Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

The release of this Chapter in Supp. 22-3 replaces Supp. 21-3, 1-7 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

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 2022 is cited as Supp. 22-1. 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.

RULE HISTORY
Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the Register volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the Register.

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. § 41-5505.

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 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.

PERSONAL USE/COMMERCIAL USE
This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

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

CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

Authority: A.R.S. § 32-2504

Supp. 22-3

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Editor’s Note: The name of the Joint Board on the Regulation of Physician’s [sic] Assistants was changed to the Arizona Regulatory Board of Physician Assistants by Laws 2002, Ch. 277, § 7, effective August 22, 2002 (Supp. 03-2).

Laws 1984, Ch. 102, changed the name of the Joint Board of Medical Examiners and Osteopathic Examiners in Medicine and Surgery to Joint Board on the Regulation of Physician’s Assistants.

Chapter 17 consisting of Article 1, Section R4-17-101; Article 2, Sections R4-17-201 through R4-17-204; Article 3, Sections R4-17-301 through R4-17-304; Article 4, Sections R4-17-401 and R4-17-402 adopted effective July 8, 1986.

Former Chapter 17 consisting of Article 1, Section R4-17-01; Article 2, Sections R4-17-02 through R4-17-06; Article 3, Sections R4-17-07 through R4-17-12; Article 4, Sections R4-17-13 through R4-17-17; Article 5, Sections R4-17-18 through R4-17-22; and Article 6, Section R4-17-23 repealed effective July 8, 1985.

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ARTICLE 1. GENERAL PROVISIONS

R4-17-101. Definitions
For the purposes of A.R.S. Title 32, Chapter 25 and this Chapter:

1. “Ability to perform health care tasks authorized by A.R.S. § 32-2531” means:
   a. The cognitive capacity to make clinical diagnoses and exercise medical judgments and to learn and keep abreast of medical developments through the completion of continuing medical education,
   b. The ability to communicate medical judgments and medical information to patients and other professionals, and
   c. The physical capability to perform the health care tasks authorized by A.R.S. § 32-2531.

2. “Category I” means a designation given to a continuing medical education activity provided by an institution or organization that has been accredited for continuing medical education by the:
   a. Accreditation Council for Continuing Medical Education,
   b. American Medical Association,
   c. American Academy of Physician Assistants,
   d. American Osteopathic Association,
   e. Accreditation Council for Continuing Medical Education,
   f. Accreditation Review Commission on Education for Physician Assistants, or
   g. Commission on the Accreditation of Allied Health Education Programs.

3. “Controlled Substance” means the same as in A.R.S. § 32-1901.


6. “Health care institution” means the same as in A.R.S. § 32-1901.

7. “Health professional” means the same as in A.R.S. § 32-1901.

8. “Health professional regulatory authority” means a state or federal entity that issues and regulates health professional licenses.


10. “PANCE” means the Physician Assistant National Certifying Examination.

11. “PANCE” means the Physician Assistant National Certification Examination.


13. “Prescribe” means to issue:
   a. A signed, written order to a pharmacist for drugs or medical devices; or
   b. An order transmitted to a pharmacist by word of mouth, telephone, or other means of communication.

14. “Privileges” means the authority granted by a health care institution to a physician or physician assistant to practice medicine at the health care institution.

15. “Service” means personal delivery or mailing by certified mail to a physician assistant, supervising physician, or applicant affected by a decision of the Board at the physician assistant’s, supervising physician’s, or applicant’s last known residence or place of business.

16. “State fiscal year” means from July 1 of one calendar year to June 30 of the next calendar year.

17. “Substance use disorder” means the maladaptive pattern of the use of a drug, alcohol, or chemical leading to effects that are detrimental to an individual’s physical or mental health.

Historical Note

R4-17-102. Time-frames for Licenses and Approvals
A. The overall time-frame described in A.R.S. § 41-1072(2) for a regular license or renewal license is set forth in Table 1.

B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for a regular license or renewal license is set forth in Table 1 and begins on the date the Board receives an application.

1. If the application is not administratively complete, the Board shall send a deficiency notice to the applicant.
   a. The deficiency notice shall state each deficiency and the information needed to complete the application.
   b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Board the missing information specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.
   c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Board shall send a written notice informing the applicant that the application is deemed withdrawn.

2. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) for a regular license or renewal license is set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.

1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the request until the Board receives the information.

2. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time-frame in Table 1.

3. The Board shall issue a written notice of denial of a license or license renewal if the Board determines that the applicant does not meet all of the substantive criteria required by statute or this Chapter for licensure or license renewal.

4. If the applicant meets all of the substantive criteria required by statute and this Chapter for a license or license renewal, the Board shall issue the license or license renewal to the applicant.
D. In computing any period of time prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays, and holidays. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the date of mailing.

**Historical Note**

## ARTICLE 2. PHYSICIAN ASSISTANT LICENSURE

### R4-17-201. Repealed

**Historical Note**
Adopted effective July 8, 1986 (Supp. 86-4). Section R4-17-201 renumbered to R4-17-202; new Section adopted effective April 22, 1998 (Supp. 98-2). Section repealed by final rulemaking at 18 A.A.R. 2123, effective October 7, 2012 (Supp. 12-3).

### R4-17-202. Examination
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.

**Historical Note**
Adopted effective July 8, 1986 (Supp. 86-4). Section repealed; new Section R4-17-202 renumbered from R4-17-201 and amended effective April 22, 1998 (Supp. 98-2). Amended by final rulemaking at 18 A.A.R. 2123, effective October 7, 2012 (Supp. 12-3).

### 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. Office, mailing, e-mail, and home addresses;
   e. Office, mobile, and home telephone numbers; and
   f. Birth date and state or country of birth;

2. The name and address of the approved physician assistant 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 for 10 continuous years before the date the application was submitted to the Board or since graduation from a physician assistant program and if not, an explanation;

5. A questionnaire that includes answers to the following:
   a. Whether the applicant has had an application for a professional 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 physician assistant program or a postsecondary educational program, and if so, an explanation;
   d. Whether, while attending an approved physician assistant program, the applicant has ever had any action taken against the applicant by the approved program, suspended, 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 held by the licensee, 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,

### Table 1. Time Frames (in days)

<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>
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<tr>
<td>Regular License including schedule II or schedule III controlled substances approval R4-17-203</td>
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<td>30</td>
<td>365</td>
<td>90</td>
<td>90</td>
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<td>License Renewal R4-17-206</td>
<td>75</td>
<td>30</td>
<td>60</td>
<td>45</td>
<td>60</td>
</tr>
<tr>
<td>Registration as an Out-of-state Health Care Provider of Telehealth Services A.R.S. § 36-3606(A)(3)</td>
<td>40</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

**Historical Note**
Adopted effective April 22, 1998 Amended by final exempt rulemaking at 27 A.A.R 1647, with an immediate effective date of September 22, 2021 (Supp. 21-3). (Supp. 98-2). Amended by final rulemaking at 18 A.A.R. 2123, effective October 7, 2012 (Supp. 12-3). Amended by final rulemaking at 22 A.A.R. 3700, effective February 6, 2017 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 1647, with an immediate effective date of September 22, 2021 (Supp. 21-3).
TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 17. ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

A.A.C. 17

Arizona Administrative Code

6. A confidential questionnaire that includes answers to the following:
   a. Whether the applicant currently has a medical condition that impairs the applicant’s judgment or ability to practice medicine in a competent, ethical, and professional manner;
   b. If the answer to subsection (A)(6)(a) is yes:
      i. Provide an explanation of the medical condition; and
      ii. If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; and
   c. Whether the applicant has ever been convicted of, or 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;
   d. Whether the applicant has ever been court-martialed or discharged other than honorably from any component of the uniformed services of the United States, and if so, an explanation;
   e. Whether the applicant has ever been involuntarily terminated from a health professional position, resigned, or been asked to leave the health care profession, and if so, an explanation;
   f. 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
   g. Whether the applicant, within the 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;

7. Consistent with the Board’s statutory authority, other information the Board may deem necessary to evaluate the applicant fully; and


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, health professions educational institutions, 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, health professions educational institution’s, or health care institution’s name, address, and dates of employment;
   4. 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 document for which waiver is requested;
      b. Detailed description of efforts made by the applicant to provide the required document; and
      c. Reason the applicant’s inability to provide the required document is due to no fault of the applicant; 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 PANCE or PANRE 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. The Board’s issuance of a regular license is subject to the limits and requirements specified in A.R.S. § 32-2453. Additionally, beginning October 1, 2018, a physician assistant previously certified by the Board for 30-day prescription privileges for schedule II or schedule III controlled substances is certified for 90-day prescription privileges for schedule II or schedule III controlled substances that are not opioids or benzodiazepine.
R4-17-204. Fees and Charges
A. As expressly authorized under A.R.S. § 32-2526(A)(1) through (4), the Board shall charge the following fees:
1. License application - $125.00;
2. Regular license - $370.00, prorated for each month remaining in the biennial period;
3. Regular license renewal - $370.00 if the renewal application is postmarked no later than the applicant’s birthdate; and
4. Penalty for late renewal - $100.00.
B. Under the specific authority provided by A.R.S. § 36-3606(A)(3), the Board establishes and shall collect the following fees:
1. Duplicate license - $25.00;
2. Copies of Board documents - $1.00 for first three pages, $.25 for each additional page;
3. Medical Directory (CD-ROM) - $30.00;
4. Data Disk - $100.00; and
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.
C. A licensee who is unable to complete 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; and
3. The number of continuing medical education hours completed during the biennial license period;
4. The dates on which the remaining hours of continuing medical education are scheduled to be completed; and
5. The signature of the licensee.

D. The Board shall send a written notice of approval of the extension 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 are scheduled to be completed within 30 days, and
3. The extension is in the best interest of the state.

Historical Note
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;

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, other information the Board may deem necessary to evaluate the licensee fully;

4. A dated and sworn statement by the licensee verifying that during the past biennial license period, the licensee completed 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;

6. A confidential questionnaire that includes answers to the following:
   a. Whether the licensee currently has a medical condition that impairs the licensee’s judgment or ability to practice medicine in a competent, ethical, and professional manner;
   b. If the answer to subsection (A)(6)(a) is yes:
      i. Provide an explanation of the medical condition; and
      ii. If currently practicing under a monitoring agreement with a licensing board in another state, attach a copy of the monitoring agreement to the application; 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. Under A.R.S. §32-2523(A), the Board shall randomly select at least 10 percent of renewal applications submitted by licensees who are not currently certified by a national certification organization to verify compliance with the continuing medical education requirement specified in R4-17-205(A). If selected, a licensee shall submit to the Board documents that verify compliance with the continuing medical education requirement.

Historical Note

R4-17-207. Denial of License or Extension to Complete Continuing Education
An applicant for a license who is denied the license or a physician assistant who is denied an extension to complete continuing medical education may request a hearing to contest the matter by filing a written notice with the Board within 30 days of receipt of notice of the Board’s action. A hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and Article 10.

Historical Note

R4-17-208. Expired
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 review of the appli-
cation, that the applicant does not meet the statutory require-
ments for licensure.

B. The executive director shall provide to the Board, at each reg-
ularly scheduled Board meeting, a list of the physician assis-
tants whose applications were denied since the preceding
Board meeting.

R4-17-305. 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, the medical consul-
tant, concur after review of the case that a formal interview is
appropriate.

Historical Note
New Section R4-17-305 renumbered from R4-17-304 and
amended effective April 22, 1998 (Supp. 98-2); Section repealed by final
rulemaking at 18 A.A.R. 2123, effective October 7, 2012
(Supp. 12-3). New Section made by final rulemaking at
22 A.A.R. 3700, effective February 6, 2017 (Supp. 16-4).

R4-17-306. Denial of License

A. The executive director shall deny a license to an applican-
t the executive director, in consultation with the investiga-
tive staff and medical consultant concur after review of the appli-
cation, that the applicant does not meet the statutory require-
ments for licensure.

B. The executive director shall provide to the Board, at each reg-
ularly scheduled Board meeting, a list of the physician assist-
ts whose applications were denied since the preceding
Board meeting.

Historical Note
New Section R4-17-306 renumbered from R4-17-304
and amended effective April 22, 1998 (Supp. 98-2); Section repealed by final
rulemaking at 18 A.A.R. 2123, effective October 7, 2012 (Supp. 12-3). New Section
made by final rulemaking at 22 A.A.R. 3700, effective February 6, 2017 (Supp. 16-4).

R4-17-307. 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, evi-
dence showing:
1. An irregularity in the investigative process or the execu-
tive director’s review deprived the party of a fair deci-
sion;
2. Misconduct by Board staff, a Board consultant, or the
   executive director that deprived the party of a fair deci-
sion; or
3. Material evidence newly discovered that could have a
   bearing on the decision and that, with reasonable dili-
gence, could not have been discovered and produced ear-
lier.

C. The fact that the aggrieved party does not agree with the exec-
tutive 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 direc-
tor. The executive director may, however, evaluate newly pro-
vided 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 investi-
gation 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 made by final rulemaking at 28 A.A.R.
1757 (July 22, 2022), effective September 4, 2022 (Supp.
22-3).

ARTICLE 4. REGULATION

R4-17-401. Expired

Historical Note
Adopted effective July 8, 1986 (Supp. 86-4). Section R4-
17-401 renumbered to R4-17-402; new Section R4-17-
401 adopted effective April 22, 1998 (Supp. 98-2). Section
expired under A.R.S. § 41-1056(E) at 11 A.A.R.
1569, effective March 31, 2005 (Supp. 05-2).

R4-17-402. Repealed

Historical Note
Adopted effective July 8, 1986 (Supp. 86-4). Section R4-
17-402 renumbered to R4-17-403; new Section R4-17-
402 renumbered from R4-17-401 and amended effective
April 22, 1998 (Supp. 98-2). Section repealed by final
rulemaking at 18 A.A.R. 2123, effective October 7, 2012
(Supp. 12-3).

R4-17-403. Rehearing or Review

A. Except as provided in subsection (B), a party who is aggrieved
by a decision issued by the Board may file with the Board, no
later than 30 days after service of the decision, a written
request for rehearing or review of the decision, specifying the
grounds for rehearing or review. For purposes of this Section,
a decision is considered to have been served when personally
delivered to the party or the party’s attorney.

B. If the Board makes specific findings that the immediate effec-
tiveness of the decision is necessary for the preservation of the
public health and safety and determines that a rehearing or
review of the decision is impracticable, unnecessary, or con-
trary to the public interest, the Board may issue the decision as
a final decision without an opportunity for rehearing or review.
If the Board issues the decision as a final decision, without an
opportunity for a rehearing or review, the aggrieved party may
make an application for judicial review within the time limits
permitted for an application for judicial review of the Board’s
final decision under A.R.S. § 12-904.

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C. A party filing a request for rehearing or review may amend the request at any time before it is ruled upon by the Board. Another party may file a response within 15 days after the date the request or amended request for rehearing is filed. The Board may require a party to file supplemental memoranda explaining the issues raised in the request or response and may permit oral argument.

D. The Board may grant a rehearing or review of a decision for any of the following causes materially affecting the requesting party’s rights:
   1. Irregularity in the Board’s or administrative law judge’s administrative proceedings or any order or abuse of discretion that deprived the party of a fair hearing;
   2. Misconduct of the Board, administrative law judge, or the prevailing party;
   3. Accident or surprise that could not have been prevented by ordinary prudence;
   4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
   5. Excessive or insufficient penalties;
   6. Error in the admission or rejection of evidence, or other errors of law that occurred at the hearing;
   7. The decision is the result of passion or prejudice; or
   8. The decision or findings of fact are not justified by the evidence or are contrary to law.

E. The Board may affirm or modify a decision or grant rehearing or review on all or part of the issues for any of the reasons set forth in subsection (D). An order granting a rehearing or review shall specify each ground for the rehearing or review.

F. No later than 30 days after a decision is issued by the Board, the Board on its own initiative may order a rehearing or review for any reason in subsection (D).

G. When a request for rehearing or review is based on affidavits, a party shall serve the affidavits with the request. The opposing party may, within 10 days after service, serve opposing affidavits. The Board may extend the time for serving opposing affidavits for no more than 20 days for good cause shown or by written stipulation by the parties. The Board may permit reply affidavits.

**Historical Note**

New Section R4-17-403 renumbered from R4-17-402 and amended effective April 22, 1998 (Supp. 98-2).
Amended by final rulemaking at 18 A.A.R. 2123, effective October 7, 2012 (Supp. 12-3).