



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, 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)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R16-158]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**

R4-11-401	Amend
R4-11-402	Amend
R4-11-403	New Section
R4-11-405	Amend
R4-11-406	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 32-1207(A)(1) and (12), 32-1207(B)(3)(C), and 32-1207(E) and (F)
 Implementing statute: A.R.S. §§ 32-1213(B)(4), (C), and (D), 32-1232(A) and (B), 32-1236(C), (D), and (F), 32-1240(B), 32-1262(G), 32-1284(A), 32-1287(A), (C), (D), and (F), 32-1292.01(B), 32-1297.04, 32-1297.06, and 32-1299.23
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 22 A.A.R. 2056, August 5, 2016
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Elaine Hugunin, Executive Director
 Address: State Board of Dental Examiners
 4205 N. 7th Ave., Suite 300
 Phoenix, AZ 85013
 Telephone: (602) 542-4493
 Fax: (602) 242-1445
 E-mail: elaine.hugunin@azdentalboard.us
 Website: www.dentalboard.az.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

A.R.S. § 41-1008(D) requires an agency to comply with the provisions of the Administrative Procedure Act when establishing or increasing a fee. The Board is placing in rule the fees it is expressly authorized to collect for an initial or renewal license of a dentist (A.R.S. § 1236), dental hygienists (A.R.S. § 32-1287), and denturists (A.R.S. § 32-1297.06) and registration as a business entity offering dental services (A.R.S. § 32-1213). The Board is also placing in rule the fee for late renewal by a business entity (A.R.S. § 32-1213(D)) and for a permit to administer general anesthesia or semiconscious, conscious, or oral sedation (A.R.S. § 32-1207(E)).



The Board’s statutes establish some fees the Board is authorized to collect. In the interest of assisting applicants and licensees comply with statute, the Board is placing those fees in rule. The fees established in statute are:

- Jurisprudence examination fee for dentists (A.R.S. § 32-1232(B))
- Jurisprudence examination fee for dental hygienists (A.R.S. § 32-1984(A))
- License by credential for dentists (A.R.S. § 32-1240(B))
- License by credential for dental hygienists (A.R.S. § 32-1292.01(B))
- Reinstatement penalty for dentists (A.R.S. §32-1236(D))
- Reinstatement penalty for dental hygienists (A.R.S. §32-1287(D))
- Reinstatement penalty fee for denturists (A.R.S. §32-1297.06(D))

To reduce the balance in the Dental Board, the Board is reducing by 15 percent the amount collected to renew a license and reducing the amount collected for a permit to administer general anesthesia or semiconscious, conscious, or oral sedation at multiple locations. The Board is also extending the term of a permit to administer general anesthesia or semiconscious, conscious, or oral sedation from three to five years. The Board is also no longer collecting a convenience fee for taking payments by credit card.

An exemption from EO2015-03 was provided by Christina Corieri, Policy Advisor for Health and Human Services in the Governor’s Office, in an e-mail dated June 24, 2016.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:

The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking 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:

Because the Board has been collecting the licensing fees being placed in rule, the economic impact on applicants and licensees will be minimal. The 15 percent reduction in renewal fees, the reduction from \$300 to \$25 per additional location for using a permit to administer general anesthesia or semiconscious, conscious, or oral sedation at multiple locations, extending the term of a permit to administer general anesthesia or semiconscious, conscious, or oral sedation, and no longer collecting a convenience fee for use of a credit card will have a positive economic benefit for licensees. These reductions will reduce the balance the Board carries in its fund and will reduce the amount the Board contributes to the general fund.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Elaine Hugunin, Executive Director
 Address: State Board of Dental Examiners
 4205 N. 7th Ave., Suite 300
 Phoenix, AZ 85013
 Telephone: (602) 542-4493
 Fax: (602) 242-1445
 E-mail: elaine.hugunin@azdentalboard.us
 Website: www.dentalboard.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, October 12, 2016
 Time: 10:00 a.m.
 Location: 4205 N. 7th Ave.
 Board Conference Room
 Phoenix, AZ 85013

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:



The licenses for which fees are being placed in Article 4 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are not more stringent than federal law because no federal law is directly applicable to the fees charged by the Board.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

ARTICLE 4. FEES

Section

R4-11-401.	Retired or Disabled Licensure <u>Renewal Fees Fee</u>
R4-11-402.	Business Entity Fees
R4-11-403.	Repealed Licensing Fees
R4-11-405.	Other Fees Charges for Board Services
R4-11-406.	Fees for Anesthesia and Sedation Permits <u>Permit Fees</u>

ARTICLE 4. FEES

R4-11-401. Retired or Disabled Licensure Renewal Fees Fee

As expressly authorized under A.R.S. § 32-1207(B)(3)(c), the licensure renewal fee for a retired or disabled dentist or dental hygienist is \$15.

~~A. Dentist. Retired or disabled licensure renewal: \$15.00.~~

~~B. Dental Hygienist. Retired or disabled licensure renewal: \$15.00.~~

R4-11-402. Business Entity Fees

~~A. Under A.R.S. § 32-1213(B)(3), the fee for a~~ As expressly authorized under A.R.S. § 32-1213, the Board establishes and shall collect the following fees from a Business Entity offering dental services:

1. Initial triennial registration is \$100 per year, \$300 per location;

2. Renewal of triennial registration, \$300 per location; and

3. Late triennial registration renewal, \$100 per location in addition to the fee under subsection (2).

~~B. The civil penalty fee for failure to notify the Board of a change in either business entity name, address, telephone number, location of any office, or licensee responsible for dental services within 30 days after the change is \$50. The civil penalty fee increases to \$100 if a business entity fails to notify the Board of the change within 60 days.~~

R4-11-403. Repealed Licensing Fees

A. As expressly authorized under A.R.S. §§ 32-1236, 32-1287, and 32-1297.06, the Board establishes and shall collect the following licensing fees:

1. Dentist triennial renewal fee: \$510;

2. Dentist prorated initial license fee: \$110;

3. Dental hygienist triennial renewal fee: \$255;

4. Dental hygienist prorated initial license fee: \$55;

5. Denturist triennial renewal fee: \$233; and

6. Denturist prorated initial license fee: \$46.

B. The following license-related fees are established in or expressly authorized by statute. The Board shall collect the fees:

1. Jurisprudence examination fee:

a. Dentists: \$300;

b. Dental Hygienists: \$100; and

c. Denturists: \$250.

2. Licensure by credential fee:

a. Dentists: \$2,000; and

b. Dental Hygienists: \$1,000.



- 3. Penalty to reinstate an expired license or certificate: \$100 for a dentist, dental hygienist, or denturist in addition to renewal fee specified under subsection (A).
- 4. Penalty for a dentist, dental hygienist, or denturist who fails to notify Board of a change of mailing address:
 - a. Failure after 10 days: \$50; and
 - b. Failure after 30 days: \$100.

R4-11-405. ~~Other Fees~~ Charges for Board Services

The Board shall charge the following for the services provided:

- ~~A-1.~~ Duplicate license: ~~\$25.00;~~ \$25;
- ~~B-2.~~ Duplicate certificate: ~~\$25.00;~~ \$25;
- ~~C-3.~~ License verification:
 - 1-a. For licensee: ~~\$25.00;~~ \$25; and
 - 2-b. For non-licensee: ~~\$5.00;~~ \$5;
- ~~D-4.~~ Copy of ~~tape~~ audio recording: ~~\$10.00;~~ \$10;
- ~~E-5.~~ Photocopies (per page): ~~\$0.25;~~ \$.25;
- ~~F-6.~~ Mailing lists:
 - 1-a. Dentists:
 - a-i. In-state licensees - paper or labels: ~~\$150.00;~~ \$150;
 - b-ii. All licensees - paper or labels: ~~\$175.00;~~ \$175; and
 - e-iii. ~~Computer disk~~ Mailing list in digital format: ~~\$100.00~~ \$100;
 - 2-b. Dental hygienists:
 - a-i. In-state licensees - paper or labels: ~~\$150.00;~~ \$150;
 - b-ii. All licensees - paper or labels: ~~\$175.00;~~ \$175; and
 - e-iii. ~~Computer disk~~ Mailing list in digital format: ~~\$100.00;~~ \$100; and
 - 3-c. Denturists: All certificate holders - paper, ~~or~~ labels, ~~or~~ digital format: ~~\$5.00;~~ \$5; and
- ~~G-7.~~ Board meeting agendas and minutes (mailed directly to consumer):
 - 1-a. Agendas and minutes (~~annual fee~~): ~~\$75.00;~~ \$75 for 12 months;
 - 2-b. Agendas only (~~annual fee~~): ~~\$25.00;~~ \$25 for 12 months; and
 - 3-c. Minutes only (~~annual fee~~): ~~\$50.00~~ \$50 for 12 months.

R4-11-406. ~~Fees for Anesthesia and Sedation Permits~~ Permit Fees

- A. ~~Under A.R.S. § 32-1207(D), the fee for a~~ As expressly authorized under A.R.S. § 32-1207, the Board establishes and shall collect the following fees:
 - 1. ~~Section 1301 permit to administer general anesthesia and semi-conscious sedation or a~~ fee: \$300 plus \$25 for each additional location;
 - 2. ~~Section 1302 or permit fee:~~ \$300 plus \$25 for each additional location;
 - 3. ~~Section 1303 permit to administer conscious or oral conscious sedation fee:~~ \$300 plus \$25 for each additional location; and
 - 4. ~~Section 1304 permit fee: is~~ \$300 per location plus \$25 for each additional location.
- B. Upon successful completion of ~~the an~~ initial onsite evaluation and upon receipt of the required permit fee, the Board shall issue a separate Section 1301, 1302, ~~or~~ 1303, ~~or~~ 1304 permit to a dentist for each location requested by the dentist. A permit expires on December 31 of every ~~third~~ fifth year.
- C. ~~The renewal fee for each~~ Permit renewal fees:
 - 1. ~~Section 1301 permit renewal fee:~~ \$300 plus \$25 for each additional location;
 - 2. ~~Section 1302, or permit renewal fee:~~ \$300 plus \$25 for each additional location;
 - 3. ~~Section 1303 permit is renewal fee:~~ \$300 per location; plus \$25 for each additional location; and
 - 4. ~~Section 1304 permit renewal fee:~~ \$300 plus \$25 for each additional location.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

[R16-159]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Table 1	Amend
R4-17-202	Amend
R4-17-203	Amend
R4-17-204	Amend



R4-17-205	Amend
R4-17-206	Amend
Article 3	New Article
R4-17-301	New Section
R4-17-302	New Section
R4-17-303	New Section
R4-17-304	New Section
R4-17-305	New Section
R4-17-306	New Section

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

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

Implementing statute: A.R.S. §§ 32-2505, 32-2521, 32-2523, 32-2526, and 41-1072

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 22 A.A.R. 2217, August 19 2, 2016

4. The agency's contact person who can answer questions about the rulemaking:

Name: Patricia McSorley, Executive Director
 Address: Arizona Regulatory Board of Physician Assistants
 9545 E. Doubletree Ranch Road
 Scottsdale, AZ 85258
 Telephone: (480) 551-2700
 Fax: (480) 551-2704
 E-mail: patricia.mcsorley@azmd.gov
 Web site: www.azmd.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The rules are being amended in response to four significant factors: A five-year-review report approved by the Council on June 2, 2015; Laws 2015, Chapter 84; Laws 2015, Chapter 46; and the decision by the National Commission on Certification of Physician Assistants to move to a 10- rather than six-year renewal cycle of certification. In this rulemaking, the Board:

- Consistent with Laws 2015, Chapter 84, amends the rules to provide for biennial license renewal and adjusts the continuing education and renewal fees accordingly;
- Amends R4-17-202 to be consistent with the 10-year renewal of certification required by NCCPA;
- Amends R4-17-203 to request documentation relating to malpractice actions earlier in the application process;
- Amends R4-17-204 and R4-17-206 to ensure provisions are consistent with the Americans with Disabilities Act;
- Consistent with Laws 2015, Chapter 46, amends R4-17-203 and R4-17-206 regarding the responsibility of a physician assistant who registers under the Controlled Substances Act to also register with the Board of Pharmacy and obtain access to the Controlled Substances Prescription Monitoring Program Database; and
- Makes new Sections memorializing the duties the Board has delegated to the executive director.

An exemption from Executive Order 2015-01 was provided for part of this rulemaking by Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office in an e-mail dated September 24, 2015. Ms. Corieri provided an exemption to EO2016-03 for an additional part of this rulemaking in an e-mail dated July 25, 2016.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:

The Board does not intend to review or rely on a study in its evaluation of or justification for any of the rules in this rulemaking.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking 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 determined this rulemaking will have minimal economic impact on applicants and licensees because it



simply makes the rules consistent with recent statutory changes, the Americans with Disabilities Act, and recent changes made by the NCCPA, which is a national organization that certifies Physician Assistants. Placing in rule the duties the Board delegated to the executive director enables the Board to operate in a more efficient and cost effective manner while providing quality service to applicants and licensees.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Patricia McSorley, Executive Director
Address: Arizona Regulatory Board of Physician Assistants
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2700
Fax: (480) 551-2704
E-mail: patricia.mcsorley@azmd.gov
Web site: www.azmd.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, October 12, 2016
Time: 4:00 p.m.
Location: 9545 E. Doubletree Ranch Road
Boardroom
Scottsdale, AZ 85258

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses listed in Table 1 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

None of the rules is more stringent than federal law. Although there are many federal laws that apply to the provision of health care and prescribing controlled substances, none is specifically applicable to the subject matter of this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

ARTICLE 1. GENERAL PROVISIONS

Section
Table 1.

~~Time frames~~ Time Frames

ARTICLE 2. PHYSICIAN ASSISTANT LICENSURE

Section

- R4-17-202. Examination
- R4-17-203. Regular License Application
- R4-17-204. Fees and Charges
- R4-17-205. Continuing Medical Education; Request for Extension of Time
- R4-17-206. License Renewal

ARTICLE 3. ~~REPEALED~~ DUTIES OF THE EXECUTIVE DIRECTOR



- Section
- R4-17-301. ~~Repealed~~ Dismissal of Complaint
- R4-17-302. ~~Repealed~~ Referral to Formal Hearing
- R4-17-303. ~~Repealed~~ Non-disciplinary Consent Agreement
- R4-17-304. ~~Repealed~~ Request for Inactive Status and License Cancellation
- R4-17-305. ~~Repealed~~ Referral to Formal Interview
- R4-17-306. Denial of License

ARTICLE 1. GENERAL PROVISIONS

Table 1. ~~Time-frames~~ Time Frames (in days)

Type of License	Overall Time frame <u>Time Frame</u>	Administrative Review Time frame <u>Time Frame</u>	Time to Respond to Deficiency Notice	Substantive Review Time frame <u>Time Frame</u>	Time to Respond to Request for Additional Information
Regular License including schedule II or schedule III controlled substances approval R4-17-203	120	30	365	90	270 <u>90</u>
License Renewal R4-17-206	30 <u>75</u>	30	Not later than Sept. 30 of each year <u>60</u>	Not Applicable <u>45</u>	Not Applicable <u>60</u>

ARTICLE 2. PHYSICIAN ASSISTANT LICENSURE

R4-17-202. Examination

- ~~A.~~ An applicant for a regular license as a physician assistant shall pass the PANCE or PANRE and be certified by the NCCPA at the time of application for licensure.
- ~~B.~~ ~~An applicant for a regular license who has not passed the PANCE within six years preceding the date of the application shall submit documentation that shows the applicant passed the PANRE within six years preceding the date of the application.~~

R4-17-203. Regular License Application

- A. An applicant for a regular license shall submit a completed application to the Board that includes:
 1. The applicant's:
 - a. First, last, and middle name;
 - b. Every other name used by the applicant;
 - c. Social Security number;
 - d. ~~Practice address and telephone number~~ Office, mailing, e-mail, and home addresses;
 - e. ~~Mailing address, if different from the practice address~~ Office, mobile, and home telephone numbers; and
 - f. ~~Home address and telephone number;~~ and
 - g. Birth date and ~~city state~~ or country of birth;
 2. The name and address of the approved program completed by the applicant and the date of completion;
 3. The name of each state or province in which the applicant has ever been certified, registered, or licensed as a physician assistant, including the certificate, registration, or license number, and current status;
 4. Whether the applicant has practiced as a physician assistant since graduation from a physician assistant program or for 10 continuous years before the date the application was submitted to the Board and if not, an explanation;
 5. A questionnaire that includes answers to the following:
 - a. Whether the applicant has had an application for a certificate, registration, or license refused or denied by any licensing authority, and if so, an explanation;
 - b. Whether the applicant has had the privilege of taking an examination for a professional license refused or denied by any entity, and if so, an explanation;
 - c. Whether the applicant has ever resigned or been requested to resign, been suspended or expelled from, been placed on probation, or been fined while enrolled in an approved program in a medical school or a postsecondary educational program, and if so, an explanation;
 - d. Whether, while attending an approved program, the applicant has ever had any action taken against the applicant by ~~an~~ the approved program, resigned, or been asked to leave the approved program for any amount of time, and if so, an explanation;
 - e. Whether the applicant has ever surrendered a health professional license, and if so, an explanation;



- f. Whether the applicant has ever had a health professional license suspended or revoked, or whether any other disciplinary action has ever been taken against a health professional license held by the licensee, and if so, an explanation;
 - g. Whether the applicant is currently under investigation by any health profession regulatory authority, ~~health care~~ health care association, licensed health care institution, or there are any pending complaints or disciplinary actions against the applicant, and if so, an explanation;
 - h. Whether the applicant has ever had any action taken against the applicant’s privileges, including termination, resignation, or withdrawal by a health care institution or health profession regulatory authority, and if so, an explanation;
 - i. Whether the applicant has ever had a federal or state regulatory authority take any action against the applicant’s authority to prescribe, dispense, or administer controlled substances including revocation, suspension, or denial, or whether the applicant ever surrendered ~~such~~ the authority in lieu of any of these actions, and if so, an explanation;
 - j. Whether the applicant has ever been charged with, convicted of, pleaded guilty to, or entered into a plea of no contest to a felony or misdemeanor involving moral turpitude or has been pardoned or had a record expunged or vacated, and if so, an explanation;
 - k. Whether the applicant has ever been charged with or convicted of a violation of any federal or state drug statute, rule, or regulation, regardless of whether a sentence was or was not imposed, and if so, an explanation;
 - l. Whether the applicant, ~~within the last 10 years from the date of the application,~~ has been named as a defendant in a malpractice matter currently pending or that resulted in had a judgment or a settlement entered against the applicant ~~in a medical malpractice suit,~~ and if so, an explanation;
 - m. Whether the applicant has ever been court-martialed or discharged other than honorably from any branch of military service, and if so, an explanation;
 - n. Whether the applicant has ever been involuntarily terminated from a health professional position, resigned, or been asked to leave the health care position, and if so, an explanation;
 - o. Whether the applicant has ever been convicted of insurance fraud or received a sanction, including limitation, suspension, or removal from practice, imposed by any state or the federal government, and if so, an explanation; and
 - p. Whether the applicant, within the ~~last~~ three years before the date of the application, has completed 45 hours in pharmacology or clinical management of drug therapy or is certified by a national commission on the certification of physician assistants or its successor;
6. A confidential questionnaire that includes answers to the following:
- a. ~~Whether the applicant, within the last five years before the date of the application, has been diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation; Whether the applicant has received treatment within the last five years for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or condition that currently impairs the applicant’s ability to exercise the judgment and skills of a medical professional;~~
 - b. ~~Whether the applicant is currently being treated by a health professional or, within five years from the date of the application, has been treated by a health professional for substance use disorder or participated in a rehabilitation program for a substance use disorder, and if so, an explanation that includes: If the answer to subsection (A)(6)(a) is yes:~~
 - i. ~~The name of each health professional or health care institution that addressed the substance use disorder and a discharge summary that includes progress made by the applicant; or A detailed description of the use, disorder, or condition; and~~
 - ii. ~~A copy of the confidential agreement or order issued by a health professional or health care institution, if applicable; and An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating; and~~
 - c. ~~Whether the applicant currently has any disease or condition, including a behavioral health illness or condition, substance use disorder, physical disease or condition that interferes with the applicant’s ability to perform health care tasks authorized by A.R.S. § 32-2531 and if so, an explanation; A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution within the last five years, if applicable;~~
7. Consistent with the Board’s statutory authority, ~~such~~ other information as the Board may ~~require~~ deem necessary to ~~fully~~ evaluate the applicant fully; and
8. A sworn statement that complies with A.R.S. § 32-2522(C).
- B.** In addition to the requirements in subsection (A), an applicant shall submit the following to the Board:
- 1. Documentation of citizenship or alien status that conforms to A.R.S. § 41-1080;



2. Documentation of a legal name change if the applicant's legal name is different from that shown on the document submitted in accordance with subsection (B)(1);
 3. A form provided by the Board and completed by the applicant that lists all current or past employment with health professionals or health care institutions within five years before the date of application or since graduation from a physician assistant program, if less than five years, including each health professional's or health care institution's name, address, and dates of employment;
 4. ~~If the applicant has more than one malpractice settlement or judgment against the applicant within 10 years from the date of the application, a form provided by the Board for each malpractice settlement or judgment against the applicant that includes:~~ Verification of any medical malpractice matter currently pending or resulting in a settlement or judgment against the applicant, including a copy of the complaint and either the agreed terms of settlement or the judgment and a narrative statement specifying the nature of the occurrence resulting in the medical malpractice action. An applicant who is unable to obtain a document required under this subsection may submit a written request for a waiver of the requirement. The applicant shall include the following information in a request for waiver:
 - a. ~~The applicant's name; The document for which waiver is requested;~~
 - b. ~~A description of the event that led to the malpractice settlement or judgment including:~~ Detailed description of efforts made by the applicant to provide the required document; and
 - i. ~~The patient's name, age, and sex;~~
 - ii. ~~The date of occurrence;~~
 - iii. ~~Location of occurrence; and~~
 - iv. ~~A detailed narrative of the event;~~
 - c. ~~The amount of the settlement or judgment; Reason the applicant's inability to provide the required document is due to no fault of the applicant; and~~
 - d. ~~The date the settlement was entered into or judgment was made;~~
 - e. ~~The amount of the settlement or judgment attributed to the applicant; and~~
 - f. ~~Whether any state medical board has investigated the matter; and~~
 5. The fee required in R4-17-204.
- C. In addition to the requirements in subsections (A) and (B), an applicant shall have the following directly submitted to the Board:
1. A copy of the applicant's certificate of successful completion of the ~~NCCPA~~ PANCE or PANRE examination and the applicant's examination score provided by the NCCPA;
 2. An approved program form provided by the Board, completed and signed by the director or administrator of the approved program that granted the applicant a physician assistant degree, that includes the:
 - a. Applicant's full name,
 - b. Type of degree earned by the applicant,
 - c. Name of the physician assistant program completed by the applicant,
 - d. Starting and ending dates, and
 - e. Date the applicant's degree was granted.
- D. When the Board issues a regular license to an applicant, the Board is also ~~approving~~ approves the applicant to issue prescriptions ~~or~~ and dispense or issue schedule II or schedule III controlled substances subject to the limits and requirements specified in A.R.S. § 32-2532.

R4-17-204. Fees and Charges

- A. The As expressly authorized under A.R.S. § 32-2526(A), the Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
1. License application - \$125.00;
 2. Regular license - ~~\$185.00~~ 370.00, prorated for each month remaining in the ~~annual~~ biennial period;
 3. Regular license renewal - ~~\$185.00~~ 370.00 if the renewal application is postmarked no later than ~~July 1~~ the applicant's birthdate; and
 4. Penalty for late renewal - \$100.00;.
- B. As expressly authorized under A.R.S. § 32-2526(B), the Board establishes the following charges for providing the services listed:
- ~~5-1.~~ Duplicate license - \$25.00;
 - ~~6-2.~~ Copies of Board documents - \$1.00 for first three pages, \$.25 for each additional page;
 - ~~7-3.~~ Medical Directory (CD-ROM) - \$30.00;
 - ~~8-4.~~ Data Disk - \$100.00; and
 - ~~9-5.~~ License verification - \$10.00.

R4-17-205. Continuing Medical Education; Request for Extension of Time

- A. Under A.R.S. § 32-2523(A), renewal of a license is conditioned on the licensee completing 40 hours of category I continuing medical education during each biennial license period.
- B. During a licensee's first biennial license period, the licensee may complete a pro-rated number of continuing medical education hours established by the Board.



~~A.C.~~ A licensee who is unable to complete ~~20~~ the required hours of continuing medical education for any of the reasons in A.R.S. § 32-2523(E) may submit a written request to the Board for an extension no later than 30 days before expiration of the license that contains:

1. The name, address, and telephone number of the licensee;
2. The reason for the request;
3. The number of continuing medical education hours completed during the biennial license period;
- ~~3-4.~~ The date by dates on which the remaining hours of continuing medical education will be scheduled to be completed; and
- ~~4-5.~~ The signature of the licensee.

~~B.D.~~ The Board shall send a written notice of approval ~~or denial~~ of the extension ~~request~~ within seven days from the date of receipt of the request ~~if the Board determines:~~

1. The extension is needed for a reason specified in A.R.S. § 32-2523(E).
2. The remaining hours of continuing medical education will be completed within 30 days, and
3. The extension is in the best interest of the state.

R4-17-206. License Renewal

A. To renew a license, a licensee shall submit a completed application to the Board that includes:

1. An application form that contains the licensee's:
 - a. ~~First, and last, names~~ and middle ~~initial~~ names;
 - b. Arizona license number;
 - c. Office, mailing, e-mail, and home addresses;
 - d. Office, mobile, and home ~~phone~~ telephone numbers;
2. A questionnaire that includes answers to the following since the last renewal date:
 - a. Whether the licensee has had an application for a certificate, registration, or license refused or denied by any licensing authority, and if so, an explanation;
 - b. Whether the licensee has had the privilege of taking an examination for a professional license refused or denied by any entity, and if so, an explanation;
 - c. Whether the licensee has voluntarily surrendered a health care professional license, and if so, an explanation;
 - d. Whether the licensee has had a health professional license suspended or revoked, or whether any other disciplinary action has been taken against a health professional license held by the licensee, and if so, an explanation;
 - ~~e.~~ Whether the licensee is currently under investigation by any health profession regulatory authority, health care association, licensed health care institution, or there are any pending complaints or disciplinary actions against the applicant, and if so, an explanation;
 - ~~f-e.~~ Whether the licensee has had any action taken against the applicant's privileges, including termination, resignation, or withdrawal by a health care institution or health profession regulatory authority, and if so, an explanation;
 - ~~g-f.~~ Whether the licensee has had a federal or state regulatory authority take any action against the licensee's authority to prescribe, dispense, or administer controlled substances including revocation, suspension, or denial, or whether the applicant surrendered ~~such~~ the authority in lieu of any of these actions, and if so, an explanation;
 - ~~h-g.~~ Whether the licensee has been charged with, convicted of, pleaded guilty to, or entered into a plea of no contest to a felony or misdemeanor involving moral turpitude or an alcohol- or drug-related offense in any state, or has been pardoned or had a record expunged or vacated, and if so, an explanation;
 - ~~i-h.~~ Whether the licensee has been court-martialed or discharged other than honorably from any branch of military service, and if so, an explanation;
 - ~~j-i.~~ Whether the licensee has been involuntarily terminated from a health professional position with any city, county, state, or federal government, and if so, an explanation;
 - ~~k-j.~~ Whether the licensee has been convicted of insurance fraud or a state or the federal government has sanctioned or taken any action against the licensee, such as suspension or removal from practice, and if so, an explanation;
3. Consistent with the Board's statutory authority, ~~such~~ other information as the Board may ~~require~~ deem necessary to ~~fully~~ evaluate the licensee fully;
4. A dated and sworn statement by the licensee verifying that during the past ~~state fiscal year~~ biennial license period, the licensee completed ~~a minimum of 20~~ at least 40 hours of Category I continuing medical education as required by A.R.S. § 32-2523;
5. The fee required in R4-17-204; ~~and~~
6. A confidential questionnaire that includes answers to the following:
 - a. ~~Whether the licensee, since the last renewal date, has been diagnosed with or treated for bi-polar disorder, schizophrenia, paranoia, or any other psychotic disorder, and if so, an explanation; Whether the applicant has received treatment since the last renewal for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or condition that currently impairs the applicant's ability to exercise the judgment and skills of a medical professional;~~



- b. ~~Whether the licensee is currently being treated or has been treated since the last renewal date for substance use disorder or participated in a rehabilitation program, and if so, an explanation that includes: If the answer to subsection (A)(6)(a) is yes:~~
- i. ~~The name of each health professional or health care institution that addressed the substance use disorder and a discharge summary that includes progress; or A detailed description of the use, disorder, or condition; and~~
 - ii. ~~A copy of the confidential agreement or order issued by a health professional or health care institution, if applicable; and An explanation of whether the use, disorder, or condition is reduced or ameliorated because the applicant receives ongoing treatment and if so, the name and contact information for all current treatment providers and for all monitoring or support programs in which the applicant is currently participating; and~~
- c. ~~Whether the licensee currently has any disease or condition including a behavioral health illness or condition, substance abuse disorder, physical disease or condition that interferes with the licensee's ability to perform health care tasks authorized by A.R.S. § 32-2531 and if so, an explanation. A copy of any public or confidential agreement or order relating to the use, disorder, or condition, issued by a licensing agency or health care institution since the last renewal, if applicable; and~~
7. ~~If the document submitted under R4-17-203(B)(1) was a limited form of work authorization issued by the federal government, evidence that the licensee's presence in the U.S. continues to be authorized under federal law.~~
- B. ~~The Under A.R.S. §32-2523(A), the Board may shall randomly select a number of statements of completion of continuing education at least 10 percent of renewal applications submitted by licensees who are not currently certified by a national certification organization to verify the accuracy of the statements and the acceptability of the Category I continuing medical education attended. Physician assistants whose statements have been selected shall submit any additional information requested by the Board to assist in the verification compliance with the continuing medical education requirement specified in R4-17-205(A). A licensee selected shall submit to the Board documents that verify compliance with the continuing medical education requirement.~~

ARTICLE 3. ~~REPEALED~~ DUTIES OF THE EXECUTIVE DIRECTOR

R4-17-301. ~~Repealed Dismissal of Complaint~~

- ~~A. The executive director, with concurrence of the investigative staff, shall dismiss a complaint if review shows the complaint is without merit and dismissal is appropriate.~~
- ~~B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of physician assistants about whom complaints were dismissed since the preceding Board meeting.~~

R4-17-302. ~~Repealed Referral to Formal Hearing~~

- ~~A. The executive director may refer a case directly to a formal hearing if the investigative staff, medical consultant, and lead Board member concur after review of the physician assistant's case that a formal hearing is appropriate.~~
- ~~B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physician assistants whose cases were referred to formal hearing since the preceding Board meeting and whether the case was referred because it involves revocation, suspension, out-of-state disciplinary action, or complexity.~~

R4-17-303. ~~Repealed Non-disciplinary Consent Agreement~~

~~The executive director may enter into a consent agreement under A.R.S. § 32-2505(C)(23) with a physician assistant to limit the physician assistant's practice or rehabilitate the physician assistant if there is evidence that the physician assistant is mentally or physically unable to engage in the practice of medicine safely and the investigative staff, medical consultant, and lead Board member concur after review of the case that a consent agreement is appropriate.~~

R4-17-304. ~~Repealed Request for Inactive Status and License Cancellation~~

- ~~A. If a physician assistant requests inactive status or license cancellation and meets the requirements of A.R.S. §§ 32-2525 or 32-2528 and is not participating in the program defined under A.R.S. § 32-2552(E), the executive director shall grant the request.~~
- ~~B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the individuals granted inactive or cancelled license status since the preceding Board meeting.~~

R4-17-305. ~~Repealed Referral to Formal Interview~~

~~The executive director shall refer a case to a formal interview on a future Board meeting agenda if the medical consultant, in cases involving quality of care, and the investigative staff and lead Board member concur after review of the case that a formal interview is appropriate.~~

R4-17-306. ~~Denial of License~~

- ~~A. The executive director shall deny a license to an applicant if the executive director, in consultation with the investigative staff and medical consultant concur after reviewing the application, that the applicant does not meet the statutory requirements for licensure.~~
- ~~B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physician assistants whose applications were denied since the preceding Board meeting.~~



7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking 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 economic impact of the rule changes will be minimal because the changes simply make the rules consistent with statutory changes made by the legislature.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Dr. Cindy Olvey, Executive Director
 Address: Board of Psychologist Examiners
 1400 W. Washington, Suite 240
 Phoenix, AZ 85007
 Telephone: (602) 542-8162
 Fax: (602) 542-8279
 E-mail: Cindy.Olvey@psychboard.az.gov
 Web site: www.psychboard.az.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, October 17, 2016
 Time: 10:00 a.m.
 Location: 15 S. 15th Ave.
 Basement Conference Room
 Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The license required for behavior analysts is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There are numerous federal laws that apply to provision of health care but none is directly applicable to this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

BACB Professional and Ethical Compliance Code for Behavior Analysts, January 1, 2016, published by the BACB and available from the Board or at www.bacb.com. The material is incorporated at R4-26-406.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 4. BEHAVIOR ANALYSIS

Section	
R4-26-401.	Definitions
R4-26-403.	Application for Initial License
R4-26-404.	<u>License Examination Requirement</u>
R4-26-404.1.	<u>Education Requirement</u>
R4-26-404.2.	<u>Supervised Experience Requirement</u>
R4-26-405.	Coursework Requirement
R4-26-406.	Ethical Standard
R4-26-407.	License by Reciprocity



- R4-26-408. License Renewal
- R4-26-409. Continuing Education Requirement
- R4-26-410. Voluntary Inactive Status
- R4-26-414. Complaints and Investigations
- R4-26-417. Licensing ~~Time-frames~~ Time Frames

ARTICLE 4. BEHAVIOR ANALYSIS

R4-26-401. Definitions

- A. The definitions in A.R.S. § 32-2091 apply in this Article.
- B. Additionally, in this Article:
 - 1. “Accredited” means an institution of higher education:
 - a. In the U.S. is listed with the Council for Higher Education Accreditation.
 - b. In Canada is a member of the Universities Canada, and
 - c. Outside of the U.S. or Canada is determined by a member of the National Association of Credential Evaluation Services to have standards substantially similar to those of an institution of higher education in the U.S. or Canada.
 - ~~1-2.~~ “Advertising” means any media used to disseminate information regarding the qualifications of a behavior analyst in order to solicit clients for behavior analysis services, regardless of whether the behavior analyst pays for the advertising.
 - ~~2-3.~~ “Applicant” means an individual who applies to the Board for an initial or renewal license.
 - ~~3-4.~~ “BACB” means the Behavior Analyst Certification Board.
 - ~~4-5.~~ “Confidential information” means:
 - a. Minutes of an executive session of the Board except as provided under A.R.S. § 38-431.03(B);
 - b. A record that is classified as confidential by a statute or rule applicable to the Board;
 - c. Materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, and any information relating to a client’s diagnosis, treatment, or personal family life; and
 - d. The following regarding an applicant or licensee:
 - i. College or university transcripts if requested from the Board by a person other than the applicant or licensee;
 - ii. Home address, telephone number, and e-mail address;
 - iii. Test scores;
 - iv. Date of birth;
 - v. Place of birth; and
 - vi. Social Security number.
 - ~~5-6.~~ “Gross negligence” means an extreme departure from the ordinary standard of care.
 - ~~6-7.~~ “Inactive status” means a behavior analyst maintains a license as a behavior analyst but is prohibited from practicing behavior analysis or holding oneself out as practicing behavior analysis in Arizona.
 - ~~7-8.~~ “License period” means:
 - a. For a licensee who holds an odd-numbered license, the two years between ~~May 1~~ the first day of the month after the licensee’s birth month of one odd-numbered year and ~~April 30~~ the last day of the licensee’s birth month of the next odd-numbered year; and
 - b. For a licensee who holds an even-numbered license, the two years between the first day of the month after the licensee’s birth month of one even-numbered year and the last day of the licensee’s birth month of the next even-numbered year.
 - ~~8-9.~~ “Mitigating circumstances that prevent resolution” means factors the Board considers in reviewing allegations against an applicant or licensee of unprofessional conduct occurring in another regulatory jurisdiction when the allegations would not prohibit licensure in Arizona. The factors may include:
 - a. Nature of the alleged conduct,
 - b. Severity of the alleged conduct,
 - c. Recentness of the alleged conduct,
 - d. Actions taken by the applicant to remedy potential violations, and
 - e. Whether the alleged conduct was an isolated incident or part of a recurring pattern.
 - ~~9-10.~~ “Party” means the Board, an applicant, a licensee, or the state.
 - ~~10-11.~~ “Psychometric testing materials” means manuals, instruments, protocols, and questions or stimuli used in testing.
 - ~~11-12.~~ “Raw test data” means test scores, client responses to test questions or stimuli, and a behavior analyst’s notes and recordings concerning client statements and behavior during examination.
 - ~~12.~~ “Recognized accrediting agency” means a regional accrediting agency recognized by the U.S. Department of Education or a quality assurance or accreditation entity authorized to operate by a foreign government.
 - 13. “Regulatory jurisdiction” means a state or territory of the United States, the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.



- b. ~~Designing, implementing, and monitoring behavior analysis programs for clients;~~
- e. ~~Overseeing the implementation of behavior analysis programs by others; and~~
- d. ~~Performing or participating in other activities normally performed by a behavior analyst;~~

~~22-13.~~ The applicant's signature attesting that all statements in the application are true in every respect.

- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- C. Additionally, an applicant shall ensure that the following is submitted directly to the Board:
 - 1. Verification ~~that the applicant has~~ passed the examination referenced in R4-26-404 submitted by the BACB;
 - 2. Verification of supervised experience that meets the standards specified in R4-26-404.2 submitted by an individual with direct knowledge of the supervised ~~work~~ experience, ~~independent fieldwork, university practicum, or intensive university practicum;~~
 - 3. Official ~~transcripts from all graduate institutions attended~~ transcript for the graduate degree required under R4-26-404.1 submitted by the ~~institutions~~ accredited institution of higher education that awarded the degree;
 - 4. Official transcript or other official document demonstrating the applicant completed the coursework required under R4-26-405 submitted by the accredited institution of higher education or BACB-approved program in which the coursework was completed; and
 - ~~4-5.~~ Verification of licensure, certification, or registration by another regulatory jurisdiction submitted by the regulatory jurisdiction.

R4-26-404. License Examination Requirement

- ~~A.~~ To be licensed as a behavior analyst in Arizona, an individual shall take and pass the examination administered by the BACB for Board Certified Behavior Analysts as part of its certification process.
- ~~B.~~ ~~An individual who fails the BACB examination three times, regardless of jurisdiction, shall not take the examination again until the individual complies with additional requirements that the Board specifies based on an assessment of the knowledge and skill inadequacies causing the individual to fail.~~

R4-26-404.1. Education Requirement

To be licensed as a behavior analyst in Arizona, an individual shall have a master's degree or higher from an accredited institution of higher education in:

- 1. Behavior analysis, education, psychology, or another subject area related to behavior analysis acceptable to the Board; or
- 2. A degree program in which the applicant completed a BACB-approved course sequence.

R4-26-404.2. Supervised Experience Requirement

- ~~A.~~ To be licensed as a behavior analyst in Arizona, an individual shall have completed 1500 hours of supervised experience. The Board shall accept, for the purpose of licensure, hours of supervised experience that meet the following standards:
 - 1. Supervised independent fieldwork. The supervisee shall be supervised at least once during each two-week supervisory period for at least five percent of the total hours spent in supervised independent fieldwork;
 - 2. Practicum. The supervisee shall:
 - a. Participate in a practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the practicum;
 - c. Obtain graduate-level academic credit for the practicum; and
 - d. Be supervised at least once during each one-week supervisory period for at least 7.5 percent of the total hours spent in practicum;
 - 3. Intensive practicum. The supervisee shall:
 - a. Participate in an intensive practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the intensive practicum;
 - c. Obtain graduate-level academic credit for the intensive practicum; and
 - d. Be supervised at least twice during each one-week supervisory period for at least 10 percent of the total hours spent in the intensive practicum;
 - 4. Combination of experience categories. The supervisee may accrue hours of supervised experience in a single category or may combine any two or three categories listed in subsections (A)(1) through (3). However, the supervisee shall accrue supervised experience in only one category in each supervisory period; and
 - 5. For all categories of supervised experience, the supervisee shall accrue no fewer than 10 hours and no more than 30 hours, including time spent in supervision, each week.
- ~~B.~~ Standards for supervised experience.
 - 1. Onset of supervised experience. The Board shall not accept, for the purpose of licensure, hours of supervised experience completed before attending courses required under R4-26-405. However, the Board shall accept hours of supervised experience completed concurrent with attending courses required under R4-26-405.



2. Appropriate activities. The Board shall accept, for the purpose of licensure, hours of supervised experience that demonstrate participation in supervised experiences with various populations, at various sites, with multiple supervisors, and including all of the following activity areas:
 - a. Conducting assessments related to behavioral intervention;
 - b. Designing, implementing, and monitoring skill-acquisition and behavior-reduction programs;
 - c. Overseeing implementation of behavior-analytic programs by others;
 - d. Training, designing behavioral systems, and managing performance; and
 - e. Performing other activities directly related to behavior analysis such as attending planning meetings regarding the behavior analytic program, researching literature related to the program, and talking with others about the program.
3. Appropriate clients. The Board shall accept, for the purpose of licensure, hours of supervised experience with appropriate clients.
 - a. An appropriate client is one for whom behavior-analytic services are suitable.
 - b. A client is not appropriate if:
 - i. The client is related to the supervisee,
 - ii. The client's primary caretaker is related to the supervisee, or
 - iii. The supervisee is the client's primary caretaker.
4. Supervisor qualifications. The Board shall accept, for the purpose of licensure, hours of supervised experience only if the supervisor:
 - a. Was licensed by the state in which the supervision occurred during the period of supervised experience; or
 - b. If licensure of behavior analysts was not available or not in effect in the state in which the supervision occurred or during the period of supervised experience, was certified as a behavior analyst by the BACB; and
 - c. Was not related to, subordinate to, or employed by the supervisee during the period of supervised experience. Employment does not include payment made to the supervisor by the supervisee for supervisory services.
5. Nature of supervision. The Board shall accept, for the purpose of licensure, hours of supervised experience that are effective in improving and maintaining the behavior-analytic, professional, and ethical skills of the supervisee.
 - a. Effective supervision includes:
 - i. Developing performance expectations for the supervisee;
 - ii. Observing the supervisee and providing performance feedback on behavior-analytic activities with clients in the natural environment. In person, on-site observation is preferred but use of web cameras, videotape, videoconferencing, or a similar means that provides synchronous observation is acceptable;
 - iii. Modeling technical, professional, and ethical behavior for the supervisee;
 - iv. Guiding behavioral case conceptualization, problem solving, and decision making skills of the supervisee;
 - v. Reviewing written materials prepared by the supervisee such as behavior programs, data sheets, and reports;
 - vi. Providing oversight and evaluation of the effects of the supervisee's delivery of behavioral service; and
 - vii. Evaluating the effects of supervising the supervisee; and
 - b. Effective supervision may be conducted:
 - i. Individually for at least half of the total supervised hours in each supervisory period; and
 - ii. In groups of two to 10 supervisees for no more than half of the total supervised hours in each supervisory period.
6. Supervision plan. The Board shall accept, for the purpose of licensure, hours of supervised experience for which the supervisee and supervisor executed a written plan before starting the supervised experience, which includes the following:
 - a. States the responsibilities of both the supervisor and supervisee;
 - b. Requires the supervisor and supervisee to complete BACB's online experience training module;
 - c. Requires the supervisor to complete eight hours of supervision training provided by BACB;
 - d. Includes a description of appropriate activities and instructional objectives;
 - e. Specifies the measurable circumstance under which the supervisor will complete the supervisee's Experience Verification Form;
 - f. Delineates the consequences if either supervisor or supervisee does not comply with the plan;
 - g. Requires the supervisee to obtain written permission from the supervisee's employer or manager when applicable; and
 - h. Requires both the supervisor and supervisee to comply with the ethical standard specified at R4-26-406.
7. Documentation of supervision. If the Board determines documentation of supervision is needed to enable it to assess an applicant's qualifications, the applicant shall submit documentation of hours of supervised experience. When requested, the Board shall accept, for the purpose of licensure, hours of supervised experience that are documented in a writing that includes the following elements:
 - a. Date of each supervisory meeting.
 - b. Duration of each supervisory meeting.



- c. Statement of whether each supervisory meeting involved individual or group supervision.
- d. Evaluation of supervisee performance.
- e. Total experience hours obtained during the supervisory period.
- f. Total individual and group supervision hours obtained during the supervisory period, and
- g. Dated signature of both the supervisor and supervisee.
- 8. Multiple supervisors or settings. The Board shall accept, for the purpose of licensure, hours of supervised experience provided by multiple supervisors or at multiple settings if all the hours of supervised experience meet the standards specified in subsections (B)(1) through (7).
- C. Experience Verification Form. An applicant for licensure shall submit to the Board an Experience Verification Form that is completed by the applicant's supervisor, supervisors, or a behavior analyst knowledgeable of the applicant's supervised experience.
 - 1. If the applicant is unable to obtain a completed Experience Verification Form or if the applicant disagrees with the total hours recorded on the form, the applicant may submit to the Board:
 - a. A copy of the plan required under subsection (B)(6).
 - b. Copies of the documentation maintained under subsection (B)(7), and
 - c. Letters or other documentation from third parties who observed the supervisory relationship.
 - 2. An applicant who submits documentation to the Board under subsection (C)(1) shall:
 - a. Provide the supervisor a copy of the documentation submitted to the Board; and
 - b. Submit to the Board proof of compliance with subsection (C)(2)(a). The Board shall accept as proof of compliance a certified mail receipt and a copy of a letter to the supervisor explaining why the documentation is being submitted to the Board.

R4-26-405. Coursework Requirement

A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.

A.B. As required under A.R.S. § 32-2091.03(A)(3) To be licensed as a behavior analyst in Arizona, an applicant for licensure individual shall complete, as part of or in addition to the coursework necessary to obtain the graduate degree required under A.R.S. § 32-2091.03(A)(1) R4-26-404.1, 225 270 classroom hours of graduate-level instruction. The applicant individual shall ensure that the classroom hours include the following content areas:

- 1. Ethical and professional conduct in behavior analysis: 15 45 hours;
- 2. Definitions and characteristics; principles, processes, and concepts Concepts and principles of behavior analysis: 45 hours;
- 3. Behavioral assessment; selecting intervention outcomes and strategies Research methods in behavior analysis: 30 45 hours;
 - a. Measurement and data analysis: 25 hours; and
 - b. Experimental design: 20 hours;
- 4. Experimental evaluation of interventions: 20 hours; Applied behavior analysis: 105 hours:
 - a. Fundamental elements of behavior change and specific behavior change procedures: 45 hours;
 - b. Identification of the problem and assessment: 30 hours;
 - c. Intervention and behavior change considerations: 10 hours;
 - d. Behavior change systems: 10 hours; and
 - e. Implementation, management, and supervision: 10 hours; and
- 5. Measurement of behavior; displaying and interpreting behavioral data: 20 hours;
- 6. Behavioral change procedures; systems support: 45 hours; and
- 7. Discretionary content related to behavior analysis: 50 30 hours.

B.C. The Board shall accept only classroom hours of graduate-level instruction taken completed at an institution accredited by a recognized accrediting agency institution of higher education or in a program approved by the BACB.

R4-26-406. Ethical Standard

The Board incorporates by reference BACB ~~Guidelines for Responsible Conduct~~ Professional and Ethical Compliance Code for Behavior Analysts, July 2010 January 1, 2016, published by the BACB and available for review at the Board office and online at www.BACB.com. The incorporated material includes no later editions or amendments.

R4-26-407. License by Reciprocity

An individual who is licensed or certified as a behavior analyst in another state may apply for an initial license as a behavior analyst in Arizona by complying with R4-26-403 and submitting evidence that the individual is licensed or certified as a behavior analyst in good standing and:

- 1. Obtained a graduate degree from an accredited institution of higher learning accredited by a recognized accrediting agency education in a subject area specified in R4-26-404.1;
- 2. Completed a minimum of 1,500 hours of supervised experience that meet the standards specified in R4-26-404.2;
- 3. Completed a minimum of 225 270 classroom hours of graduate-level instruction in the content areas listed in R4-26-405 or was certified as a behavior analyst by the BACB before January 1, 2015; and
- 4. Passed the examination referenced in R4-26-404.

**R4-26-408. License Renewal**

- A. ~~A Beginning May 1, 2017, a license issued by the Board, whether active or inactive, expires on May 1 of every odd-numbered year unless renewed the last day of a licensee's birth month during the licensee's renewal year.~~
- B. The Board shall provide a licensee with 60 ~~days~~ days notice of the license renewal deadline. Failure to receive the notice does not excuse failure to renew timely.
- C. To renew a license, a licensee shall, on or before ~~April 30 of every odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year, submit to the Board a renewal application form, which is available from the Board office and on its website, and provide the following information:
1. License number;
 2. Name;
 3. Other names by which the licensee is or ever has been known;
 4. Home address and telephone number;
 5. Business name and address;
 6. Work telephone and fax number;
 7. E-mail address;
 8. Date of birth;
 9. Social Security number;
 10. BACB certificate number, if applicable;
 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 12. No change
 13. No change
 14. No change
- D. No change
1. No change
 2. No change
 3. No change
- E. No change
- F. Under A.R.S. § 32-2091.07, the license of a licensee who fails to submit a renewal application on or before ~~April 30 of an odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year expires and the licensee shall immediately stop practicing as a behavior analyst in Arizona.
- G. A behavior analyst whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board ~~on or before June 30 of the year in which the license expired~~ within two months after last day of the licensee's birth month during the licensee's renewal year:
1. No change
 2. No change
 3. No change
- H. No change
1. Complying with ~~subsections (G)(1) through (3) on or before the following April 30th~~ subsection (G) within one year after the last day of the licensee's birth month during the licensee's renewal year, and
 2. No change
- I. No change

R4-26-409. Continuing Education Requirement

- A. A licensee shall complete a minimum of 30 hours of continuing education during each license period. A licensee shall ensure that at least four hours of continuing education addresses ethics.
- B. During a licensee's first license period, the licensee shall complete a pro-rated number of continuing education hours. To determine the number of continuing education hours required during the first license period, the licensee shall multiply the number of whole months from the month of license issuance to the end of the license period by 1.25.
- C. A licensee shall ensure that each continuing education program provides the necessary understanding of current devel-



opments, skills, or procedures related to the practice of behavior analysis. The following provide the necessary understanding of current developments, skills, or procedures related to the practice of behavior analysis:

1. ~~Continuing education programs offered by a BACB-approved provider: One hour of continuing education for each hour of participation;~~
 2. ~~1. Courses College or university graduate coursework that directly relate relates to behavior analysis and are is provided by an accredited educational institution: 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed; a course syllabus and transcript are required for documentation;~~
 2. ~~Continuing education programs offered by a BACB-approved provider: One hour of continuing education for each hour of participation; a certificate or letter from the BACB-approved provider is required for documentation;~~
 3. Self-study, online, or correspondence course that is directly related to behavior analysis and offered by BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
 4. Teaching a continuing education program offered by a BACB-approved provider or ~~approved or~~ teaching a graduate university or college course offered by an accredited educational institution: One hour of continuing education for each hour taught; for graduate courses taught, 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed;
 5. Credentialing activities ~~approved or~~ events pre-approved for continuing education and initiated by the BACB: One hour of continuing education for each hour of participation; documentation from the BACB is required;
 6. Publication of a peer-reviewed article or text book on the practice of behavior analysis or serving as a reviewer or action editor of an article pertaining to behavior analysis: ~~15~~ eight hours of continuing education for one publication and one hour of continuing education for one review; and
 7. Attending a Board meeting: ~~Two~~ Three hours for attending a morning or afternoon session of a Board meeting and ~~four~~ six hours for attending a full-day Board meeting.
- D. The number of hours of continuing education is limited as follows:
1. No more than ~~25~~ 50 percent of the required hours may be obtained from teaching a continuing education program or course under subsection (C)(4). A licensee shall not obtain continuing education hours for teaching the same continuing education program or course more than ~~two times~~ once during each licensing period. A licensee shall earn no continuing education hours for participating as a member of a panel at a continuing education program or course;
 2. No more than 25 percent of the required hours may be obtained from continuing education under ~~subsections~~ each of subsections (C)(3), ~~and~~ (5), and (6).
 3. No more than six of the required hours may be obtained under subsection (C)(7). Hours obtained under subsection (C)(7) may be used to complete the ethics requirement under subsection (A).
 4. Hours obtained in excess of the minimum required during a license period shall not be carried over to a subsequent license period.
- E. A licensee shall obtain a certificate or other evidence of attendance from the provider of each continuing education program or course attended that includes the following:
1. Name of the licensee;
 2. Title of the continuing education;
 3. Name of the continuing education provider;
 4. Date, time, and location of the continuing education; and
 5. Number of hours of continuing education obtained.
- F. A licensee shall maintain the evidence of attendance described in subsection (E) for two licensing periods and make the evidence available to the Board upon request.
- G.** The Board may audit a licensee's compliance with the continuing education requirement. The Board may deny license renewal or take other disciplinary action against a licensee who fails to obtain or document the required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding the continuing education hours.
- H.** A licensee who cannot comply with the continuing education requirement for good cause may seek an extension of time in which to comply by submitting a written request to the Board with the timely submission of the renewal application required under R4-26-408.
1. Good cause includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period.
 2. The Board shall not grant an extension longer than one year.
 3. A licensee who obtains hours of continuing education during an extension of time provided by the Board shall ensure the hours are reported only for the license period extended.
 4. A licensee who cannot comply with the continuing education requirement within an extension may apply to the Board for inactive license status under A.R.S. § 32-2091.06(E).

**R4-26-410. Voluntary Inactive Status**

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. No change
- C. To remain licensed, a licensee on inactive status shall comply with R4-26-408 on or before ~~April 30 of every odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year.

R4-26-414. Complaints and Investigations

- A. No change
 - 1. No change
 - 2. No change
- B. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. Whether the complainant has contacted the licensee or other individual concerning the complaint and if so, the response, if any.

R4-26-417. Licensing ~~Time-frames~~ Time Frames

- A. For the purpose of A.R.S. § 41-1073, the Board establishes the following ~~time-frames~~ time frames:
 - 1. Initial license.
 - a. Overall ~~time frame~~ time frame: 120 days,
 - b. Administrative completeness review ~~time-frame~~ time frame: 30 days, and
 - c. Substantive review ~~time-frame~~ time frame: 90 days; and
 - 2. Renewal license.
 - a. Overall ~~time-frame~~ time frame: 150 days,
 - b. Administrative completeness review ~~time-frame~~ time frame: 60 days, and
 - c. Substantive review ~~time-frame~~ time frame: 90 days; ~~and~~.
- B. An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall ~~time-frames~~ time frames by no more than 25% of the overall ~~time-frame~~ time frame.
- C. The administrative completeness review ~~time-frame~~ time frame begins when the Board receives the application materials required under R4-26-403 or R4-26-408(C) and (D). During the administrative completeness review ~~time-frame~~ time frame, the Board shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Board shall specify in the notice what information is missing.
- D. An applicant whose application is incomplete shall submit the missing information to the Board within 240 days for an initial license. Both the administrative completeness review and overall ~~time-frames~~ time frames are suspended from the date of the Board's notice under subsection (C) until the Board receives all of the missing information.
- E. Upon receipt of all missing information, the Board shall notify the applicant that the application is complete. The Board shall not send a separate notice of completeness if the Board grants or denies a license within the administrative completeness review ~~time-frame~~ time frame listed in subsection (A)(1)(b) or (A)(2)(b).
- F. The substantive review ~~time-frame~~ time frame begins on the date of the Board's notice of administrative completeness.
- G. No change
- H. An applicant who receives a request under subsection (G) shall submit the additional information to the Board within 240 days. Both the substantive review and overall ~~time-frames~~ time frames are suspended from the date of the Board's request until the Board receives the additional information.
- I. No change
- J. Within the overall ~~time-frame~~ time frame listed in subsection (A), the Board shall:
 - 1. No change
 - 2. No change
- K. No change
- L. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- M. If a ~~time-frame's~~ time frame's last day falls on a Saturday, Sunday, or official state holiday, the next business day is the ~~time-frame's~~ time frame's last day.