

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 3. AGRICULTURE

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

#### PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R3-2-1004                   | Amend                    |
| R3-2-1005                   | Amend                    |
| R3-2-1007                   | Amend                    |
| R3-2-1008                   | Repeal                   |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 3-107(A)(1)  
Implementing statute: A.R.S. § 3-2903
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 4393, October 10, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Sherry D. Blatner, Rules Analyst  
Address: Arizona Department of Agriculture  
1688 W. Adams, Room 235  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: sherry.blatner@agric.state.az.us
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**  
This rulemaking is in response to the Division's Five-year Review Report approved by the Council on August 6, 2002.  
Persons seeking an aquaculture facility license, a fee fishing facility license, or a special license to culture or possess aquatic plants or animals will be required to provide a description of the structural and operational methods that would be used to prevent escape of the species requested. A transporter will be permitted to deliver aquatic animals to facilities licensed by either the Department or by the Arizona Department of Game & Fish, as well as to retail outlets prescribed at A.R.S. § 3-2907(J).  
Language usage is conformed to the current publication standards of the Office of the Secretary of State.
- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None

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

Not applicable

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

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to educating staff and the regulated community on the amendments.

B. *Political Subdivision.*

Other than the Department, no political subdivision is affected by this rulemaking.

C. *Businesses Directly Affected by the Rulemaking.*

Persons seeking an aquaculture facility license, a fee fishing facility license, or a special license to culture or possess aquatic plants or animals are required to provide a description of the structural and operational methods that would be used to prevent escape of the species requested. A transporter will be permitted to deliver aquatic animals to facilities licensed by the Department or by the Arizona Department of Game & Fish, as well as to retail outlets prescribed at A.R.S. § 3-2907(J).

Clarification of language in the amended rules should enhance a person's ability to comply with regulations.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Sherry D. Blatner, Rules Analyst

Address: Arizona Department of Agriculture  
1688 W. Adams, Room 235  
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the rules analyst listed in item #4 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 5:00 p.m. on November 17, 2003.

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

None

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

None

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

**TITLE 3. AGRICULTURE**

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

**ARTICLE 10. AQUACULTURE**

Section

- R3-2-1004. Specific Licensing Provisions: Aquaculture Facility License; Fee Fishing Facility; Special License Facility  
R3-2-1005. Fee Fishing Facility License  
R3-2-1007. Transporter License; Transport; Delivery  
R3-2-1008. Special Licenses Repealed

ARTICLE 10. AQUACULTURE

**R3-2-1004. Specific Licensing Provisions; Aquaculture Facility License; Fee Fishing Facility; Special License Facility**

- A. In addition to ~~complying with~~ the application requirements of ~~in~~ R3-2-1003, ~~applicants~~ an applicant for a license to operate an aquaculture facility, a fee fishing facility, or a special license facility as defined in A.R.S. § 3-2901(1) shall provide the following information on a form ~~furnished~~ provided by the Department:
1. Water sources, transmission, and conveyances;
  2. Method used to dispose of tailing waters and solid wastes;
  3. Number and size of ponds, raceways, and tanks, if applicable;
  4. Whether hatchery facilities are included;
  5. A list of all animals and plants to be authorized ~~pursuant to~~ under the license by genus, species, and common name.
- B. Applications to culture or possess aquatic animals or plants ~~which that~~ have not previously occurred in the drainage where the facility is located shall be accompanied by a written proposal. ~~The recommendations of the Arizona Game and Fish Department shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny an import permit as defined in R3-2-1010.~~ The applicant's proposal shall include:
1. Anticipated benefits from introducing species;
  2. Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;
  3. Anticipated diseases inherent to introduced species;
  4. Suggestions for post-introduction evaluation of status and impacts of introduced species; and
  5. Structural and operational methods implemented to prevent escape of the requested species, if applicable.
- C. ~~All bodies~~ Each body of water serving ~~an aquaculture~~ a facility shall be contained within the boundaries of the land owned or leased by the licensee.
- D. ~~An aquaculture~~ A facility using public waters having natural or artificial inlets, rivers, creeks, washes, or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals and plants, including eggs and fry, from escaping beyond the aquaculture facility boundaries or into public bodies of water.
- E. An applicant for a special license shall also provide the following information to the Department at the time of application:
1. A typed narrative describing the project in detail, the project purpose, the hypothesis, and the project duration; and
  2. The proposed disposition of the research aquatic animals or plants upon completion of the project.
- F. The Department shall consider the recommendations of the Arizona Game and Fish Department, under A.R.S. § 3-2903, when determining whether or not to issue a license, or an import permit under R3-2-1010. The Department may issue a license with a prohibition against some of the requested animal or plant species requested in the application.

**R3-2-1005. Fee Fishing Facility License**

- ~~A.~~ In addition to ~~complying with~~ the application requirements of R3-2-1003, ~~an applicant~~ for a license to operate ~~fee fishing facility~~ as defined in A.R.S. § 3-2901(8) shall provide the following information on a form furnished by the Department:
1. Water sources, transmission, and conveyances;
  2. Method used to tailing waters and solid wastes; dispose of
  3. Number and size of ponds and tanks;
  4. Whether hatchery facilities are included;
  5. A list of all aquatic animal and plants by genus, species, and common name to be authorized pursuant to the license.
- ~~B.~~ Applications to ~~possess~~ aquatic animals or plants ~~which have not previously occurred in the drainage where the facility is located shall be accompanied by a written proposal. The recommendations of the Arizona Game and Fish Department shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny an import permit. The applicant's proposal shall include:~~
1. Anticipated benefits from introducing species;
  2. Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;
  3. Anticipated diseases inherent to introduced species;
  4. Suggestions for post-introduction evaluation of status and impact of introduced species.
- ~~C.~~ All bodies of water serving a fee fishing facility shall be contained within the boundaries of the land owned or leased by the licensee. ~~A fee fishing facility using public waters having natural or artificial inlets, rivers, creeks, washes or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals or plants, including eggs and fry, from escaping beyond the facility boundaries or into public bodies of water.~~
- ~~D.~~ Aquatic animals removed from a fee fishing facility shall be dead and accompanied by written evidence of sale identifying the:
1. Facility, by name, address, and Department establishment number ~~as described in~~ issued under R3-2-1003(H);

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2. Date of harvest; and
3. Number and species of aquatic animals transported from the facility.

**R3-2-1007. Transporter License; Transport; Delivery**

- A. In addition to ~~complying with~~ the application requirements of in R3-2-1003, ~~applicants~~ an applicant for a license to operate as an aquaculture transporter of live aquatic animals as defined in A.R.S. § 3-2901(15), ~~with exception of aquatic plants~~, shall provide the following information on a form ~~furnished~~ provided by the Department:
1. Designation of whether ~~the license will be~~ is for interstate or intrastate transport, or both;
  2. A list of aquatic transporting equipment to be used, ~~both~~ including tanks and vehicles, and vehicle license number; and
  3. Prior year volume or anticipated annual tonnage of live aquatic animals transported.
- B. ~~Transporting~~ A transporter shall ensure that the aquatic transporting equipment shall provide for is provided with adequate water and oxygen at temperatures and quantities normal for the health of the live aquatic animals ~~in transit~~ and shall be clearly marked, "Live Fish".
- C. In addition to a copy of the ~~certificate of aquatic health~~ Certificate of Aquatic Health, as defined in ~~R3-2-1001~~, all ~~containers~~ each container of live aquatic animals being transported within ~~the state~~ Arizona shall be accompanied by a document identifying:
1. ~~The consignor's~~ Consignor's name, address, and telephone number;
  2. ~~The consignee's~~ Consignee's name, address, and telephone number;
  3. ~~The quantity~~ Quantity and size of aquatic animals being transported;
  4. ~~The genus~~ Genus, species, and common name of aquatic animals being transported;
  5. ~~The date~~ Date of shipment; and
  6. ~~The~~ Department establishment number.
- D. A transporter shall ~~not only~~ deliver live aquatic animals to a ~~destination other than a facility licensed by the Department,~~ and with the exception of retail outlets ~~outlet~~, as prescribed by at A.R.S. § 3-2907(J), ~~unless the transporter has a valid aquatic wildlife stocking permit issued by the Arizona Game and Fish Department or to a person listed in R3-2-1010(B).~~

**R3-2-1008. Special Licenses Repealed**

- A. In addition to ~~complying with~~ the application requirements of ~~R3-2-1003~~, applicants for a special license for the purpose of education and research shall provide the following information on a form furnished by the Department:
1. ~~Water sources, transmission and conveyances;~~
  2. ~~Method used to dispose of tailing waters and solid wastes;~~
  3. ~~Number and size of ponds and tanks;~~
  4. ~~Whether hatchery facilities are included.~~
- B. The following information shall also be provided to the Department at the time of application:
1. A typed narrative describing the project in detail, the project purpose, the hypothesis, and the project duration;
  2. A list of live aquatic animals or plants to be authorized under the license by genus, species and common name;
  3. The proposed disposition of the research aquatic animals or plants upon completion of the project.
- C. ~~The Department shall deny the application for a special license when it determines the proposal does not meet the intent of A.R.S. § 3-2908.~~
- D. ~~Applications to possess aquatic animals or plants which have not previously occurred or have not been cultured in the drainage where the aquatic animals or plants will be held shall be accompanied by a written proposal. The recommendations of the Arizona Game and Fish Department shall be considered, pursuant to A.R.S. § 3-2903, by the Department in determining whether to issue or deny the license. The applicant's proposal shall include:~~
1. ~~Anticipated benefits from introducing species;~~
  2. ~~Anticipated adverse effects from introducing species, as it may affect indigenous or game fish, including hybridization;~~
  3. ~~Anticipated diseases inherent to introduced species;~~
  4. ~~Suggestions for post introduction evaluation of status and impacts of introduced species.~~
- E. ~~All bodies of water serving a special license facility shall be contained within the boundaries of the land owned or leased by the licensee. A facility using public waters having natural or artificial inlets, rivers, creeks, washes or canals shall provide mechanical screening approved by the Department to prevent live aquatic animals or plants, including eggs and fry, from escaping beyond the facility boundaries or into public bodies of water.~~

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 1. BOARD OF ACCOUNTANCY**

**PREAMBLE**

- 1. Sections Affected**

R4-1-101	<b><u>Rulemaking Action</u></b>
R4-1-115.03	Amend
R4-1-454	New Section
	New Section
- 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. § 32-703  
Implementing statute: A.R.S. § 32-703
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 9 A.A.R. 3058, July 11, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Valerie M. Elliott, Executive Director
Address:	Accountancy Board 100 N. 15th Avenue, Ste. 165 Phoenix, AZ 85007
Telephone:	(602) 364-0804
Fax:	(602) 364-0903
E-mail:	vme@mail.accountancy.state.az.us
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**

The initiation of the rulemaking is, in part, in response to a recommendation made by the Auditor General in its last Sunset Review of the Board. The rule implements a peer review program which serves as an educational tool for registrants, and a means to ensure that the public receives quality performance from the professionals who are regulated by the Board.
- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable
- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable
- 8. The summary of the economic, small business, and consumer impact:**

The proposed rules result directly from statutory change in which the Board may require peer review on a general and random basis of the professional work of a registrant engaged in the practice of accounting. Every three years, registrants who perform restricted financial, full-disclosure compilation or non-disclosure compilation services will be required to undergo peer review and bear the burden of the cost. The proposed rules will benefit the public by increasing the monitoring and education of certified public accountants who perform restricted financial, full-disclosure compilation or non-disclosure compilation services.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name:	Valerie M. Elliott, Executive Director
Address:	Accountancy Board 100 N. 15th Avenue, Ste. 165 Phoenix, AZ 85007
Telephone:	(602) 364-0804

Notices of Proposed Rulemaking

Fax: (602) 364-0903  
E-mail: vme@mail.accountancy.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Date: November 19, 2003  
Time: 8:30 a.m.  
Location: Accountancy Board  
100 N. 15th Avenue, Ste. 165  
Phoenix, AZ 85007  
Nature: Oral Proceeding

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

Not applicable

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

American Institute of Certified Public Accountants Standards for Performing and Reporting on Peer Reviews is referenced in R4-1-101(2) and R4-1-454(D).

American Institute of Certified Public Accountants Statements on Standards for Accounting and Review Services is referenced in R4-1-101(5) and R4-101(10).

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 1. BOARD OF ACCOUNTANCY**

**ARTICLE 1. GENERAL**

Section

R4-1-101. Definitions  
R4-1-115.03. Peer Review Oversight Advisory Committee

**ARTICLE 4. REGULATION**

Section

R4-1-454. ~~Peer Review~~ Peer Review

**ARTICLE 1. GENERAL**

**R4-1-101. Definitions**

1. No change
2. No change
3. No change
4. No change
5. Compilation services means a compiling of financial statements under the standards prescribed by the American Institute of Certified Public Accountants, Statements on Standards for Accounting and Review Services.
- ~~5-6.~~ No change
- ~~6-7.~~ No change
- ~~7-8.~~ No change
9. Full disclosure compilation means services to compile financial statements that do not omit substantially all disclosures.
10. Non disclosure compilations means services to compile financial statements that omit substantially all footnote disclosures excluding internal use financial statements issued without a compilation in accordance with the American Institute of Certified Public Accountants Statements on Standards for Accounting and Review Services.
- ~~8-11.~~ No change
12. Peer Review means a review conducted in accordance with the American Institute of Certified Public Accountants Standards for Performing and Reporting on Peer Reviews or other standards recognized by the Board that are at least as stringent as the standards established by the American Institute of Certified Public Accountants, of one or more aspects of the professional work of a firm holding a certificate of authority issued by the Board to practice public accounting that performs restricted financial, full-disclosure compilation or non-disclosure compilation services.

Notices of Proposed Rulemaking

- 9-13.No change
- 10-14.No change
- 11-15.No change
- 12-16.No change
- 13-17.No change

**R4-1-115.03. Peer Review Oversight Advisory Committee**

- A.** The Board may appoint an advisory committee to monitor the peer review program. The committee shall:
  - 1. Serve as advisers to the Board;
  - 2. Report to the Board on effectiveness of the review program;
  - 3. Provide the Board with a list of persons and firms that have participated in peer reviews;
  - 4. Recommend to the Board procedures for fulfilling its role, including the phase-in procedures for implementing the peer review programs for complying with and implementing the minimum standards for performing and reporting on peer review;
  - 5. Maintain documents in a manner that preserves the confidentiality of the names of individuals and business organizations, including any information pertaining to a specific business organization that may be disclosed to the committee during the course of its business;
  - 6. Report to the Board on any modifications to the peer review program;
  - 7. And review all applications to sponsor peer review program and recommend to the Board approval as it considers appropriate.
- B.** The Board, in its discretion, may accept, reject or modify the recommendations of the Peer Review Oversight Advisory Committee.

ARTICLE 4. REGULATION

**R4-1-454. Repealed Peer Review**

- A.** Effective with registrations beginning on or after July 1, 2004, each firm, as defined in A.R.S. § 32-701(8), which is registered with the Board, that performs restricted financial services or full disclosure compilation services shall complete a peer review within three years of their registration date.
  - 1. The firm must submit to the Peer Review Oversight Committee a peer review report and any additional related documentation required by the Peer Review Oversight Committee. The Peer Review Oversight Committee shall not require the submission of the working papers related to the peer review process.
  - 2. The initial peer review must be completed by December 31, 2005. Firms, whose registration due date is between July 1, 2004 and December 31, 2005, have until December 31, 2005 to comply.
  - 3. Firms whose registration due date is after December 31, 2005 must submit the required peer review with the then current registration renewal.
  - 4. Upon a showing of good cause, the Board may grant the firm an extension of the time to complete peer review.
- B.** Peer reviews shall be conducted by the Peer Review Oversight Committee or by a peer reviewer who is approved by the Board or its designated agent, who hold a certificate or license in good standing to practice public accounting, who is not affiliated with the person or firm being reviewed and who is otherwise qualified pursuant to the rules of the Board.
- C.** A firm that has obtained a national peer review approved by the Peer Review Oversight Committee using the standards described in this rule is considered to have met the peer review requirements under this Section.
- D.** Beginning July 1, 2004, if the highest level of services performed by a firm involving financial statements is nondisclosure compilations, the Board may request, on a random basis, as a condition for initial or renewal registration, that the firm provide a peer review report and acceptance letter dated within three years of the then current registration date or submit to the Peer Review Oversight Advisory Committee a nondisclosure compilation for report review as established in the American Institute of Certified Public Accountant's Standards for Reporting on Peer Review.
- E.** Peer review is completed when either the peer reviewer or the Peer Review Oversight Committee sends a peer review report letter to the firm.
- F.** If the results of peer review indicate that a firm has deficiencies with the Peer Review standards as defined in R4-1-101:
  - 1. The Board shall direct the Peer Review Oversight Committee to obtain reports, letters of comment, if issued, and any follow-up action required as a consequence of the deficiencies. All documents so obtained shall be retained until completion and the Board's acceptance of the next peer review of the firm.
  - 2. The Board at its discretion may direct the firm to appear before the Peer Review Oversight Committee for an interview to examine the results of the peer review. If, after an interview, the Peer Review Oversight Committee determines that the firm has not corrected deficiencies, it may refer the matter to the Board.
  - 3. Upon review of the Committee's recommendation, the Board may take disciplinary action as defined in A.R.S. § 32-701(6).
- G.** Information discovered solely as a result of a peer review is not grounds for suspension or revocation of a certificate.

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- H.** The failure of a firm to comply with a peer review under this rule constitutes grounds for revocation or suspension of a certificate, after notice and opportunity for a hearing, unless the Board determines that there is good cause for the failure.
- I.** Exemptions: A firm shall be exempt from the requirements for peer review if the firm submits to the Board a written statement that it meets at least one of the following grounds for exemption:
1. The firm has never practiced public accounting in this state or any other state or foreign country and will undergo a peer review within 18 months of registration.
  2. Submission to the Board of an affidavit in a form prescribed by the Board stating that all of the following apply:
    - a. Within the previous three years, the firm did not undertake any engagement that resulted in issuing a restricted financial services, full disclosure or non-disclosure compilations;
    - b. Within the next three years, the firm has no intention to undertake any engagement that will result in issuing a restricted financial services, full disclosure or non-disclosure compilations;
    - c. The firm agrees to notify the Board within 90 days after accepting a restricted financial services or full disclosure compilation engagement and will undergo a peer review within 18 months from the year-end of the engagement accepted.
    - d. The firm agrees to notify the Board within 90 days after accepting a non-disclosure compilation engagement.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 1. BOARD OF ACCOUNTANCY**

**PREAMBLE**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R4-1-453                           | Amend                           |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing statute: A.R.S. § 32-703  
Implementing statute: A.R.S. § 32-730
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 1874, June 13, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- |            |  |
|------------|--|
| Name:      | Valerie M. Elliott, Executive Director                                 |
| Address:   | Accountancy Board<br>100 N. 15th Avenue, Ste. 165<br>Phoenix, AZ 85007 |
| Telephone: | (602) 364-0804   |
| Fax:       | (602) 364-0903   |
| E-mail:    | vme@mail.accountancy.state.az.us                                       |
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
A requirement for ethics continuing professional education will heighten registrants' ethical awareness, increase their knowledge in the areas of professional responsibility, and enable them to comply with professional standards and Arizona statutes and rules.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable

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

The economic impact of the proposed rule does not involve small business or consumers. The proposed rule will not affect the number of continuing professional education hours registrants are currently required to complete. The proposed rule merely requires four of those required hours be in the area of ethics.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Valerie M. Elliott, Executive Director  
Address: Accountancy Board  
100 N. 15th Avenue, Ste. 165  
Phoenix, AZ 85007  
Telephone: (602) 364-0804  
Fax: (602) 364-0903  
E-mail: vme@mail.accountancy.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: November 19, 2003  
Time: 1:30 p.m.  
Location: Accountancy Board  
100 N. 15th Avenue, Ste. 165  
Phoenix, AZ 85007  
Nature: Oral Proceeding

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

Not applicable

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

None

**13. The full text of the rule follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 1. BOARD OF ACCOUNTANCY**

**ARTICLE 4. REGULATION**

Section

R4-1-453. Continuing Professional Education

**ARTICLE 4. REGULATION**

**R4-1-453. Continuing Professional Education**

- A. No change
- B. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
- C. No change
  - 1. No change
    - a. No change
    - b. No change

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- c. No change
- d. No change
- 2. No change
- 3. Notwithstanding the foregoing, an ethics program taught or developed by an employer or co-worker of a registrant shall not qualify towards meeting the ethics requirement of subsection (D)(5).
- D. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. All registrants shall complete four hours of CPE in ethics training during the two-year period immediately preceding registration renewal. The four hours shall include a minimum of one hour of each of the following:
    - a. Ethics related to the practice of accounting including the American Institute of Certified Public Accountants Professional Code of Conduct;
    - b. The Arizona Accountancy board statutes and administrative rules.
  - ~~5-6.~~ No change
  - ~~6-7.~~ No change
  - ~~7-8.~~ No change
  - ~~8-9.~~ No change
  - ~~9-10.~~ No change
  - ~~10-11.~~ No change
- E. No change
- F. No change

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 19. BOARD OF NURSING**

**PREAMBLE**

<b><u>1. Sections Affected</u></b>	<b><u>Rulemaking Action</u></b>
R4-19-301	Amend
R4-19-302	Amend
R4-19-303	Renumber
R4-19-303	New Section
R4-19-304	Renumber
R4-19-304	Amend
R4-19-305	Renumber
R4-19-305	Amend
R4-19-306	Renumber
R4-19-306	Amend
R4-19-307	Renumber
R4-19-307	Amend
R4-19-308	Renumber
R4-19-308	Amend
R4-19-309	Renumber
R4-19-309	Amend
R4-19-310	New Section
R4-19-311	Renumber
R4-19-311	Amend
R4-19-312	New Section
R4-19-510	Repeal

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

Authorizing statutes: A.R.S. §§ 32-1606(A)(1), (A)(7), (B)(4), (B)(5), (B)(13), and (B)(21)

Implementing statutes: A.R.S. §§ 32-1632, 32-1633, 32-1634, 32-1634.01, 32-1634.02, 32-1635, 32-1637, 32-1638, 32-1639, 32-1639.01, 32-1639.02, 32-1640, 32-1642, and 32-1643

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**3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 5019, December 6, 2002

Notice of Rulemaking Docket Opening: 9 A.A.R. 3059, July 11, 2002

Notice of Public Meeting on Open Rulemaking Docket: 9 A.A.R. 3067, July 11, 2002

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

Name: Pamela K. Randolph  
Nurse Practice Consultant

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1651 E. Morten, Suite 210  
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**5. An explanation of the rules, including the agency's reasons for initiating the rules:**

The Board of Nursing is initiating rulemaking on 4 A.A.C. 19, Article 3 to implement recent statutory changes to licensure requirements. Additionally, the Board anticipates that the amended rules will provide increased clarity for the public and eliminate unnecessary barriers to licensure. The following changes are being proposed:

**R4-19-301.**

**Subsection (A).**

This rule deletes the requirement for four years of high school. Many applicants come from foreign countries, notably the Philippines, that do not offer four years of high school. The Board considers completion of an appropriate nursing program a sufficient indicator of initial readiness to practice nursing without regard to number of years in high school

**Subsection (B).**

Grammatical and technical changes were made to improve clarity.

**Subsection (C).**

The Board proposes to reduce the artificial barriers to licensure for foreign-educated nurses by specifying the required standards instead of requiring all exam applicants to obtain a Certificate from the Commission on Graduates of Foreign Nursing Schools ("CGFNS Certificate"). A CGFNS Certificate has three components: a credential evaluation to determine if the applicant's nursing program is comparable to a United States program, a written test of English language proficiency, and a predictive exam ("CGFNS exam") of how well the candidate can be expected to perform on the National Council Licensure Exam for Nurses (NCLEX-RN®). The Board considers the following three standards essential to safe practice for exam candidates: graduation from a nursing program that is comparable to a U.S. program, written and verbal English language proficiency and passing the National Council Licensure Examination (NCLEX). The CGFNS exam does not substitute for passing NCLEX, is only offered at select locations three times per year, and requires a waiting period. The CGFNS exam requirement may delay an applicant's licensure by six months to a year. The Board does not require a predictive exam for U.S. educated applicants. The amended rules allow applicants from foreign nursing programs to meet essential requirements.

**R4-19-302.**

Changes were made in this rule to be consistent with the foreign nurse requirements already established in the previous subsection. Standards for accepting out-of-state educational programs were amended to clarify the Board educational requirements for licensure. By this clarification, the Board will ensure that graduates of programs from other jurisdictions have received education comparable to graduates of Board-approved nursing programs. Consistent with core requirements for the multi-state compact, the Board does not accept completing a non-nursing program or nurse assistant program combined with continuing education or experience as a substitute for completing a nursing program.

**R4-19-303.**

The Board is proposing standards for the recognition of a credential evaluation service whose reports may be submitted by graduates of foreign nursing programs. The Board has received, and subsequently confirmed, reports that the only entity approved to provide this service, CGFNS, takes up to six months after receipt of an applicant's documents to complete the evaluation. While this time-frame is expected to decrease, other jurisdictions report using credentialing agencies that provide a more timely response to applicants that meets their standards. This rule delineates the rigorous standards the Board will use in accepting a credential evaluation report and will allow candidates the choice of using any qualifying CES. Because of its overall reputation, and acceptance by other nursing regulatory boards and

the U.S. Department of Immigration, CGFNS will remain an acceptable CES agency without needing to submit an application for Board.

The Board is aware the administrative procedures act would consider this an application and therefore subject to time-frame rules. The Board intends to amend time-frame rules to add this type of application in the next 24 months. In the meantime, the Board expects to process these applications within 90 days of receipt of all necessary information.

**R4-19-304.**

The rule for obtaining a temporary license was amended to improve clarity.

**R4-19-305.**

The rule for renewal of licensure was amended to reflect the practice requirement in R4-19-312.

**R4-19-306.**

The Board has eliminated the fee for placing a license on inactive status. With the practice requirement in this rule package, the Board anticipates that more nurses will place licenses on inactive status. In order to reduce the burden on licensees, many of whom are retired, the Board has eliminated the fee associated with this service.

**R4-19-307.**

Technical and grammatical changes were made to improve clarity.

**R4-19-308.**

Technical and grammatical changes were made to improve clarity and the requirement for an applicant to notify the Board of an address change was added.

**R4-19-309.**

School nurse certification requirements have been reorganized to increase clarity and understanding. Nurses in the community have requested that school nurse certification standards remain the same, but have asked that the Board improve the clarity of the rules. The Board amended these rules to divide and label the levels of school nurse certification from initial to third level. The levels track the progress of a school nurse in fulfilling the required education. The Board anticipates that the rule amendments will result in common vocabulary when referring to any point in the certification process.

**R4-19-310.**

The criterion for certification of professional nurses has been moved from Article 5 to this Article. Certification by itself does not confer an expanded role or advanced practice. The list of organizations that certify nurses in Article 5 has been replaced with the requirement that certifying agencies be accredited by agencies generally acceptable to the nursing community including the National Council of State Boards of Nursing.

**R4-19-312.**

The Board is requiring nurses renewing or endorsing into the state to show proof of practice, complete a refresher course, or place the license on inactive status. In the past, the Board has required an applicant to complete a refresher course if the license was inactive for five or more years and the applicant did not show evidence of active practice in the renewal application. This approach has exposed the Board to criticism that the Board places too much emphasis on whether a licensee has paid the required renewal fee to keep the license active rather than the skills required to safely practice nursing. Moreover, it has been pointed out that a licensee could activate a license in another state without the refresher course requirement and then use that active license as a basis to obtain an Arizona license. A licensee that continues to renew without practicing nursing is equally outdated in knowledge and skills as a licensee who places a license on inactive status for a comparable period. In order to apply the same standard, regardless of whether the nurse pays fees, and ensure that nurses with active licenses are current and competent, the Board is requiring that licensees practice in some manner for at least 960 hours every five years, either as an employee or volunteer, to renew and obtain initial licensure. This equates to 24 weeks of full-time practice every five years and is similar to requirements of other Boards of Nursing: Oregon (960 hours in five years), West Virginia PN (200 hours in two years), Maryland (1,000 hours in five years), Nebraska (500 hours in five years plus continuing education), and Mississippi and Pennsylvania (no specified hours). In addition, this requirement is congruent with research (*Evaluating the Effectiveness of Continuing Education Mandates*, National Council of State Boards of Nursing, Jan. 03) that shows that nurses view active practice as the largest contributor to their current abilities. In the proposed rule, "practice" is interpreted liberally. Any job or position that requires or recommends an RN or LPN license would meet the criteria as will any activity performed as an employee or volunteer that is within the legal scope of nursing practice. Licensees that do not meet the requirement may apply for and receive a temporary license to complete a nurse refresher course or place their licenses on inactive status without a fee.

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**6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board examined, "Evaluating the Effectiveness of Continuing Education Mandates," a study conducted by the National Council of State Boards of Nursing and distributed to Boards of Nursing in January 2003. The study, data and analysis may be obtained from the National Council of State Boards of Nursing, 111 E. Wacker Drive, Ste. 2900, Chicago, IL 60601, www.ncsbn.org. Copies of the study may also be reviewed in the Board offices. The Board utilized this study to support the practice requirement in R4-19-312.

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

Not applicable

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

The Board will bear most of the costs of the rulemaking. The increased number of foreign applicants will increase the work-load of some Board employees. Licensees that have not practiced in five or more years will bear the costs of a refresher course. The Board will also bear the cost of approving Credential Evaluation Services and amending time-frame rules to incorporate time-frames for approval of a credential evaluation service.

Employers will directly benefit from the rules by being able to employ foreign-educated nurses sooner than they would under the current rules. This will result in cost savings by reducing reliance on registry nurses to fill vacancies. The cost savings for employers are conservatively estimated to be at least \$1000 per foreign nurse hired. Licensees that want to place their licenses on inactive status would also benefit from not having a fee to pay. Applicants from foreign jurisdictions would benefit by not having to take the CGFNS qualifying examination, which is only offered three times per year, and by allowing the Board the option of choosing other credential evaluation services, increasing possible choices that benefit all applicants.

**9. The name and address of agency personnel with whom persons may communicate regarding accuracy of the economic, small business, and consumer impact statement:**

Name: Pamela K. Randolph  
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**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

The Board has scheduled a public hearing on the proposed rulemaking for November 19, 2003, 1:00 p.m. in the Board offices. The Board will accept written comments submitted to Ms. Randolph until the close of record on August 19, 2003, 5:00 p.m.

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

None

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

None

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

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 3. LICENSURE

Section

- R4-19-301. Licensure by Examination
- R4-19-302. Licensure by Endorsement
- R4-19-303. Requirements for Credential Evaluation Service

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<del>R4-19-303.</del>	<del>R4-19-304.</del> Temporary License
<del>R4-19-304.</del>	<del>R4-19-305.</del> License Renewal
<del>R4-19-305.</del>	<del>R4-19-306.</del> Inactive License
<del>R4-19-306.</del>	<del>R4-19-307.</del> Application for a Duplicate License
<del>R4-19-307.</del>	<del>R4-19-308.</del> Change of Name or Address
<del>R4-19-308.</del>	<del>R4-19-309.</del> School Nurse Certification Requirements
<del>R4-19-310.</del>	<del>Certified Registered Nurse</del>
<del>R4-19-309.</del>	<del>R4-19-311.</del> Nurse Licensure Compact
<del>R4-19-312.</del>	<del>Practice Requirement</del>

**ARTICLE 5. ADVANCED NURSING PRACTICE**

Section

~~R4-19-510. Certification of Professional Nurse Repealed~~

**ARTICLE 3. LICENSURE**

**R4-19-301. Licensure by Examination**

**A.** An applicant for licensure by examination shall:

1. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
  - a. Full name and any former names used by the applicant;
  - b. Mailing address, including primary state of residence, and telephone number;
  - c. Place and date of birth;
  - d. Ethnic category and marital status, at the applicant's discretion;
  - e. Social security number for an applicant who lives or works in the United States;
  - f. ~~Name and location of high school attended by the applicant, including years attended and graduation date, if applicable; or information regarding a passing score on an equivalency examination.~~
    - ~~i. Four years of high school or its equivalent is required for professional nurse applicants and practical nurse applicants not licensed in another state or territory of the United States.~~
    - ~~ii. Two years of high school or its equivalent is required for practical nurse applicants licensed in another state or territory of the United States.~~
  - ~~g.~~ Post-secondary education, including the names and locations of schools attended, graduation dates, and degrees received, if applicable;
  - ~~h.~~ Current employer or practice setting, including address, telephone number, position, and dates of ~~employment service, if employed or practicing in nursing or health care, and previous employer or practice setting in nursing or health care, if any, if current employment is less than 12 months 960 hours within the past five years;~~
  - ~~i.~~ Any state, territory, or country in which the applicant holds a ~~professional registered~~ or practical nursing license and the license number and status of the license, including original state of licensure, if applicable;
  - ~~j.~~ The date the applicant previously filed an application for licensure in Arizona, if applicable or known;
  - ~~k.~~ Responses to questions regarding the applicant's background on the following subjects:
    - i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation of the applicant's nursing license in another state or territory of the United States;
    - ii. Felony conviction or conviction of an undesignated or other similar offense; and
    - iii. ~~Any act of unprofessional~~ Unprofessional conduct as defined in A.R.S. § 32-1601;
  - ~~l.~~ Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
  - l. Certification in nursing including category, specialty, name of certifying body, date of certification and expiration date.
2. Submit a completed fingerprint card for the purpose of obtaining a criminal history report under A.R.S. § 32-1606 if the applicant has not submitted a fingerprint card to the Board within the last two years; and
3. Pay the applicable fees.

**B.** ~~In addition to the application, the following are required:~~

- ~~1.~~ If ~~the an~~ applicant took the SBTPE State Board Test Pool Examination (SBTPE), National Council Licensure Examination NCLEX-RN (NCLEX®) RN, or NCLEX-PN in any state or territory of the United States or in Canada, the applicant shall indicate on the application:
  - ~~a.~~ 1. The date of the examination,
  - ~~b.~~ 2. The location of the examination, and
  - ~~e.~~ 3. The result of the examination.

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- ~~2.C. For graduates~~ If the applicant is a graduate of a nursing programs program in the United States, that has been assigned a program code by the National Council of State Boards of Nursing, the applicant shall submit one of the following:
- ~~a.1.~~ If the program is an Arizona-approved program, a Certificate statement of completion signed by the a nursing program administrator or designee of an Arizona-approved professional nursing program for a professional nurse applicant or Arizona-approved practical nursing for a practical nurse applicant; or verifying that:
    - a. The applicant graduated from a registered nursing program for a registered nurse applicant; or
    - b. The applicant completed a practical nursing program or graduated from a registered nursing program for a practical nurse applicant; or
  2. If the program is located in another state or territory and meets educational standards that are substantially comparable to Board standards for educational programs under R4-19-201 to R4-19-206 when the applicant completed the program, an official Transcripts transcript or other documentation verifying completion of a nursing program sent directly from one of the following as:
    - i.a. Evidence of graduation from a Diploma diploma registered nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a professional registered nurse applicant.
    - ii.b. Evidence of completion of a Practical practical nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a practical nurse applicant.
- ~~3.D. For graduates~~ If the applicant is a graduate of a foreign nursing programs program and lacks items required in subsection (C), the applicant shall comply with subsections (A) and (B), submit verification of the status of any nursing licenses held, and submit proof of one of the following:
- ~~a.1.~~ To demonstrate nursing program equivalency, one of the following:
    - a. Evidence of a Passing passing score on the English language version of either the Canadian Nurses' Association Testing Service in English, or the Canadian Registered Nurse Examination or an equivalent examination; and:
      - i. Copy of a license from a foreign country in good standing, or
      - ii. Transcript verifying completion of a foreign nursing program.
    - b. A Certificate or Visa Screen Certificate issued by the Commission on Graduates of Foreign Nursing Schools- (CGFNS), or a report from CGFNS that indicates an applicant's program is substantially comparable to a U.S. program; or
    - c. A report from another credential evaluation service (CES) that is accepted by the Board. The Board shall accept reports from a CES if acceptance is in the best interest of the public and the CES submits the information required by the Board under R4-19-303.
  2. If an applicant's pre-licensure nursing program provided classroom instruction, textbooks, or clinical experiences in a language other than English, a test of written, oral, and spoken English is required. Clinical experiences are held in a foreign language if the principal language of the country or region where the nursing program was held is a language other than English. An applicant shall ensure that one of the following is submitted to the Board directly from the testing or certifying agency:
    - a. Evidence of a minimum score of 540 on the paper and pencil version or 207 on the computer-based version of the Test of English as a Foreign Language (TOEFL) and a minimum score of 50 on the Test of Spoken English (TSE) or an equivalent score on a combined spoken and written TOEFL.
    - b. Evidence of a minimum score of 6.5 on the Academic Exam and 7.0 on the spoken exam of the International English Language Test Service (IELTS) Examination.
    - c. Evidence of a minimum score of 725 on the Test of English in International Communication (TOEIC) exam and 50 on the TSE.
    - d. A Visa Screen Certificate from CGFNS.
    - e. A CGFNS Certificate and a score of 50 on the TSE.
    - f. Evidence of a similar minimum score on another written and spoken English proficiency exam determined by the Board to be equivalent to the other exams in this subsection, or
    - g. Proof of employment as a nurse in another country or territory where the principal language is English for a minimum of 960 hours within the past five years.
- ~~4.E. For a professional~~ An applicant for a registered nurse license nurse applicant, one of the following shall attain:
- ~~a.1.~~ A passing score on the NCLEX-RN;
  - ~~b.2.~~ A score of 1600 on the NCLEX-RN, if the examination was taken before July 1988; or
  - ~~e.3.~~ A score of not less than 350 on each part of the SBTPE for professional registered nurses.
- ~~5.F. For a practical nurse applicant,~~ one of the following An applicant for a practical nurse license shall attain:
- ~~a.1.~~ A passing score on the NCLEX-PN;
  - ~~b.2.~~ A score of not less than 350 on the NCLEX-PN, if the examination was taken before October 1988; or
  - ~~e.3.~~ A score of not less than 350 on the SBTPE for practical nurses.
  6. State and federal criminal history results, if applicable.

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~~C.G.~~The Board shall grant licensure a license to practice as a professional registered or practical nurse to any applicant who meets the criteria established in statute and this ~~Section~~ Article. An applicant who is denied licensure a license by examination may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the ~~application for licensure~~ license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**R4-19-302. Licensure by Endorsement**

- A. An applicant for licensure a license by endorsement shall submit all of the information required in R4-19-301(A).
- B. In addition to the information required in subsection (A), ~~the following are required:~~ an applicant for a license by endorsement shall:
1. ~~A~~ Submit evidence of a passing examination score in accordance with:
    - a. R4-19-301(B)(4) ~~(E)~~ for ~~professional~~ a registered nurse applicants applicant, or
    - b. R4-19-301(B)(5) ~~(E)~~ for ~~a practical nurse applicants applicant~~.
  2. ~~Verification~~ Submit evidence of the following:
    - a. Previous or current license in another state or territory of the United States ~~or a foreign country~~, and
    - b. One of the following:
      - i. Completion of a nursing program that has been assigned a nursing program code by the National Council of State Boards of Nursing at the time of program completion and meets educational standards substantially comparable to Board standards for educational programs in R4-19-201 to R4-19-206.
      - ii. Completion of a nursing program that met the qualifications for a program code at the time of the applicant's graduation if before 1986 and the applicant was issued an initial license in another state or territory of the United States without being required to obtain additional education or experience, or
      - iii. ~~General report from the Commission on Graduates of Foreign Nursing Schools indicating that a foreign nursing program is substantially equivalent to an approved professional or practical nursing program in the United States. For a graduate of a foreign nursing program, completion of a nursing program the meets the requirements in R4-19-301(D)(1). In addition, an applicant who graduated from a foreign nursing program shall satisfy the English proficiency requirements in R4-19-301(D)(2) if the applicant has not practiced nursing for a minimum of 960 hours within the past five years in another state, territory, or country where English is the primary language.~~
  3. ~~State and federal criminal history results, if applicable.~~
- C. The Board shall grant licensure a license to practice as a professional registered or practical nurse to any applicant who meets the criteria established in statute and this ~~Section~~ Article. An applicant who is denied licensure a license by endorsement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the ~~application for licensure~~ license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**R4-19-303. Requirements for Credential Evaluation Service**

- A. A Credential Evaluation Service that seeks to be accepted by the Board shall submit documentation to the Board for initial acceptance and every three years that it:
1. Provides a credential evaluation to determine comparability of registered nurse or practical nurse programs in other countries to nursing education in the United States;
  2. Evaluates original source documents;
  3. Has five or more years of experience in evaluating nursing educational programs or employs personnel that have such experience;
  4. Employs staff with expertise in evaluating nursing programs;
  5. Has access to resources pertinent to the field of nursing education and the evaluation of nursing programs;
  6. Issues a report on each applicant, and supplies the Board with a sample report, regarding the comparability of the applicant's nursing educational program to nursing education in the United States that includes:
    - a. The name of the applicant including any former names.
    - b. Source and description of the documents evaluated.
    - c. Name and nature of the institution.
    - d. Dates applicant attended.
    - e. References consulted.
    - f. A seal or some other security measure, and
    - g. Notification of any falsification or misrepresentation of documents by the applicant;
  7. Has a quality control program that includes but is not limited to:
    - a. Standards regarding the use of original documents.
    - b. Verifying authenticity of documents and translations.
    - c. Security of documents.

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- d. Confidentiality of records;
- e. Responsiveness to applicants that include criteria that reports are issued no later than eight weeks from the receipt of an applicant's documents; and
- f. Tracking and notification of the Board of any trends in falsification or misrepresentation of documents;
- 8. Follows the standards of the National Association of Credentialing Services (NACES) or an equivalent organization regarding staffing and resources;
- 9. Will allow the Board to conduct a site survey at any time deemed necessary; and
- 10. Agrees to notify the Board of any changes in any of the above criteria.
- B.** The Board may revoke the approval of a credential evaluation service that fails to comply with the criteria established in this Section.
- C.** The Board shall approve a credential evaluation service that meets the criteria established in this Section. An applicant who is denied approval or whose approval is revoked may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**~~R4-19-303.~~ R4-19-304. Temporary License**

- A.** ~~Subject to subsection (B), the Board shall issue a temporary license to an applicant desiring to practice nursing pending licensure if the applicant if:~~
  - 1. ~~Is qualified under An applicant:~~
    - a. ~~Is qualified under:~~
      - i. ~~A.R.S. § 32-1635 if applying and applies for a temporary professional registered nursing license, or is qualified under A.R.S. § 32-1640 if applying and applies for a temporary practical nursing license; and~~
      - ~~b.ii. R4-19-301 for applicants for licensure by examination, or is qualified under R4-19-302 for applicants for licensure by endorsement; and~~
    - b. ~~Submits an application for a temporary license with the applicable fee required under A.R.S. § 32-1643(A)(9); and~~
    - c. ~~Submits an application for a license by endorsement or exam with the applicable fee required under A.R.S. § 32-1643(A).~~
  - 2. ~~Lacks a state criminal history as verified by a report issued by the Department of Public Safety, if seeking licensure by examination. An applicant is seeking a license by examination, meets the requirements of R4-19-312(C), and the Board receives a report from the Arizona Department of Public Safety (DPS), verifying that DPS has no criminal history record information, as defined in A.R.S. § 41-1701, relating to the applicant or that any criminal history reported is reviewed by the executive director or designee and determined not to pose a threat to the health, safety, and welfare of the public; or~~
  - 3. ~~Files an application for licensure by endorsement and submits documents or an official statement from another state board of nursing verifying that the applicant has a current license in good standing in another state or territory of the United States; or~~
  - 3. ~~An applicant is seeking a license by endorsement, meets the requirements in R4-19-312(B), and the applicant submits evidence that the applicant has a current license in good standing in another state or territory of the United States; or~~
  - 4. ~~An applicant has an expired, inactive, or lapsed license for five or more years, or does not meet the requirements in R4-19-312(B) or (C), but provides evidence that the applicant has applied for enrollment in a refresher program. Files an application and enrolls in a refresher program, if seeking renewal of a license that has been inactive or expired five or more years.~~
  - 5. ~~Pays the applicable fees.~~
- B.** ~~An applicant who has a criminal history, history of disciplinary action by a regulatory agency, or a pending complaint before the Board is not eligible for a temporary license or extension of a temporary license without prior Board approval.~~
- C.** ~~A temporary license is valid for a maximum of 12 months unless extended for good cause under subsection (D).~~
- D.** ~~An applicant holding with a temporary license may apply for and the Board or the Executive Director shall may grant an extension of the temporary license period for good cause. Good cause means reasons beyond the control of the temporary licensee, such as unavoidable delays in obtaining information required for licensure.~~
- E.** ~~An applicant who receives a temporary license but does not meet the criteria for a regular license within the established period under subsections (C) and (D) is no longer eligible for a temporary license.~~

**~~R4-19-304.~~ R4-19-305. License Renewal**

- A.** ~~An applicant for renewal of a professional registered or practical nursing license shall:~~
  - 1. ~~Submit to the Board an a verified application furnished by obtained from the Board that provides the following information about the applicant:~~
    - a. ~~Full name, and mailing address, and primary state of residence;~~
    - b. ~~A listing of all states in which the applicant is currently licensed; and~~

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- c. Marital status, at the applicant's discretion;:
  - d. Demographic information, including but not limited to:
    - i. Educational background;:
    - ii. Employment status; ~~;~~ and
    - iii. Practice setting; ~~;~~ and
  - e. Responses to questions regarding the applicant's background on the following subjects:
    - i. Criminal convictions for offenses involving drugs or alcohol since the time of last renewal; ~~;~~ and
    - ii. Felony convictions or convictions for undesignated or other similar offenses since the time of last renewal; and
    - iii. ~~Any act of unprofessional~~ Unprofessional conduct as defined in A.R.S. § 32-1601 since the time of last renewal; :
  - f. ~~A Detailed~~ detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; :
  - g. Information about the applicant's current or most recent nursing practice under R4-19-312, including position, address, telephone number, and dates of practice. If the period of practice in the current position is less than 960 hours within the last five years, the nurse shall provide, if available, documentation of 960 hours of practice in the last five years;
  - h. Certification in nursing including category, specialty, name of certifying body, date of certification and expiration date;
2. Pay ~~the applicable~~ fees for renewal authorized by A.R.S. § 32-1643(6); ; and
3. Pay an additional fee for late renewal authorized by A.R.S. § 32-1643(7) if the application for renewal is submitted after August 1 of the year of renewal.;
- a. ~~The renewal date is before July 1, 2002 and the application for renewal is submitted after expiration of the license; or~~
  - b. ~~The renewal date is on or after July 1, 2002, and the application for renewal is submitted after August 1 of the year of renewal.~~
- ~~B.~~ A license renewed prior to July 1, 2000 is valid for two years and expires on the expiration date indicated on the license issued by the Board.
- ~~C.~~ B. A license renewed after July 1, 2000 expires November 2 of the year of renewal indicated on the license.
- ~~D.~~ A licensee whose license has been inactive or expired for five or more years shall submit proof of one of the following with the renewal application:-
- 1. ~~Employment as a professional nurse or licensed practical nurse in another state or foreign country within the previous five-year period, or~~
  - 2. ~~Satisfactory completion of a Board-approved refresher program that includes theory and supervised clinical practice within the past year.~~
- ~~E.~~ C. A licensee who fails to submit a renewal application before expiration of a license shall not practice nursing until the Board issues a renewal license.
- ~~F.~~ D. The Board shall ~~grant an application for renewal~~ renew the license of a ~~professional~~ any registered or practical nursing license ~~nurse to any~~ applicant who meets the criteria established in statute and this ~~Section~~ Article. An applicant who is denied renewal of ~~license~~ a license may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying ~~the renewal application of the license.~~ Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**~~R4-19-305.~~ R4-19-306. Inactive License**

- A. A licensee in good standing may ~~submit a written request~~ request to the Board to transfer to inactive status, ~~in writing to the Board, or by requesting transfer to inactive status~~ request a transfer to inactive status on a verified renewal application. ~~The licensee shall submit the applicable fees with the request or application.~~
- B. The Board shall send a written notice to the licensee granting inactive status in writing or denying the request. A licensee denied a request for transfer to inactive status may request a hearing by filing a written request with the Board within 30 days of service of the denial of the request. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**~~R4-19-306.~~ R4-19-307. Application for a Duplicate License**

- A. A licensee shall report a lost or stolen license to the Board, in writing, within 30 days of the loss.
- B. A licensee ~~desiring~~ requesting a duplicate license shall file an application for a duplicate license and pay the applicable fee under A.R.S. § 32-1643(14).

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~~R4-19-307, R4-19-308, Change of Name or Address~~

- A. A licensee or applicant shall notify the Board, in writing, of any legal change in name within 30 days of the change, and submit a copy of the official document verifying the name change.
- B. A licensee or applicant shall notify the Board of any change in mailing address within 30 days.

~~R4-19-308, R4-19-309, School Nurse Certification Requirements~~

- A. Application requirements. An applicant for initial school nurse certification shall:
  - 1. Hold a current license in good standing or multistate privilege to practice as a ~~professional~~ registered nurse in Arizona; ~~and~~
  - 2. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full name and any former names used by the applicant;
    - b. Mailing address and telephone number;
    - c. ~~Professional Registered~~ Registered nurse license number;
    - d. Social security number;
    - e. A description of the applicant's educational background, including the number and location of schools attended, the number of years attended, the date of graduation, the type of degree or certificate awarded, and if applicable, a statement that the applicant has satisfied the educational requirements specified in subsection ~~(C)~~ (D) ~~or (E)~~;
    - f. Current employer, including address, telephone number, position type, dates of employment, and previous employer if the current employment is less than 12 months;
    - g. The name of any national certifying organization, specialty area, certification number and date of certification, if applicable;
    - h. Responses to questions regarding the applicant's background on the following subjects:
      - i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation in another state or territory of the United States; ~~;~~
      - ii. Felony conviction or conviction of an undesignated or other similar offense; ~~;~~ and
      - iii. ~~Any act of unprofessional Unprofessional~~ conduct as defined in A.R.S. § 32-1601; ~~;~~ and
    - i. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; ~~;~~ and
  - 3. Pay the applicable fees.
- B. ~~Certification and renewal terms. Initial-level certification~~
  - 1. ~~Initial certification and first renewal of certification is valid for three years.~~
  - 1. Only applicants who have never been certified by the Board or the Department of Education are eligible for certification at the initial level. The Board does not require additional education exceeding that required for licensure as a registered nurse for initial-level certification.
  - 2. Initial-level certification expires three years after the issue date on the certificate.
  - 2. ~~Subsequent renewals of certification are valid for six years.~~
  - 3. ~~An applicant holding a school nurse certificate issued by the Department of Education or by another state shall provide proof of completion of the educational requirements of subsection (C)(1), (C)(2), or (C)(3) for the certification or renewal period applicable to the applicant.~~
- C. Educational requirements First-level Certification.
  - 1. ~~Upon application for the first renewal of certification, a professional nurse shall provide proof of completion of all of the following educational requirements:~~
  - 1. If the initial-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has never renewed, the nurse shall apply for first-level certification. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of completion of all the following:
    - a. Three semester hours in school nurse practice course work,
    - b. Three semester hours in physical assessment of the school-aged child course work, and
    - c. Three semester hours in nursing care of the child with developmental disabilities.
  - 2. A first-level certificate expires three years after the issue date on the certificate.
- D. Second-level certification.
  - 2. ~~Upon application for second renewal of certification, a professional nurse shall provide proof of one of the following:~~
  - 1. If the first-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has renewed once, the nurse shall apply for second-level certification. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of completion of all the following:
    - a. A bachelor of science degree in nursing, or
    - b. Completion of the following educational requirements:
      - i. Three semester hours in community health nursing theory or population-based care;
      - ii. Three semester hours in management theory; and

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iii. Either three semester hours of upper division or graduate credit in nursing or health-related subjects from a regionally-accredited institution, as defined in R4-19-101(23), or 45 contact hours of continuing education related to nursing practice.

2. A second-level certificate expires six years after the issue date on the certificate.

**E. Third-level certification.**

3. Before all subsequent applications for renewal of certification, a professional nurse shall provide proof of completion of one of the following educational requirements:

1. If the second-level certificate of a school nurse has expired or the school nurse was previously certified by the Department of Education and has renewed two or more times, the nurse shall apply for third level certification on all subsequent renewals. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of all the following:

- a. Six semester hours of upper division or graduate credit in nursing or health related subjects from a regionally accredited institution, as defined in R4-19-101(23); or
- b. Ninety contact hours of continuing education related to nursing practice.

2. Third-level certification expires six years after the issue date on the certificate.

4. ~~Notwithstanding subsections (B)(3) and (C)(1), a professional nurse who is or has been certified as a school nurse by the Department of Education, is applying for initial certification, first renewal of certification, or subsequent renewal of certification by the Board as a school nurse, and:~~

- a. ~~Has completed the educational requirements in (C)(1), shall provide proof of completion of the educational requirements in (C)(2); or~~
- b. ~~Has completed the educational requirements in (C)(2), shall provide proof of completion of the educational requirements of (C)(3).~~

~~**D.E.** The Board shall grant a school nurse certification certificate to any applicant who meets the criteria established in statute and this ~~Section~~ Article. An applicant who is denied a school nurse certification certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.~~

**R4-19-310. Certified Registered Nurse**

A registered nurse who has been certified by a nursing organization accredited by the American Board of Nursing Specialties, the National Commission for Certifying Agencies, or an equivalent accrediting agency as determined by the Board is deemed certified for the purposes of A.R.S. § 32-1601(4).

**R4-19-309. R4-19-311. Nurse Licensure Compact**

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the *Nurse Licensure Compact: Model Rules and Regulations*, published by the National Council of State Boards of Nursing, Inc., ~~676 N. St. Clair Street, Suite 550, 111 E. Wacker Dr., Suite 2900, Chicago, IL, 60611 60601. www.ncsbn.org, November 2, 1999, and no later amendments or editions, which is incorporated by reference and on file with the Board and the Office of the Secretary of State.~~

**R4-19-312. Practice Requirement**

**A.** The Board shall not issue a license or renew the license of an applicant who does not meet the applicable requirements in subsections (B), (C), and (D) of this Section.

**B.** An applicant for licensure by endorsement or renewal shall complete a nursing program or practice nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:

- 1. Completed a nursing education program and obtained a degree, or an advanced practice certificate in nursing within the past five years;
- 2. Practiced for a minimum of 960 hours within the past five years where the nurse:
  - a. Worked for compensation or as a volunteer, as a licensed nurse, and performed one or more acts under A.R.S. § 32-1601(13) for a registered nurse or A.R.S. § 32-1601(12) for a practical nurse; or
  - b. Held a position for compensation or as a volunteer that required or recommended, in the job description, the level of licensure being sought or renewed; or
  - c. Engaged in clinical practice as part of an RN-BSN, masters, doctoral, or nurse practitioner program.

**C.** An applicant for licensure by examination, who is a graduate of a nursing program located in the U.S. or its territories, shall complete a pre-licensure nursing program within two years of the date of licensure. Exam applicants who were previously licensed in a foreign jurisdiction shall meet the applicable requirements of subsections (B) or (D).

**D.** A licensee or applicant who fails to satisfy the requirements of subsections (B) or (C), shall submit evidence of satisfactory completion of a Board-approved refresher program that meets the requirements in R4-19-214. The Board may issue a temporary license stamped "for refresher course only" to any applicant who meets all requirements of this Article except subsections (B) or (C) of this Section and provides evidence of applying for enrollment in a Board-approved refresher program.

ARTICLE 5. ADVANCED NURSING PRACTICE

**R4-19-510. Certification of Professional Nurse Repealed**

A professional nurse who has been certified by one of the following national nursing credentialing agencies shall be deemed to be certified for purposes of A.R.S. § 32-1601(3):

1. American Nurses Credentialing Center;
2. American College of Nurse-Midwives or its Certification Council;
3. National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties;
4. National Board of Pediatric Nurse Practitioners and Associates;
5. Council on Certification of Nurse Anesthetists;
6. American Association of Critical Care Nurses;
7. Board of Certification for Emergency Nursing;
8. Wound Ostomy and Continence Nursing Certification Board;
9. Board of Nephrology;
10. Certification Board of Infection Control;
11. American Board of Neuroscience Nursing;
12. American Board for Occupational Health Nurses, Inc.;
13. American Operating Room Nurses National Certification Board, Inc.;
14. Association of Rehabilitation Nurses;
15. American Board of Urologic Allied Health Professionals, Inc.;
16. Oncology Nursing Society;
17. Intravenous Nurses Society Certification Corporation;
18. American Society of Post Anesthesia Nurses;
19. American Society for Parenteral and Enteral Nutrition, Inc.;
20. Association of Diabetes Educators;
21. Certifying Council for Gastroenterology Clinicians, Inc.;
22. International Childbirth Education Association;
23. Addictions Nursing Certification Board;
24. National Certifying Board for Ophthalmic Registered Nurses;
25. Orthopedic Nurses Certification Board; and
26. American Academy of Nurse Practitioners.