 - 2. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
- C. For each type of certification, renewal of certification, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
 - 1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the request until the Board receives the information.
 - 2. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time-frame in Table 1.
 - 3. The Board shall issue a written notice of denial of certification, renewal of certification, or approval if the Board determines that the applicant does not meet all of the substantive criteria required by statute or this Chapter for certification, renewal of certification, or approval.
 - 4. If the applicant meets all of the substantive criteria required by statute and this Chapter for certification, renewal of certification, or approval the Board shall issue the certification, renewal of certification, or approval to the applicant.
- D. In computing any period of time prescribed in this Section, the day of the act, event or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays and holidays. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the date of mailing.

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Table 1. Time-frames (in days)

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
Temporary Certification R4-17-203	120	30	365	90	90
Certification R4-17-204	120	30	365	90	270
Renewal of Certification R4-17-206	30	30	Not later than Sept. 30 of each year	Not applicable	Not applicable
Approval of Delegation of Authority for Schedule II or Schedule III controlled substances R4-17-301	120	30	60	90	30
Approval of Notification of Supervision R4-17-303	120	30	60	90	30

At R4-17-201(A), deleted "Joint" in 2 places and replaced "a" by "an application" before "form".

At R4-17-201(A)(1), deleted "and social security number, at the discretion of the applicant".

At R4-17-201(A), added a new subsection (2) to read: "2. Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the student's application; and", and renumbered the subsequent subsection.

At R4-17-202(B), revised and restructured to read:

- B.** In addition to the requirements of subsection (A), a physician assistant student applying for an exemption from regular certification shall have the physician assistant program dean or director execute and directly submit to the Board a notarized physician assistant program certification on a form provided by the Board that certifies the following:
1. The student is currently engaged in a physician assistant training program;
 2. The name of the program;
 3. The date the program was approved for physician assistant training by CAAHEP; and
 4. The student's training commencement date and anticipated date of completion.

At R4-17-201(C), deleted subsection (C).

At R4-17-202, deleted the proposed section: "R4-17-202. Qualifications for Physician Assistant" and renumbered subsequent sections.

At R4-17-202(A), revised by replacing "NCCPA" by "PANCE".

At R4-17-202(B), deleted "Joint" in 2 places, and replaced "two-year" by "6-year".

At R4-17-203(A), replaced submit " , on a" by "the following information on an application" and replaced "Joint Board, the following information" by "Board".

At R4-17-203(A)(1), inserted "and social security number".

At R4-17-203(A)(5) through (23), made a number of minor technical changes which were primarily grammatical, punctuation, clarification, or style, including requiring a written explanation if a number of the questions were responded to affirmatively, and added a new subsection (22) to read: "Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the applicant; and".

At R4-17-203(B), struck "required" before "application" and inserted "form" after.

At R4-17-203(B)(1), inserted "applicant's" before "legal name".

At R4-17-203(B)(2), replaced "a certificate filed" by "the document submitted".

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At R4-17-203(B)(5), replaced "On a form included with this application, a listing of all employment as a physician assistant, indicating the medical agency of employment, supervising physician, address and exact dates of employment;" by "A form provided by the Board, completed by the applicant, that lists all current or past employment with medical agencies or supervising physicians within the 5 years preceding the date of application or since graduation from a physician assistant program, if less than 5 years, including the agency or physician name, address, and date of employment;and".

At R4-17-203(B)(6), added a new subsection to read: "An affidavit completed and subscribed under oath by the applicant that certifies the applicant has received a copy of, read, and will comply with the laws and rules governing the performance of health care tasks by physician assistants in Arizona; and", and renumbered the subsequent subsection.

At R4-17-203(C), deleted "arrange to", inserted "the following" before "directly" and replaced "Joint Board the following:" by "Board:"

At R4-17-203(C)(2), replaced "attending the application," by "included with the application which are to be completed by persons other than the applicant," replaced "to be completed by" by "for", replaced "a" by "the" before "physician assistant training program", replaced "a" by "and the" before "verification", and deleted "medical agency of employment/supervising physician form,".

At R4-17-203(C)(3), replaced "Agency of Employment/Supervising Physician form" by "agency of employment/supervising physician form provided by the Board", and replaced "past five years." by "5 years preceding the date of application."

At R4-17-203(D), deleted "Joint" in 2 places, inserted "6 months from the date of issuance,", and replaced "or upon evidence that" by ", or immediately upon", replaced "failed" by "failing", and insert ", whichever occurs first." after "examination".

At R4-17-203, deleted subsections (E), (F), and (G) relating to certification time-frames.

"R4-17-204. Change of Address" was moved and renumbered to R4-17-208 and subsequent sections renumbered.

At R4-17-205(A), inserted "an application" after "submit,", and replaced "Joint Board, the following information" by "Board that provides the information required by R4-17-203(A)". Deleted the subsections denoting the specific form questions.

At R4-17-204(B), revised to read "In addition to the application, an applicant for certification shall submit the documents and information required by R4-17-203(B):" and deleted the subsections denoting the specific form questions.

At R4-17-204(C), a number of minor technical changes which were primarily grammatical, punctuation, clarification, or style; and, some deletions of subsections due to redundancies, proposed subsections (2) and (3), and because the requested information or form was made a requirement of a previous section, proposed subsections (8) and (9), were made. The provision now reads as follows:

- C. In addition to the requirements of subsections (A) and (B), the applicant shall have the following directly submitted to the Board:
1. A copy of the applicant's certificate of successful completion of the NCCPA examination and the applicant's examination score provided by the NCCPA;
 2. A form provided by the Board, completed and signed by the Coordinator of the Disciplinary Data Bank, The Federation of State Medical Boards, that includes the applicant's full name and address, birth date, physician assistant training program name and location, and date of the applicant's degree or graduation for purposes of a disciplinary search.
 3. A form provided by the Board, completed, signed, and authenticated by seal or notarization by the director or administrator of the physician assistant program that granted the applicant a physician assistant degree, that includes the applicant's full name, type of degree, name of program, date the applicant's degree was granted, date of the applicant's matriculation, and a 2 1/2" by 3" passport type photo of the applicant taken within 60 days of the date of application and endorsed across the front by the applicant's signature. The program shall also provide the following information:
 - a. Whether the applicant was required to repeat any segment of training;
 - b. Whether any action was taken against or restriction, limitation, including probation or academic probation, was placed upon the applicant while the applicant was participating in the training program;
 - c. Whether the applicant was counseled regarding performance or behavior in the training program;
 - d. Whether the applicant took a leave of absence, other than for pregnancy, during the applicant's training program or preceptorship;
 - e. Whether the student has a chronic ailment communicable to others;
 - f. Whether the applicant has a medical condition that in any way impairs or limits the applicant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
 - g. Whether, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder;
 - h. Whether the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder; and
 - i. Whether the student's final evaluations in every category rated at least satisfactory. If not, the program shall attach a photocopy of the evaluation and a written explanation.
 4. A verification of certification/licensure/registration, on a form provided by the Board, completed, signed, and authenticated by seal or notarization by the board of each state in which the applicant holds or has held certification, licensure, or registration as a physician assistant. The verification shall provide the name of the state,

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the applicant's name, the program from which the applicant graduated, the applicant's certification or registration number and its date of issuance, any endorsement, and whether the certification, license, or registration is current. The state board shall also provide the following information:

- a. Whether the applicant was placed on probation or the applicant's certificate/license/registration was revoked, suspended, limited, restricted, voluntarily surrendered, or canceled during an investigation or, instead of disciplinary action, if the applicant entered into a consent agreement or stipulation;
 - b. Whether the applicant has a chronic ailment communicable to others;
 - c. Whether the applicant has a medical condition that in any way impairs or limits the physician assistant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
 - d. Whether, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia or any other psychotic disorder; and
 - e. Whether the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder.
5. A medical agency of employment/supervising physician form provided by the Board, completed, signed, and authenticated by seal or notarization by all medical agencies or supervising physicians where the applicant is currently employed or was employed in the last 5 years. The form shall provide the name of the medical agency or supervising physician, date of the applicant's

employment, names, locations, and date of each hospital, office, or clinic where the physician is or was assigned. The medical agency or employing/supervising physician shall also provide the following information:

- a. Whether the applicant was placed on probation or academic probation or an action, restriction, or limitation was taken against the applicant while the applicant was in the agency's or physician's employment;
- b. Whether the applicant was counseled regarding performance or behavior while in the agency's or physician's employment;
- c. Whether the applicant took a leave of absence, other than for pregnancy, while in the agency's or physician's employment;
- d. Whether, to the agency's or physician's knowledge, the applicant had a chronic ailment communicable to others;
- e. Whether, to the agency's or physician's knowledge, the applicant had a medical condition that in any way impaired or limited the applicant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
- f. Whether, to the agency's or physician's knowledge, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder; and
- g. Whether, to the agency's or physician's knowledge, the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder.

At R4-17-204(D), (E), and (F), provisions relating to certification time-frames were deleted.

At R4-17-205(A), replaced "Every calendar" by "During each state fiscal", Deleted "holding a current certificate in this state", deleted "the" before "continuing".

At R4-17-205(B) replaced "American Medical Association or" by "AMA," deleted "the" before "American Osteopathic", inserted a comma after "Association", and deleted "the" before "American Academy".

At R4-17-205(B)(2), inserted "Full-time" before "Research", replaced American Medical Association, the" by "AMA," deleted "the" before "American Osteopathic", inserted a comma after "Association", and removed hyphen from "full day".

At R4-17-205(B)(3), replaced "ACCME or CAAHEP" by "ACCME, CAAHEP, the AMA, the American Academy of Physician Assistants, and the American Osteopathic Association".

At R4-17-205(B)(4), replaced "the ACCME or CAAHEP" by "ACCME, CAAHEP, AMA, the American Academy of Physician Assistants, and the American Osteopathic Association".

At R4-17-205(B)(5), inserted a comma after "assistants", and inserted after "instruction", "without regard to the number of times the instructional activities have been taught".

At R4-17-205(B)(6), replaced "Credits" by "Credit hours" and replaced "writing and/or" by "writing, and".

At R4-17-205(B)(7), replaced "one" by "1" and replaced "procedures or treatment" by "procedures, or treatments".

At R4-17-205(B)(7)(d), replaced "committee or" by "committee," replaced "care and/or" by "care, or", and replaced "hospital or institution" by "hospital, institution,".

At R4-17-205(C), replaced "an individual holding a current" by "a", deleted "certificate in this state", capitalized "section", and deleted "Joint".

At R4-17-206, a number of minor technical changes which were primarily grammatical, punctuation, clarification, or style were made; deleted the providing of social security at the discretion of the applicant; and, in subsection (A), added a requirement for an explanation for those questions answered affirmatively.

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At R4-17-206(A)(12), revised for clarification to read as follows: "Whether the physician assistant has been convicted of Medicare or Medicaid fraud or was sanctioned, disciplined, or entered into an agreement with a state or federal agency concerning a denial, limitation, restriction, suspension, or revocation of the physician assistant's certification, or rehabilitation or removal from practice and if so, an explanation;"

R4-17-206(A)(20), a new subsection added to read: "Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the physician assistant; and". Existing (20) renumbered to (21).

At R4-17-206(B), deleted "Joint" in 2 places, replaced "content" by "contents", and replaced "Certificate holders" by "Physician assistants".

At R4-17-206(C), capitalized "section".

At R4-17-206(D), capitalized "section", replaced "disorders, such as, but not limited to," by "disorders; for example,".

At R4-17-206(E) and (F), these provisions relating to time-frames for certification were deleted because they were consolidated into the new R4-17-102.

At R4-17-208, the title was changed from "Denial of Exemption, Certification, Recertification or Cancellation" to "Denial of Extension to Complete Continuing Education, Exemption from Registration, Temporary Certification, Certification, Recertification, or Cancellation of Certification"; replaced "An applicant or" by "A physician assistant, physician assistant student, or applicant for certification as a"; inserted by "from registration" after "exemption"; added a comma after "recertification" inserted "of certification" after "cancellation"; deleted "Joint" in 2 places; and inserted "and Article 10" after "6."

At R4-17-208, replaced "An individual holding a current certificate as a" by "A", deleted "in this state", deleted "Joint", replaced "residence and" by "residence,", added a comma after "address".

At R4-17-301(A), replaced "who wishes" by "shall obtain Board approval", replaced "for prescribing, dispensing, or administering" by "to a physician assistant to prescribe, dispense, or administer", replaced "substances to a" by "substances. The supervising", replaced "assistant, shall submit with" by "and", replaced "assistant, on" by "assistant shall submit", inserted "on a" before "form", deleted "Joint", and inserted "that provides" after "Board,".

At R4-17-301(A)(1), inserted a comma after "certification" and added "if applicable" after "number" and before the ",".

At R4-17-301(A)(2), replaced "restricted in any way," by "restricted,", and inserted ", and if so, an explanation" after "state".

At R4-17-301(A)(3), inserted by ", and if so, an explanation" after "revoked".

At R4-17-301(A)(4), replaced "in any way" by ", and if so, an explanation".

At R4-17-301(A)(7), inserted ", and if so, an explanation" after "action".

At R4-17-301(A)(8), inserted ", and if so, an explanation" after "assistant".

At R4-17-301(A)(9), inserted ", and if so, an explanation" after "revoked".

At R4-17-301(A)(10), deleted "in any way" and inserted ", and if so, an explanation" after "limited".

At R4-17-301(A)(11), inserted a comma after "dispense", and replaced "drugs" by "controlled substances".

At R4-17-301(A)(12) inserted a new subsection to read: Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the supervising physician and the physician assistant; and.

At R4-17-301(A)(12), renumbered to (A)(13) and inserted a comma after "dispense".

At R4-17-301(B), deleted "Joint", replaced "for" by "to delegate authority to prescribe, dispense, or administer", deleted "delegation", deleted "applicant", and deleted "the following:".

At R4-17-301(B)(1), deleted "required", and inserted "in the therapeutic use of controlled substances as prescribed by the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., and the laws governing the dispensing of Schedule II and III controlled substances in Arizona, A.R.S. § 36-2501 et seq." after "experience".

At R4-17-301(B)(2)(i), inserted "a" before "Schedule", and replaced "substances" by "substance within the past year".

At R4-17-301(B)(2)(ii), replaced "DEA" by "federal Drug Enforcement Administration".

At R4-17-301(B)(3) replaced "available" by "present or can be easily in contact with the physician assistant by radio, telephone, or other telecommunication".

At R4-17-301(C), (D), and (E), these provisions relating to approval time-frames were deleted because they were consolidated into R4-17-102.

At R4-17-302(8), replaced "order" by "prescription".

At R4-17-303(A), replaced "submit," by "submit a notification of supervision", replaced "Joint Board," by "Board that provides", and inserted "in addition to that required by A.R.S. §32-2534" after "information"

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At R4-17-303(A)(1), replaced "address and" by "address," inserted "fax number, if applicable," and inserted "if applicable," before "ABMS/AOA".

At R4-17-303(A)(2), inserted ", and if so, an explanation;" after "state".

At R4-17-303(A)(3), inserted ", and if so, an explanation;" after "revoked".

At R4-17-303(A)(4) replaced "if so, provide an explanation" by "if so, an explanation".

At R4-17-303(A)(6), deleted "and" before "telephone", inserted a comma after "number", and inserted ", if applicable" after "fax number".

At R4-17- 303(A)(7) inserted ", and if so, an explanation" after "assistant".

At R4-17- 303(A)(8) inserted ", and if so, an explanation" after "revoked".

At R4-17-303(A)(9) replaced "if so, provide an explanation" by "if so, an explanation".

At R4-17-303(A)(12) deleted "and" before "work", and inserted a comma after "addresses".

At R4-17-303(A)(15), inserted a comma after "dispensing".

At R4-17-303(A)(16), replaced "which" by "that", inserted "that:" after "assures" and reconfigured and revised the subsection to read:

a. The supervising physician, the physician's agent, and the physician assistant are familiar with the statutes and rules regarding physician assistants;

b. The supervising physician accepts responsibility for supervising the physician assistant; and

c. The physician assistant may not perform any health care task until the supervising physician receives written approval of the notification of supervision;

At R4-17-303(A)(17), added "at" before "a geographically", replaced "located" by "separated", and replaced "supervision." by "supervision; and".

At R4-17-303(A)(18), inserted a new subsection to read: Such other information as the Board deems necessary to fully evaluate the supervising physician and physician assistant.

At R4-17-303(B), deleted "Joint".

At R4-17-303(C), replaced "one" by "1" and replaced "application" by "notification of supervision".

At R4-17-303(D), (E), and (F), these subsections relating to approval time-frames were deleted as they were consolidated into the new R4-17-102.

At R4-17-304(A), deleted "Joint" in 2 locations, inserted "physician." after "supervised by the", and replaced "the" with "The" before "supervising physician's agent".

At R4-17-304(B), deleted "Joint".

At R4-17-305(B), deleted "Joint".

At R4-17-401(A), replaced "50 dollars" by "\$50 for each violation".

At R4-17-401(B)(2), deleted "of".

At R4-17-401(B)(4), deleted "Joint".

At R4-17-401(C), deleted "approved".

At R4-17-401(E), inserted a comma after "service", deleted "Joint" in 2 places, replaced "an alleged" by "the", and inserted a comma after "penalty".

At R4-17-401(F), inserted "a" before "public record".

Deleted the section "R4-17-402. Request for Hearing" and renumbered subsequent sections.

At R4-17-402(B), deleted "Joint" and decapitalized "Notification of Supervision".

At R4-17-402(C), deleted "Joint" in 2 places, and inserted a comma after "order".

At R4-17-402(D), deleted "Joint" in 2 places, replaced "an" by "a supervising physician's", and decapitalized "Notification of Supervision".

At R4-17-402(E), inserted a comma after "terminated", replaced "Notification of Supervision by the Joint" by "notification of supervision by the", inserted a comma after "Section", deleted "Joint" in 2 places., and added "and Article 10" after "Article 6".

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At R4-17-403(A)(2), deleted "Joint" and inserted 2 new subsections that are in the current rule and inadvertently left out of the proposed rules:

3. For purposes of this Section, "service" means personal delivery or mailing by certified mail to the party affected at the party's last known residence or place of business.

4. For purposes of this Section, the terms "contested case" and "party" shall have the same meaning as in A.R.S. § 41-1001.

At R4-17-403(D)(1), inserted a comma after "Board".

10. A summary of the principal comments and the agency response to them:

1. R4-17-101(3)

ISSUE: Commenter recommended that the definition of "active practice" should read "means any licensed physician in the State of Arizona". The 1000 hour requirement is too limiting.

EVALUATION: The Board determined to leave active practice limited to physicians who work a minimum of 1000 hours in a clinical area with direct patient contact. It is important to have physicians who are regularly practicing rather than retired or semi-retired to act as supervising physicians for physician assistants. However, in response to a GRRC request, physicians in clinical research were included.

2. R4-17-101(10)

ISSUE: It was recommended that the Joint Board change the reference to ACCME in the definition for "Category I continuing medical education" to the AAPA and AMA.

EVALUATION: The Joint Board felt that all of the organizations were necessary and agreed to add the American Medical Association, the American Osteopathic Association, and the American Academy of Physician Assistants.

3. R4-17-202(9), R4-17-204(A)(7), and R4-17-205(A)(7); now R4-17-203(A)(7)

ISSUE: Comment was received that suggested the elimination of the inquiry regarding probation or academic probation while the applicant was participating in a training program as it was not necessarily relevant to the applicant's ability to perform as a PA, particularly since the PA has had to successfully complete the training program prior to applying for licensure.

EVALUATION: After evaluation of the issues, the Board intends to keep the question on the application as important to being fully informed for its decision for certification. Positive responses to this question have historically been indicators of a possible problems of which the Board needs to be aware. (R4-17-202 has been deleted in its entirety for other reasons and the provision in proposed R4-17-205(A) was deleted because the provision was changed to cross-reference the application questions in R4-17-204(A) rather than to repeat them.)

4. R4-17-202(17), R4-17-205(C)(5)(c), and R4-17-205(C)(7)(b); now R4-17-204(C)(3)(c) and R4-17-204(C)(5)(b)

ISSUE: Commenter asked that this provision regarding being counseled regarding an applicant's performance or behavior in a training program or by any health care provider be deleted as she did not see the relevance to being licensed.

EVALUATION: The Board felt that such information is necessary to make fully informed certification decisions. This may reflect on an applicant's fitness for certification. Therefore, the provisions will remain unchanged. (R4-17-202 has been deleted in its entirety for other reasons.)

5. R4-17-202(18); R4-17-204(A)(20); R4-17-205(A)(20), (C)(5)(d), and (C)(7)(c); and R4-17-207(A)(18); now R4-17-203(A)(20), R4-17-204(C)(3)(d) and (C)(5)(c), and R4-17-206(A)(18)

ISSUE: Commenter suggested that a leave of absence for personal reasons should not necessarily enter into the application process and requested that it be struck.

EVALUATION: The Board considered this comment and determined that this question is pertinent to the full evaluation of the fitness of an applicant for certification. Positive responses to this question have historically been indicators of a possible problems of which the Board needs to be aware. The Board could determine to request additional information, have an investigational interview conducted, or conduct an informal interview to assess the applicant. (R4-17-202 has been deleted in its entirety for other reasons and the provision in proposed R4-17-205(A) was deleted because the provision was changed to cross-reference the application questions in R4-17-204(A) rather than to repeat them.)

6. R4-17-203(B); now R4-17-202(B)

ISSUE: The word "examination" should be deleted because it is inaccurate that NCCPA recertifies with an examination every 2 years. Logging 100 hours of CME is required for recertification every 2 years.

EVALUATION: The Board agreed with this comment inasmuch as it noted the confusion between the recertification examination and the 2-year continuing medical education requirement. The Board continues to require physician assistants to pass either the PANCE or the recertification examination that is given every 6 years. The Board deleted "2" years and inserted "6" years to clarify the Section.

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7. R4-17-204(A)(8) and R4-17-205(A)(8); now R4-17-203(A)(8)

ISSUE: Commenter suggested that inquiries relating to violations of statutes, rules, or regulations should be specifically related to health care or should be deleted. It was also suggested that the inclusion of violation of foreign laws was too general and should be eliminated.

EVALUATION: After evaluation of the issues, the Board intends to keep the question on the application as important to ensure that it is fully informed in making its decision for certification. Relating such inquiry only to health care related would overlook many violations of significance to the Board. (Proposed R4-17-205(A) was deleted because the provision was changed to cross-reference the application questions in R4-17-204(A) rather than to repeat them.)

8. R4-17-204(A)(21); now R4-17-203(A)(21)

ISSUE: Comment received suggested that this section requiring a listing of whereabouts and nature of practice since graduation was not relevant to application or a PA's ability to practice.

EVALUATION: The Board determined that such inquiries of applicants are very appropriate and would continue to be included on this application. The Board needs this information to be fully apprised of a PA's professional history and record and the life the PA applicant has led since graduation.

9. R4-17-204(A)(22); now R4-17-203(A)(23)

ISSUE: Comment received suggested that the reference to acts prohibited by Arizona law should be changed to reference the law "of the state in which the applicant practiced" as there might be differences for which the applicant should not be accountable.

EVALUATION: The Board determined that such inquiries of applicants are appropriate and will continue to be included on this application. The Board needs this information to be fully apprised of professional history and record in making its certification decision. It is important for the Board to be made aware of acts which may be prohibited by Arizona law in making its licensing decisions.

10. R4-17-204(B)(5) and R4-17-205(C)(8); now R4-17-203(B)(5) and R4-17-204(C)(5)

ISSUE: Commenter suggested this provision requiring a listing of all employment as a physician assistant with exact dates be stricken because it was unnecessary and burdensome.

EVALUATION: The Joint Board believes this information is necessary for the Joint Board to evaluate the PA applicant's past performance, and to be fully apprised of the applicant's employment history for the previous 5 years. The requirement is being left unchanged.

11. R4-17-204(C)(2), and R4-17-205(C)(2); now R4-17-203(C)(2)

ISSUE: Commenter suggested rewording this provision to read: "All of the forms attending the application, including the disciplinary investigative form to be completed by the Federation of State Medical Boards and physician assistants\ training programs certification, a verification of certification, licensure and registration." The "medical agency of employment/supervising physician form, completed by the appropriate parties" should be deleted from the list.

EVALUATION: The Joint Board agreed to delete the medical agency of employment/supervising physician form reference from the current R4-17-203(C)(2) and deleted the provision from the current R4-17-204 because the reference to all of the forms was unnecessary and the medical agency of employment/supervising physician form was addressed in another subparagraph.

12. R4-17-204(C)(3) and R4-17-205(C)(3); now R4-17-203(C)(3)

ISSUE: It was suggested that these provisions relating to the Medical Agency of Employment/Supervising Physician form be deleted as unnecessary.

EVALUATION: The Joint Board believed this provision should remain unchanged and that performance on the job over the past 5 years is necessary information to protect the public in the certification of physician assistants. (The reference in proposed R4-17-205, now R4-17-204, was deleted because it was already included in another subsection of that rule.)

13. R4-17-204(E)

ISSUE: Commenter inquired as to the reference to A.R.S. §41-1072 because it wasn't in the commenter's statutes.

EVALUATION: It was pointed out to the commenter that the statute was new, relating to setting certification time-frames, and that her statutes were apparently not up to date. This provision is now gone because the licensing time-frame provisions were consolidated into a new R4-17-102.

14. R4-17-205(C)(6); now R4-17-204(C)(4)

ISSUE: It was commented that the request for the name of the PA program from which the applicant graduated was unnecessary in this form as it was asked and answered many other times.

EVALUATION: The Board determined to leave the question as it is as it creates no burden to the applicant and provides independent verification of the information. It provides a cross-reference to verify the applicant's identity.

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15. R4-17-206(B)(3) and (B)(4); now R4-17-205(B)(3) and (B)(4)

ISSUE: It was recommended that the Joint Board change the reference to continuing education accreditation from ACCME or CAAHEP to the AAPA and AMA.

EVALUATION: The Joint Board felt that all of the organizations were necessary and agreed to add the American Medical Association, the American Osteopathic Association, and the American Academy of Physician Assistants.

16. R4-17-206(C); now R4-17-205(C)

ISSUE: Commenter suggested that "impairment, recovery program" should be added as a reason upon which an extension to complete CME could be granted by the Joint Board.

EVALUATION: The Board determined that the rule would remain unchanged because the requested change was covered by the word "illness".

17. R4-17-207(D); now R4-17-206(D)

ISSUE: Commenter wanted the words "such as, but not limited to," and the listed conditions be deleted as redundant.

EVALUATION: The Board determined to change the language to reflect that the list was that of examples and not a specifically defined set of conditions. The Board believes that the list assists in clarifying the meaning of the rule.

18. R4-17-303(A)(1)

ISSUE: Comment was received suggesting that "if applicable" be added immediately before "ABMS/AOA certification number" because all applicants might not hold such certification.

EVALUATION: The Board agreed with the comment and will add that language on the Notification of Supervision form.

19. R4-17-303(A)(6)

ISSUE: It was suggested that "and fax number" should be deleted or used across the board for physician assistants and supervising physicians.

EVALUATION: The Board determined that there would be no change to the form but that "if applicable" would be added to avoid the appearance that it is a requirement to have a fax. The request for fax number, if applicable, was also added to (A)(1) relating to the supervising physician. The use of fax machines are another technological means to facilitate communication between supervising physicians, PAs, and the Board, and the Board encourages their use.

20. R4-17-303(A)(13)

ISSUE: The requirement that the health care tasks delegated to the PA by the supervising physician be listed is too restrictive and was not intended by the PA law. The requirement should be deleted.

EVALUATION: The Board determined that this requirement will remain in the form to specifically apprise the Board of which of the statutorily-permitted health care tasks have been delegated so that the Board understands the PA's scope of practice.

21. GRRC and GRRC Staff Comments

GRRC staff suggested a number of minor capitalization, punctuation, grammatical, and clarification changes, including the deletion of R4-17-201(B)(5), the change from 2 years to 6 years with regard to the NCCPA recertification examination referenced at R4-17-202(B), and the addition of "if applicable" at R4-17-301(A)(1), all of which the Board agreed to make to the rules. In addition, GRRC requested and the Board agreed to change the definition of "active practice" to include clinical research. As directed by GRRC, to define the scope of the Board's discretion in making application inquiries, the phrase "Consistent with the Board's statutory authority," has been added to the beginning of R4-17-201(A)(2), R4-17-203(A)(22), R4-17-206(A)(20), and R4-17-301(A)(12). The Board also agreed to establish a time-frame for R4-17-201 in a forthcoming rule package.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

12. **Incorporations by reference and their location in the rules:**

None.

13. **Was this rule previously adopted as an emergency rule?**

No.

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

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 17. JOINT BOARD ON THE REGULATION OF PHYSICIAN ASSISTANTS

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-17-101. Definitions
- R4-17-102. Time-frames for Certifications and Approvals
- Table 1. Time-frames

ARTICLE 2. PHYSICIAN ASSISTANT CERTIFICATION

- R4-17-201. Physician Assistant Student Training Registration Exemption
- R4-17-202. Applications Repealed
- R4-17-202R4-17-201. Certifying Examination
- R4-17-203. Continuing Education Repealed
- R4-17-203. Temporary Certification of a Physician Assistant
- R4-17-204. Change of Address Repealed
- R4-17-204. Certification of Physician Assistant
- R4-17-205. Continuing Education
- R4-17-206. Renewal of Certification
- R4-17-207. Denial of Extension to Complete Continuing Education, Exemption from Registration, Temporary Certification, Certification, Recertification, or Cancellation of Certification
- R4-17-208. Change of Address

ARTICLE 3. SCOPE OF PRACTICE

- R4-17-301. Delegation of Authority for Schedule II or Schedule III Controlled Substances
- R4-17-302. Employment application Repealed
- R4-17-302R4-17-301. Drug Labels
- R4-17-303. Notification of Supervision
- R4-17-304R4-17-303. Reports
- R4-17-305R4-17-304. Supervision

ARTICLE 4. REGULATION

- R4-17-401. Civil Penalties
- R4-17-402R4-17-401. Termination of Supervision Employment
- R4-17-403R4-17-402. Rehearing

ARTICLE 1. GENERAL PROVISIONS

R4-17-101. Definitions

For the purposes of A.R.S. Title 32, Chapter 25 and this Chapter:

1. "ABMS/AOA" means the American Board of Medical Specialties/American Osteopathic Association.
2. "ACCME" means the Accreditation Council for Continuing Medical Education.
3. "Active practice of medicine" means a physician working a minimum of 1000 hours per year in a clinical area with direct patient contact or clinical research.
4. "AMA" means the American Medical Association.
5. "Application" means, for purposes of R4-17-102 only, forms designated as applications and the notification of supervision form, and all documents and additional information the Board requires to be submitted with an application or notification of supervision form.
6. "ASAPA" means the Arizona State Association of Physician Assistants.
7. "Board official" means the Board program administrator or the executive director, deputy director, or an investigator of the Board of Medical Examiners.
8. "CAAHEP" means the Commission on the Accreditation of Allied Health Education Programs.

9. "CAHEA" means the Committee on Allied Health Education and Accreditation.
10. "Category I continuing medical education" means an activity certified as Category I by an institution or organization accredited for continuing medical education by ACCME, the AMA, the American Academy of Physician Assistants, or the American Osteopathic Association.
11. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or activity.
12. "Dispense" means to issue the issuing of 1 or more doses of medication in a suitable container with a label that satisfies all applicable labeling requirements of the Arizona Board of Pharmacy and of R4-17-302 for subsequent administration to, or use by, a patient or patients.
13. "Full day" means not less than 8 hours.
14. "NCCPA" means the National Commission on the Certification of Physician Assistants.
15. "PANCE" means the Physician Assistant National Certifying Examination.
16. "Prescribe" means to issue issuing:
 - a. A signed, written order to a pharmacist for drugs or medical devices; or
 - b. An order transmitted to a pharmacist by word of mouth, telephone, or other means of communication.
17. "Service" means personal delivery or mailing by certified mail to a physician assistant, supervising physician, supervising physician's agent, or applicant affected by a decision of the Board at the physician assistant's, supervising physician's, supervising physician's agent, or applicant's last known residence or place of business.
18. "State fiscal year" means from July 1 of 1 calendar year to June 30 of the next calendar year.
20. "Supervision" means the a physician's opportunity or ability of the physieian to provide or exercise control and direction over the services of a physician assistant, Supervision but does not require the a physician's constant physical presence of the physieian as long as if the supervising physician or the supervising physician's physieian agent is and the physieian assistant are or can be easily in contact with the physician assistant each other by radio, telephone, or telecommunication.

R4-17-102. Time-frames for Certifications and Approvals

- A. For each type of certification, renewal of certification, or approval issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B. For each type of certification, renewal of certification, or approval issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Board receives an application.
 1. If the application is not administratively complete, the Board shall send a deficiency notice to the applicant.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application.
 - b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to

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- the Board the missing information specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.
- c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.
2. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
- C. For each type of certification, renewal of certification, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Board to finish the substantive review is suspended from the date
- the Board mails the request until the Board receives the information.
2. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time-frame in Table 1.
3. The Board shall issue a written notice of denial of certification, renewal of certification, or approval if the Board determines that the applicant does not meet all of the substantive criteria required by statute or this Chapter for certification, renewal of certification, or approval.
4. If the applicant meets all of the substantive criteria required by statute and this Chapter for certification, renewal of certification, or approval the Board shall issue the certification, renewal of certification, or approval to the applicant.
- D. In computing any period of time prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays and holidays. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the date of mailing.

Table 1. Time-frames (in days)

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
<u>Temporary Certification</u> <u>R4-17-203</u>	<u>120</u>	<u>30</u>	<u>365</u>	<u>90</u>	<u>90</u>
<u>Certification</u> <u>R4-17-204</u>	<u>120</u>	<u>30</u>	<u>365</u>	<u>90</u>	<u>270</u>
<u>Renewal of Certification</u> <u>R4-17-206</u>	<u>30</u>	<u>30</u>	<u>Not later than</u> <u>Sept. 30 of each</u> <u>year</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>Approval of Delegation of Authority for</u> <u>Schedule II or Schedule III controlled</u> <u>substances</u> <u>R4-17-301</u>	<u>120</u>	<u>30</u>	<u>60</u>	<u>90</u>	<u>30</u>
<u>Approval of Notification of Supervision</u> <u>R4-17-303</u>	<u>120</u>	<u>30</u>	<u>60</u>	<u>90</u>	<u>30</u>

ARTICLE 2. PHYSICIAN ASSISTANT CERTIFICATION

R4-17-201. Physician Assistant Student Training Registration Exemption

A. A physician assistant student who wishes an exemption from regular certification while in the course of an approved physician assistant training program in accordance with A.R.S. § 32-2521(B)(3)(a) shall provide the following information to the Board at least 10 days before beginning the clinical phase of the training program, on an application form provided by the Board:

1. Physician assistant student's full name, current complete address, and date of birth;

2. Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the student's application; and
3. A notarized sworn statement by the student verifying the truthfulness of the information provided.
- B. In addition to the requirements of subsection (A), a physician assistant student applying for an exemption from regular certification shall have the physician assistant program dean or director execute and directly submit to the Board a notarized physician assistant program certification on a form provided by the Board that certifies the following:
1. The student is currently engaged in a physician assistant training program;
2. The name of the program;

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3. The date the program was approved for physician assistant training by CAAHEP; and
4. The student's training commencement date and anticipated date of completion.

R4-17-202. Applications Repealed

All applications for approval of employment and modification of employment shall:

1. Be accompanied by the prescribed fee.
2. Contain the oath of the applicant that all information contained in the application and evidence submitted with it are true and correct and that the credentials submitted were not procured by fraud.
3. Become property of the Board and part of its permanent record.
4. Not be returned to a withdrawing applicant.

R4-17-202R4-17-201. Certifying Examination

- A. An applicant for certification as a physician's assistant shall pass the PANCE certifying examination of the National Commission on the Certification of Physician's Assistants.
- B. An applicant who presents a certificate issued by the NCCPA that National Commission on the Certification of Physician's Assistants which shows that the applicant has passed either the PANCE the appropriate NCCPA examination within the six-year period preceding its presentation to the or the NCCPA recertification examination within the 6-year period preceding presentation of the certificate to the Board shall and which has not been suspended or revoked due to medical incompetence since the examination, will be deemed to have met the requirement of A.R.S. § 32-2521(A)(2).

R4-17-203. Continuing Education

- A. For the purpose of fulfilling the continuing medical education requirements of A.R.S. § 32-2523(C), each certificate holder shall submit an affidavit on a form provided by the Board which shows the continuing medical education completed by the certificate holder within the previous year.
- B. Approved continuing medical education activities include the following:
 1. Education for an advanced degree in a medical or medically related field in a teaching institution approved by the American Academy of Physician's Assistants, Committee on Allied Health Education and Accreditation, Association of American Medical Colleges, American Medical Association or the American Osteopathic Association.
 2. Medical education programs designed to provide an understanding of current developments, skill, procedures or organizations or institutions that have been accredited by the American Academy of Physician's Assistants, American Medical Association, American Academy of Family Physicians, American College of Surgeons, American Osteopathic Association or a state medical association.
 3. Credit hours which provide an understanding of current developments, skill, procedures or treatment related to the practice of medicine may be earned by any of the following activities;
 - a. completion of a medical education program based on self instruction which utilized videotapes, audiotapes, films, filmstrips, slides, radio broadcasts or computers and which are designated Category I by an organization referred to in paragraph (1);

- b. preparation for the National Commission on the Certification of Physician's Assistants recertification examination;

- C. Prior to renewal of certification the Board will randomly select 50% of the affidavits submitted by persons who have not timely completed their continuing medical education requirements during each of the three previous renewal periods and 10% of the remaining affidavits to verify the accuracy of their content and of the acceptability of the programs attended. Certificate holders whose affidavits have been selected shall submit whatever additional information may be necessary to assist in the verification.

R4-17-203. Temporary Certification of a Physician Assistant

- A. An applicant for temporary certification as a physician assistant shall submit the following information on an application form furnished by the Board:
 1. Applicant's full name and social security number;
 2. Applicant's mailing and office addresses;
 3. Applicant's home and office phone numbers;
 4. Applicant's birth place and date of birth;
 5. Names of the states or provinces in which the applicant has been granted a certification, registration, or license as a physician assistant, including certificate number, date issued, and current status of the certification;
 6. Whether the applicant has had an application for certification, registration, or licensure to perform health care tasks denied or rejected by another state or province licensing board, and if so, an explanation;
 7. Whether a health care provider has taken an action against or placed a restriction or limitation upon the applicant, or whether the applicant has been placed on probation or academic probation while the applicant was participating in a training program, and if so, an explanation;
 8. Whether the applicant has been charged with a violation of a statute, rule, or regulation of any domestic or foreign governmental agency, and if so, an explanation;
 9. Whether the applicant has been found guilty or entered into a plea of no contest to a felony, or misdemeanor involving moral turpitude in any state, and if so, an explanation;
 10. Whether an action has been initiated against the applicant by or through any medical board or association, and if so, an explanation;
 11. Whether the applicant has been placed on probation or had a certification to perform health care tasks revoked, suspended, limited, restricted, voluntarily surrendered, or canceled during an investigation or instead of disciplinary action, or entered into a consent agreement or stipulation, and if so, an explanation;
 12. Whether the applicant has had hospital privileges revoked, denied, suspended, or restricted, and if so, an explanation;
 13. Whether the applicant has been named as a defendant in a malpractice matter that resulted in a settlement or judgment against the applicant in excess of \$20,000, and if so, an explanation;
 14. Whether the applicant has been convicted of Medicare or Medicaid fraud or received sanctions, including restriction, suspension, or removal from practice, imposed by an agency of the federal government, and if so, an explanation;
 15. Whether the applicant has had the authority to prescribe, dispense, or administer medications limited, restricted,

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- modified, denied, surrendered, or revoked by a federal or state agency, and if so, an explanation;
16. Whether the applicant has a chronic ailment communicable to others, and if so, an explanation;
 17. Whether the applicant has a medical condition that impairs or limits the applicant's ability to safely practice a health care task within the scope of practice of a physician assistant, and if so, an explanation;
 18. Whether the applicant, within the last 10 years, has been diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation;
 19. Whether the applicant has, since attaining the age of 18 or within the last 10 years, whichever period is shorter, been admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation;
 20. Whether the applicant has taken a leave of absence, other than for pregnancy, during the applicant's physician assistant training program, preceptorship training, or other practice, and if so, an explanation;
 21. Applicant's whereabouts and nature of practice since graduation from physician assistant training to present, indicating the exact month, date, and year for each;
 22. Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the applicant; and
 23. A records or documentation release and a sworn statement by the applicant verifying the truthfulness of the information provided by the applicant and that the applicant has not engaged in any acts prohibited by Arizona law or Board rules.
- B.** In addition to the application form, an applicant for temporary certification shall submit the following:
1. Certified photocopy of the applicant's birth certificate or the applicant's passport;
 2. Certified evidence of legal name change if the applicant's legal name is different from that shown on the document submitted in accordance with subsection (B)(1);
 3. Photocopy of any certificate of release from the U.S. military or public health service or, if applicable, a letter from any commanding officer setting forth the dates of active duty, assignments, and anticipated date of release from active duty;
 4. Photocopy of the applicant's diploma awarded upon successful completion of a physician assistant training program or a letter from the program that provides the date of the applicant's successful completion;
 5. A form provided by the Board, completed by the applicant, that lists all current or past employment with medical agencies or supervising physicians within the 5 years preceding the date of application or since graduation from a physician assistant program, if less than 5 years, including the agency or physician name, address, and date of employment;
 6. An affidavit completed and subscribed under oath by the applicant that certifies the applicant has received a copy of, read, and will comply with the laws and rules governing the performance of health care tasks by physician assistants in Arizona; and
 7. The required fee.
- C.** In addition to the requirements of subsection (A) and (B), an applicant for temporary certification shall have the following directly submitted to the Board:

1. Letter verifying the applicant's registration for the NCCPA certifying examination from the NCCPA;
 2. All of the forms included with the application which are to be completed by persons other than the applicant, including the disciplinary investigation form for the Federation of State Medical Boards, the physician assistant training program certification, and the verification of certification/licensure/registration, completed by the appropriate parties; and,
 3. Medical agency of employment/supervising physician form provided by the Board and completed by the applicant's supervising physicians for the 5 years preceding the date of application.
- D.** Prior to being granted a temporary certification by the Board, an applicant for a temporary certification shall enter into a written agreement with the Board in which the applicant agrees to perform health care tasks only in settings where the supervising physician practices medicine at the same geographic location at all times. The temporary certification shall terminate 6 months from the date of issuance, upon the issuance of a permanent certificate, or immediately upon the physician assistant failing the NCCPA certification examination, whichever occurs 1st.

R4-17-204. Change of Address

Each person certified as a physician's assistant in this state shall promptly and in writing inform the Board of the following:

1. Current residence and office address;
2. Any change of residence or office address that may later occur.

R4-17-204. Certification of Physician Assistant

- A.** An applicant for certification as a physician assistant shall submit an application on a form furnished by the Board that provides the information required by R4-17-203(A).
- B.** In addition to the application, an applicant for certification shall submit the documents and information required by R4-17-203(B):
- C.** In addition to the requirements of subsections (A) and (B), the applicant shall have the following directly submitted to the Board:
1. A copy of the applicant's certificate of successful completion of the NCCPA examination and the applicant's examination score provided by the NCCPA;
 2. A form provided by the Board, completed and signed by the Coordinator of the Disciplinary Data Bank, The Federation of State Medical Boards, that includes the applicant's full name and address, birth date, physician assistant training program name and location, and date of the applicant's degree or graduation for purposes of a disciplinary search.
 3. A form provided by the Board, completed, signed, and authenticated by seal or notarization by the director or administrator of the physician assistant program that granted the applicant a physician assistant degree, that includes the applicant's full name, type of degree, name of program, date the applicant's degree was granted, date of the applicant's matriculation, and a 2 1/2" by 3" passport type photo of the applicant taken within 60 days of the date of application and endorsed across the front by the applicant's signature. The program shall also provide the following information:
 - a. Whether the applicant was required to repeat any segment of training;
 - b. Whether any action was taken against or restriction, limitation, including probation or academic

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- c. Whether the applicant was counseled regarding performance or behavior in the training program;
 - d. Whether the applicant took a leave of absence, other than for pregnancy, during the applicant's training program or preceptorship;
 - e. Whether the student has a chronic ailment communicable to others;
 - f. Whether the applicant has a medical condition that in any way impairs or limits the applicant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
 - g. Whether, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder;
 - h. Whether the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder; and
 - i. Whether the student's final evaluations in every category rated at least satisfactory. If not, the program shall attach a photocopy of the evaluation and a written explanation.
4. A verification of certification/licensure/registration, on a form provided by the Board, completed, signed, and authenticated by seal or notarization by the board of each state in which the applicant holds or has held certification, licensure, or registration as a physician assistant. The verification shall provide the name of the state, the applicant's name, the program from which the applicant graduated, the applicant's certification or registration number and its date of issuance, any endorsement, and whether the certification, license, or registration is current. The state board shall also provide the following information:
- a. Whether the applicant was placed on probation or the applicant's certificate/license/registration was revoked, suspended, limited, restricted, voluntarily surrendered, or canceled during an investigation or, instead of disciplinary action, if the applicant entered into a consent agreement or stipulation;
 - b. Whether the applicant has a chronic ailment communicable to others;
 - c. Whether the applicant has a medical condition that in any way impairs or limits the physician assistant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
 - d. Whether, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia or any other psychotic disorder; and
 - e. Whether the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder.
5. A medical agency of employment/supervising physician form provided by the Board, completed, signed, and authenticated by seal or notarization by all medical agencies or supervising physicians where the applicant

is currently employed or was employed in the last 5 years. The form shall provide the name of the medical agency or supervising physician, date of the applicant's employment, names, locations, and date of each hospital, office, or clinic where the physician is or was assigned. The medical agency or employing/supervising physician shall also provide the following information:

- a. Whether the applicant was placed on probation or academic probation or an action, restriction, or limitation was taken against the applicant while the applicant was in the agency's or physician's employment;
- b. Whether the applicant was counseled regarding performance or behavior while in the agency's or physician's employment;
- c. Whether the applicant took a leave of absence, other than for pregnancy, while in the agency's or physician's employment;
- d. Whether, to the agency's or physician's knowledge, the applicant had a chronic ailment communicable to others;
- e. Whether, to the agency's or physician's knowledge, the applicant had a medical condition that in any way impaired or limited the applicant's ability to safely practice any type of health care tasks within the scope of practice for physician assistants;
- f. Whether, to the agency's or physician's knowledge, within the last 10 years, the applicant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder; and
- g. Whether, to the agency's or physician's knowledge, the applicant, since attaining age 18 or within the last 10 years, whichever period is shorter, was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder.

R4-17-205. Continuing Education

- A.** During each state fiscal year, a physician assistant shall complete the 20 credit hours of continuing medical education required by A.R.S. § 32-2523. One hour of credit shall be allowed for each clock hour of participation in approved continuing medical education activities, unless otherwise designated in subsection (B).
- B.** Approved continuing medical education activities include the following:
- 1. Education for an advanced degree in a medical or medically-related field at a teaching institution approved by the AMA, the Association of American Medical Colleges, American Osteopathic Association, or American Academy of Physician Assistants. One credit hour may be claimed for each full day of study. Less than full-day study shall be claimed on a pro-rata basis.
 - 2. Research at a teaching institution approved by the AMA, Association of American Medical Colleges, American Osteopathic Association, or CAAHEP. One credit hour may be claimed for each full day of research. Less than full day research shall be claimed on a pro-rata basis.
 - 3. Education certified as Category I by an organization accredited by ACCME, CAAHEP, the AMA, the American Academy of Physician Assistants, and the American Osteopathic Association.

4. Medical educational programs designed to provide necessary understanding of current developments, skills, procedures, or treatments related to the performance of health care tasks, provided by organizations or institutions that have not been accredited by ACCME, CAA-HEP, AMA, the American Academy of Physician Assistants, and the American Osteopathic Association.
 5. Serving as an instructor of physician assistant students, house staff, other physician assistants, or allied health professionals from a hospital or institution with a formal training program, where the instructional activities will provide the participants with necessary understanding of current developments, skills, procedures, or treatments related to the performance of health care tasks. One credit hour may be claimed for each full day of instruction without regard to the number of times the instructional activities have been taught. Less than full-day instruction shall be claimed on a pro-rata basis.
 6. Publication or presentation of a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the performance of health care tasks. Credit hours shall be claimed only once for materials presented. Credit hours shall be claimed as of the date of publication or presentation. One credit hour may be reported for each hour of preparation, writing, and presentation.
 7. Credit hours may be claimed on the basis of 1 credit hour for each full day of an activity for any of the following activities that provide necessary understanding of current developments, skills, procedures, or treatments related to the performance of health care tasks:
 - a. Completion of a physician assistant education program based on self-instruction using videotapes, audiotapes, films, filmstrips, slides, radio broadcasts, or computers;
 - b. Independent reading of scientific journals and books;
 - c. Preparation for NCCPA certification or recertification examinations; or,
 - d. Participation on a staff committee, quality of care, or utilization review in a hospital, institution, or government agency.
- C.** If a physician assistant fails to meet the requirements of this Section due to illness, military service, medical or religious missionary activity, residence in a foreign country, or other extenuating circumstance, the Board may grant, on an individual basis, an extension of time to complete the continuing education upon receipt, at least 30 days before expiration of the physician assistant's current certification, of a written request from the physician assistant that details the reasons for the extension request.
- R4-17-206. Renewal of Certification**
- A.** To renew certification, a physician assistant shall submit an affidavit of completion of continuing education on a form provided by the Board that provides the following information regarding the physician assistant, and the continuing medical education completed by the physician assistant and events affecting the physician assistant during the previous year:
1. Physician assistant's Arizona certificate number;
 2. Physician assistant's social security number;
 3. Physician assistant's DEA number, if the physician assistant has 1, the date it was issued, and the date it expires;
 4. Physician assistant's full name;
 5. Physician assistant's office and home addresses;
 6. Physician assistant's office and home phone numbers;
 7. Physician assistant's medical directory/ mailing addresses;
 8. Physician assistant's current supervising physician and the physician's address;
 9. The physician assistant's specialty field of practice;
 10. Whether the physician assistant maintains current NCCPA certification;
 11. Whether the physician assistant has been named as a defendant in a malpractice matter that resulted in a settlement or judgment against the physician assistant in excess of \$20,000, and if so, an explanation;
 12. Whether the physician assistant has been convicted of Medicare or Medicaid fraud or was sanctioned, disciplined, or entered into an agreement with a state or federal agency concerning a denial, limitation, restriction, suspension, or revocation of the physician assistant's certification, or rehabilitation or removal from practice and if so, an explanation;
 13. Whether the physician assistant's ability to prescribe, dispense, or administer medications has been limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency, and if so, an explanation;
 14. Whether the physician assistant has a chronic ailment communicable to others, and if so, an explanation;
 15. Whether the physician assistant has a medical condition that impairs or limits the physician assistant's ability to safely perform any type of health care tasks within the scope of practice for physician assistants, and if so, an explanation;
 16. Whether the physician assistant was diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation;
 17. Whether the physician assistant was admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation;
 18. Whether the physician assistant has taken a leave of absence during the physician assistant's practice other than for pregnancy, and if so, an explanation;
 19. Whether the physician assistant has been treated for use or misuse of any chemical substance, and if so, an explanation;
 20. Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the physician assistant; and
 21. Dated and sworn statement by the physician assistant verifying that during the past certificate year, July 1 through June 30, the physician assistant completed a minimum of 20 hours of Category I continuing medical education in accordance with R4-17-205.
- B.** Prior to renewal of certification, the Board may randomly select a number of affidavits of completion of continuing education to verify the accuracy of their contents and the acceptability of the programs attended. Physician assistants whose affidavits have been selected shall submit any additional information requested by the Board to assist in the verification.
- C.** For purposes of this Section, "ability to safely perform any type of health care tasks within the scope of practice for physician assistants" means:
1. The cognitive capacity to make appropriate clinical diagnoses and exercise reasoned medical judgments and to learn and keep abreast of medical developments.

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2. The ability to communicate those judgments and medical information to patients and other health care providers with or without the use of aids or devices such as a voice amplifier, and
3. The physical capability to perform medical tasks such as physical examination and minor surgical procedures with or without the use of aids or devices such as corrective lenses or hearing aids.

D. For purposes of this Section, "medical condition" means physiological, mental, or psychological conditions or disorders; for example, orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional or mental illness; specific learning disabilities; HIV disease; tuberculosis; drug addiction; and alcoholism.

R4-17-207. Denial of Extension to Complete Continuing Education, Exemption from Registration, Temporary Certification, Certification, Recertification, or Cancellation of Certification

A physician assistant, physician assistant student, or applicant for certification as a physician assistant who is denied an extension to complete continuing education, exemption from registration, temporary certification, certification, recertification, or cancellation of certification may request a hearing to contest the matter by filing a written notice with the Board within 15 days of receipt of notice of the Board's action. A hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and Article 10.

R4-17-208. Change of Address

A physician assistant shall, in writing, inform the Board of each change in residence, office address, or telephone number within 30 days of its occurrence.

ARTICLE 3. SCOPE OF PRACTICE

R4-17-301. Delegation of Authority for Schedule II or Schedule III Controlled Substances

A. A supervising physician shall obtain Board approval to delegate authority to a physician assistant to prescribe, dispense, or administer Schedule II or III controlled substances. The supervising physician and the physician assistant shall submit an application on a form provided by the Board, that provides the following information:

1. Full name of the supervising physician, the physician's Arizona license number and date of issuance, the physician's work address and phone number, the physician's field of practice, board certification, and ABMS/AOA certification number, if applicable;
2. Whether the supervising physician's medical license has been revoked, placed on probation, restricted, or suspended either by agreement or otherwise in any state, and if so, an explanation;
3. Whether the supervising physician's Drug Enforcement Administration or state prescriptive permit has ever been denied, restricted, suspended, lost, or revoked, and if so, an explanation;
4. Whether the supervising physician maintains hospital privileges and whether the privileges have ever been denied, revoked, suspended, or limited, and if so, an explanation;
5. Whether the supervising physician supervises any other physician assistants and, if so, the names of the physician assistants supervised;

6. Full name of the physician assistant, the physician assistant's Arizona certification number, work address, and work telephone number;
7. Whether, at the time of the application, the supervising physician is subject to disciplinary action in any other state or country for an act or conduct that constitutes grounds for disciplinary action, and if so, an explanation;
8. Whether the physician assistant has ever had a physician assistant certification refused, suspended, or revoked by another state or country for reasons that relate to the physician assistant's ability to engage skillfully in the health care tasks of a physician assistant, and if so, an explanation;
9. Whether the physician assistant's Drug Enforcement Administration registration or state prescriptive permit has ever been denied, restricted, suspended, lost, or revoked, and if so, an explanation;
10. Whether the physician assistant maintains hospital privileges and whether the privileges have ever been denied, revoked, suspended, or limited, and if so, an explanation;
11. Whether the supervising physician is delegating authority to prescribe, dispense, and administer Schedule II or III controlled substances, or both;
12. Consistent with the Board's statutory authority, such other information as the Board may deem necessary to fully evaluate the supervising physician and the physician assistant; and
13. Statement signed by both the supervising physician and physician assistant certifying that both have read and will abide by the law and rules governing the practice of a physician assistant, including prescribing, dispensing, and administering drugs, that the supervising physician accepts responsibility for supervising the physician assistant and that the physician assistant may not prescribe, dispense, or administer drugs until the supervising physician receives approval of the application.

B. The Board shall approve an application to delegate authority to prescribe, dispense, or administer Schedule II or Schedule III controlled substances if the information submitted pursuant to subsection (A) and evidence produced by the physician assistant shows:

1. The physician assistant has the training and experience in the therapeutic use of controlled substances as prescribed by the federal Controlled Substances Act, 21 U.S.C. §801 et seq., and the laws governing the dispensing of Schedule II and III controlled substances in Arizona, A.R.S. §36-2501 et seq.;
2. The physician assistant's professional record in performing health care tasks contains no evidence of:
 - i. An advisory or disciplinary action for prescribing, dispensing, or administering a Schedule II or III controlled substance within the past year; or
 - ii. A restriction imposed by the federal Drug Enforcement Administration; and
3. A supervising physician and the supervising physician's agents are present or can be easily in contact with the physician assistant by radio, telephone, or other telecommunication.

R4-17-302. Employment application

If a physician's assistant is employed by more than one supervising physician, the physician's assistant shall file a separate application for approval of employment and job description for each

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supervising physician. The application shall indicate the days or hours per week that the physician's assistant expects to work for each supervising physician.

R4-17-302R4-17-301. Drug Labels

All drugs dispensed by a physician assistant to whom the authority to dispense has been delegated by a supervising physician shall be labeled to show the following information:

1. Name and address of the dispensing physician assistant;
2. Name of the supervising physician;
3. Name of the supervising physician's agent supervising the prescribing of the drug, if applicable;
4. Name of patient;
5. Date dispensed;
6. Serial number of the prescription;
7. Name of the drug and directions Directions for use; and,
8. Cautionary statements, if any, contained in the order prescription.

R4-17-303. Notification of Supervision

A. A physician assistant and supervising physician shall submit a notification of supervision on a form provided by the Board that provides the following information in addition to that required by A.R.S. § 32-2534:

1. The supervising physician's name, Arizona license number and issuance date, work address, telephone number, fax number, if applicable, field of practice, board certification, and if applicable, ABMS/AOA certification number and the date it was issued;
2. Whether the supervising physician's medical license has ever been revoked, placed on probation, restricted in any way, or suspended either by agreement or otherwise in any state, and if so, an explanation;
3. Whether the supervising physician's Drug Enforcement Administration registration or state prescriptive permit has ever been denied, restricted, suspended, lost, or revoked, and if so, an explanation;
4. Whether the supervising physician maintains hospital privileges and whether the hospital privileges have ever been denied, revoked, suspended, or limited in any way, and if so, an explanation;
5. Whether the supervising physician supervises any other physician assistants, and if so, the names of the physician assistants supervised;
6. Full name of the physician assistant, the physician assistant's Arizona certification number, work address, telephone number, and fax number, if applicable;
7. Whether the physician assistant has ever had a physician assistant certification, registration, or license refused, suspended, or revoked by another state or country for reasons that relate to the physician assistant's ability to engage skillfully in the health care tasks of a physician assistant, and if so, an explanation;
8. Whether the physician assistant's Drug Enforcement Administration registration or State prescriptive permit has ever been denied, restricted, suspended, lost, or revoked, and if so, an explanation;
9. Whether the physician assistant maintains hospital privileges, whether the privileges have ever been denied, revoked, suspended or limited in any way, and if so, an explanation;
10. Number of days and hours per week that the physician assistant expects to work under the supervision of the supervising physician;

11. Any other work addresses and phone numbers, including another supervising physician's name, if applicable, for the physician assistant;
12. Full names, Arizona license numbers, work addresses, and telephone numbers for the supervising physician's agents;
13. List of the health care tasks delegated to the physician assistant by the supervising physician;
14. Whether the physician assistant maintains a special permit or certification to take x-rays from the Medical Radiological Technology Board of Examiners;
15. Indication of the prescribing, dispensing, and administration authority delegated to the physician assistant by the supervising physician;
16. Certification, signed by the supervising physician, that assures that:
 - a. The supervising physician, the physician's agent, and the physician assistant are familiar with the statutes and rules regarding physician assistants;
 - b. The supervising physician accepts responsibility for supervising the physician assistant; and
 - c. The physician assistant may not perform any health care task until the supervising physician receives written approval of the notification of supervision;
17. Whether the physician assistant position is a full or part-time position, at a geographically separated site, or a request for transfer in supervision; and
18. Such other information as the Board deems necessary to fully evaluate the supervising physician and physician assistant.

- B. The Board shall approve a physician to supervise a physician assistant only if the physician is engaged in the active practice of medicine.**
- C. If a physician assistant is supervised by more than 1 supervising physician, the physician assistant shall file a separate notification of supervision pursuant to subsection (A) for approval of the supervisory arrangement with each supervising physician.**

R4-17-304R4-17-303. Reports

- A. As a part of an investigation by the Board or of an order of probation, the Board may require a supervising physician to submit weekly reports on the performance of a physician assistant supervised by the physician, in that supervising physician's employ. If the supervising physician is unavailable due to vacation, illness or continuing education, The the supervising physician's agent shall submit these reports during any the period that of unavailability the supervising physician is unavailable due to vacation, illness, or continuing medical education.**
- B. Within 15 days of termination of supervision employment of a physician assistant, the supervising physician shall report to the Board the reasons for and circumstances surrounding the termination.**

R4-17-305R4-17-304. Supervision

- A. A supervising physician shall not delegate health care tasks to a physician assistant if the supervising physician has does not have training in those tasks and or if the supervising physician does not performing those tasks.**
- B. A physician assistant shall meet in person with the supervising physician at least once each week to discuss patient management. A physician assistant and supervising physician shall have with such additional meetings if as the Board may determines after reviewing the notification of supervision, that additional meetings are necessary. The Such additional**

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meetings specified on the notification of supervision may be conducted by telephone or radio rather than in person in lieu of additional in-person meetings.

ARTICLE 4. REGULATION

R4-17-401. Civil Penalties

- A.** A physician assistant who violates A.R.S. § 32-2531(F) or (G) shall be subject to a civil penalty of \$50 for each violation.
- B.** Upon determining that a physician assistant has violated A.R.S. § 32-2531(F) or (G), a Board official shall issue a written citation to the physician assistant that sets forth the following information:
1. The name of the physician assistant.
 2. The date and location at which the alleged violation occurred.
 3. The particular facts alleged to constitute a violation and the statutory provision alleged to have been violated.
 4. The physician assistant's right to request a hearing to contest the imposition of the civil penalty by filing a written request for hearing with the Board within 15 days of receipt of the citation, and
 5. The name of the Board official issuing the citation.
- C.** The citation in subsection (B) shall be served upon the physician assistant personally or by certified mail. A copy of the citation shall be simultaneously transmitted to the physician assistant's supervising physician.
- D.** A physician assistant or the physician assistant's supervising physician may file a written request for hearing in accordance with R4-17-402. Unless appealed by the physician assistant or the physician assistant's supervising physician, the physician assistant shall pay the civil penalty within 30 days of the date the citation is served upon the physician assistant.
- E.** A physician assistant who fails to pay a civil penalty within 30 days of service, or upon receipt of a final order of the Board that determines the physician assistant committed the violation and affirms the imposition of the civil penalty, may be subject to further disciplinary action by the Board.
- F.** A citation is a public record and a copy shall be placed in the certification file of the physician assistant.

R4-17-402R4-17-401. Termination of employment Supervision

- A.** Termination of a physician assistant's supervision employment by a supervising physician shall will not result in suspension or revocation of a physician assistant's certificate.
- B.** The Board shall immediately terminate a physician assistant's notification of supervision upon the suspension, revocation, or expiration of the physician assistant's certificate. Suspension, revocation or expiration of a physician's assistant's certificate shall automatically result in immediate termination of employment as a physician's assistant and of all approved job descriptions.
- C.** The Board shall immediately terminate a physician assistant's supervision by a supervising physician upon receipt Receipt by the Board of a summary suspension order, or any final order of the Board of Medical Examiners or the Board of Osteopathic Examiners that which restricts, suspends, or revokes the supervising physician's license to practice medicine in Arizona of the person designated as the supervising physician shall automatically terminate the employment of all physician's assistants in that supervising physician's employ.
- D.** The Board shall immediately remove a supervising physician's agent's name from the physician assistant's notification of supervision upon receipt Receipt by the Board of a summary suspension order or any final order of the Board of

Medical Examiners or the Board of Osteopathic Examiners that which restricts, suspends, or revokes a supervising physician's agent's license to practice medicine in Arizona of the person designated as the supervising physician shall automatically terminate the employment of all physician's assistants in that supervising physician's employ.

- E.** A physician assistant whose supervision by a supervising physician is terminated, or a supervising physician's agent whose name is removed from the physician assistant's notification of supervision by the Board in accordance with this Section, may request a hearing to contest the matter by filing a written notice with the Board within 15 days of receipt of notice of the Board's action. A hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and Article 10.

R4-17-403R4-17-402. Rehearing

- A.** A motion for rehearing shall be filed as follows:
1. Except as provided in subsection (B) of this rule, any party in a contested case who is aggrieved by a the decision of the Joint Board in such case may file a written motion for rehearing of the decision, specifying generally the grounds upon which the motion is based.
 2. A motion for rehearing shall be served and filed no later than 15 fifteen days after service of the decision of the Board.
 3. For purposes of this Section, "service" means personal delivery or mailing by certified mail to the party affected at the party's last known residence or place of business.
 4. For purposes of this Section, the terms "contested case" and "party" shall have the same meaning as in A.R.S. § 41-1001.
- B.** If Where the Joint Board makes specific findings that it is necessary for a particular decision to take immediate effect in order to protect the public health and safety, or that a rehearing of the decision is impracticable or contrary to the public interest, the decision may be issued as a final decision without opportunity for rehearing and shall be a final administrative decision for purposes of judicial review.
- C.** A written response to a motion for rehearing may be served and filed within 10 ten days after service of the such a motion by any another party. The Joint Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- D.** A rehearing of a decision may be granted for any of the following causes materially affecting the rights of the moving party:
1. Irregularity in the administrative proceedings by of the Joint Board, or of its hearing officer, or by the prevailing party, or any ruling or abuse of discretion, that deprives whereby the moving party was deprived of a fair hearing.
 2. Misconduct of the Joint Board, or its hearing officer, or of the prevailing party.
 3. Accident or surprise that which could have not been prevented by ordinary prudence.
 4. Material evidence, newly discovered, which with reasonable diligence could not 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 that which occurred at the hearing.
 7. The That the decision is the result of a passion or prejudice.

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- 8. ~~The~~ That the decision or findings of fact are not justified by the evidence or are contrary to law.
- E. A rehearing may be granted to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (D). The Joint Board may take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and affirm, modify, or reverse the original decision.
- F. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is found erroneous, if separable. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted.
- G. Not later than ~~15~~ fifteen days after a decision is rendered, the Joint Board of its own initiative may order a rehearing for

any reason ~~that~~ which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Joint Board may grant a timely served motion for a rehearing ~~timely served~~, for a reason not stated in the motion. In either case, the Joint Board shall specify in the order the grounds for the rehearing therefor.

- H. When a motion for rehearing is based upon affidavits, they shall be served with the motion. The opposing party has 10 ten days after such service ~~within~~ which to serve opposing affidavits. This which period may be extended for as many as 20 an additional period not exceeding twenty days either by the Joint Board for good cause shown, or by the parties by written stipulation. The Joint Board may permit reply affidavits.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. STATE BOARD OF NURSING

PREAMBLE

- | | |
|---|--|
| <p>1. <u>Sections Affected</u>
R4-19-102
Table 1</p> | <p><u>Rulemaking Action</u>
New Section
New Section</p> |
|---|--|
- 2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 32-1606(A) and 41-1073
Implementing statute: A.R.S. §§ 41-1072 through 41-1078.
 - 3. **The effective date of the rules:**
April 20, 1998
 - 4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 3 A.A.R. 3744, December 26, 1997.
Notice of Proposed Rulemaking: 4 A.A.R. 74, January 9, 1998.
 - 5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mary H. Griffith, M.N., R.N.C.
Nurse Practice Consultant

Address: Arizona State Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 149
Fax: (602) 906-9365
 - 6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
The proposed rule is necessary to comply with the requirements of ARS § 41-1072 et seq. that requires an agency that issues licenses to have final rules in place establishing an overall time-frame during which the agency will either grant or deny each type of license that it issues.
 - 7. **A. showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
 - 8. **The summary of the economic, small business, and consumer impact:**
The proposed rule will have no economic impact on the nurses or entities regulated under Chapter 19 or the public. The nurses or entities regulated will be informed of the expected timeframes required to process applications to this agency. The costs are to the Secretary of State for publication of the rule and to the Board in promulgating and complying with the rule.
 - 9. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**
Minor changes in wording, grammar, and punctuation to clarify the rules and comply with current rule writing standards.

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10. A summary of the principal comments and the agency response to them:
No public comments were received, either written or oral.
11. Any other matters that are prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
Not applicable.
13. Was this rule previously adopted as an emergency rule?
Not applicable.
14. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. STATE BOARD OF NURSING

ARTICLE 1. DEFINITIONS

Section	
R4-19-102.	<u>Time-frames for Licensure, Certification, and Approvals</u>
Table 1.	<u>Time-frames</u>

ARTICLE 1. DEFINITIONS

R4-19-102. Time Frames for Licensure, Certifications, and Approvals

- A.** In this Section:
1. "Applicant" means a person or entity seeking licensure, certification, approval to prescribe and dispense drugs, or approval of a nursing assistant program or a nursing program.
 2. "Application Packet" means a Board approved application form and the documentation necessary to establish an applicant's qualifications for licensure, certification, or approval.
- B.** In computing the time-frames set forth in this Section, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or official state holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or official state holiday.
- C.** For each type of licensure, certification, or approval granted by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frames set forth in Table 1. The overall time-frame and the substantive review time-frame described in A.R.S. § 41-1072(3) may not be extended by more than 25% of the overall time-frame.
- D.** For each type of licensure, certification, or approval granted by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins to run when the Board receives an application packet.
1. If the application packet is not complete, the Board shall send a deficiency notice to the applicant. The time for the applicant to respond to a deficiency notice begins to run on the postmark date of the deficiency notice.
 - a. The deficiency notice shall list each deficiency.
 - b. The applicant shall submit to the Board the information or the documentation listed in the deficiency notice within the time period specified in Table 1 for responding to a deficiency notice. The

time-frame for the Board to complete the administrative review is suspended until the Board receives the missing information or documentation.

- c. If the applicant fails to provide the information or the documentation listed in the deficiency notice within the time period specified in Table 1, the Board shall deem the application packet withdrawn. The Board shall send the applicant a notice of withdrawal and return the application packet to the applicant.
 2. If the application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. The Board considers an application packet complete if it grants a license, certificate, or approval during the administrative completeness time-frame. The Board shall not issue a separate written notice of administrative completeness.
- E.** For each type of licensure, certification, or approval granted by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins to run on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, an applicant may withdraw an application packet unless the Board has evidence of unprofessional conduct by the applicant as defined in A.R.S. § 32-1601 that has not been reported in any national disciplinary data bank.
 2. The Board may investigate an applicant who discloses prior unprofessional conduct defined in A.R.S. § 32-1601 and may require the applicant to provide additional information or documentation as prescribed in subsection (E)(3).
 3. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The applicant shall submit the additional information or documentation within the time period specified in Table 1. The time-frame for the Board to complete the substantive review of the application packet is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 4. The Board shall issue by mail a written order of denial of licensure, certification, or approval to an applicant if it determines that the applicant has engaged in unprofessional conduct as defined in A.R.S. § 32-1601 and licen-

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- sure, certification, or approval is not in the best interest of the public.
5. The written order of denial shall meet the requirements of A.R.S. § 41-1076. The applicant may request a hearing by filing a written request with the Board within 10 days of the postmark date of the Board's order of denial. The Board shall conduct hearings in accordance with A.R.S. Title 41, Chapter 6, Articles 6 and 10 and 4 A.A.C. 19, Article 6.
 6. If the applicant fails to provide the information or documentation identified in the comprehensive written request within the time specified in Table 1, the Board shall consider the application withdrawn unless:
 - a. The applicant mails a written request for denial to the Board within 10 days of the postmark date of the notice of withdrawal, or
 - b. Based on the information the applicant has submitted, the Board determines that the applicant has committed an act of unprofessional conduct as defined in A.R.S. § 32-1601, and determines that a formal denial is necessary. If the Board considers the application withdrawn, the Board shall send a notice of withdrawal to the applicant and return the application packet.
 7. The Board shall grant licensure, conditional licensure, certification, or approval to a qualified applicant:
 - a. Who meets the substantive criteria for licensure, certification, or approval required by statute or rule; and
 - b. Whose licensure, certification, or approval is in the best interest of the public.

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Table 1. Time-frames

Type of License, Certificate, or Program Approval	Applicable Section	Time-frames (in days)				
		Overall Time-frame	Administrative Completeness Time-frame	Time To Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Comprehensive Written Request
Initial Approval of Nursing Programs	R4-19-207	150	60	180	90	120
Full Approval of Nursing Programs	R4-19-208	150	60	180	90	120
Approval of Reentry Update Programs	R4-19-214	150	60	180	90	120
Licensure by Exam	R4-19-301	150	30	180	120	120
Licensure by endorsement	R4-19-302	150	30	180	120	120
Temporary License	R4-19-303	60	30	60	30	90
Biennial License Renewal	R4-19-304	120	30	180	90	120
School Nurse Certification	R4-19-308	150	30	180	120	120
Reinstatement of License	R4-19-404	150	30	180	120	120
Nurse Practitioner Program Approval	R4-19-503	150	60	180	90	120
Nurse Practitioner Certification	R4-19-504	150	30	180	120	120
Prescribing and Dispensing Approval	R4-19-507	150	30	180	120	120
Clinical Nurse Specialist Certification	R4-19-511	150	30	180	120	120
Approval of Certified Nursing Assistant Training Programs	R4-19-804	120	30	180	90	120
Renewal of Approval of Certified Nursing Assistant Training Programs	R4-19-805	120	30	180	90	120
Certification by Examination	R4-19-807	150	30	180	120	120
Certification by Endorsement	R4-19-808	150	30	180	120	120
Annual Recertification	R4-19-809	120	30	180	90	120

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<u>Reinstatement or</u>	<u>R4-19-815</u>	<u>150</u>	<u>30</u>	<u>180</u>	<u>120</u>	<u>120</u>
<u>Issuance of a Certi-</u>						
<u>fied Nursing Assis-</u>						
<u>tant Certificate</u>						