RULES
The definition for a rule is provided for under A.R.S. § 41-1001. "Rule" means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions. The Code is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The "R" stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR
At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing Chapters using these paper colors.

PERSONAL USE/COMMERCIAL USE
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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.
TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

Authority: A.R.S. § 32-1401 et seq.

Supp. 21-3

Editor’s Note: Supp. 16-1 has rules amended as final exempt rules. The proposed exempt rules were published on the Board’s website for 30 days and the end which no additional public comments were received (Supp. 16-1).

Editor’s Note: Supp. 15-4 has rules that were submitted as final exempt rules. Pursuant to Laws 2015, Chapter 251, Section 3, the Board was required to provide public notice and an opportunity for the public to comment on its proposed exempt rules. Three public meetings were conducted. Even though the proposed exempt rules were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Exempt rulemakings are those that are submitted to the Office of the Secretary of State without public comment (Supp. 15-4).

Editor’s Note: The name of the Allopathic Board of Medical Examiners was changed to the Arizona Medical Board by Laws 2002, Ch. 254, § 9, effective August 22, 2002 (Supp. 03-2).

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ARTICLE 1. GENERAL PROVISIONS

R4-16-101. Definitions

Unless the context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

1. “ACLS” means advanced cardiac life support performed according to certification standards of the American Heart Association.
2. “Agent” means an item or element that causes an effect.
3. “Approved medical assistant training program” means a program accredited by one of the following:
   a. The Commission on Accreditation of Allied Health Education Programs; or
   b. The Accrediting Bureau of Health Education Schools.
4. “BLS” means basic life support performed according to certification standards of the American Heart Association.
5. “Carboxyhemoglobin” means monitoring the concentration of carbon monoxide in the blood.
6. “Case” means a file opened by a member of the Board’s investigations department or the manager’s designee.
7. “Deep sedation” means a drug-induced depression of consciousness during which a patient:
   a. Cannot be easily aroused, but
   b. Responds purposefully following repeated or painful stimulation, and
   c. May partially lose the ability to maintain ventilatory function.
8. “Discharge” means a written or electronic documented termination of office-based surgery to a patient.
10. “Emergency” means an immediate threat to the life or health of a patient.
11. “Emergency drug” means a drug that is administered to a patient in an emergency.
12. “General Anesthesia” means a drug-induced loss of consciousness during which a patient:
   a. Is not a health care professional, and
   b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
13. “Health care professional” means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 3-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician’s office.
14. “Informed consent” means advising a patient of:
   a. Purpose for and alternatives to office-based surgery using sedation,
   b. Associated risks of office-based surgery using sedation, and
   c. Possible benefits and complications from the office-based surgery using sedation.
15. “Inpatient” has the same meaning as in A.A.C. R9-10-201.
16. “Investigative staff” means Board staff employed to gather documents and evidence regarding an allegation of unprofessional conduct made against an applicant or licensee.
R4-16-102. Continuing Medical Education

A. A physician holding an active license to practice medicine in this state shall complete 40 credit hours of continuing medical education required by A.R.S. § 32-1434 during the two calendar years preceding biennial registration.

1. A physician who is authorized to prescribe schedule II controlled substances and holds a valid U.S. Drug Enforcement Administration registration number shall complete at least three hours of opioid-related, substance-use-disorder-related, or addiction-related continuing medical education during each renewal cycle;

2. One hour of credit is allowed for each clock hour of participation in continuing medical education activities, unless otherwise designated in subsection (B); and

3. The physician may not carry excess hours of continuing medical education over to another two-year cycle.

B. A physician may claim continuing medical education for the following:

1. Participating in an internship, residency, or fellowship at a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of training in a full-time-approved program, or for less than full-time training on a pro rata basis. In this subsection teaching institutions define “full-time.”

2. Participating in an education program for an advanced degree in a medical or medically-related field in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time study or less than a full-time study on a pro rata basis. In this subsection teaching institutions define “full-time.”

3. Participating in full-time research in a teaching institution approved by the American Medical Association, the Association of American Medical Colleges, or the American Osteopathic Association. A physician may claim one credit hour of continuing medical education for each one day of full-time research, or less than full-time research on a pro rata basis. In this subsection teaching institutions define “full-time.”

4. Participating in an education program certified as Category 1 by an organization accredited by the Accreditation Council for Continuing Medical Education, 515 North State Street, Suite 2150, Chicago, Illinois 60610.

5. Participating in a medical education program designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of medicine, that is provided by an organization or institution accredited by the Accreditation Council for Continuing Medical Education.

6. Serving as an instructor of medical students, house staff, other physicians, or allied health professionals from a hospital or other health care institution with a formal training program, if the instructional activities provide the instructor with understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine.

7. Publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of allopathic medicine.

The physician may claim one credit hour for each hour preparing, writing, and presenting materials:

a. Actually published or presented; and

b. After the date of publication or presentation.

8. A credit hour may be earned for any of the following activities that provide an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic medicine:

a. Completing a medical education program based on self-instruction that uses videotapes, audiotapes, films, filmstrips, slides, radio broadcasts, or computers;

b. Reading scientific journals and books;

c. Preparing for specialty board certification or recertification examinations;

d. Participating on a staff or quality of care committee, or utilization review committee in a hospital, health care institution, or government agency.

C. If a physician holding an active license to practice medicine in this state fails to meet the continuing medical education requirements under subsection (A) because of illness, military service, medical or religious missionary activity, or residence in a foreign country, upon written application, the Board shall grant an extension of time to complete the continuing medical education.

D. The Board shall mail to each physician a license renewal form that includes a section regarding continuing medical education compliance. The physician shall sign and return the form certified under penalty of perjury that the continuing medical education requirements under subsection (A) are satisfied for the two-calendar-year period preceding biennial renewal. Failure to receive the license renewal form under subsection (A) shall not relieve the physician of the requirements of subsection (A). The Board may randomly audit a physician to verify compliance with the continuing medical education requirements under subsection (A).

Historical Note
Former Rule 16. Former Section R4-16-02 repealed, new Section R4-16-102 adopted effective June 1, 1984 (Supp. R4-3). Section repealed, new Section renumbered from R4-16-106 effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 1881, effective May 3, 2000 (Supp. 00-2). Former Section R4-16-102 recodified to R4-16-103; New Section R4-16-102 recodified from R4-16-101 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

R4-16-103. Rehearing or Review of Board Decision

A. In a contested case or appealable agency action, a party aggrieved by an order of the Board may file a written motion for rehearing or review with the Board under A.R.S. Title 41, Chapter 6, Article 10, specifying the grounds for rehearing or review.

1. A motion for rehearing or review shall be filed with the Board and served no later than 30 days after the decision of the Board.

2. For purposes of this Section, “service” has the same meaning as in A.R.S. § 41-1092.09.

3. For purposes of this Section, a document is deemed filed when the Board receives the document.

4. For purposes of this Section, “party” has the same meaning as in A.R.S. § 41-1001.
B. Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.

C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

D. The Board may grant a rehearing or review for any of the following reasons materialy affecting a party's rights:
   1. Irregularity in the proceedings or an order or abuse of discretion, that deprives the moving party of a fair hearing;
   2. Misconduct of the Board, its staff, administrative law judge, or the prevailing party;
   3. Accident or surprise that could have not been prevented by ordinary prudence;
   4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
   5. Excessive penalty;
   6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
   7. The decision is the result of a passion or prejudice; or
   8. The findings of fact or decision is not justified by the evidence or is contrary to law.

E. The Board may grant a rehearing or review to all or any of the findings and conclusions, and affirm, modify, or reverse the original decision. The Board shall specify the particular grounds for any order modifying a decision or granting a rehearing. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.

F. Not later than 15 days after a decision is issued, the Board on its own initiative may order a rehearing or review for any reason that it might have granted a rehearing or review on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a timely-served motion for a rehearing or review for a reason not stated in the motion. In either case, the Board shall specify in the order the grounds for the rehearing or review.

G. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days either for good cause or upon written stipulation by the parties. The Board may permit reply affidavits.

H. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for the preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review.

I. A party that has exhausted the party's administrative remedies may appeal a final order of the Board under A.R.S. Title 12, Chapter 7, Article 6.

J. A person that files a complaint with the Board against a licensee:
   1. Is not a party to:
      a. A Board administrative action, decision, or proceeding;
      b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and
   2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.
CHAPTER 16. ARIZONA MEDICAL BOARD

ARTICLE 2. LICENSURE

R4-16-201. Application for Licensure by Examination or Endorsement

A. For purposes of this Article, unless otherwise specified:

1. “ABMS” means American Board of Medical Specialties.
5. “LMCC” means Licentiate of the Medical Council of Canada.
6. “NBME” means National Board of Medical Examiners.
7. “Primary source” means the original source or an approved agent of the original source of a specific credential that can verify the accuracy of a qualification reported by an applicant.
8. “SPEX” means Special Purposes Examination.

B. An applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following information on an application form available on request from the Board and on the Board’s website:

1. Applicant’s full name, Social Security number, business and home addresses, primary e-mail address, business and home telephone numbers, and date and place of birth;
2. Name of the school of medicine from which the applicant graduated and date of graduation;
3. A complete list of the applicant’s internship, residency, and fellowship training;
4. List of all licensing examinations taken;
5. Names of the states, U.S. territories, or provinces in which the applicant has applied for or been granted a license or registration to practice medicine, including license number, date issued, and current status of the license;
6. A statement of whether the applicant:
   a. Has had an application for medical licensure denied or rejected by another state or province licensing board, and if so, an explanation;
   b. Has ever had any disciplinary or rehabilitative action taken against the applicant by another licensing board, including other health professions, and if so, an explanation;
   c. Has had any disciplinary actions, restrictions, or limitations taken against the applicant while participating in any type of training program or by any health care provider, and if so, an explanation;
   d. Has been found in violation of a statute, rule, or regulation of any domestic or foreign governmental agency, and if so, an explanation;
   e. Is currently under investigation by any medical board or peer review body, and if so, an explanation;
   f. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
   g. Has had hospital privileges revoked, denied, suspended, or restricted, and if so, an explanation;
   h. Has been named as a defendant in a malpractice matter currently pending or that resulted in a settlement or judgment against the applicant, and if so, an explanation;
   i. Has been subjected to any regulatory disciplinary action, including censure, practice restriction, suspension, sanction, or removal from practice, imposed by any agency of the federal or state government, and if so, an explanation;
   j. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action, and if so, an explanation;
   k. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude in any state, and if so, an explanation;
7. Whether the applicant is currently certified by any of the American Board of Medical Specialties;
8. The applicant’s intended specialty;
9. Consistent with the Board’s authority at A.R.S. § 32-1422(B), other information the Board may deem necessary to evaluate the applicant fully;
10. Whether the applicant completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter;
11. In addition to the answers provided under subsections (B)(1) through (B)(10), the applicant shall answer the following confidential question:
   a. 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 affects the applicant’s ability to exercise the judgment and skills of a medical professional;
   b. If the answer to subsection (B)(11)(a) is yes:
      i. A detailed description of the use, disorder, or condition; and
      ii. 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. 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; and
12. A notarized statement, signed by the applicant, verifying the truthfulness of the information provided, and that the applicant has not engaged in any acts prohibited by Arizona law or Board rules, and authorizing release of any required records or documents to complete application review.

C. In addition to the application form required under subsection (B), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall submit the following:

1. A notarized copy of the applicant’s birth certificate or passport;
2. Evidence of legal name change if the applicant’s legal name is different from that shown on the document submitted under subsection (C)(1);
3. Documentation listed under A.R.S. § 41-1080(A) showing that the applicant’s presence in the U.S. is authorized under federal law;
4. Complete list of all hospital affiliations and medical employment for the five years before the date of application;
5. 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 apply under subsection (E) a waiver of the requirement;
6. A full set of fingerprints and the processing charge specified in R4-16-205;
7. A paper or digital headshot photograph of the applicant taken no more than 60 days before the date of application; and
8. The fee authorized under A.R.S. § 32-1436 and specified in R4-16-205.

D. In addition to the requirements of subsections (B) and (C), an applicant for licensure to practice medicine by Step 3 of the USMLE or endorsement shall have the following submitted to the Board, electronically or in hard copy, by the primary source, ECFMG, Veridoc, or FCVS:

1. Official transcript or other authentication of graduation from a school of medicine;
2. Verification of completion of postgraduate training;
3. Verification of ECFMG certification if the applicant graduated from an unapproved school of medicine;
4. Examination and Board history report scores for USMLE, FLEX, NBME, and SPEX;
5. Verification of LMCC exam score or state written exam score;
6. Verification of licensure from every state in which the applicant has ever held a medical license;
7. Verification of all hospital affiliations during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification is required to be on the hospital’s official letterhead or the electronic equivalent; and
8. Verification of all medical employment during the five years before the date of application. Under A.R.S. § 32-1422(A)(11)(b), this verification may be submitted by the employer.

E. As provided under A.R.S. § 32-1422(F), the Board may waive a documentation requirement specified under subsections (C)(5) and (D).

1. To obtain a waiver under this subsection, an applicant shall submit a written request that includes the following information:
   a. Applicant’s name;
   b. Date of request;
   c. Document required under subsection (C)(5) or (D) for which waiver is requested;
   d. Detailed description of efforts made by the applicant to provide the document as required under subsection (C)(5) or (D);
   e. Reason the applicant’s inability to provide the document as required under subsection (C)(5) or (D) is due to no fault of the applicant; and
   f. If applicable, documents that support the request for waiver.
2. The Board shall consider the request for waiver at its next regularly scheduled meeting.
3. In determining whether to grant the request for waiver, the Board shall consider whether the applicant:
   a. Made appropriate and sufficient effort to satisfy the requirement under subsection (C)(5) or (D); and
   b. Demonstrated that compliance with the requirement under subsection (C)(5) or (D) is not possible because:
      i. The entity responsible for issuing the required document no longer exists;
      ii. The original of the required document was destroyed by accident or natural disaster;
      iii. The entity responsible for issuing the required document is unable to provide verification because of armed conflict or political strife; or
      iv. Another valid reason beyond the applicant’s control prevents compliance with the requirement under subsection (C)(5) or (D).
4. In determining whether to grant the request for waiver, the Board shall:
   a. Consider whether it is possible for the Board to obtain the required document from other source; and
   b. Request the applicant to obtain and provide additional information the Board believes will facilitate the Board’s decision.
5. If the Board determines the applicant is unable to comply with a requirement under subsection (C)(5) or (D) in spite of the applicant’s best effort and for a reason beyond the applicant’s control, the Board may grant the request for waiver and include the decision in the Board’s official record for the applicant.
6. The Board shall provide the applicant with written notice of its decision regarding the request for waiver. The Board’s decision is not subject to review or appeal.

F. As provided under A.R.S. § 32-1426(B), the Board may require an applicant for licensure by endorsement who passed an examination specified in A.R.S. § 32-1426(A) more than ten years before the date of application to provide evidence the applicant is able to engage safely in the practice of medicine. The Board may consider one or more of the following to determine whether the applicant is able to engage safely in the practice of medicine:

1. If an applicant is board certified by one of the specialties recognized by the ABMS, this criteria is considered met.
2. If an applicant obtains a passing score on a SPEX examination, this criteria is considered met.
3. The Board may also consider any combination of the following:
   a. The applicant’s records,
   b. The applicant’s practice history,
   c. A physical or psychological assessment of the applicant.

Historical Note
Adopted effective September 22, 1995 (Supp. 95-3). Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-201 recodified to R4-16-301; New Section R4-16-201 recodified from R4-16-106 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by exempt rulemaking at 20 A.A.R. 1995, effective July 11, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by...
R4-16-201. Application for Renewal of License
A. Under A.R.S. § 32-1430(A), an individual licensed under A.R.S. Title 32, Chapter 13, shall renew the license every other year on or before the licensee’s birthday.

B. To renew a license, a licensee shall submit the following information on an application form available on request from the Board and on the Board’s web site:
   1. The licensee’s full name, license number, business and home addresses, primary e-mail address, and business and home telephone numbers;
   2. Identification of changes to medical specialties and fields of practice;
   3. A statement of whether, since the time of last license issuance, the licensee:
      a. Has had an application for medical licensure denied or rejected by another state or province licensing board and if so, an explanation;
      b. Has had any disciplinary or rehabilitative action taken against the licensee by another licensing board, including other health professions and if so, an explanation;
      c. Has had any disciplinary action, restriction, or limitation taken against the licensee by any program or health care provider and if so, an explanation;
      d. Has been subject to discipline resulting in a medical license being revoked, suspended, limited, cancelled during an investigation, restricted, or voluntarily surrendered, or resulting in probation or entry into a consent agreement or stipulation and if so, an explanation;
      e. Has had hospital privileges revoked, denied, suspended, or restricted and if so, an explanation (do not report if the licensee’s hospital privileges were suspended due to failure to complete hospital records and reinstated after no more than 90 days);
      f. Has been subjected to disciplinary action including censure, practice restriction, suspension, sanction, or removal from practice by an agency of the state or federal government and if so, an explanation;
      g. Has had the authority to prescribe, dispense, or administer medications limited, restricted, modified, denied, surrendered, or revoked by a federal or state agency as a result of disciplinary or other adverse action and if so, an explanation;
      h. Has been found guilty or entered into a plea of no contest to a felony, a misdemeanor involving moral turpitude, or an alcohol or drug-related offense in any state and if so, an explanation; and
      i. Has failed the SPEX;

4. A statement of whether the licensee understands and complies with the medical records and recordkeeping requirements in A.R.S. §§ 32-3211 and 12-2297;

5. A statement of whether the licensee has completed at least 40 hours of CME as required under A.R.S. § 32-1434 and R4-16-102, including the hour of CME required under R4-16-102(A)(1);

6. A statement of whether the licensee requests that the license be inactivated or cancelled; and

7. A statement of whether the licensee completed a training unit prescribed by the Board regarding the requirements of A.R.S. Title 32, Chapter 13 and this Chapter.

C. Additionally, the licensee shall answer the following confidential question:

1. 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 affects the applicant’s ability to exercise the judgment and skills of a medical professional;

2. If the answer to subsection (C)(1) is yes:
   a. A detailed description of the use, disorder, or condition; and
   b. 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

3. 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.

D. To renew a license, a licensee shall submit the following with the required application form:

1. If the document submitted under R4-16-201(C)(3) 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;

2. The renewal fee specified under R4-16-205 and, if applicable, the penalty fee for late renewal; and

3. An attestation that all information submitted is correct.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).
Amended by final rulemaking at 24 A.A.R. 182, effective March 10, 2018 (Supp. 18-1).

R4-16-202. Application and Reapplication for Pro Bono Registration
A. An applicant for a pro bono registration to practice medicine for a maximum of 60 days in a calendar year in Arizona shall submit the following information on an application form available on request from the Board and on the Board’s web site:

1. Applicant’s full name, Social Security number, business and home addresses, primary e-mail address, and business and home telephone numbers;

2. List of all states, U.S. territories, and provinces in which the applicant is or has been licensed to practice medicine;

3. A statement verifying that the applicant:
   a. Agrees to render all medical services without accepting a fee or salary; or
   b. Agrees to perform only initial or follow-up examinations at no cost to the patient or the patient’s family through a charitable organization.

B. In addition to the application form required under subsection (A), an applicant for a pro bono registration to practice medicine shall submit documentation listed under A.R.S. § 41-1080(A) showing that the applicant’s presence in the U.S. is authorized under federal law.

C. An applicant may make application for a pro bono registration annually. A previously registered applicant may apply for a pro bono registration by submitting the following information on an application form available on request from the Board and on the Board’s web site:

1. Applicant’s full name, home address and telephone number, and primary e-mail address;

2. Number of previous pro bono registration;

3. Name of each state, U.S. territory, and province in which the applicant holds an active medical license;
4. A statement whether since issuance of the last pro bono registration:
   a. Any disciplinary action has been taken against the applicant, and
   b. Any unresolved complaints are currently pending against the applicant with any state board; and
5. If the document submitted under R4-16-202(B) was a limited form of work authorization issued by the federal government, evidence that the applicant’s presence in the U.S. continues to be authorized under federal law.

**Historical Note**
Adopted effective September 22, 1995 (Supp. 95-3).
Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-202 recodified to R4-16-302; New Section R4-16-202 recodified from R4-16-107 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-203. Application for Locum Tenens Registration**

A. An applicant for a locum tenens registration to practice medicine for a maximum of 180 consecutive days in Arizona shall submit an application form available on request from the Board and on the Board’s web site that provides the information required under R4-16-201(B).

B. In addition to the application form required under subsection (A), an applicant for a locum tenens registration to practice medicine shall have the following submitted directly to the Board, electronically or in hard copy, by the primary source, ECFMG, Veridico, or FCVS:
   1. Official transcript or other authentication of graduation from a school of medicine;
   2. Verification of completion of postgraduate training;
   3. A statement completed by the sponsoring Arizona-licensed physician giving the reason for the request for issuance of the registration;
   4. Verification of ECFMG certification if the applicant graduated from an unapproved school of medicine; and
   5. Verification of licensure from every state in which the applicant has ever held a medical license.

C. In addition to the application form required under subsection (A), an applicant for a locum tenens registration to practice medicine shall submit the following:
   1. Documentation listed under A.R.S. § 41-1080(A) showing that the applicant’s presence in the U.S. is authorized under federal law;
   2. A full set of fingerprints and the charge specified in R4-16-205;
   3. A copy of a government-issued photo identification; and
   4. The fee specified under R4-16-205.

**Historical Note**
Adopted effective September 22, 1995 (Supp. 95-3).
Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-203 recodified to R4-16-303; New Section R4-16-203 recodified from R4-16-108 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-204. Repealed**

**Historical Note**
Adopted effective September 22, 1995 (Supp. 95-3).
Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-204 recodified to R4-16-304; New Section R4-16-204 recodified from R4-16-103 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Repealed by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

**R4-16-205. Fees and Charges**

A. As specifically authorized under A.R.S. § 32-1436(A), the Board establishes and shall collect the following fees:
   1. Application for a license through endorsement, USMLE Step 2, or Endorsement with SPX Examination, $500;
   2. Issuance of an initial license, $500, prorated from date of issuance to date of license renewal;
   3. Renewal of license for two years, $500;
   4. Application to reactivate an inactive license, $500;
   5. Locum tenens registration, $350;
   6. Annual registration of an approved internship, residency, clinical fellowship program, or short-term residency program, $50;
   7. Annual teaching license at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, $250;
   8. Five-day teaching permit at an approved school of medicine or at an approved hospital internship, residency, or clinical fellowship program, $100;
   9. Initial registration to dispense drugs and devices, $200;
   10. Annual renewal to dispense drugs and devices, $150;
   11. Penalty fee for late renewal of an active license, $350; and

B. Under the specific authority provided by A.R.S. § 36-3606(A)(3), the Board establishes and shall collect the following fee to register as an out-of-state health care provider of telehealth services: $500.

C. The fees specified in subsections (A) and (B) are nonrefundable unless A.R.S. §§ 32-1436(C) or 41-1077 applies.

D. As specifically authorized under A.R.S. § 32-1436(B), the Board establishes the following charges for the services listed:
   1. Processing fingerprints to conduct a criminal background check, $50;
   2. Providing a duplicate license, $50;
   3. Verifying a license, $10 per request;
   4. Providing a copy of records, documents, letters, minutes, applications, and files, $1 for the first three pages and 25¢ for each additional page;
   5. Providing a copy of annual allopathic medical directory, $30; and
   6. Providing an electronic medium containing public information about licensed physicians, $100.

**Historical Note**
Adopted effective September 22, 1995 (Supp. 95-3).
Amended by final rulemaking at 8 A.A.R. 2319, effective May 9, 2002 (Supp. 02-2). Former Section R4-16-205 recodified to R4-16-305; New Section R4-16-205 recodified from R4-16-109 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking 19 A.A.R. 1300, effective July 6, 2013 (Supp. 13-2).
For each type of license, permit, or registration issued by the Board, the substantive review time frame under A.R.S. § 41-1072(3) is shown on Table 1.

1. The Board may request make a comprehensive written request for additional information from an applicant according to provisions prescribed under A.R.S. § 41-1075 during the substantive review time frame. In any request for additional information, the Board shall include a written notice that the application is withdrawn if the applicant does not submit the additional information within the time provided for response.

2. In response to a single comprehensive written request from the Board under A.R.S. § 41-1075(A), the applicant shall submit the information identified to the Board within the time to respond specified in Table 1. The time frame for the Board to finish the substantive review is suspended from the date the Board sends the comprehensive written request for additional information until the date the Board receives the additional information from the applicant.

3. If the Board determines the applicant does not meet all substantive criteria for a license, permit, or registration as required under A.R.S. Title 32, Chapter 13 or this Chapter, the Board shall include notice of any applicable right of appeal in the denial notice. The Board shall also provide written notice of denial to the applicant. The Board shall include notice of any applicable right of appeal in the denial notice.

4. If the applicant does not apply for license renewal according to the biennial renewal requirement, the licensee’s license expires according to provisions prescribed under A.R.S. § 32-1430(A) unless the licensee is under investigation according to provisions under A.R.S. § 32-3202. If a licensee makes timely application according to provisions under subsection (B)(1) or (C)(2) and fails to request from the Executive Director an extension of time to respond, the licensee’s license expires according to provisions prescribed under A.R.S. § 32-1430(A).

Historical Note
New Section recodified from R4-16-104 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).

R4-16-207. Repealed

Historical Note
New Section recodified from R4-16-105 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Repealed by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4).
A physician who wishes to dispense a controlled substance as defined in A.R.S. § 32-1901(12), a prescription-only drug as defined in A.R.S. § 32-1901(65), or a prescription-only device as defined in A.R.S. § 32-1901(64) shall be currently licensed to practice medicine in Arizona and shall provide to the Board the following:

1. A completed registration form that includes the following information:
   a. The physician’s name, license number, and field of practice;
   b. A list of the types of drugs and devices the physician will dispense; and
   c. The location or locations where the physician will dispense a controlled substance, a prescription-only drug, or a prescription-only device.

2. A copy of the physician’s current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance.

3. The fees required in A.R.S. § 32-1436.

B. A physician shall renew a registration to dispense a controlled substance, a prescription-only drug, or a prescription-only device by complying with the requirements in subsection (A) on or before June 30 of each year. If a physician has made timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.

C. If the completed annual renewal form, all required documentation, and the fee are not received in the Board’s office on or before June 30, the physician shall not dispense any controlled substances, prescription-only drugs, or prescription-only devices until re-registered. The physician shall re-register by filing for initial registration under subsection (A) and shall not dispense a controlled substance, a prescription-only drug, or a prescription-only device until receipt of the re-registration.

Table 1. Time Frames

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Overall Time Frame</th>
<th>Administrative Review Time Frame</th>
<th>Time to Respond to Deficiency Notice</th>
<th>Substantive Review Time Frame</th>
<th>Time to Respond to Request for Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial License by Examination or Endorsement</td>
<td>240</td>
<td>120</td>
<td>365</td>
<td>120</td>
<td>90</td>
</tr>
<tr>
<td>Biennial License Renewal</td>
<td>90</td>
<td>45</td>
<td>60</td>
<td>45</td>
<td>60</td>
</tr>
<tr>
<td>Locum Tenens or Pro Bono Registration</td>
<td>120</td>
<td>60</td>
<td>90</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>Teaching License</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Educational Teaching Permit</td>
<td>20</td>
<td>10</td>
<td>30</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Training Permit</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Short-term Training Permit</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>One-year Training Permit</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Annual Registration to Dispense Drugs and Devices</td>
<td>150</td>
<td>45</td>
<td>30</td>
<td>105</td>
<td>30</td>
</tr>
<tr>
<td>Registration as an Out-of-state Health Care Provider of Telehealth Services</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

Historical Note
Table 1 recodified from Article 1 to end of Article 2 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 2944, effective September 10, 2005 (Supp. 05-3). Amended by final exempt rulemaking at 21 A.A.R. 2678, effective October 15, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 27 A.A.R. 1645, with an immediate effective date of September 22, 2021 (Supp. 21-3).

ARTICLE 3. DISPENSING OF DRUGS

R4-16-301. Registration and Renewal
A. A physician who wishes to dispense a controlled substance as defined in A.R.S. § 32-1901(12), a prescription-only drug as defined in A.R.S. § 32-1901(65), or a prescription-only device as defined in A.R.S. § 32-1901(64) shall be currently licensed to practice medicine in Arizona and shall provide to the Board the following:

1. A completed registration form that includes the following information:
   a. The physician’s name, license number, and field of practice;
   b. A list of the types of drugs and devices the physician will dispense; and
   c. The location or locations where the physician will dispense a controlled substance, a prescription-only drug, or a prescription-only device.

2. A copy of the physician’s current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance.

3. The fees required in A.R.S. § 32-1436.

B. A physician shall renew a registration to dispense a controlled substance, a prescription-only drug, or a prescription-only device by complying with the requirements in subsection (A) on or before June 30 of each year. If a physician has made timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.

C. If the completed annual renewal form, all required documentation, and the fee are not received in the Board’s office on or before June 30, the physician shall not dispense any controlled substances, prescription-only drugs, or prescription-only devices until re-registered. The physician shall re-register by filing for initial registration under subsection (A) and shall not dispense a controlled substance, a prescription-only drug, or a prescription-only device until receipt of the re-registration.

Historical Note
New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-301 recodified to R4-16-401; New Section R4-16-301 recodified from R4-16-201 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
D. Controlled substances and prescription-only drugs not requiring refrigeration shall be maintained in an area where the temperature does not exceed 85°F.

E. A physician shall maintain an ongoing dispensing log for all controlled substances and the prescription-only drug nalbuphine hydrochloride (Nubain) dispensed by the physician. The dispensing log shall include the following:
   1. A separate inventory sheet for each controlled substance and prescription-only drug;
   2. The date the drug is dispensed;
   3. The patient’s name;
   4. The dosage, controlled substance and prescription-only drug name, strength, dosage, form, and name of the manufacturer;
   5. The number of dosage units dispensed;
   6. A running total of each controlled substance and prescription-only drug dispensed; and
   7. The signature of the physician written next to each entry.

F. A physician may use a computer to maintain the dispensing log required in subsection (E) if the log is quickly accessible through either on-screen viewing or printing of a copy.

G. This Section does not apply to a prepackaged manufacturer sample of a controlled substance and prescription-only drug, unless otherwise provided by federal law.

Historical Note
New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-302 recodified to R4-16-403; New Section R4-16-302 recodified from R4-16-202 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

R4-16-303. Prescribing and Dispensing Requirements
A. A physician shall record on the patient’s medical record the name, strength, dosage, and form, of the controlled substance, prescription-only drug, or prescription-only device dispensed, the quantity or volume dispensed, the date the controlled substance, prescription-only drug, or prescription-only device is dispensed, the medical reasons for dispensing the controlled substance, prescription-only drug, or prescription-only device, and the number of refills authorized.

B. Before dispensing a controlled substance, prescription-only drug, or prescription-only device to a patient, a physician shall review the prepared controlled substance, prescription-only drug, or prescription-only device to ensure that:
   1. The container label and contents comply with the prescription, and
   2. The patient is informed of the name of the controlled substance, prescription-only drug, or prescription-only device, directions for use, precautions, and storage requirements.

C. A physician shall purchase all dispensed controlled substances, prescription-only drugs, or prescription-only devices from a manufacturer or distributor approved by the United States Food and Drug Administration, or a pharmacy holding a current permit from the Arizona Board of Pharmacy.

D. The person who prepares a controlled substance, prescription-only drug, or prescription-only device for dispensing shall countersign and date the original prescription form for the controlled substance, prescription-only drug, or prescription-only device.

E. For purposes of this Article, “dispensing” means the delivery of a controlled substance, a prescription-only drug, or a prescription-only device to a patient for use outside the physician’s office.

Historical Note
New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Amended by final rulemaking at 6 A.A.R. 4855, effective November 14, 2000 (Supp. 00-4). Former Section R4-16-303 recodified to R4-16-403; New Section R4-16-303 recodified from R4-16-203 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

R4-16-304. Recordkeeping and Reporting Shortages
A. A physician who dispenses a controlled substance or prescription-only drug shall ensure that an original prescription dispensed from the physician’s office is dated, consecutively numbered in the order in which it is originally dispensed, and filed separately from patient medical records. A physician shall ensure that an original prescription be maintained in three separate files, as follows:
   1. Schedule II controlled substances;
   2. Schedule III, IV, and V controlled substances; and
   3. Prescription-only drugs.

B. A physician shall ensure that purchase orders and invoices are maintained for all controlled substances and prescription-only drugs dispensed for profit and not for profit for three years from the date of the purchase order or invoice. Purchase orders and invoices shall be maintained in three separate files as follows:
   1. Schedule II controlled substances only;
   2. Schedule III, IV, and V controlled substances and nalbuphine; and
   3. All other prescription-only drugs.

C. A physician who discovers a theft or loss of a controlled substance or a dangerous drug, as defined in A.R.S. § 13-3401, from the physician’s office shall:
   1. Immediately notify the local law enforcement agency,
   2. Provide that agency with a written report, and
   3. Send a copy to the Drug Enforcement Administration and the Board within seven days of the discovery.

D. For purposes of this Section, controlled substances are identified, defined, or listed in A.R.S. Title 36, Chapter 27.

Historical Note
New Section adopted by final rulemaking at 6 A.A.R. 751, effective February 2, 2000 (Supp. 00-1). Former Section R4-16-202 recodified from R4-16-303 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

R4-16-305. Inspections; Denial and Revocation
A. A physician shall cooperate with and allow access to the physician’s office and records for periodic inspection of dispensing practices by the Board or its authorized representative. Failure to cooperate or allow access shall be grounds for revocation of a physician’s registration to dispense a controlled substance, prescription-only drug, or prescription-only device or denial of renewal of the physician’s dispensing registration.

B. Failure to comply with A.R.S. § 32-1491 or this Article constitutes grounds for denial or revocation of dispensing registration.

C. The Board shall revoke a physician’s registration to dispense a controlled substance, prescription-only drug, or prescription-only device upon occurrence of the following:
   1. Suspending, revoking, surrendering, or canceling the physician’s license;
   2. Failing to timely renew the physician’s license; or
   4. Restricting the physician’s ability to prescribe or administer medication, including loss or expiration of the physician’s Drug Enforcement Administration Certificate of Registration.

D. If the Board denies a physician’s dispensing registration, the physician may appeal the decision by filing a request, in writ-
A. After the effective date of this Section, a supervising physician or physician assistant shall ensure that before a medical assistant is employed, the medical assistant completes either:

1. An approved training program identified in R4-16-101; or
2. An unapproved training program and successfully passes the medical assistant examination administered by a certifying organization accredited by either the National Commission for Certifying Agencies or the American National Standards Institute.

B. This Section does not apply to any person who:

1. Before February 2, 2000:
   a. Completed an unapproved medical assistant training program and was employed as a medical assistant after program completion; or
   b. Was directly supervised by the same physician, physician group, or physician assistant for a minimum of 2000 hours; or
2. Completes a United States Armed Forces medical services training program.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Former Section R4-16-403 renumbered from R4-16-205 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). New Section R4-16-402 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

R4-16-403. Renumbered

R4-16-404. Recodified

R4-16-405. Recodified

R4-16-406. Recodified

R4-16-407. Recodified

R4-16-408. Recodified

R4-16-409. Recodified

A. A medical assistant may perform, under the direct supervision of a physician or physician assistant, the medical procedures listed in Appendix B, Core Curriculum for Medical Assistants, 2015 edition of Standards and Guidelines for the Accreditation of Educational Programs in Medical Assisting, published by the Commission on Accreditation of Allied Health Education Programs. This material is incorporated by reference, does not include later amendments or editions, and may be obtained from the publisher at 25400 U.S. Highway 19 N, Suite 158, Clearwater, FL 33763, www.caahep.org, or the Board.

B. In addition to the medical procedures in subsection (A), a medical assistant may administer the following under the direct supervision of a physician or physician assistant:

1. Whirlpool treatments,
2. Diathermy treatments,
3. Electronic galvanization stimulation treatments,
4. Ultrasound therapy,
5. Massage therapy,
6. Traction treatments,
7. Transcutaneous Nerve Stimulation unit treatments,
8. Hot and cold pack treatments, and
9. Small volume nebulizer treatments.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Former Section R4-16-402 recodified to R4-16-502; New Section R4-16-402 recodified from R4-16-302 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Former Section R4-16-402 renumbered to R4-16-401; New Section R4-16-402 renumbered from R4-16-403 and amended by final rulemaking at 12 A.A.R. 823, effective February 23, 2006 (Supp. 06-1). Amended by final rulemaking at 25 A.A.R. 145, effective March 9, 2019 (Supp. 19-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-505 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-506 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-507 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-508 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Section recodified to R4-16-509 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
R4-16-501. Medical Competency Examination; Investigational Interview

A. The executive director may require a physician, who is under investigation by the Board, to submit to a mental, physical, oral, or written medical competency examination after the following:
   1. Reviewing the allegations and investigator’s summary of findings; and
   2. Consulting with and receiving the agreement of the Board’s supervising medical consultant that an examination is necessary.

B. The executive director may request a physician to attend an investigational interview to answer questions regarding a complaint against the physician. Before issuing a request for an investigational interview, the executive director shall review the allegations and facts to determine whether an interview is necessary to provide information the Board needs to adjudicate the case. The executive director shall consult with and receive the agreement of the investigation staff, supervising medical consultant, and lead Board member concur after review of the case that an investigational interview is necessary before requesting one.

C. The executive director shall report to the Board at each regularly scheduled Board meeting a summary of the number and type of evaluations ordered and completed since the preceding Board meeting.

Historical Note
New Section made by final rulemaking at 8 A.A.R. 830, February 7, 2002 (Supp. 02-1). Amended by final rulemaking at 8 A.A.R. 4270, effective November 18, 2002 (Supp. 02-3). Section recodified to R4-16-510 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

ARTICLE 5. EXECUTIVE DIRECTOR DUTIES

R4-16-502. Direct Referral to Formal Interview
The executive director shall refer a case to a formal interview on a future Board meeting agenda if the investigative staff, lead Board member, and in cases involving quality of care, supervising medical consultant, concur after review of the case that a formal interview is appropriate.

Historical Note
New Section made by exempt rulemaking at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-502 recodified to R4-16-602; New Section R4-16-501 recodified to R4-16-601; New Section R4-16-501 recodified from R4-16-401 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-503. Request for Inactive Status or License Cancellation
A. If a physician requests inactive status or license cancellation, meets the requirements of A.R.S. § 32-1431 or § 32-1433, and is not participating in the program defined under A.R.S. § 32-1452, 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 physicians granted inactive or cancelled license status since the preceding Board meeting.

Historical Note
New Section made by exempt ruling at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-503 recodified to R4-16-603; New Section R4-16-503 recodified from R4-16-403 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final ruling at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-504. Interim Consent Agreement
The executive director may enter into an interim consent agreement with a physician if there is evidence that a restriction is needed to mitigate imminent danger to public health and safety and the investigative staff, supervising medical consultant, and lead Board member concur after review of the case that a consent agreement is appropriate.

Historical Note
New Section made by exempt ruling at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-504 recodified to R4-16-605; New Section R4-16-504 recodified from R4-16-404 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final ruling at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-505. Mediated Case
A. The executive director shall close a case resolved through mediation.

B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose cases were resolved through mediation since the preceding Board meeting.

Historical Note
New Section made by exempt ruling at 9 A.A.R. 2274, effective August 12, 2003 (Supp. 03-2). Former Section R4-16-505 recodified to R4-16-606; New Section R4-16-505 recodified from R4-16-405 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1). Amended by final ruling at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-506. Referral to Formal Hearing
A. The executive director may directly refer a case to a formal hearing if the investigative staff, supervising medical consultant, and lead Board member concur after review of the 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 physicians whose cases were referred to formal hearing since the preceding Board meeting and whether the referral is for revocation or suspension or the result of an out-of-state disciplinary action or due to complexity of the case.
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Historical Note
New Section R4-16-506 recodified from R4-16-406 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-507. Dismissal of Complaint
A. The executive director, with concurrence of the investigative staff, shall dismiss a complaint if the 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 report that contains the information specified in A.R.S. § 32-1405(C)(21).

Historical Note
New Section R4-16-507 recodified from R4-16-407 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-508. Denial of License
A. The executive director shall deny a license to an applicant who does not meet statutory requirements for licensure if the executive director, investigative staff and supervising medical consultant concur after reviewing the application that the applicant does not meet the statutory requirements.
B. The executive director shall provide to the Board at each regularly scheduled Board meeting a list of the physicians whose applications were denied since the preceding Board meeting.

Historical Note
New Section R4-16-508 recodified from R4-16-408 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-509. Non-disciplinary Consent Agreement
The executive director may enter into a consent agreement under A.R.S. § 32-1451(F) with a physician to limit the physician’s practice or rehabilitate the physician if there is evidence that a licensee is mentally or physically unable to engage safely in the practice of medicine and the investigative staff, supervising medical consultant, and lead Board member concur after review of the case that a consent agreement is appropriate.

Historical Note
New Section R4-16-509 recodified from R4-16-409 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

R4-16-510. Appealing Executive Director Actions
A. Any person aggrieved by an action taken by the executive director under the authority delegated in this Article may appeal that action to the Board. The aggrieved person shall file a written request with the Board no later than:
1. Thirty days after notification of the action, if personally served; or
2. Thirty-five days after the date on the notification, if mailed.
B. The aggrieved person shall provide, in the written request, evidence showing:
1. An irregularity in the investigative process or the executive director’s review deprived the party of a fair decision;
2. Misconduct by Board staff, a Board consultant, or the executive director that deprived the party of a fair decision; or
3. Material evidence newly discovered that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier.
C. The fact that the aggrieved party does not agree with the executive director’s action is not grounds for a review by the Board.
D. If an aggrieved person fails to submit a written request within the time specified in subsection (A), the Board is relieved of the requirement to review actions taken by the executive director. The executive director may, however, evaluate newly provided information that is material or substantial in content to determine whether the Board should review the case.
E. If a written request is submitted that meets the requirements of subsection (B):
1. The Board shall consider the written request at its next regularly scheduled meeting.
2. If the written request provides new material or substantial evidence that requires additional investigation, the investigation shall be conducted as expeditiously as possible and the case shall be forwarded to the Board at the first possible regularly scheduled meeting.

Historical Note
New Section R4-16-510 recodified from R4-16-410 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Amended by final rulemaking at 25 A.A.R. 3705, effective February 1, 2020 (Supp. 19-4).

ARTICLE 6. DISCIPLINARY ACTIONS

R4-16-601. Expired

Historical Note
New Section R4-16-601 recodified from R4-16-501 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

R4-16-602. Expired

Historical Note
New Section R4-16-602 recodified from R4-16-502 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

R4-16-603. Expired

Historical Note
New Section R4-16-603 recodified from R4-16-503 at 11
A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).
A.R.S. § 32-1401(26) subsection corrected to A.R.S. § 32-1401(27) under a formal written request from the Board, March 22, 2005 (Supp. 05-1). Amended by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2062, effective September 14, 2010 (Supp. 10-3).

R4-16-604. Aggravating Factors Considered in Disciplinary Actions
When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:
1. Prior disciplinary offenses;
2. Dishonest or selfish motive;
CHAPTER 16. ARIZONA MEDICAL BOARD

Title 4

Arizona Administrative Code

4 A.A.C. 16

R4-16-702. Administrative Provisions

A physician who performs office-based surgery using sedation

A. Has sufficient education, training, and experience to perform duties assigned;
B. If applicable, has a current license or certification to perform duties assigned; and
C. Performs only those acts that are within the scope of practice established in the staff member’s or health care professional’s governing statutes;

3. Ensure that the office where the office-based surgery using sedation is performed has all equipment necessary:

a. For the physician to safely perform the office-based surgery using sedation;
b. For the physician or health care professional to safely administer the sedation;
c. For the physician or health care professional to monitor the use of sedation, and
d. For the physician and health care professional administering the sedation to rescue a patient after the sedation is administered to the patient and the patient enters into a deeper state of sedation than what was intended by the physician.

4. Ensure that a copy of the patient’s rights policy is provided to each patient before performing office-based surgery using sedation;

5. Obtain informed consent from the patient before performing an office-based surgery using sedation that:
   a. Authorizes the office-based surgery, and
   b. Authorizes the office-based surgery to be performed in the physician’s office; and

6. Review all policies and procedures every 12 months and update as needed.

B. A physician who performs office-based surgery using sedation shall comply with:

1. The local jurisdiction’s fire code;
2. The local jurisdiction’s building codes for construction and occupancy;
3. The biohazardous waste and hazardous waste standards in 18 A.A.C. 13, Article 14; and
4. The controlled drug administration, supply, and storage standards in 4 A.A.C. 23.

R4-16-704. Sedation Monitoring Standards

A physician who performs office-based surgery using sedation shall ensure from the time sedation is administered until post-sedation monitoring begins:

1. Is within the education, training, experience skills, and licensure of the physician; and
2. Is within the education, training, experience, skills, and licensure of the staff members and health care professionals at the physician’s office.

B. A physician shall not perform office-based surgery using sedation if the patient:

1. Has a medical condition or other condition that indicates the procedure should not be performed in the physician’s office; or
2. Requires inpatient services at a hospital.

Historical Note

New Section R4-16-604 recodified from R4-16-504 at 11 A.A.R. 1283, effective March 25, 2005 (Supp. 05-1).

ARTICLE 7. OFFICE-BASED SURGERY USING SEDATION

R4-16-701. Health Care Institution License

A physician who uses general anesthesia in the physician’s office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center when performing office-based surgery using sedation shall obtain a health care institution license as required by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

R4-16-702. Administrative Provisions

A. A physician who performs office-based surgery using sedation in the physician’s office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center shall:

1. Establish, document, and implement written policies and procedures that cover:
   a. Patient’s rights,
   b. Informed consent,
   c. Care of patients in an emergency, and
   d. The transfer of patients;

2. Ensure that a staff member who assists with or a health care professional who participates in office-based surgery using sedation:
   a. Has sufficient education, training, and experience to perform duties assigned;
   b. If applicable, has a current license or certification to perform duties assigned; and
   c. Performs only those acts that are within the scope of practice established in the staff member’s or health care professional’s governing statutes;

3. Ensure that the office where the office-based surgery using sedation is performed has all equipment necessary:

Historical Note

New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).
2. When moderate or deep sedation is administered to a patient:
   a. A quantitative method of assessing the patient’s oxygenation, such as pulse oximetry, is used;
   b. The patient’s ventilatory function is monitored by any of the following:
      i. Direct observation,
      ii. Auscultation, or
      iii. Capnography;
   c. The patient’s circulatory function is monitored during the surgery by:
      i. Having a continuously displayed electrocardiogram,
      ii. Documenting arterial blood pressure and heart rate at least every five minutes, and
      iii. Evaluating the patient’s cardiovascular function by pulse plethysmography;
   d. The patient’s temperature is monitored if the physician expects the patient’s temperature to fluctuate; and
   e. That a licensed and qualified healthcare professional, other than the physician performing the office-based surgery, whose sole responsibility is attending to the patient, is present throughout the office-based surgery.

Historical Note
New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

R4-16-705. Perioperative Period; Patient Discharge
A physician performing office-based surgery using sedation shall ensure all of the following:
1. During office-based surgery using sedation, the physician is physically present in the room where office-based surgery is performed;
2. After the office-based surgery using sedation is performed, a physician is at the physician’s office and sufficiently free of other duties to respond to an emergency until the patient’s post-sedation monitoring is discontinued;
3. If using minimal sedation, the physician or a health care professional certified in ACLS, PALS, or BLS is at the physician’s office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
4. If using deep or moderate sedation, the physician or a health care professional certified in ACLS or PALS is at the physician’s office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
5. A discharge is documented in the patient’s medical record including:
   a. The time and date of the patient’s discharge, and
   b. A description of the patient’s medical condition at the time of discharge; and
6. A patient receives discharge instructions and documents in the patient’s medical record that the patient received the discharge instructions.

Historical Note
New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

R4-16-706. Emergency Drugs; Equipment and Space Used for Office-Based Surgery Using Sedation
A. In addition to the requirements in R4-16-702(A)(3) and R4-16-703(A)(1), a physician who performs office-based surgery using sedation shall ensure that the physician’s office has at a minimum:
   1. The following:
      a. A reliable oxygen source with a SaO2 monitor;
      b. Suction;
      c. Resuscitation equipment, including a defibrillator;
      d. Emergency drugs; and
      e. A cardiac monitor;
   2. The equipment for patient monitoring according to the standards in R4-16-704;
   3. Space large enough to:
      a. Allow for access to the patient during office-based surgery using sedation, recovery, and any emergency;
      b. Accommodate all equipment necessary to perform the office-based surgery using sedation; and
      c. Accommodate all equipment necessary for sedation monitoring;
   4. A source of auxiliary electrical power available in the event of a power failure; and
   5. Equipment, emergency drugs, and resuscitative capabilities required under this Section for patients less than 18 years of age, if office-based surgery using sedation is performed on these patients; and
6. Procedures to minimize the spread of infection.
B. A physician who performs office-based surgery using sedation shall:
   1. Ensure that all equipment used for office-based surgery using sedation is maintained, tested, and inspected according to manufacturer specifications, and
   2. Maintain documentation of manufacturer-recommended maintenance of all equipment used in office-based surgery using sedation.

Historical Note
New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).

A. A physician who performs office-based surgery using sedation shall ensure that before a health care professional participates in or staff member assists with office-based surgery using sedation, the health care professional and staff member receive instruction in the following:
   1. Policy and procedure in cases of emergency,
   2. Policy and procedure for office evacuation, and
   3. Safe and timely patient transfer.
B. Procedures to minimize the spread of infection.

Historical Note
New Section made by final rulemaking at 14 A.A.R. 380, effective January 8, 2008 (Supp. 08-1).