

## 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 3. AGRICULTURE

#### CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

#### PREAMBLE

1. **Sections Affected**

R3-2-203 R3-2-203 R3-2-204 R3-2-208 R3-2-208 R3-2-209	<b><u>Rulemaking Action</u></b> Renumber Amend Amend Renumber Amend New Section
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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. § 3-1203

Implementing statute: A.R.S. §§ 3-1339, 3-2002, 3-2004, 3-2050
  
3. **The effective date of the rules:**

May 5, 1999
  
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 793, March 27, 1998; and 4 A.A.R. 932, April 17, 1998.  
Notice of Proposed Rulemaking: 5 A.A.R. 486, February 12, 1999.
  
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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

R3-2-203. Licenses; Registration; Records. This Section describes the type of business that may purchase a slaughter or meat license and specifies the requirements for records maintenance. A.R.S. § 3-1339 establishes a mobile slaughtering unit and a locker plant as a slaughtering facility but does not define what they are or specify the type of license required. This rulemaking further clarifies slaughter licenses and sets up 2 types of exempt slaughterers.

The exempt slaughter license category establishes the circumstance in which a mobile or a non-mobile exempt slaughtering operation may slaughter livestock for another. Although the Code of Federal Regulations (CFR), adopted in R3-2-202, does not provide for exempt mobile operations, the CFR does allow an animal to be slaughtered either by its owner, or delivered to another person who may slaughter the animal and return the meat to the owner. This later category is subject to minimum facility and sanitation requirements. In order to stay within the guidelines of the CFR and not jeopardize the Department's "equal to federal status," the Department must limit the location of a

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mobile exempt slaughterer. If the mobile exempt slaughterer operates in a location other than the owner's property, then the owner is "delivering" the animal to the exempt slaughterer and the slaughterer is subject to the minimum facility and sanitation requirements. Consequently, mobile exempt slaughtering activity is limited to the property of the owner of the animal.

R3-2-204. Official Slaughter Establishment. This Section establishes the slaughtering requirements for an official slaughter establishment. This rulemaking establishes that 180° water is required for cleaning inspection and other equipment, floors, and walls subject to contamination on the kill floor.

R3-2-208. Diseased and Injured Animals. This Section sets the requirements for the processing, sale or storage of diseased animals, and establishes that an otherwise healthy injured animal may be slaughtered at an official slaughter establishment, or, if inspected and approved by a livestock officer, by an exempt slaughterer. This Section also provides for a waiver to the pre-slaughter inspection by a livestock officer if the officer determines that an inspection is not required. Under circumstances of a waiver, the exempt slaughterer will be required to confirm the body temperature and condition of the animal before slaughter. This change addresses confusion among some members of the livestock community as to when slaughter must take place in an official slaughter establishment and when exempt slaughtering may be used.

R3-2-209. Exempt Non-mobile Slaughter Establishment. This Section establishes the requirements for exempt slaughter establishments that are non-mobile. These requirements are necessary to ensure the safe and sanitary handling of animals being slaughtered in this type of an establishment.

**7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the 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:**

A. *Estimated Costs and Benefits to the Arizona Department of Agriculture.*

This rulemaking will have no impact on the Arizona Department of Agriculture.

B. *Estimated Costs and Benefits to Political Subdivisions.*

Political subdivisions of this state are not directly affected by the implementation and enforcement of this proposed rulemaking.

C. *Businesses Directly Affected By the Rulemaking. (Exempt Processing Slaughterhouses, Mobile Slaughter Units, and Locker Plants.)*

The businesses affected by this rulemaking are those that currently operate as exempt non-mobile slaughterers not meeting minimum facility requirements, and exempt mobile slaughterers that slaughter in fixed locations without meeting the minimum facility requirements. These businesses will be forced to desist operations, conduct slaughtering operations on the property of the animal's owner, or invest in a facility or facility improvements to meet the exempt slaughter facility minimum requirements.

The minimum facility requirements for exempt non-mobile slaughter establishments are listed in R3-2-209, this rule package, and in the CFRs incorporated by reference in R3-2-202. These minimum requirements ensure that meat prepared for human consumption by someone other than the actual owner of the animal, is wholesome and safe to consume.

Although the slaughtering of animals by exempt mobile slaughterers is susceptible to unsanitary conditions and unwholesome due to contamination of meat products by such things as dust and flies and an inability to sanitize the premises or equipment with 180° water, these operations are not specifically prohibited in the CFR. The CFR allows a person to slaughter his own animal for his own use, or deliver it to another who slaughters the animal and returns it to the owner for the owner's own use, providing this person (slaughterer) meets minimum facility requirements. The Department is not proposing facility requirements for exempt mobile slaughterers if the slaughtering occurs on the property of the animal owner. In essence, the exempt mobile slaughtering operation assists the animal owner to slaughter the owner's animal on the owner's property. Once the exempt mobile slaughtering operation ceases to conduct operations on the premise of the animal owner, the Department is obligated to regulate the operation and ensure that the slaughterer meets minimum facility requirements specifically required in the CFR.

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Businesses conducting operations in violation of Department regulations will be forced to change the way they operate or cease business. It is expected that some operations will make the investment in facilities to meet minimum requirements and others will close operations. The Department's primary concern is for the health and welfare of the public that uses the services of exempt slaughterers. A 2nd and equally significant concern of the Department is the continuation of a federally certified meat and poultry inspection program that is "equal to" the program conducted by the U.S. Department of Agriculture (USDA). If the Department does not enforce regulations equal to federal regulations, the USDA may elect to take over all inspection activities in the state. This would negatively impact the nearly 100 operators currently under continuous government inspection that use the inspection services of the Department's meat and poultry inspection program.

*D. Estimated Costs and Benefits to Private and Public Employment.*

This rulemaking will have no impact on private and public employment.

*E. Estimated Costs and Benefits to Consumers and the Public. (Includes 4H and FFA animal owners.)*

The options for the public who use the services of exempt slaughterers not meeting the minimum facility requirements are to enlist the services of an exempt mobile slaughterer at the animal owner's property, to transport the animal to an exempt slaughter establishment that meets the minimum facility requirements, or transport the animal to an official slaughter facility. One or more of these options are available in every county in this state.

The Department recognizes that this rulemaking, in clarifying how exempt slaughterers may conduct business, restricts the slaughtering of 4-H and FFA animals sold during or after a show. Since the rulemaking prohibits the slaughtering by an exempt slaughterer at any location other than the property of the owner, if the purchaser of a show animal is a private individual or a business without adequate property for slaughtering, these animals will now have to be slaughtered at an official establishment or an exempt non-mobile establishment meeting the minimum facility requirements. In view of the restrictions on exempt slaughtering found in the CFR and the adverse public health implications in allowing exempt slaughtering to occur off the property of the owner, the Department is committed to requiring all exempt slaughtering, whether for 4-H, FFA, or private individuals, to take place at an establishment meeting the minimum facility requirements, or take place on the property of the owner.

By requiring exempt slaughterers to meet the minimum facility requirements, the Department ensures that meat products, even though not sold to the general public and consumed by the animal owner, is wholesome and is prepared in sanitary facilities. In this case, the public benefit far outweighs the negative impact on requiring the few operations to comply.

Benefits to the consumers would arise from the Department ensuring that meat prepared by exempt non-mobile slaughterers for animal owners is wholesome and prepared in a sanitary facility. This protects the consumer from unwholesomely slaughtered meat if the consumer mishandles the meat at home or neglects to cook the meat to a sufficiently high temperature to render disease-causing bacteria noninfectious.

*F. Estimated Costs and Benefits to State Revenues.*

This rulemaking will have no impact on state revenues.

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

Minor grammatical and technical changes were made at the request of the G.R.R.C. staff.

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

No written comments were received during the formal comment period. However, the following comments were voiced by the public in the beginning of the rulemaking process:

Comment: Stakeholders were confused about the rulemaking process.

Response: Letters were sent to each inquiring stakeholder explaining the rulemaking process.

Comment: Several commenters disapproved of requiring social security number on an application and felt it was an infringement of information.

Response: We appreciate stakeholders concern regarding social security numbers. We know that social security numbers are confidential and ordinarily a person is not required to submit this information, However, the following state laws require all agencies who issue licenses to collect and process this information. A.R.S. §§ 25-320(L) and 25-502(F) both require that *[e]ach licensing board or agency that issues professional licenses or certificates shall record the social security number of the licensee or certificate holder in its data base in order to aid the department of economic security in locating noncustodial parents or the assets of noncustodial parents.*

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Comment: Stakeholders were confused about the term “downer” particularly since not all downers have broken bones.

Response: The term “downer” is currently defined in the ratite rules, R3-2-1101. The Department initially determined that since this term would also be used in Article 2 that the definition should be removed from Article 11 and placed in the Chapter’s main definition Section in Article 1.

The Department removed the term from the rulemaking and the original language of “injured” animals was reinstated. Since removing this term from R3-2-101 causes no changes to this Section, R3-2-101 has been removed from this rulemaking.

Comment: Many commenters thought the rulemaking required that all animals, including injured animals, must be transported to a slaughtering facility.

Response: This rulemaking does not change requirements relating to animals slaughtered on an owner’s property for the owner’s use. It does, however, clarify where the animal must be taken and under what circumstances.

Comment: Commenters requested an emergency clause that would make it possible for animals in emergency situations to be slaughtered without prior brand inspection due to the urgency of the situation.

Response: R3-2-208 was reworded to establish the parameters for when injured animals may be slaughtered and when a waiver may be granted for an inspection by a livestock officer at the point of origin.

Comment: An issue was raised concerning the need for requiring a thermometer for determining water temperature. The commenter felt it was unnecessary since steam is produced by a known temperature and it would be impossible to put a thermometer at the point of contact.

Response: The Department is always mindful that its rules meet the “equal to” status of federal laws. Although our wording is not the same as the federal regulations, the requirements for an official and exempt slaughter establishment in 9 CFR Chapter III, Subchapter A are the same.

This Section requires that water at least 180° be available for sterilization on the kill floor. If steam is used the temperature will exceed the 180° required by the rule, however a thermometer is still required at the point of use. The concern that it is impossible to put a thermometer at the point of contact was accomplished, and recorded on tape, by the State Veterinarian during a routine inspection. The phrase “point of contact” has been changed, however, to “point of use” as specified in the CFRs.

Comment: If 180° water is furnished on the floor, there should be no need for a 180° tool sterilizer. The rule should include the ability to use USDA approved chemical sterilization of tools instead of only 180° water for sterilizing.

Response: The required 180° water on the floor cannot be used as an alternative to a 180° tool sterilizer. Tools must be enclosed in a unit specifically used for sterilization. Using USDA-approved chemicals for tool sterilization seems to be reasonable at 1st glance. However, federal law does not allow chemicals to be used on the kill floor during slaughtering operations.

Comment: The state has no business imposing restrictions on building requirements.

Response: The Department is puzzled by this comment. Building codes and standards are a long-standing part of Arizona’s regulatory scheme. Existing CFR regulations, A.R.S. Title 3, Chapter 13, Article 2, and A.A.C. Title 3, Chapter 2, Article 2 all impose restrictions on slaughter establishments. There is no provision in this rulemaking, nor will there be, that stipulates that current slaughterhouse establishments do not have to meet the new requirements. This, again, is a requirement that the state must meet to comply with the “equal to” federal standards.

Comment: “Does not the current rule state that the holder of an exempt mobile slaughter is already approved by the state to approve of the site himself.”

Response: The current rule states that an exempt slaughter is one who slaughters or dresses animals for human consumption which are not to be sold or offered for sale. This rulemaking clarifies the difference between an exempt mobile slaughterer and an exempt non-mobile slaughterer.

1. The exempt non-mobile slaughtering establishment must be a permanent location that is licensed and inspected.
2. The exempt mobile slaughterer consists of equipment that is moved from location to location and is used to slaughter or dress animals on the property of the animal’s owner for human consumption, and may not be sold or offered for sale.

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Comment: “The proposed change endangers the animal owner and others trying to load and transport an injured animal several miles or hours away. The rule also states that the injured animal must be inspected and approved by a livestock officer or inspector.” Commenters were concerned that an inspector might not be able to provide an inspection in a reasonable period of time. “What guidelines will there be as far as time-frames for an inspector to get to someone’s place to inspect and approve.”

Response: A.R.S. § 3-1332(D) requires that *livestock officers and inspectors shall arrange for the inspection of the livestock and inspect such livestock within twelve hours.*

Comment: “Why have we eliminated the mobile slaughter for downers.” Commenters were unhappy with the requirement that “downers” (injured) animals not approved for slaughter at an exempt non-mobile facility and must be taken to an official slaughter establishment. They were concerned that the Department was putting an exempt mobile slaughter out of business.

Response: Currently R3-2-208 (R3-2-203) states that *[a]nimals which do not appear healthy shall not be transported or delivered to or accepted by any exempt slaughter establishment.*

The Department has not eliminated the exempt mobile slaughterer from slaughtering these animals, since an exempt mobile slaughter never had the authority to slaughter them in the 1st place. Unless slaughtered by the owner for the owner’s own use, animals may be slaughtered only by an establishment that has meat inspection. This means an official slaughter establishment, since exempt mobile slaughterers do not have an inspector on the premises to oversee slaughtering.

Comment: “If the State Department of Agriculture and/or other organizations have concerns about these licenses, why are they eliminating them versus meeting with all the parties concerned and working out guidelines, and standards.”

Response: The state is doing exactly what the commenter asked. We are promulgating rules through a specific process that includes public comment from our stakeholders. The Department is clarifying what an exempt slaughterer is and setting up specific guidelines which must be followed to ensure a safe and uncontaminated product.

Comment: “What guidelines will there be for approval, what will constitute approval.”

Response: R3-2-208(B) establishes where animals may be slaughtered and under what circumstances.

Comment: “What happens if there is no approval. Whose responsibility will it be to dispose of the animal.”

Response: If the livestock inspector does not approve the animal for slaughter, the owner may slaughter the animal and keep the hide for later inspection by the livestock officer. The responsibility for disposing of the animal is, and always has been, the owner’s.

It is the owner’s responsibility to see that the animal is transported to the slaughter location, whether the owner does it, or hires another to do it. If the owner hires someone to transport the animal, this becomes a business transaction and terms of the contract are between the owner and the transporter.

Comment: “Who and where are the exempt non-mobile slaughter facilities.”

Response: There are 11 official slaughtering establishments, 13 exempt non-mobile slaughtering establishments, 26 exempt mobile slaughterers, and 30 processors in Arizona. A list of these establishments was provided to each stakeholder requesting this information.

Comment: “Will the official slaughter facilities have laws, rules, or guidelines in which they will have to answer for regarding such things as, time-frames in which they will have to respond, will they do the transporting of the injured or downed animal. Who will monitor their prices, because if there is only 1 in all of Northern Arizona, he can charge any price he chooses.” “What if the official slaughter establishment can’t or won’t do what is needed in a timely manner.”

Response: The only official slaughtering establishment in Northern Arizona is in Chino Valley. Each slaughter establishment must follow state statutes and rules to govern the business. However, the state cannot dictate how business is conducted. The response time, pricing schedule, and transporting conditions are all parameters of specific business methods and cannot be regulated by the state.

Comment: “What if an animal is taken to this official slaughter facility, and the legal owner of this animal states he wants the animal processed by a different processor. Can he deny the slaughtering of the animal if he is not chosen to process it. What happens then.”

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Response: If the animal is inspected and approved for slaughter, it is the owner's responsibility to see that the animal is transported to an establishment, slaughtered and processed according to his or her own specifications. The Department is not responsible for any business transaction of the owner, whether it is for transporting the animal or for mediating between the owner and the slaughterer.

Comment: "If the livestock inspector or the official slaughter facility do not respond with in a certain amount of time, does not the animal then suffer? Is this not inhumane to the animal?"

Response: After an owner calls the Department for an inspection, if the livestock officer is available, he or she will inspect the animal. From time to time, livestock officers will give a waiver to move livestock without an inspection. Generally, this occurs when the livestock officer's schedule will not permit an inspection without undue delay and the officer is familiar with the owner and the owner's operation. The waiver of the inspection is generally done verbally by telephone. This waiver does not mean that it is not necessary for the animal to be inspected. It simply postpones the inspection until the animal reaches the slaughter establishment where inspection is then done by the livestock inspector or, in some cases, the slaughter establishment.

If, in the owner's opinion, the animal is experiencing a great deal of suffering, the owner always has the option of immediately putting down the animal.

Comment: "What about the person that lives 2-3 hours away from this official slaughter facility?"

Response: In the normal course of slaughtering animals, arrangements are usually made in advance to get the animals to the official slaughter facility. If a diseased or injured animal needs to be slaughtered, the procedure is stated in the R3-2-208. An exempt mobile slaughterer can never be used.

Comment: "Since the State is aware that there is only 1 official slaughter facility in Northern Arizona, are they helping to create a monopoly?"

Response: This rulemaking should clarify the slaughter requirements. The Department is not prohibiting anyone from operating a legal slaughtering establishment to compete with existing establishments. The Department is 1st and foremost concerned about ensuring the public health and welfare. This rulemaking is based upon health concerns.

Comment: "If an exempt mobile slaughterer cannot slaughter someone's animal from an auction, such as the 4-H/FFA on his property, and the buyer from the auction does not have the capability to take the animal back to his "apartment", then how does he get it slaughtered and processed? Again it appears only 1 facility can do it."

Response: The Department has heard various comments regarding the slaughtering of 4-H/FFA animals and is aware of this concern. The responsibility to ensure a safe product rests with this agency. To accomplish this, an exempt mobile slaughterer is restricted to the property of the animal's owner.

Comment: "No private party can slaughter an animal without inspection by a livestock officer, even if it is down."

Response: The Department is unclear what the commenter means by a 'private party.' Is it an owner or someone the owner hires to slaughter the animal? The state issues 2 types of slaughtering licenses: official slaughter and exempt slaughter. This rulemaking clarifies each license.

1. The official slaughtering license is issued to a person who operates in a stationary building that not only has been inspected as complying with sanitary requirements, but has an inspector on the premises to oversee the slaughtering. The official slaughtering establishment deals primarily with animals that will be sold or offered for sale.
2. There are 2 types of exempt slaughter licenses: the exempt non-mobile slaughter, which operates in a stationary building that has been inspected as complying with sanitary requirements, but does not have an inspector on the premises for meat inspection; and the exempt mobile slaughter, which is a unit moved from site to site, depending upon the location of the animal. An exempt slaughtering licensee may only slaughter animals that are used solely for home consumption by the owner, the owner's immediate family or employees. The meat may not be sold or offered for sale.

Unless slaughtered by the owner for the owner's personal use, animals may be slaughtered only by an establishment that has meat inspection, this means an "official slaughter establishment." Since exempt mobile slaughters do not have an inspector on the premises to oversee slaughtering, an exempt mobile slaughterer is not authorized to do this work. This is not a new requirement. Exempt mobile slaughterers have never had the authority to slaughter unhealthy animals.

Comment: "Once a "downed" animal is inspected it must be transported to a state approved slaughterhouse for butchering."

Response: If "state approved slaughterhouse" means a 'state-licensed slaughterhouse, the answer is yes, if the animal is being slaughtered by someone other than the owner. Which type of slaughterhouse the animal is transported to

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depends upon whether the animal is being sold or offered for sale, or if it is being used solely for home consumption by the owner, the owner's immediate family or employees. A.R.S. § 3-2004 requires that *[e]very person licensed to slaughter livestock, sheep, goats, swine, horses, mules or other equines for sale or exchange shall slaughter animals in an established and recognized slaughterhouse kept by the licensee for that purpose, or in a slaughterhouse established by the authorities of a city or town.* A.R.S. § 3-2006 states that *[e]very person licensed as an exempt slaughterer of livestock, sheep, goats or equines shall, before slaughter, notify the nearest livestock officer of the location of the slaughter and the time if it is proposed to slaughter the animals.*

*B. Livestock shall not be slaughtered until the animals have been inspected, unless inspection before slaughter is waived by the associate director. . .*

**Comments:** "Home and ranch raised animals cannot be slaughtered outside a state approved slaughterhouse."

**Response:** Can an owner slaughter an animal himself for his own use? Certainly. A.R.S. § 3-2011 states that *[p]roducers or owners who slaughter livestock, sheep, goats, swine or equines for the purpose of using the meat for food for themselves, their immediate family or employees, and not for sale, shall not be required to procure a special permit or a license to slaughter as required by this article, but the whole hide of all livestock so slaughtered, except swine, shall be hung in a conspicuous place on the premises of the producer or owner and kept there until the hide has been inspected and marked or tagged by a livestock officer. The meat from the livestock so slaughtered shall not be removed from the premises of the producer or owner without being stamped "not for sale" by the livestock officer.*

The following procedure is followed when an inspection is required:

After an owner calls the Department for an inspection, if the livestock officer is available, he or she will be dispatched to inspect the animal. The officer documents this inspection on a Form 1, Livestock Inspection Certificate, which must accompany the animal to slaughter. During a livestock inspection, a livestock officer's primary purpose is to verify ownership of the animal. Livestock officers also check the animal to ensure that it appears healthy before it is transported to a slaughter establishment. From time to time, livestock officers will give a waiver to move livestock without an inspection and without a Form 1, Livestock Inspection Certificate, being issued. Generally, this occurs when the livestock officer's schedule will not permit an inspection without undue delay and the officer is familiar with the owner and the owner's operation. The waiver of the inspection is generally done verbally by telephone. This waiver does not mean that it is not necessary for the animal to be inspected. If it simply postpones the inspection until the animal reaches the slaughter establishment where inspection is then done by the livestock inspector or, in some cases, the slaughter establishment.

If an animal is diseased or otherwise unhealthy the livestock officer will approve slaughter only at an official slaughter establishment. It is the responsibility of the owner to arrange for transportation to whatever location is required. The Department is not responsible for any business transaction of the owner, whether transporting the animal or for mediating between the owner and slaughterer.

There are 11 official slaughtering establishments, 12 exempt non-mobile slaughtering establishments, 26 exempt mobile slaughterers, and 30 processors in Arizona. These entities must follow state statutes and rules to govern their business. However, the state cannot dictate how business is conducted. The response time, pricing schedule, and transporting conditions are all parameters of specific business methods and cannot be regulated by the state.

If an animal owner chooses to have an animal slaughtered on the owner's property and the animal will be used for the owner's personal use, the location does not have to be inspected, but the hide needs to be kept until it has been inspected by a livestock officer. (An animal can never be slaughtered within any city limits except in a licensed slaughter establishment.)

Only if the animal is unhealthy is it required to go to an official slaughter establishment and it is always the owner's responsibility to take care of the transportation. If the owner hires someone to transport the animal, this becomes a business transaction and terms of the contract are between the owner and the transporter.

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

None.

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

None.

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

No.

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

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE**

**ANIMAL SERVICES DIVISION**

Section

~~R3-2-208~~R3-2-203. Licenses; Registration; Records

R3-2-204. ~~Slaughterhouse Requirements~~ Official Slaughter Establishment

~~R3-2-203~~R3-2-208. Diseased and Injured Animals

R3-2-209. Exempt Non-mobile Slaughter Establishments

**ARTICLE 2. MEAT AND POULTRY INSPECTION**

~~R3-2-208~~ R3-2-203. **Licenses; Registration; Records**

- A.** Any person operating a business in any of the following categories shall obtain the appropriate license from the Department.
1. Types of slaughter licenses.
    - a. Official slaughter – the slaughtering of animals in a slaughterhouse for sale for human consumption.
    - b. Exempt slaughter.
      - i. Exempt non-mobile slaughter – the slaughtering or dressing of ~~animals~~ an animal in a stationary building for human consumption, ~~which are that is not to be sold or offered for sale.~~
      - ii. Exempt mobile slaughter – the slaughtering or dressing of an animal for human consumption by using a mobile structure on the property of the animal's owner, that is not sold or offered for sale.
  2. Types of meat licenses.
    - a. Broker – any person, firm or corporation engaged in ~~the business of~~ buying or selling carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments, ~~on commission or otherwise negotiating~~ A broker negotiates purchases or sales of such articles these products other than for the broker's own account, ~~or as an employee of another person, and is paid a commission.~~
    - b. ~~Custom exempt~~ Exempt – any person, firm or corporation engaged in ~~the business of~~ processing meat or poultry products without meat inspection, for the an individual owner of the meat ~~and that is not for sale.~~
    - c. Distributor – any person, firm or corporation engaged in ~~a business of~~ receiving carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments and storing or distributing properly identified these products to commercial outlets, processors, or individuals ~~and who conducts no processing. A distributor does not process any of these products.~~
    - d. Jobber – any person, firm, or corporation with an established place of business ~~who that~~ buys meat or poultry food products and offers ~~it~~ the products for sale to someone other than the ~~ultimate customer~~ end-use consumer.
    - e. Pet food manufacturer – any person, firm, or corporation engaged in ~~the business of~~ manufacturing animal food from meat or poultry ~~that is unfit for human consumption.~~
    - f. Processor – any person, firm, or corporation ~~who that~~ changes meat or poultry food products ~~in any way~~ by cutting, mixing, blending, canning, curing or otherwise preparing meat or meat food products ~~for~~ wholesale for human consumption.
    - g. Renderer – any person, firm, or corporation ~~who that~~ renders and tallows and any person, firm, or corporation engaged commercially in the hide, hair, or pelt removal, cutting up, or rendering of animals.
- B.** Applications for a license or registration pursuant to A.R.S. § 3-2081(A), shall be made on forms provided by the Department and shall contain the following ~~information~~:
1. The name of the applicant and the applicant's partners, officers or directors of the business, if any;
  2. The business name, ~~and~~ mailing address, telephone number, and social security number of the applicant;
  3. The exact location of the business, if different from subsection (B)(2).
- C.** All persons licensed or registered under this Section, and all other persons described in A.R.S. § 3-2081, shall maintain the records required under A.R.S. § 3-2081 for a minimum of ~~one~~ 1 year. In addition, all registered dead animal haulers, ~~and~~ licensed rendering and tallow plants, and pet food manufacturing plants shall prepare and submit the reports required under A.R.S. § 3-2695 and shall include copies of those reports as part of ~~their~~ records maintained under this ~~rule~~ Section and A.R.S. § 3-2081.

**R3-2-204. ~~Slaughterhouse Requirements~~ Official Slaughter Establishment**

In addition to the requirements in A.R.S. § 3-2051, the following shall be provided when slaughtering cattle, calves, sheep, and hogs:

1. No change.
2. No change.

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3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.
10. No change.
11. No change.
12. No change.
13. Water supply, wash basins, sterilizing facilities.
  - a. Hot and cold running water, under pressure, shall be available at all parts of the ~~plant~~ establishment and in conformity with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls that may be contaminated by the dressing procedure or handling of diseased carcasses, viscera, and other animal parts, shall be at least 180o F. A thermometer shall be installed to verify the temperature of the water at the point of use. ~~Cleanup~~ A cleanup hose shall be provided available for use.
  - b. Foot-pedal operated wash basins shall be placed in or near dressing rooms. These wash basins shall be equipped with running hot and cold water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. The drainage outlet shall lead directly into the ~~drain of the sewage system lines~~. Soap and towels, and a receptacle for dirty paper towels or other trash, shall be convenient to the wash basin.
  - c. One or more wash basins shall be located in the slaughtering department, and ~~one 1~~ or more in the sausage manufacturing room and at such any other places in the establishment as may be essential to insure ~~insure~~ cleanliness of all persons handling products. ~~These~~ The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. ~~They~~ The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage lines. Soap and disposable towels shall be convenient to the wash basins.
  - d. Water for sterilizing purposes shall be maintained at a temperature of at least 180° F. One or more sterilizing receptacles of rust-resisting, impervious material shall be placed at convenient locations in the slaughtering department for the sterilization of all implements ~~which that~~ have been contaminated or ~~which have been~~ used on a diseased carcass or part of a diseased carcass. The sterilizer shall be equipped with a cold water and steam line, or other means to maintain water at a temperature of at least 180° F. during ~~all~~ slaughtering operations. The sterilizer shall ~~also~~ contain a drain so that water may be completely drained out for daily cleaning. ~~of the sterilizer.~~ ~~Equipment such as boilers,~~ Boilers and water heaters shall not be located in the slaughtering department or in any edible products department. To prevent possible back siphonage, vacuum breakers shall be provided on all steam and water lines when ~~the~~ open ends are submerged or connected to equipment.
14. No change.

**~~R3-2-203.~~ R3-2-208.                      Diseased and Injured Animals**

**A. Diseased animals.**

1. No meat from any diseased animal shall be processed, sold or stored at premises where food is sold or prepared for human consumption, unless it ~~has been~~ is decharacterized and clearly ~~and properly~~ identified "Not for Human Consumption," ~~and decharacterized.~~
- B-2. Subsection (A)(1) ~~shall~~ does not apply to meat from animals affected by any disease ~~which that~~ does not ~~ordinarily~~ render ~~such the~~ meat unfit for human consumption provided if the affected animals so affected have been ~~are~~ slaughtered in establishments where meat inspection is maintained ~~pursuant to under~~ under A.R.S. § ~~3-2044~~ 3-2051 ~~or and~~ 9 CFR, Chapter III, Subchapter A, which ~~has been~~ is incorporated by reference in R3-2-202(A).

**~~C.B.~~ Injured animals. ~~Animals which do not appear healthy shall not be transported or delivered to or accepted by any exempt slaughter establishment, pursuant to A.R.S. § 3-2050. Animals which are freshly injured by accident or other means but are otherwise healthy, may be slaughtered without inspection if they are for the owner's personal use. An injured animal may be slaughtered by:~~**

1. The animal's owner at the owner's premises if the meat is used solely for consumption by the owner, the owner's immediate family, or employees. The owner shall keep the animal's hide until it has been inspected and marked or tagged by a livestock officer under A.R.S. § 3-2011.
2. An official slaughter establishment, if:
  - a. The animal is inspected by a livestock officer at origin, or
  - b. The animal is transported to the official slaughter establishment with a self-inspection certificate; or
  - c. The animal is transported to an official slaughter establishment with a waiver from the Associate Director and the waiver is documented by the livestock officer.

3. An exempt slaughterer, if the meat is used solely for consumption by the animal's owner, the owner's immediate family or employees, and if:
  - a. The animal's body temperature is 103o or less and except for the injury its condition appears normal; and
  - b. The animal is inspected by a livestock officer at origin who verifies the temperature and condition of the animal and approves it for slaughter; or
  - c. The Associate Director waives the inspection and the waiver is documented by the livestock officer, and the exempt slaughterer verifies the temperature and condition of the animal.

**R3-2-209. Exempt Non-mobile Slaughter Establishments**

In addition to A.R.S. § 3-2050 and the material incorporated in R3-2-202(A), the following shall be provided when slaughtering animals in an exempt non-mobile slaughter establishment:

1. General.
  - a. A metal knocking box or concrete box with metal door to confine the animal before stunning.
  - b. A distance of at least 3 feet from the header rail to the adjacent wall.
  - c. A bleeding rail with its top at least 16 feet above the floor, and
  - d. Dressing rails and cooler rails placed so the lowest part of the carcass is at least 12 inches from the floor.
2. Coolers. A chill cooler and separate holding cooler may be provided or both may be combined in 1 unit. The walls shall be light colored, smooth, free from cracks, and impervious to moisture. The door between the slaughtering department and the chill cooler shall be clad with rust-resistance-material. Rails shall be spaced at least 2 feet from walls, columns, refrigeration equipment, or other fixed equipment to prevent contact with the carcasses.
3. Disposal of blood. If blood is not permitted to drain into the sewage system, it may be collected in a metal tank and removed from the premises.
4. Drainage.
  - a. Floors that require flushing during operations shall have sloped floor drains to carry off the effluent. Drainage systems shall conform to state and local plumbing codes.
  - b. Grease recovery systems shall not mask odors or create a harborage for pests.
5. Ventilation and lighting. Natural ventilation may be supplemented by artificial means and shall be sufficient to ensure the absence of dust, masking odors, or steam vapors. To ensure adequate lighting at all times and at all places, natural lighting shall be supplemented by well-distributed artificial lighting.
6. Potable water supply, wash basins, sterilizing facilities.
  - a. Hot and cold running water, under pressure, shall be available in all parts of the plant and in conformity with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls that may be contaminated by the dressing procedure or handling of diseased carcasses, viscera, and other animal parts, shall be at least 180o F. A thermometer shall be installed to verify the temperature of the water at the point of use. A cleanup hose shall be available for use.
  - b. One or more wash basins shall be located in the slaughtering department. The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet at least 12 inches above the rim of the bowl. The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage lines. Soap and disposable towels shall be convenient to the wash basins.
  - c. The tool sterilizer shall be maintained at 180o F. and be in operation at all times during slaughter activities.
7. Protection against flies, rodents, or other vermin.
  - a. Establishments shall be free of flies, rats, mice, roaches, and other pests or vermin. The establishment shall be constructed and maintained to prevent entrance of pests to the premises and to eliminate breeding places from the surrounding area and in the establishment.
  - b. Animal handling facilities such as stock pens and runways shall be clean and manure or other waste materials removed shall not accumulate at or near the establishment.

**NOTICE OF FINAL RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**PREAMBLE**

**1. Sections Affected**

R4-7-1001  
R4-7-1001  
R4-7-1002  
R4-7-1002

**Rulemaking Action**

Repeal  
New Section  
Repeal  
New Section

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R4-7-1003	Repeal
R4-7-1003	New Section
Appendix A	Repeal
Appendix B	Repeal
Appendix C	Repeal
Appendix D	Repeal
Appendix E	Repeal
Appendix F	Repeal

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. § 32-904(B)(2)  
Implementing statute: A.R.S. § 32-926(B)(3)
3. **The effective date of the rules:**  
May 20, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening: 1 A.A.R. 289, April 7, 1995.  
Notice of Proposed Rulemaking: 3 A.A.R. 3486, December 12, 1997.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Patrice A. Pritzl, Executive Director  
Address: Board of Chiropractic Examiners  
5060 North 19<sup>th</sup> Avenue, Suite 416  
Phoenix, AZ 85015  
Telephone: (602) 255-1444  
Fax: (602) 255-4289
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
The preceptorship training program was initiated in order to provide chiropractic students an opportunity to gain experience in a supervised practice setting prior to licensure. The Board proposes extensive revision of the existing rules for the following reasons: to conform the rules to the authority of the implementing statute by eliminating participation by recent unlicensed graduates who are no longer students; to remove unnecessary limitations on the procedures an extern may perform; and to release externs, preceptors and the Board from the required use of forms that are obsolete, redundant and imprecise.
7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying each study, and 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 revised program has minimal economic, small business or consumer impact. Participating individuals will benefit in that reporting requirements have been significantly reduced.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
Minor grammatical changes were made based on comments from GRRC staff. In addition, sections have been added which define the reasons an application may be denied. Because of the extent of the changes, the Board is repealing the rules and promulgating new sections rather than amending the rules.
11. **A summary of the principal comments and the agency response to them:**  
The agency did not receive written or oral comment.
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:**

None.

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

No.

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 10. PRECEPTORSHIP TRAINING PROGRAM**

Sections

- R4-7-1001 ~~Eligibility; application~~ Repealed
- R4-7-1001 Eligibility; Application
- R4-7-1002 ~~Minimum requirements of a preceptorship program~~ Repealed
- R4-7-1002 Practice Limitations
- R4-7-1003 ~~Termination of the preceptorship program~~ Repealed
- R4-7-1003 Regulation and Termination of the Preceptorship Program
- Appendix A: Repealed
- Appendix B: Repealed
- Appendix C: Repealed
- Appendix D: Repealed
- Appendix E: Repealed
- Appendix F: Repealed

**ARTICLE 10. PRECEPTORSHIP TRAINING PROGRAM**

**R4-7-1001. ~~Eligibility; application~~ Repealed**

**~~A.~~ A student shall:**

- ~~1. Be in his or final academic year prior to receiving a degree in chiropractic, and have met all the requirements of a Board approved chiropractic college except clinical hours.~~
- ~~2. Have passed Part I of the National Board of Chiropractic Examiners exam and provide documentation that he or she is qualified to take Part II of the N.B.C.E. examination.~~
- ~~3. Have a current application (Form PP-1, shown as Appendix A) on file with the Board.~~
- ~~4. Submit to the Board a letter from the Dean of Academic Affairs and the Director of Clinics at the chiropractic college recommending the extern for participation in a preceptorship training program in Arizona.~~
- ~~5. Submit a \$75.00 filing fee.~~

**~~B.~~ An unlicensed graduate shall:**

- ~~1. Submit a certified copy of his or her final chiropractic college transcript showing a date of graduation within six months immediately preceding the next scheduled license examination.~~
- ~~2. Provide documentation of having passed both Part I and Part II of the National Board of Chiropractic Examiners examination.~~
- ~~3. Have a current application (Form PP-2, shown as Appendix B) on file with the Board.~~
- ~~4. Submit to the Board a letter from the Dean of Academic Affairs and the Director of Clinics at the chiropractic college recommending the extern for participation in a preceptorship training program in Arizona.~~
- ~~5. Submit a \$75.00 filing fee.~~

**~~C.~~ The Preceptor shall:**

- ~~1. Submit a sworn affidavit stating that he or she had been practicing continuously for the immediately preceding three years and in Arizona for at least one year (Form PP-3, shown as Appendix C).~~
- ~~2. Include in the affidavit the fact that he or she has never been disciplined and is not currently the subject of any professional disciplinary action in any state. The preceptor shall notify the Board of any malpractice action that occurs subsequent to Board approval of participation in the preceptorship training program.~~
- ~~3. Include his or her Arizona license number and year of issuance.~~
- ~~4. Submit the name, current mailing address, birth date and physical description of the extern.~~
- ~~5. Submit the exact location and hours during which the preceptorship training program will be conducted.~~
- ~~6. Submit monthly reports on Form PP-4, shown as Appendix D, and Form PP-5, shown as Appendix E, during the period of supervision, describing the extern's performance.~~

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**R4-7-1001. Eligibility; Application**

- A.** Both extern and preceptor shall submit a written application to the Board. The Board shall process the application within the time-frames provided in R4-7-502 (J). The application shall be submitted on a form that contains the extern's photo; the extern's and preceptor's name, address, telephone number, and any other names of the extern and preceptor; the preceptor's license number, number of years in practice, and disciplinary history; a waiver of confidentiality and notarized signature from both the extern and preceptor; the beginning and ending date of the program; location, days, and hours of the proposed program; the name and contact number for the sponsoring college; the date of extern graduation; and identification of the proposed scope of the program and the eligibility of the applicants for approval.
- B.** Except as provided in subsection (D), the Board may approve participation by an extern who:
- 1.** Concurrently participates in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college and provides verifiable proof of enrollment;
  - 2.** Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the extern's eligibility for or performance in the program;
  - 3.** Provides a Certificate of Attainment on Parts I and II of the examination by the National Board of Chiropractic Examiners;
  - 4.** Successfully completes and provides documentation of the coursework required by A.R.S. § 32-922.02 for practice of chiropractic specialties, if specialties are to be included in the training program; and
  - 5.** Submits the \$75.00 filing fee.
- C.** The Board shall not approve participation for an extern who:
- 1.** Has been the subject of disciplinary sanction or convicted of a felony or a misdemeanor involving moral turpitude.
  - 2.** Is currently under investigation for a licensing violation, felony or misdemeanor involving moral turpitude.
  - 3.** Fails to demonstrate good character and reputation.
  - 4.** Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely.
  - 5.** Has practiced chiropractic without a license or through participation in an approved preceptor program.
- D.** The Board may approve participation for a preceptor who:
- 1.** Concurrently participates as a preceptor at the chiropractic college in which the extern is enrolled throughout the program and provides verifiable proof of participation;
  - 2.** Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the preceptor's eligibility for or performance in the program;
  - 3.** Is licensed in Arizona for at least 5 years preceding the date the program is to begin and, if the program is to include practice of chiropractic specialties, is certified in those specialties for at least 3 years preceding the date upon which the program is to begin; and
- E.** The Board shall not approve participation for a preceptor who:
- 1.** Has been the subject of disciplinary sanction or convicted of a felony or a misdemeanor involving moral turpitude.
  - 2.** Is currently under investigation for a licensing violation, felony or misdemeanor involving moral turpitude.
  - 3.** Fails to demonstrate good character and reputation.
  - 4.** Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely.

**R4-7-1002. Minimum requirements of a preceptorship training program. Repealed**

The following requirements must be met for Board approval of a preceptorship training program:

- 1.** An extern shall not function in the program without written approval of the Board;
- 2.** An extern may participate in a preceptorship program until the results of the next scheduled license examination are released or for a period of six months, whichever occurs first.
- 3.** The extern shall not adjust a patient outside the physical presence of the preceptor. The extern may practice other areas of chiropractic, except radiography and those chiropractic specialties requiring certification, as long as the preceptor is on the same premises.
- 4.** Written consent to any phase of chiropractic procedures by an extern shall be obtained from each patient (Form PP-6, shown in appendix F).
- 5.** An extern shall be identified during office hours with a badge showing the extern's name and title, "Extern".
- 6.** As a condition of participating in a preceptorship program, the preceptor must permit the Board or its authorized agent to make unannounced periodic visits to facilities to ensure that the program is being properly maintained.

**R4-7-1002. Practice Limitations**

- A.** Under the supervision of the preceptor and commensurate with the extern's education, training, and experience, an extern may engage in the practice of health care, as defined in A.R.S. § 32-925, except that an extern shall not perform any procedure defined as a chiropractic specialty requiring certification unless the extern and the preceptor have met the eligibility requirements in R4-7-1001 for that specialty.
- B.** At all times when patients may be present, the extern shall wear a badge showing the extern's name and the title "Extern" in capital letters equal in size to the name.

- C. Before an extern conducts an examination or renders care to a patient, the preceptor shall secure from the patient a written consent to the examination or care. The written consent shall specify that the patient understands that an extern is not a licensed doctor, and that the preceptor retains responsibility for quality of care. The preceptor shall maintain the signed consent as a part of the patient's file.

**R4-7-1003. Termination of the Preceptorship Program Repealed**

A preceptorship training program terminates:

1. Upon notice by the Board that the extern has failed any part of the examination or upon issuance of an Arizona license to practice chiropractic.
2. If the Board finds that the preceptor was not in the room at all times while the extern was adjusting a patient or finds that the preceptor was not on the premises at all times while the extern is in the presence of a patient.
3. If the Board finds that either the extern or the preceptor failed to comply with R4-7-1002 or committed any of the acts specified in A.R.S. § 32-924. (A).

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

- A. The Board, on its own initiative or upon receipt of a complaint, may investigate conduct of an extern or preceptor occurring within the program for compliance with these rules and A.R.S. § 32-924. The Board may, pursuant to A.R.S. § 32-929, obtain patient records as part of the investigation.
- B. If after investigation, the Board determines that the conduct of the extern or preceptor imperatively requires emergency action, the Board shall suspend approval of the program pending proceedings for termination or other action. The Board shall promptly notify the extern, the preceptor, and the college of the suspension, the reasons for the suspension, and the conditions under which the suspension may be lifted, if any.
- C. If after a hearing, the Board determines that the conduct of the preceptor or the extern constituted a violation of these rules or A.R.S. § 32-924, the Board shall terminate the program and may sanction the preceptor or deny licensure to the extern if the extern has applied for a license.
- D. If the Board receives written verification from a chiropractic college that the extern or preceptor is no longer concurrently participating in the associated chiropractic college program, the Board shall terminate approval of the extern's training program.
- E. An extern may participate in a preceptorship program until the results of the next scheduled Part IV of the National Board of Chiropractic Examiners examination are released or for 6 months, whichever occurs 1st.

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**APPENDIX A**

State of Arizona

**BOARD OF CHIROPRACTIC EXAMINERS**

Student

Application for Chiropractic Preceptorship Program

Fee \$75.00

I, \_\_\_\_\_, herewith make application for the Preceptorship Program in Arizona in accordance with the Arizona Revised Statutes (Title 32, Chapter 8) and the rules and regulations as promulgated by the Arizona Board of Chiropractic Examiners and do hereby certify that I am the applicant mentioned in this application and that all statements are true and correct to my knowledge and belief, and further certify that the photograph is a true likeness of myself.

I, \_\_\_\_\_, hereby certify that I have completed Part I of the National Board of Chiropractic Examiners examination and am qualified to take Part II of the National Board of Chiropractic Examiners examination.

\_\_\_\_\_  
(Signature of Applicant)

\*\*\*\*\*

State of \_\_\_\_\_

County of \_\_\_\_\_

Before me personally appeared \_\_\_\_\_ of lawful age, to me known to be the person who signed this document of application and being by me first duly sworn, on oath states that all the statements in this application are true and correct to the best of his knowledge and belief.

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_.

My commission Expires:

\_\_\_\_\_  
SEAL

(Signature of Notary)

\*\*\*\*\*

Attach a 2" x 3" photo here.

Must be exact size. Must have been taken within 60 days immediately preceding filing of this application.

Use head & shoulders only.

Full length snapshots or proofs are not acceptable.

**TYPE OR PRINT IN BLACK INK.**

1. Name in full \_\_\_\_\_

2. Current mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

3. Name of supervising chiropractor \_\_\_\_\_

4. Current mailing address of supervising chiropractor \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

DATE \_\_\_\_\_

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**APPENDIX B**

State of Arizona

**BOARD OF CHIROPRACTIC EXAMINERS**

Unlicensed Graduate

Application for Chiropractic Preceptorship Program

Fee \$75.00

I, \_\_\_\_\_, herewith make application for the Preceptorship Program in Arizona in accordance with the Arizona Revised Statutes (Title 32, Chapter 8) and the rules and regulations as promulgated by the Arizona Board of Chiropractic Examiners and do hereby certify that I am the applicant mentioned in this application and that all statements are true and correct to my knowledge and belief, and further certify that the photograph is a true likeness of myself.

I, \_\_\_\_\_, hereby certify that I have passed both the Part I and II of the National Board of Chiropractic Examiners examinations and will request transcripts be sent to the Arizona Board of Chiropractic Examiners.

\_\_\_\_\_  
(Signature of Applicant)

\*\*\*\*\*

State of \_\_\_\_\_

County of \_\_\_\_\_

Before me personally appeared \_\_\_\_\_ of lawful age, to me known to be the person who signed this document of application and being by me first duly sworn, on oath states that all the statements in this application are true and correct to the best of his knowledge and belief.

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_.

My commission Expires:

SEAL

\_\_\_\_\_  
(Signature of Notary)

\*\*\*\*\*

TYPE OR PRINT IN BLACK INK.

Attach a 2" x 3" photo here.

Must be exact size. Must have been taken within 60 days immediately preceding filing of this application.

Use head & shoulders only.

Full length snapshots or proofs are not acceptable.

1. Name in full \_\_\_\_\_

2. Current mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

3. Name of supervising chiropractor \_\_\_\_\_

4. Current mailing address of supervising chiropractor \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

DATE \_\_\_\_\_

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**APPENDIX C**

**AFFIDAVIT OF PRECEPTOR**

I, \_\_\_\_\_, do hereby certify the following:

(Type or print in black ink)

1. I have been practicing continuously for the past three years immediately preceding filing of this affidavit and have practice in Arizona for one or more years.
2. I have never been disciplined by any state board and am not now currently the subject of any professional disciplinary action in any state.
3. I agree to notify the Arizona Board of Chiropractic Examiners of any malpractice action that occurs subsequent to the Board's approval of my participation in the preceptorship training program.
4. I agree to submit monthly reports during the period that I am supervising the named extern.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of Chiropractic Physician)

1. Name of preceptor \_\_\_\_\_  
(type or print in black ink)

2. Arizona Chiropractic license number: \_\_\_\_\_ Date of Issue: \_\_\_\_\_

3. Location of preceptorship training program: \_\_\_\_\_  
\_\_\_\_\_  
(street address, city, state and zip)

4. Hours to be worked: \_\_\_\_\_

5. Name of extern: \_\_\_\_\_

6. Local mailing address of extern: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Birthdate of extern: \_\_\_\_\_

8. Physical description of extern: Height \_\_\_\_\_ Weight \_\_\_\_\_

Color of hair \_\_\_\_\_ Color of eyes \_\_\_\_\_ Any unusual identifying marks \_\_\_\_\_

\*\*\*\*\*

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Before me personally appeared \_\_\_\_\_ of lawful age, to me known to be the person who signed this document of affidavit and being by me first duly sworn, on oath stated that all the statements in this affidavit are true and correct to the best of his knowledge and belief.

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

State of \_\_\_\_\_

County of \_\_\_\_\_

My commission Expires:

(SEAL)

\_\_\_\_\_

(Signature of Notary)



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**APPENDIX E**

PRECEPTOR'S MONTHLY EVALUATION  
 OF  
 EXTERN'S PERFORMANCE

Evaluation for \_\_\_\_\_  
 Month of \_\_\_\_\_ 198 \_\_\_\_\_

	<b>SUPERIOR</b>	<b>Above-Average</b>	<b>Average</b>	<b>Below-Average</b>	<b>Inadequate</b>	
1. The extern is punctual in meeting commitments.						1.
2. The extern can be depended upon to carry out routine assignments properly.						2.
3. The extern is thorough and accurate in keeping records on patients in his/her care.						3.
4. The extern demonstrates the ability to arrive at accurate diagnostic conclusions in a case.						4.
5. The extern is courteous and effective in his/her approach to patients, and the extern's actions indicate a sincere respect for the patient's needs.						5.
6. The extern makes appropriate use of available consultants.						6.
7. The extern demonstrates a positive and constructive attitude toward the responsibilities of his/her position and in interactions with other staff personnel.						7.
8. Once a therapeutic program has been established for a patient, the extern assumes responsibility for its fulfillment.						8.
9. The extern's technical procedure in the conduct of patient examinations is consistent with approved standards.						9.
10. The extern conduct history taking in a professional and technically competent manner.						10.
11. The extern's technical procedure in the administration of chiropractic adjustments is consistent with approved standards.						11.
12. The extern's utilization of nutritional counseling in patient care is consistent with approved standards.						12.
13. The extern's personal appearance and attire reflect neatness and are in keeping with that expected of a doctor.						13.
14. The extern demonstrates an awareness of ethical and professional responsibility in his/her dealings with patients, colleagues and the public (refer to ACA or ICA handbooks on professional ethics).						14.
15. The extern completes insurance and related reports in a timely and professional manner.						15.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For additional comments use back of this sheet.

\_\_\_\_\_  
 Preceptor's Signature \_\_\_\_\_ Date

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**APPENDIX F**

CONSENT FORM

I, \_\_\_\_\_ hereby consent to allow Extern  
\_\_\_\_\_ to perform chiropractic procedures  
on me.

I understand that Extern \_\_\_\_\_ is not licensed  
as a chiropractic physician in the state of Arizona, but is practicing under the supervision  
of Dr. \_\_\_\_\_ who is approved as a pre-  
ceptor by the Arizona Board of Chiropractic Examiners.

\_\_\_\_\_ DATE \_\_\_\_\_

(Patient's signature)

\_\_\_\_\_ DATE \_\_\_\_\_

(Witness)



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11. **A summary of the principal comments and the agency response to them:**  
None were received.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
None.
13. **Incorporations by reference and their location in the rules:**  
None.
14. **Was this rule previously adopted as an emergency rule?**  
No.
15. **The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 43. BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

**ARTICLE 3. HEARINGS**

Section

R4-43-302. Rehearing or Review of Decision

**ARTICLE 3. HEARINGS**

**R4-43-302. Rehearing or Review of Decision**

- A. ~~Except as provided in subsection (G), any party appearing before the Board, who is aggrieved by a decision rendered, may file with the Board, not later than ten days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor.~~  
The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and rules established by the Office of Administrative Hearings.
- B. ~~A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board. A response may be filed within ten days after service of such motion or amended motion by any other party. The Board may require the filing of written briefs addressing the issue raised in the motion and may provide for oral argument.~~  
A party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C. ~~A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:~~  
~~1. Irregularity in the administrative proceeding of the agency, its hearing officer or the prevailing party, or any order or abuse of discretion, which deprived the moving party of a fair hearing;~~  
~~2. Misconduct of the Board or the prevailing party;~~  
~~3. Accident or surprise which could not have been prevented by ordinary prudence;~~  
~~4. Newly discovered material evidence which could not have been discovered with reasonable diligence and produced at the original hearing;~~  
~~5. Excessive or insufficient penalties;~~  
~~6. Error in the admission or rejection of evidence, or other errors of law occurring at the original hearing;~~  
~~7. The decision was not justified by the evidence or is contrary to law.~~  
A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. ~~The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reason set forth in subsection (C). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.~~  
The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:  
1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;  
2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;  
3. Accident or surprise that could not have been prevented by ordinary prudence;  
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;  
5. Excessive penalty;  
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;

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7. That the Board's decision is a result of passion or prejudice; or
  8. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E. Not later than ten days after a decision is rendered, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on a motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case, the order granting such a rehearing must specify the grounds therefor. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F. When a motion for rehearing is based upon affidavits, they must be served with the motion. An opposing party may serve opposing affidavits within ten days after such services. This period may be extended by the Board for an additional period not exceeding 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, for good cause as described in subsection (I).
- G. If in a particular decision the Board makes specific findings that the immediate effectiveness of such a decision is necessary for the immediate preservation of the public health, safety and welfare and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for a rehearing, an application for judicial review of the decision shall be made within the time limits permitted for application for judicial review of the Board's final decision. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence and:
1. A ruling on the motion will further administrative convenience, expedition, or economy; or
  2. A ruling on the motion will avoid undue prejudice to any party.