

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 45. BOARD OF RESPIRATORY CARE EXAMINERS

PREAMBLE

1. **Sections Affected**

R4-45-101	Amend
R4-45-102	Amend
R4-45-201	Amend
R4-45-214	Amend
R4-45-215	New Section
R4-45-216	New Section
R4-45-217	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 32-3504(A)(2), 32-3526, and 41-1073

Implementing statutes: Laws 1990, Chapter 256, § 1, and A.R.S. §§ 32-3201, 32-3202, 32-3504(A)(4), 32-3504(A)(6), 32-3506, 32-3521 through 3525, 32-3552, 32-3556, 41-1008(C), and 41-1072 through 41-1076
3. **The effective date of the rules:**

March 22, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Proposed Rulemaking: 4 A.A.R. 2889, October 9, 1998.
Notice of Docket Opening: 4 A.A.R. 2966, October 9, 1998.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mary Hauf Martin, Executive Director

Address: Board of Respiratory Care Examiners
1400 West Washington, Suite 200
Phoenix, Arizona, 85007

Telephone: (602) 542-5995

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

The Board is authorized by statute to adopt rules that provide licensees, applicants, and the general public the requirements for licensure of respiratory care practitioners (RCPs) in Arizona. In addition, the Board's statutes were amended, effective January 1, 1999, to require license applicants to submit their fingerprints for a state and federal criminal background check. The Board's rules are amended to reflect this requirement and the associated fee. An informal rules committee (made up of licensees from all different health care work locations) reviewed the Board's existing rules and found several vague terms that need further definition. Based on an opinion of the Board's Assistant Attorney General that the provisions of Title 32, Ch. 32 apply to RCPs, the Board added a definition of "health professional" to R4-45-101. The definition clarifies the intent of the legislature in drafting A.R.S. §32-3201 and Board policy that RCPs are "health professionals" subject to the provisions of Ch. 32 and specifically A.R.S. §32-3202. A.R.S. §32-3202 provides for the license suspension of a health professional who fails to renew that license if the health professional is under investigation at the time the license is due to expire. In the same Section, the Board clarifies an existing vagary in statutory language regarding the delivery of medical equipment. The statute, A.R.S. § 32-3521, allows for a medical equipment dealer to deliver respiratory equipment as long as a licensed RCP verifies that the prescription ordered by the physician and the equipment being delivered are consistent and meet the needs of the patient. However, the stat-

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ute doesn't specify when this verification must take place. R4-45-101(19) clarifies that the verification of the prescription must take place prior to the time the equipment is delivered.

The Board amends R4-45-214, Standards of Conduct, clarifying A.R.S. § 32-3501, which defines unprofessional conduct, to include several additional acts. The Board adds 3 instances of unprofessional conduct, that are contrary to recognized standards of ethics of the respiratory therapy profession or that constitute a danger to the health, welfare, or safety of a patient or the public. These acts include: theft of property from a health care work location or a patient; failure to report for assigned duty at a health care work location; threatening the physical health or safety of members of the Board or Board staff; and non-adherence to the scope of practice for RCPs established at, and by, health care entities.

Finally, the rules establish licensing time-frames required by A.R.S. §§ 41-1072 through 41-1076.

7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None.

8. **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.

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

The rules have minimal financial impact. The rules simply implement two legislative mandates: a new licensing requirement (state and federal criminal background checks on all initial applicants for licensure) and licensing time-frames. The legislature has decided that the benefit to the public is great enough to require these changes. The rules also provide further clarification of the existing framework for licensure of respiratory care practitioners (RCPs) in Arizona. Consumers are served by the Board whose purpose is to protect the public health.

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

There are some differences. These include many small changes in numbering, punctuation and writing style throughout the final rules. In addition, the final rules:

- clarify 2 terms: "health professional" and "individual" (in the proposed rules there was only a single definition of "individual" which was vague and attempted to address both terms).

Finally, several new requirements were added to the final rules as a result of the GRRC staff review of the rules package:

- add a definition of "license application package" to include all documents in addition to the application form;
- incorporate in detail under R4-45-201 the description of information and documentation currently required to be submitted by license applicants with an application form; and
- provide information related to the economic, small business and consumer impact of the rules.

On March 2, 1999, the GRRC Council approved the final rules with some changes listed in the GRRC Attorney's Memorandum dated February 2, 1999, as further amended, at the request of the Board, in a Supplemental Memorandum dated February 17, 1999, as follows:

R4-45-201(A)(15), Application, was changed to read:

"15. Omitting minor traffic violations (infractions), whether the applicant has ever been convicted of, or pled no contest (nolo contendere) to, entered into any agreement concerning arrest or charge (even if the agreement resulted in dismissal or expungement), or has an outstanding arrest or charge for any violation of any law of any state of the United States, or a foreign country and, if the answer is yes, a complete explanation, including place, date, and a copy of any pertinent documentation such as court orders or plea agreements;"

R4-45-214(10), Standards of Professional Conduct, was changed to read:

"10. Abandoning or neglecting a patient, including failing to report for or leaving a respiratory therapy assignment before properly advising appropriate personnel;"

R4-45-216(D)(2)(b), Procedures for Issuing License Renewal Applications; Time-frames, was changed to read:

"b. For an applicant who has knowingly violated A.R.S. § 32-3556, the Board shall deny the renewal unless the applicant can demonstrate to the Board that:

- i. No person has been harmed by the violation, and
- ii. The applicant understands the nature and consequences of the applicant's actions.

The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection;

R4-45-216(D)(2)(c), Procedures for Issuing License Renewal Applications; Time-frames, was changed to read:

c. For an applicant with an incomplete application package who supplies the missing information more than 7 days after the date of expiration of a license, or for an applicant who submits an application package more than 7 days but less than 2 years after the date that the applicant's license expired, the Executive Director shall review the applicant's compliance with A.R.S. § 32-3556. The Board shall notify the applicant of the Board requirement for a signed statement that the applicant has or has not violated A.R.S. § 32-3556. The applicant shall have 7 days from the postmark date of the Board's notice of the required statement to submit the statement. Upon receipt of the signed statement, the Board shall deny the renewal unless the applicant can demonstrate to the Board that:

- i. No person has been harmed by the violation, and
ii. The applicant understands the nature and consequences of the applicant's actions.

The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection;

R4-45-217(A), Appeal from Denial, was changed as follows:

The citation in the last line of the subsection was corrected from "A.R.S. § 41-1061" to "A.R.S. § 41-1092"

None of the differences impact the intent or meaning of the Board's adopted rules.

- 11. A summary of the principal comments and the agency response to them: None.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules: Not applicable.
13. Incorporations by reference and their location in the rules: Not applicable.
14. Was this rules previously adopted as an emergency rule? No.
15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

- Section
R4-45-101. Definitions
R4-45-102. Fees

ARTICLE 2. LICENSURE

- R4-45-201. Application
R4-45-214 Standards of Professional Conduct
R4-45-215 Procedures for Processing Initial License Applications; Time-frames
R4-45-216 Procedures for Processing License Renewal Applications; Time-frames
R4-45-217 Appeals of License Denials

ARTICLE 1. GENERAL PROVISIONS

R4-45-101. Definitions

In addition to the definitions in A.R.S. § 32-3501, in this Chapter, unless otherwise specified:

- 1. "ACLS" means Advanced Cardiac Life Support Protocols.
2. "Applicant" means an individual who meets the qualifications of A.R.S. § 32-3523 and applies for licensure under A.R.S. § 32-3522.
3. "Approved continuing education" means a planned course or program that the Board confirms meets the criteria in R4-45-210, or is qualified by the American Association for Respiratory Care or the Arizona Society for Respiratory Care.
4. "BLS" means Basic Life Support Protocols.
5. "CPR" means cardiopulmonary resuscitation.

- 6. "Contested case" means the same as defined in A.R.S. § 41-1001.
7. "Continuing education unit" or "CEU" means a segment of an approved continuing education course or program.
8. "Day" means calendar day.
9. "Direct supervision" means that a licensed respiratory care practitioner or physician licensed under A.R.S. Title 32, Chapters 13 or 17, is physically present at a work site and readily available to provide respiratory care to a patient and observe and direct the practice of a temporary licensee.
10. "Executive Director" means the officer employed by the Board to perform administrative and investigative functions.
11. "Health professional" as defined in A.R.S. §32-3201 means a licensee, in addition to the health professionals listed.
12. "Individual" as used in A.R.S. §32-3521(B)(4) means only those persons listed with current, valid certifications, registrations, or licenses acting within the scope of their authorized practice.
13. "License" means the document issued by the Board to practice respiratory care in Arizona.
14. "License application package" means a license application form and any documents required to be submitted with the application.
15. "Licensee" means an individual who holds a current license issued under Title 32, Ch. 35.
16. "National Board for Respiratory Care, Inc." or "NBRC" means the national credentialing board for respiratory therapy.

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- 14-17. "Party" means the same as the definition in A.R.S. § 41-1001.
- 15-18. "Pharmacological, diagnostic, and therapeutic agents" as used in A.R.S. § 32-3501(5) means medications that are aerosolized and given through artificial airways or through vascular access.
- 16-19. "Temporary license" means the document issued by the Board under A.R.S. § 32-3521 that allows an applicant to practice respiratory care under direct supervision before the Board issues the applicant a license.
- 17-20. "Verification of license" means a form the Board provides to an applicant to submit for completion to a state to confirm that the applicant currently holds or previously held a license, certification, or registration in that state.
21. "Verification by a licensed respiratory therapist or respiratory therapy technician" as used in A.R.S. § 32-3521(B)(7) and (C) means a licensee's written confirmation before equipment is delivered that the equipment is consistent with the prescription and needs of the patient.

R4-45-102. Fees

- A. The Board shall charge the following fees:
1. Application for a license, \$100;
 2. Application based on a diploma from a foreign respiratory therapy school, \$150;
 3. Initial license, \$85;
 4. Biennial renewal of a license, \$85;
 5. Renewal of a temporary license, \$25;
 6. Verifying an Arizona license to another state, \$10;
 7. Duplicate license or duplicate wallet license card, \$10;
 8. Copy of the Board's Respiratory Care Practitioner List compiled under A.R.S. § 32-3504(A)(7), \$25;
 9. Insufficient funds check submitted to the Board as payment of any fee, \$25;
 10. Fingerprint fee in the form of a certified check or money order, \$36.
- B. With the exception of the fingerprint fee specified in subsection (A)(10), all fees shall be payable to the Board of Respiratory Care Examiners by personal check, cashier's check, or money order. All fees remitted to the Board are non-refundable except as provided in A.R.S. § 41-1077.

ARTICLE 2. LICENSURE

R4-45-201. Application

- A. An applicant ~~shall submit an application~~ for a license to practice as a respiratory care practitioner ~~to the Board~~ shall submit the following information on a form ~~prescribed~~ furnished by the Board:
- ~~B. An application, which shall include an address of record, shall be typed or written in black ink, and signed, under oath, by the applicant. The application shall be accompanied by the following:~~
1. ~~An application fee in the amount prescribed at R4 45-102(A)(1);~~
 2. ~~All documents needed to verify information provided on the application;~~
 1. Applicant's full name and social security number;
 2. Applicant's current mailing and permanent addresses;
 3. Employer's name, address, and phone number;
 4. Applicant's area of care or specialty;
 5. Applicant's birth date;
 6. Applicant's home and work phone numbers;
 7. Any name by which the applicant has ever been known. The applicant shall submit documentation if the applicant is applying for licensure under a different name

- than that on the applicant's credentials, educational degree, or diploma;
- 3-8. A statement of the facts entitling the applicant to take an examination or to receive a license without examination under R4-45-206;
9. Name of any state or province in which the applicant has been granted a certification, registration, or license as a respiratory care practitioner; including certificate number, date issued, expiration date, and a statement whether that certificate, registration, or license has ever been the subject of discipline, censure, probation, practice restriction, suspension, revocation, or cancellation;
10. Whether the applicant has ever been denied a professional license or certificate by a governing licensing authority and, if the answer is yes, a complete explanation of the denial including date, state or province, and a copy of any order issued;
11. Whether the applicant is the subject of any pending disciplinary action that is directly or indirectly related to the practice of respiratory therapy and, if the answer is yes, a complete explanation, including date, state or province, and a copy of any order issued;
12. Whether the applicant has ever voluntarily surrendered a professional license and, if the answer is yes, a complete explanation, including dates, state or province, and a copy of any order issued;
13. Whether the applicant has ever filed an application for a respiratory care practitioner license in Arizona and, if the answer is yes, the date;
14. Whether the applicant has been enrolled in or committed to a substance abuse program (substance abuse includes alcohol) in the past 10 years and, if the answer is yes, a complete explanation, including date, place, and a copy of any documentation of completion of the program;
15. Omitting minor traffic violations (infractions), whether the applicant has ever been convicted of, pled no contest (nolo contendere) to, entered into any agreement concerning an arrest or charge (even if the agreement resulted in a dismissal or expungement), or has an outstanding arrest or charge for any violation of any law of any state of the United States, or a foreign country and, if the answer is yes, a complete explanation, including place, date, and a copy of any pertinent documentation such as court orders or plea agreements;
16. Whether the applicant has ever had an intemperance to drugs or alcohol and, if the answer is yes, a complete explanation;
17. Applicant's physical description, including height, weight, eye and hair color;
18. Highest level of education completed by applicant;
19. Consistent with the Board's statutory authority, such other information or documentation as the Board may deem necessary to fully evaluate the applicant;
20. A record or documentation release and Applicant's sworn statement 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. An applicant shall submit or have submitted on the applicant's behalf the following with the application form:
1. Two" by 2" color, bust photograph of applicant;
 2. Photocopy of the applicant's diploma awarded upon successful completion of a respiratory therapy training program, or letter of completion from a respiratory ther-

apy training program, that provides the date of the applicant's successful completion;

3. If NBRC certified, a photocopy of the applicant's registration or certification issued by the NBRC.
4. A verification of license, 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 respiratory care practitioner;
5. If foreign trained, the applicant shall cause the foreign respiratory therapy school to deliver to the Board certified copies of course transcripts as well as all information concerning the applicant's course of study and the applicant shall provide a photocopy of the applicant's diploma from a foreign respiratory therapy school;
6. The required fee;
7. A full set of fingerprints submitted on a card provided by the Board for a state and federal criminal background check along with a certified check or money order in the amount prescribed at R4-45-102(A)(10) as authorized at A.R.S. § 41-1008(C);
8. A photocopy of the applicant's NBRC CRTT exam results. The exam results in this subsection are not required for issuance of a temporary license under R4-45-213; and
9. The documents and information under R4-45-215(D). The documents and information in this subsection are not required for issuance of a temporary license under R4-45-213.

C. An applicant shall inform the Board in writing of any change in the applicant's address of record within 10 days from the date of change.

~~D. The Board shall notify the applicant in writing of any decision concerning the application.~~

~~G.D. An applicant shall be a high school graduate or have obtained a General Equivalency Diploma (GED).~~

~~E. If the Board denies an application, an applicant may make a written request for a hearing to review the denial. The applicant shall file the request with the Board within 15 days following service of notice of the denial. The request shall state specifically the reasons why the Board should review its decision. The Board shall schedule the hearing at its next meeting or at the first meeting that is convenient for all parties. The Board shall conduct the hearing in accordance with A.R.S. § 41-1061 et seq.~~

~~F. If an applicant whose application is denied does not request a hearing to review the denial or if the denial is affirmed, the Board shall administratively close the applicant's file. An individual who wishes to be considered for licensure after the individual's file has been administratively closed shall reapply.~~

R4-45-214. Standards of Professional Conduct

Conduct or practice that is contrary to recognized standards of ethics of the respiratory therapy profession, as used in A.R.S. § 32-3501(10)(i), includes the following:

1. Engaging in the practice of respiratory care in a manner that harms or may harm a patient or that the Board determines falls below the community standard;
2. Procuring or attempting by fraud or misrepresentation to procure a license or renewal of a license to practice respiratory care;
3. Violating a formal order, condition of probation, or stipulation issued by the Board;
4. Obtaining a fee by fraud, deceit, or misrepresentation;

5. Falsely claiming attendance at a continuing education course or program to meet license renewal requirements;
6. Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may reasonably be expected to do so;
7. Engaging in sexual intimacies with a patient;
8. Committing an act of sexual abuse, misconduct, harassment, or exploitation;
9. Acting in a manner that the Board determines, based on community standards, constitutes incompetence, gross negligence, repeated negligence, or negligence that results in harm or death of a patient;
10. Abandoning or neglecting a patient, including failing to report for or leaving a respiratory therapy assignment before properly advising appropriate personnel;
11. Using or being under the influence of alcohol, illegal drugs or substances, or drugs or substances that impair judgment, while on duty in any health care work location;
12. Impersonating another licensed practitioner;
13. Knowingly employing, directing, or supervising an individual in the performance of respiratory care who is not authorized to practice respiratory care;
14. Violating the confidentiality of information concerning a patient;
15. Inaccurately recording, falsifying, or altering a patient record, including patient charts or medication administration records;
16. Misrepresenting or omitting facts on an application for employment as a respiratory care practitioner;
17. Retaliating against any person who reports in good faith to the Board alleged incompetence, illegal, or unethical conduct of any practitioner;
18. Using, removing, or possessing property belonging to an individual or entity without authorization;
19. Threatening the physical health or safety of a Board, or Board staff, member; and
20. Knowingly exceeding the scope of practice for a respiratory care practitioner at any health care location as the scope of practice is defined by that health care entity.

R4-45-215. Procedures for Processing Initial License Applications: Time-frames.

A. Within 14 days of receiving an initial license application package, the Board shall notify an applicant that the package is either complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.

B. An applicant with an incomplete package shall supply the missing information within 210 days from the date of the notice. If the applicant fails to do so, the Board may close the file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.

C. Upon receipt of all missing information the Board shall notify the applicant that the package is complete. The Board shall not send a separate notice of completeness if the Board grants or denies application within the administrative completeness review in subsection (F)(1).

D. An application for initial licensure is not complete until the Board receives the results of the state and federal criminal background check required at A.R.S. § 32-3504(A)(6), and the applicant fully complies with the requirements of R4-45-201, the applicable provisions of R4-45-202 through R4-45-206, and submits the fee prescribed in R4-45-102(A)(3).

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- E. The Board shall grant or deny a license no later than 90 days from the postmark date of the notice advising the applicant that the package is complete.
- F. For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing time-frames for an initial license application:
 - 1. Administrative completeness review time-frame: 15 days;
 - 2. Substantive review time-frame: 90 days;
 - 3. Overall time-frame: 105 days.
- G. If the Board denies a license, the Board shall send the applicant a written notice explaining:
 - 1. The reason for denial, with citations to supporting statutes or rules;
 - 2. The applicant's right to seek a fair hearing to challenge the denial; and
 - 3. The time periods for appealing the denial.

R4-45-216. Procedures for Issuing License Renewal Applications; Time-frames.

- A. Within 7 days of receiving a license renewal application, the Executive Director shall notify an applicant that the license application package is complete or incomplete. If the package is incomplete, the Board's notice shall specify the missing information.
- B. The Board shall not send a notice of completeness if the Board renews the license within the administrative completeness time-frame in subsection (F)(1).
- C. An application for license renewal is not complete until the applicant fully complies with R4-45-207 and R4-45-208.
- D. The Board shall grant or deny a license renewal within 60 days from the postmark date of the completion notice (the substantive review time-frame) as follows:
 - 1. For a license renewal applicant who submits an application package prior to the expiration date of the applicant's existing license:
 - a. If the application package is complete, the Executive Director shall renew the license; or
 - b. If the application package is incomplete and the applicant supplies the missing information prior to the date of expiration of the existing license, the Executive Director shall renew the license;
 - 2. For an applicant with an incomplete application package who supplies the missing information within 7 days after the date of expiration of a license, or an applicant who submits a complete application package within 7 days after the date that the applicant's license expired, the Executive Director shall review the applicant's compliance with A.R.S. § 32-3556. The Board shall notify the applicant of the Board requirement for a signed statement that the applicant has or has not violated A.R.S. § 32-3556. The applicant shall have 7 days from the postmark date of the Board's notice of the required statement to submit the statement. Upon receipt of a complete license renewal application package and the signed statement:
 - a. For an applicant who has not knowingly violated A.R.S. § 32-3556, the Executive Director shall renew the license and issue a letter of concern conditioned upon Board ratification within the substantive review time-frame;
 - b. For an applicant who has knowingly violated A.R.S. § 32-3556, the Board shall deny the renewal unless the applicant can demonstrate to the Board that:

- i. No person has been harmed by the violation, and
- ii. The applicant understands the nature and consequences of the applicant's actions.

The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection;

- c. For an applicant with an incomplete application package who supplies the missing information more than 7 days after the date of expiration of a license, or for an applicant who submits an application package more than 7 days but less than 2 years after the date that the applicant's license expired, the Executive Director shall review the applicant's compliance with A.R.S. § 32-3556. The Board shall notify the applicant of the Board requirement for a signed statement that the applicant has or has not violated A.R.S. § 32-3556. The applicant shall have 7 days from the postmark date of the Board's notice of the required statement to submit the statement. Upon receipt of the signed statement, the Board shall deny the renewal unless the applicant can demonstrate to the Board that:

- i. No person has been harmed by the violation, and
- ii. The applicant understands the nature and consequences of the applicant's actions.

The Board may grant a conditional renewal based upon its assessment of the evidence presented by the applicant under this subsection;

- E. An applicant who submits an application package more than 2 years after the date that the previously held license expired shall apply as a new license applicant.
- F. For the purposes of A.R.S. § 41-1073, the Board establishes the following licensing time-frames for renewal of a license:
 - 1. Administrative completeness review time-frame: 7 days;
 - 2. Substantive review time-frame: 60 days;
 - 3. Overall time-frame: 67 days.
- G. If the Board denies a license renewal, the Board shall send the applicant written notice explaining:
 - 1. The reason for denial, with citations to supporting statutes or rules;
 - 2. The applicant's right to seek a fair hearing to challenge the denial; and
 - 3. The time periods for appealing the denial.

R4-45-217. Appeal from Denial.

- A. If the Board denies an application, an applicant may make a written request for a hearing to review the denial. The applicant shall file the request with the Board within 15 days following service of notice of the denial. The request shall state specifically the reasons why the Board should review its decision. The Board shall schedule the hearing at its next meeting or at the first meeting that is convenient for all parties. The Board shall conduct the hearing in accordance with A.R.S. § 41-1092 et seq.
- B. If an applicant whose application is denied does not request a hearing to review the denial or if the denial is affirmed, the Board shall administratively close the applicant's file. An individual who wishes to be considered for licensure after the individual's file has been administratively closed shall reapply.