T I T L E 9. H E A L T H S E R V I C E S


The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the Arizona Administrative Register.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

This Chapter contains rule Sections that were filed to be codified in the Arizona Administrative Code between the dates of July 1, 2020 through September 30, 2020 (Supp. 20-3).

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The release of this Chapter in Supp. 20-3 replaces Supp. 20-2, 1-47 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 Therefore, all superseded material should be retained in a separate binder and archived for future reference.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), accepts state agency rule 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 2019 is cited as Supp. 19-1.

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. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate chapters of the Administrative 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.

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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 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, 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 rules using these paper colors.

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Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

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R9-16-101. Definitions

In addition to the definitions in A.R.S. § 36-751, the following definitions apply in this Article unless otherwise specified:

1. “Abnormal presentation” means the fetus is not in a head-down position with the crown of the head being the leading body part.

2. “Addiction” means a condition that results when a person ingests a substance that becomes compulsive and interferes with ordinary life responsibilities, such as work, relationships, or health.

3. “Amniotic” means the fluid surrounding the fetus while in the mother’s uterus.

4. “Apgar score” means the number indicating a newborn’s physical condition attained by rating selected body functions.

5. “Aseptic” means free of germs.

6. “Breech” means a complete breech, a frank breech, or an incomplete breech.

7. “Certified nurse midwife” means an individual who meets the criteria in 4 A.A.C. 19, Article 5 and is certified by the Arizona State Board of Nursing.

8. “Complete breech” means that at the time of birth the buttocks of a fetus is pointing downward with both legs folded at the knees and the feet near the buttocks.

9. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday.

10. “Cervix” means the narrow lower end of the uterus which protrudes into the cavity of the vagina.

11. “Consultation” means communication between a midwife and a physician or a midwife and a certified nurse midwife for the purpose of receiving a written or verbal recommendation and implementing prospective advice regarding the care of a pregnant woman or the woman’s child.

12. “Current photograph” means an image of an individual, taken no more than 60 calendar days before the submission of the individual’s application, in a Department-approved electronic format capable of producing an image that:
   a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
   b. Is 2 inches by 2 inches in size;
   c. Is in natural color;
   d. Is a front view of the individual’s full face, without a hat or headgear that obscures the hair or hairline;
   e. Has a plain white or off-white background; and
   f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.


14. “Effacement” means the gradual thinning of the cervix during the mechanism of labor and indicates progress in labor.

15. “Emergency care plan” means the arrangements established by a midwife for a client’s transfer of care in a situation in which the health or safety of the client or newborn are determined to be at risk.

16. “Emergency medical services provider” has the same meaning as in A.R.S. § 36-2201.

17. “Episiotomy” means the cutting of the perineum, center, middle, or midline, in order to enlarge the vaginal opening for delivery.

18. “Fetus” means a child in utero from conception to birth.

19. “Frank breech” means that at the time of birth the buttocks of a fetus is pointing downward with both legs folded flat up against the head.

20. “Gestation” means the length of time from conception to birth, as calculated from the first day of the last normal menstrual period.

21. “Gravida” means the number of times the mother has been pregnant, including a current pregnancy, regardless of whether these pregnancies were carried to term.

22. “Incomplete breech” means that at the time of birth the buttocks of a fetus is pointing downward with one leg folded at the knee with the foot near the buttocks.

23. “Infant” has the same meaning as in A.R.S. § 36-694.

24. “Informed consent” means a document signed by a client, as provided in R9-16-109, agreeing to the provision of midwifery services.

25. “Intrapartum” means occurring from the onset of labor until after the delivery of the placenta.

26. “Jurisprudence test” means an assessment of an individual’s knowledge of the:
   a. Laws of this state concerning the reporting of births, prenatal blood tests, and newborn screening; and
   b. Rules pertaining to the practice of midwifery.

27. “Ketones” means certain harmful chemical elements which are present in the body in excessive amounts when there is a compromised bodily function.

28. “Local registrar” means a person appointed by the state’s registrar of vital statistics for a registration district whose duty includes receipt of birth and death certificates for births and deaths occurring within that district for review, registration, and transmittal to the state office of vital records according to A.R.S. Title 36, Chapter 3.

29. “Meconium” means the first bowel movement of the newborn, which is greenish black in color and tarry in consistency.

30. “Midwifery services” means health care, provided by a midwife to a mother, related to pregnancy, labor, delivery or postpartum care.

31. “Newborn” has the same meaning as in A.R.S. § 36-694.

32. “Pari” means the number of births that are greater than 20 weeks of gestation, including viable and non-viable births, where multiples are counted as one birth.

33. “Parity” means the number of newborns a woman has delivered.

34. “Perineum” means the muscular region in the female between the vaginal opening and the anus.

35. “Physician” means an allopathic, an osteopathic, or a naturopathic practitioner licensed according to A.R.S. Title 32, Chapters 13, 14, or 17.

36. “Postpartum” means the six-week period following delivery of a newborn and placenta.

37. “Prenatal” means the period from conception to the onset of labor and birth.

38. “Prenatal care” means the on-going risk assessments, clinical examinations, and prenatal, nutritional, and anticipatory guidance offered to a pregnant woman.

39. “Prenatal visit” means each clinical examination of a pregnant woman for the purpose of monitoring the course of gestation and the overall health of the woman.

40. “Primigravida” means a woman who is pregnant for the first time.
41. "Primipara" means a woman who has given birth to her first newborn.
42. "Quickening" means the first perceptible movement of the fetus in the uterus, occurring usually in the 16th to the 20th week of gestation.
43. "Rh" means a blood antigen.
44. "Serious mental illness" means a condition in an individual who is 18 years of age or older and who exhibits emotional or behavioral functioning, as a result of a mental disorder as defined in A.R.S. § 36-501, that:
   a. Is severe and persistent, resulting in a long-term limitation of their functional capacities for primary activities of daily living such as interpersonal relationships, homemaking, self-care, employment and recreation; and
   b. Impairs or substantially interferes with the capacity of the individual to remain in the community without supportive treatment or services of a long-term or indefinite duration.
45. "Substance abuse" means the continued use of alcohol or other drugs in spite of negative consequences.
46. "Shoulder dystocia" means the shoulders of the fetus are wedged in the mother’s pelvis in such a way that the fetus is unable to be born without emergency action.
47. "Transfer of care" means that a midwife refers the care of a client or newborn to an emergency medical services provider, a certified nurse midwife, a hospital, or a physician who then assumes responsibility for the direct care of the client or newborn.
48. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a state-wide furlough day.

Historical Note
Section repealed, new Section adopted effective March 14, 1994 (Supp. 94-1). Section amended by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

R9-16-102. Application for Initial Licensure

A. An applicant for an initial license to practice midwifery shall submit:
   1. An application in a format provided by the Department that contains:
      a. The applicant’s name, address, telephone number, and e-mail address;
      b. The applicant’s Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
      c. Whether the applicant has ever been convicted of a felony or misdemeanor in this or another state or jurisdiction;
      d. If the applicant was convicted of a felony or misdemeanor:
         i. The date of the conviction,
         ii. The state or jurisdiction of the conviction,
         iii. An explanation of the crime of which the applicant was convicted, and
         iv. The disposition of the case;
      e. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-107(C)(2);
      f. An attestation that information required as part of the application has been submitted and is true and accurate; and
      g. The applicant’s signature and date of signature;
   2. A copy of the applicant’s:
      a. U.S. passport, current or expired;
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

R9-16-103. Renewal
A. At least 30 calendar days and no more than 60 calendar days before the expiration date of a midwifery license, a midwife shall submit to the Department:

1. An application for renewal of a midwifery license in a format provided by the Department, that contains:
   a. The midwife’s name, address, telephone number, and e-mail address;
   b. The midwife’s license number;
   c. Whether the midwife has been convicted of a felony or a misdemeanor in this or another state or jurisdiction in the previous two years;
   d. If the midwife was convicted of a felony or misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the midwife was convicted, and
      iv. The disposition of the case;
   e. Whether the midwife agrees to allow the Department to submit supplemental requests for information under R9-16-107(C)(2);
   f. An attestation that the midwife has completed the continuing education requirement in R9-16-105;
   g. An attestation that the midwife is complying with the requirements in A.R.S. § 32-3211;
   h. An attestation that information required as part of the application has been submitted and is true and accurate; and
      i. The midwife’s signature and date of signature;

2. Either:
   a. Documentation that the midwife is currently certified by the North American Registry of Midwives as a Certified Professional Midwife; or
   b. For a midwife who has been continuously licensed as a midwife by the Department since 1999, a copy of both sides of documentation showing the completion of current training in:
      i. Adult basic cardiopulmonary resuscitation that meets the requirements in R9-16-102(A)(4)(a), and
      ii. Neonatal resuscitation that meets the requirements in R9-16-102(A)(4)(b); and
   c. A newborn delivered by the midwife has died within the first 6 weeks after birth; and
   d. A stillborn child has been delivered by the midwife, or
   e. A client has died while under the midwife’s care;
   f. A midwife may submit a written request for the Department to:
      1. Add the midwife’s name, address, and telephone number to a list of licensed midwives on the Department’s website; or
      2. Remove the midwife’s name, address, and telephone number from a list of licensed midwives on the Department’s website.
B. A midwife shall:

1. Notify the Department in a format provided by the Department within five working days after:
   a. A client has died while under the midwife’s care,
   b. A stillborn child has been delivered by the midwife, or
   c. A newborn delivered by the midwife has died within the first 6 weeks after birth; and
2. Provide a summary of the:
   a. Circumstances leading up to the event, and
   b. Actions taken by the midwife in response to the event.
C. A midwife shall:

1. Maintain documentation of:
   a. Completion of current training in:
      i. Adult basic cardiopulmonary resuscitation that meets the requirements in R9-16-102(A)(4)(a), and
      ii. Neonatal resuscitation that meets the requirements in R9-16-102(A)(4)(b);
   b. Except as provided in R9-16-103(A)(2)(b), current certification as a Certified Professional Midwife by the North American Registry of Midwives; and
   c. The continuing education required in subsection R9-16-105 for at least the previous three years; and
2. Provide a copy of documentation required in subsection (C)(1) to the Department within 2 working days after the Department’s request.

R9-16-105. Continuing Education
During the term of a midwifery license, the midwife shall obtain at least 20 continuing education units that:

1. Improve the midwife’s ability to:
   a. Provide services within the midwife’s scope of practice,
   b. Recognize and respond to situations outside the midwife’s scope of practice, or
   c. Provide guidance to other services a client may need; and
2. Have been approved as applicable to the practice of midwifery by the:
   a. American Nurses Association,
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

A. To request a name change on a midwifery license or a duplicate midwifery license, a midwife shall submit in writing to the Department:
1. The midwife’s name on the current midwifery license;
2. If applicable, the midwife’s new name;
3. The midwife’s address, license number, and e-mail address;
4. As applicable:
   a. Documentation supporting the midwife’s name change, or
   b. A statement that the midwife is requesting a duplicate midwifery license; and
5. A non-refundable fee of $10.00.

B. Upon receipt of the written request required in subsection (A), the Department shall issue, as applicable:
1. An amended midwifery license that incorporates the name change but retains the expiration date of the midwifery license, or
2. A duplicate midwifery license.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) is specified in Table 1.1 and begins on the date of the notice of administrative completeness.
   1. If an application complies with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall issue a notice of eligibility to take the jurisprudence test to an applicant or a license to a midwife.
   2. If an application does not comply with the requirements in this Article or A.R.S. Title 36, Chapter 6, Article 7, the Department shall make one comprehensive written request for additional information, unless the applicant or midwife has agreed in writing to allow the Department to submit supplemental requests for information. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information until the date the Department receives all of the information requested.

R9-16-106. Name Change; Duplicate License

R9-16-107. Time-frames

For an applicant submitting an application for initial licensure, when the Department receives the application packet required in R9-16-102(A); and for a licensed midwife applying to renew a midwifery license, when the Department receives the application packet required in R9-16-103(A).
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request for information within the time specified in Table 1.1.

4. If the applicant or midwife does not submit the additional information within the time specified in Table 1.1 or the additional information submitted by the applicant or midwife does not demonstrate compliance with this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall provide to the applicant a written notice of denial that complies with A.R.S. § 41-1092.03(A).

5. If the applicant or midwife submits the additional information within the time specified in Table 1.1 and the additional information submitted by the applicant or midwife demonstrates compliance with this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall issue a notice of eligibility to take the jurisprudence test to an applicant or a license to a midwife.

Historical Note

Table 1.1. Time-frames (in calendar days)

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Historical Note
Table 1.1 made by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

Exhibit E. Repealed

Historical Note

R9-16-108. Responsibilities of a Midwife; Scope of Practice

A. A midwife shall provide midwifery services only to a healthy woman, determined through a physical assessment and review of the woman’s obstetrical history, whose expected outcome of pregnancy is most likely to be the delivery of a healthy newborn and an intact placenta.

B. Except as provided in R9-16-111(C) or (D), a midwife who is certified by the North American Registry of Midwives as a Certified Professional Midwife may accept a client for a vaginal delivery:
   1. After prior Cesarean section, or
   2. Of a fetus in a complete breech or frank breech presentation.

C. Before providing services to a client, a midwife shall:
   1. Inform a client, both orally and in writing, of:
      a. The midwife’s scope of practice, educational background, and credentials;
      b. If applicable to the client’s condition, the midwife’s experience with:
         i. Vaginal birth after prior Cesarean section delivery, or
         ii. Delivery of a fetus in a complete breech or frank breech presentation;
      c. The potential risks; adverse outcomes; neonatal or maternal complications, including death; and alternatives associated with an at-home delivery specific to the client’s condition, including the conditions described in subsection (C)(1)(b);
      d. The requirement for tests specified in subsections (I) and (K)(4)(c), and the potential risks for declining a test, and, if a test is declined, the need for a written assertion of a client’s decision to decline testing;
      e. The requirement for consultation for a condition specified in R9-16-112; and
      f. The requirement for the transfer of care for a condition specified in R9-16-111; and
   2. Obtain a written informed consent for midwifery services according to R9-16-109.
   3. The signature of the client and the date signed; and
   4. The signature of the midwife and the date signed.

D. A midwife shall establish an emergency care plan for the client that includes:
   1. The name, address, and phone number of:
      a. The hospital closest to the birthing location that provides obstetrical services, and
      b. An emergency medical services provider that provides service between the birthing location and the hospital identified in subsection (D)(1)(a);
   2. The hospital identified in subsection (D)(1)(a) is within 25 miles of the birthing location for a delivery identified in subsection (B);
   3. The signature of the client and the date signed; and
   4. The signature of the midwife and the date signed.

E. A midwife shall ensure the client receives a copy of the emergency care plan required in subsection (D).

F. A midwife shall implement the emergency care plan by immediately calling the emergency medical services provider identified in subsection (D)(1)(b) for any condition that threatens the life of the client or the client’s child.

G. A midwife shall maintain all instruments used for delivery in an aseptic manner and other birthing equipment and supplies in clean and good condition.

H. A midwife shall assess a client’s physical condition in order to establish the client’s continuing eligibility to receive midwifery services.

I. During the prenatal period, the midwife shall:
   1. Until October 1, 2013, schedule or arrange for the following tests for the client within 28 weeks gestation:
      a. Blood type, including ABO and Rh, with antibody screen;
      b. Urinalysis;
      c. HIV;
      d. Hepatitis B;
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- Hepatitis C;
- Syphilis as required in A.R.S. § 36-693;
- Rubella titer;
- Chlamydia; and
- Gonorrhea;

2. Until October 1, 2013, schedule or arrange for the following tests for the client:
   a. A blood glucose screening test for diabetes completed between 24 and 28 weeks of gestation;
   b. A hematocrit and hemoglobin or complete blood count test completed between 28 and 36 weeks of gestation;
   c. A vaginal-rectal swab for Group B Strep Streptococcus culture completed between 35 and 37 weeks of gestation;
   d. At least one ultrasound and recommended follow-up testing to determine placental location and risk for placenta previa and placenta accrete; and
   e. An ultrasound at 36-37 weeks gestation to confirm fetal presentation and estimated fetal weight for a breech pregnancy;

3. As of October 1, 2013, except as provided in R9-16-110, ensure that the tests in subsection (I)(1) are completed by the client within 28 weeks gestation;
4. As of October 1, 2013, except as provided in R9-16-110, ensure that the tests in subsection (I)(2) are completed by the client;
5. Conduct a prenatal visit at least once every 4 weeks until the beginning of 28 weeks of gestation, once every 2 weeks from the beginning of 28 weeks until the end of 36 weeks of gestation, and once a week after 36 weeks of gestation that includes:
   a. Taking the client’s weight, urinalysis for protein, nitrates, glucose and ketones; blood pressure; and assessment of the lower extremities for swelling;
   b. Measurement of the fundal height and listening for fetal heart tones and, later in the pregnancy, feeling the abdomen to determine the position of the fetus;
   c. Documentation of fetal movement beginning at 28 weeks of gestation;
   d. Document of:
      i. The occurrence of bleeding or invasive uterine procedures, and
      ii. Any medications taken during the pregnancy that are specific to the needs of an Rh negative client;
   e. Referral of a client for lab tests or other assessments, if applicable, based upon examination or history; and
   f. Recommendation of administration of the drug RhoGam to unsensitized Rh negative mothers after 28 weeks, or any time bleeding or invasive uterine procedures are done, or midwife administration of RhoGam under a physician’s written orders;
6. Monitor fetal heart tones with fetoscope and document the client’s report of first quickening, between 18 and 20 weeks of gestation;
7. Conduct weekly visits until signs of first quickening have occurred if first quickening has not been reported by 20 weeks of gestation;
8. Initiate a consultation if first quickening has not occurred by the end of 22 weeks of gestation; and
9. Conduct a prenatal visit of the birthing location before the end of 35 weeks of gestation to ensure that the birthing environment is appropriate for birth and that communication is available to the hospital and emergency medical services provider identified in subsection (D)(1).

J. During the intrapartum period, a midwife shall:
   1. Determine if the client is in labor and the appropriate course of action to be taken by:
      a. Assessing the interval, duration, intensity, location, and pattern of the contractions;
      b. Determining the condition of the membranes, whether intact or ruptured, and the amount and color of fluid;
      c. Reviewing with the client the need for an adequate fluid intake, relaxation, activity, and emergency management; and
      d. Deciding whether to go to client’s home, remain in telephone contact, or arrange for transfer of care or consultation;
   2. Contact the hospital identified in subsection (D)(1)(a) according to the policies and procedures established by the hospital regarding communication with midwives when the client begins labor and ends labor;
3. During labor, assess the condition of the client and fetus upon initial contact, every half hour in active labor until completely dilated, and every 15 to 20 minutes during pushing, following rupture of the amniotic bag, or until the newborn is delivered, including:
   a. Initial physical assessment and checking of vital signs every 2 to 4 hours of the client;
   b. Assessing fetal heart tones every 30 minutes in active first stage labor, and every 15 minutes during second stage, following rupture of the amniotic bag, or with any significant change in labor patterns;
   c. Periodically assessing contractions, fetal presentation, dilatation, effacement, and fetal position by vaginal examination;
   d. Maintaining proper fluid balance for the client throughout labor as determined by urinary output and monitoring urine for presence of ketones; and
   e. Assisting in support and comfort measures to the client and family;
4. For deliveries described in subsection (B), during labor determine:
   a. For primiparas, the progress of active labor by monitoring whether dilation occurs at an average of 1 centimeter per hour until completely dilated and a second stage does not exceed 2 hours, if applicable; or
   b. Normal progress of active labor for multigravidas by monitoring whether dilation occurs at an average of 1.5 to 2 centimeters per hour until completely dilated, and a second stage does not exceed 1 hour, if applicable; or
   c. The progress of active labor according to the Management Guidelines recommended by the American Congress of Obstetricians and Gynecologists;
5. After delivery of the newborn:
   a. Assess the newborn at 1 minute and 5 minutes to determine the Apgar scores;
   b. Physically assess the newborn for any abnormalities;
   c. Inspect the client’s perineum, vagina, and cervix for lacerations;
   d. Deliver the placenta within 1 hour and assess the client for signs of separation, frank or occult bleeding; and
   e. Examine the placenta for intactness and to determine the number of umbilical cord vessels; and
6. Recognize and respond to any situation requiring immediate intervention.
K. During the postpartum period, the midwife shall:
1. During the 2 hours after delivery of the placenta, provide the following care to the client:
   a. Every 15 to 20 minutes for the first hour and every 30 minutes for the second hour:
      i. Take vital signs of the client,
      ii. Perform external massage of the uterus, and
      iii. Evaluate bleeding;
   b. Assist the client to urinate within 2 hours following the birth, if applicable;
   c. Evaluate the perineum, vagina, and cervix for tears, bleeding, or blood clots;
   d. Assist with maternal newborn and infant bonding;
   e. Assist with initial breast feeding, instructing the client in the care of the breast, and reviewing potential danger signs, if appropriate;
   f. Provide instruction to the family about adequate fluid and nutritional intake, rest, and the types of exercise allowed, normal and abnormal bleeding, bladder and bowel function, appropriate baby care, signs and symptoms of postpartum depression, and any symptoms that may pose a threat to the health or life of the client or the client’s newborn and appropriate emergency phone numbers;
   g. Recommend or administer under physician’s written orders, the drug RhoGam to an unsensitized Rh-negative mother who delivers an Rh-positive newborn. Administration shall occur not later than 72 hours after birth; and
   h. Document any medications taken by the client in the client’s record to an unsensitized Rh-negative client who delivers an Rh-positive newborn.
2. During the 2 hours after delivery of the placenta, provide the following care to the newborn:
   a. Perform a newborn physical exam to determine the newborn’s gestational age and any abnormalities;
   b. Comply with the requirements in A.A.C. R9-6-332;
   c. Recommend or administer Vitamin K under physician’s written orders to the newborn. Administration shall occur not later than 72 hours after birth; and
   d. Document the administration of any medications or vitamins to the newborn in the newborn’s record according to the physician’s written orders;
3. Evaluate the client or newborn for any abnormal or emergency situation and seek consultation or intervention, if applicable, according to these rules; and
4. Re-evaluate the condition of the client and newborn between 24 and 72 hours after delivery to determine whether the recovery is following a normal course, including:
   a. Assessing baseline indicators such as the client’s vital signs, bowel and bladder function, bleeding, breasts, feeding of the newborn, sleep/rest cycle, activity with any recommendations for change;
   b. Assessing baseline indicators of well-being in the newborn such as vital signs, weight, cry, suck and feeding, fontanel, sleeping, and bowel and bladder function with documentation of meconium, and providing any recommendations for changes made to the family;
   c. Submitting blood obtained from a heel stick to the newborn to the state laboratory for screening according to A.R.S. § 36-694(B) and 9 A.A.C. 13, Article 2, unless a written refusal is obtained from the client and documented in the client’s record and the newborn’s record; and
   d. Recommending to the client that the client secure medical follow-up for her newborn.
L. A midwife shall file a birth certificate with the local registrar within seven calendar days after the birth of the newborn.
M. Subsections (B), (C)(1)(b), (C)(1)(d) and (J)(2) and (4) are effective July 1, 2014.

Historical Note

R9-16-109. Informed Consent for Midwifery Services
A. A midwife shall obtain a written informed consent for midwifery services in a format provided by the Department that contains:
1. The midwife’s:
   a. Name,
   b. Telephone number,
   c. License number, and
   d. E-mail address;
2. The client’s:
   a. Name;
   b. Address;
   c. Telephone number;
   d. Date of birth; and
   e. E-mail address, if applicable;
3. An attestation that the client was:
   a. Provided the information required in R9-16-108(C)(1);
   b. Informed of the emergency care plan as required in R9-16-108(D); and
   c. Given an opportunity to have questions answered, have an understanding of the information provided, and choose to continue with midwifery services; and
4. The signatures of the client and midwife and date signed.
B. A midwife shall ensure that the written informed consent for midwifery services is placed in the client file.
C. A midwife shall ensure that a copy of the written informed consent for midwifery services is provided to the:
   1. Client, and
   2. Department within five calendar days after a Department request.
D. This Section is effective October 1, 2013.

Historical Note
Adopted effective March 14, 1994 (Supp. 94-1). R9-16-109 renumbered to R9-16-112; new Section R9-16-108 made by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2). Manifest typographical errors corrected in subsections (A)(3)(a) and (b) to rule Section reference of incorrect Chapter number; request made by department at file number R13-232 (Supp. 13-3).

R9-16-110. Assertion to Decline Required Tests
A. Except for R9-16-108(I)(1)(f), if the client declines a test required in R9-16-108(I)(3) and (4), a midwife shall obtain a written assertion of a client’s decision to decline a required test in a format provided by the Department, that contains:
   1. The midwife’s:
      a. Name,
      b. Telephone number,
      c. License number, and
      d. E-mail address;
   2. The client’s:
      a. Name;
A midwife shall ensure that the written assertion of the decision to decline a test is placed in the client file.

B. A midwife shall ensure that the written assertion of the decision to decline a test is placed in the client file.

C. A midwife shall ensure that a copy of the written assertion of the decision to decline a test is provided to the:

1. Client, and
2. Department within five calendar days after a Department request.

D. This Section is effective October 1, 2013.

**Historical Note**


**R9-16-111. Prohibited Practice; Transfer of Care**

A. A midwife shall not provide midwifery services in a location that has the potential to cause harm to the client or the client’s child.

B. A midwife shall not accept for midwifery services or continue midwifery services for a client who has or develops any of the following:

1. A previous surgery that involved:
   a. An incision in the uterus, except as provided in R9-16-108(B)(1); or
   b. A previous uterine surgery that enters the myometrium;
2. Multiple fetuses;
3. Placenta previa or placenta accreta;
4. A history of severe postpartum bleeding, of unknown cause, which required transfusion;
5. Deep vein thrombosis or pulmonary embolism;
6. Uncontrolled gestational diabetes;
7. Insulin-dependent diabetes;
8. Hypertension;
9. Rh disease with positive titers;
10. Active:
    a. Tuberculosis;
    b. Syphilis;
   c. Genital herpes at the onset of labor;
   d. Hepatitis until treated and recovered, following which midwifery services may resume; or
   e. Gonorrhea until treated and recovered, following which midwifery services may resume;
11. Preclampsia or eclampsia persisting after the second trimester;
12. A blood pressure of 140/90 or an increase of 30 millimeters of Mercury systolic or 15 millimeters of Mercury diastolic over the client’s lowest baseline blood pressure for two consecutive readings taken at least six hours apart;
13. A persistent hemoglobin level below 10 grams or a hematocrit below 30 during the third trimester;
14. A pelvis that will not safely allow a baby to pass through during labor;
15. A serious mental illness;
16. Evidence of substance abuse, including six months prior to pregnancy, to one of the following, evident during an assessment of a client:
   a. Alcohol,
   b. Narcotics, or
   c. Other drugs;
17. Except as provided in R9-16-108(B)(2), a fetus with an abnormal presentation;
18. Labor beginning before the beginning of 36 weeks gestation;
19. A progression of labor that does not meet the requirements of R9-16-108(J)(4), if applicable;
20. Gestational age greater than 34 weeks with no prior prenatal care;
21. A gestation beyond 42 weeks;
22. Presence of ruptured membranes without onset of labor within 24 hours;
23. Abnormal fetal heart rate consistently less than 120 beats per minute or more than 160 beats per minute;
24. Presence of thick meconium, blood-stained amniotic fluid, or abnormal fetal heart tones;
25. A postpartum hemorrhage of greater than 500 milliliters in the current pregnancy; or
26. A non-bleeding placenta retained for more than 60 minutes.

C. A midwife shall not perform a vaginal delivery after prior Cesarean section for a client who:

1. Had:
   a. More than one previous Cesarean section;
   b. A previous Cesarean section:
      i. With a classical, vertical, or unknown uterine incision;
      ii. Within 18 months before the expected delivery;
      iii. With complications, including uterine infection;
      iv. Due to failure to progress as a result of cephalopelvic insufficiency; or
   c. Complications during a previous vaginal delivery after a Cesarean section; or
2. Has a fetus:
   a. With fetal anomalies, confirmed by an ultrasound; or
   b. In a breech presentation.

D. A midwife shall not perform a vaginal delivery of a fetus in a breech presentation for a client who:

1. Had a previous:
   a. Unsuccessful vaginal delivery or other demonstration of an inadequate maternal pelvis, or
   b. Cesarean section; or
2. Has a fetus:
   a. With fetal anomalies, confirmed by an ultrasound;
   b. With an estimated fetal weight less than 2500 grams or more than 3800 grams; or
   c. In an incomplete breech presentation.

E. If the client has any of the conditions in subsections (B) through (D), a midwife shall:

1. Document the condition in the client record, and
2. Initiate transfer of care.

F. A midwife shall not perform any operative procedures except as provided in R9-16-113.

G. A midwife shall not:

1. Use any artificial, forcible, or mechanical means to assist birth; or
A midwife shall obtain a consultation at the time a client is...

A. A midwife shall not administer drugs or medications except as provided in R9-16-108(I)(5)(f), (K)(1)(g), (K)(2)(e), or R9-16-113.

I. Except as provided in R9-16-113, a midwife shall:

1. Discontinue midwifery services and transfer care of a newborn in which any of the following conditions are present:
   a. Birth weight less than 2000 grams;
   b. Pale, blue, or gray color after 10 minutes;
   c. Excessive edema;
   d. Major congenital anomalies; or
   e. Respiratory distress; and
2. Document the condition in subsection (I)(1) in the newborn record.

Historical Note

R9-16-112. Required Consultation
A. A midwife shall obtain a consultation at the time a client is determined to have any of the following during the current pregnancy:

1. A positive culture for Group B Streptococcus;
2. History of seizure disorder;
3. History of stillbirth, premature labor, or parity greater than 5;
4. Age younger than 16 years;
5. A primigravida older than 40 years of age;
6. Failure to auscultate fetal heart tones by the beginning of 22 weeks gestation;
7. Failure to gain 12 pounds by the beginning of 30 weeks gestation or gaining more than 8 pounds in any two-week period during pregnancy;
8. Greater than 1+ sugar, ketones, or protein in the urine on two consecutive visits;
9. Excessive vomiting or continued vomiting after the end of 20 weeks gestation;
10. Symptoms of decreased fetal movement;
11. A fever of 100.4° F or 38° C or greater measured twice at 24 hours apart;
12. Tender uterine fundus;
13. Effacement or dilation of the cervix, greater than a finger-tip, accompanied by contractions, prior to the beginning of 36 weeks gestation;
14. Measurements for fetal growth that are not within 2 centimeters of the gestational age;
15. Second degree or greater lacerations of the birth canal;
16. Except as provided in R9-16-111(B)(19), an abnormal progression of labor;
17. An unengaged head at 7 centimeters dilation in active labor;
18. Failure of the uterus to return to normal size in the current postpartum period;
19. Persistent shortness of breath requiring more than 24 breaths per minute, or breathing which is difficult or painful;
20. Gonorrhea;
21. Chlamydia;
22. Syphilis;
23. Heart disease;
24. Kidney disease;
25. Blood disease; or
26. A positive test result for:
   a. HIV;
   b. Hepatitis B, or
   c. Hepatitis C.

B. A midwife shall obtain a consultation at the time a newborn demonstrates any of the following conditions:

1. Weight less than 2500 grams or 5 pounds, 8 ounces;
2. Congenital anomalies;
3. An Apgar score less than 7 at 5 minutes;
4. Persistent breathing at a rate of more than 60 breaths per minute;
5. An irregular heartbeat;
6. Persistent poor muscle tone;
7. Less than 36 weeks gestation or greater than 42 weeks gestation by gestational exam;
8. Yellowish-colored skin within 48 hours;
9. Abnormal crying;
10. Meconium staining of the skin;
11. Lethargy;
12. Irritability;
13. Poor feeding;
14. Excessively pink coloring over the entire body;
15. Failure to urinate or pass meconium in the first 24 hours of life;
16. A hip examination which results in a clicking or incorrect angle;
17. Skin rashes not commonly seen in the newborn; or
18. Temperature persistently above 99.0° or below 97.6° F.

C. The midwife shall inform the client of the consultation required in subsections (A) or (B) and recommendations of the physician or certified nurse midwife.

D. The midwife shall document the consultation required in subsections (A) or (B) and recommendations received in the client record or newborn record.

Historical Note

R9-16-113. Emergency Measures
A. In an emergency situation in which the health or safety of the client or newborn are determined to be at risk, a midwife:

1. Shall ensure that an emergency medical services provider is called; and
2. May perform the following procedures as necessary:
   a. Cardiopulmonary resuscitation of the client or newborn with a bag and mask;
   b. Administration of oxygen at no more than 8 liters per minute via mask for the client and 5 liters per minute for the newborn via neonatal mask;
   c. Episiotomy to expedite the delivery during fetal distress;
   d. Suturing of episiotomy or tearing of the perineum to
      i. Hyperflexion of the client’s legs to the abdomen;
      ii. Release of shoulder dystocia by utilizing:
         a. Hyperflexion of the client’s legs to the abdomen;
         b. Application of external pressure suprapubically,
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A. A midwife shall document in the client's record any medication(s) taken by a client for the control of postpartum hemorrhage.

Historical Note
New Section R9-16-113 renumbered from R9-16-110 and amended by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

R9-16-114. Midwife Report after Termination of Midwifery Services

A. A midwife shall complete a midwife report for each client, in a format provided by the Department, that includes the following:

1. The midwife’s:
   a. First name,
   b. Last name, and
   c. License number;

2. The client’s:
   a. Date of birth;
   b. Client number;
   c. Date of last menstrual period;
   d. Estimated date of delivery;
   e. Gravida (number);
   f. Para (number); and
   g. If applicable, whether the client had a vaginal delivery after prior Cesarean section or vaginal delivery of a fetus in a complete breech or frank breech presentation;

3. A description of the maternal outcome, including any complications;

4. If a vaginal delivery after prior Cesarean section or vaginal delivery of a fetus in a complete breech or frank breech presentation:
   a. Rate of dilation, and
   b. Duration of second stage labor;

5. If applicable, the newborn’s:
   a. Date of birth;
   b. Gender;
   c. Weight;
   d. Length;
   e. Head circumference;
   f. Designation of average, small, or large for gestational age;
   g. Apgar score at 1 minute;
   h. Apgar score at 5 minutes;
   i. Existence of complications;
   j. Description of complications, if applicable;
   k. Birth certificate filing date; and
   l. Birth certificate number, if available;

6. Whether the client required transfer of care and, if applicable:
   a. Method of transport,
   b. Type of facility or individual to which the midwife transferred care of the client,
   c. Name of destination,
   d. Time arrived at destination,
   e. Confirmation the emergency care plan was utilized, and
   f. Medical reason for transfer of care;

7. The date midwifery services were terminated;

8. Reason for the termination of midwifery services;

9. If termination of midwifery services was due to a medical condition, the specific medical condition;

10. Whether information was provided on newborn screening; and

11. Whether newborn screening tests were ordered as required in A.R.S. § 36-694.

B. The midwife shall submit a midwife report for a client to the Department within 30 calendar days after the termination of midwifery services to the client.

Historical Note
Section made by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

R9-16-115. Client and Newborn Records

A. A midwife shall ensure that a record is established and maintained according to A.R.S. §§ 12-2291 and 12-2297 for each:

1. Client, and

2. Newborn delivered by the midwife from a client.

B. A midwife shall ensure that a record for each client includes the following:

1. The client’s full name, date of birth, address, and client number;

2. Names, addresses, and telephone numbers of the client’s spouse or other individuals designated by the client to be contacted in an emergency;

3. Written informed consent for midwifery services, as required in R9-16-108(C)(2);

4. Assertion to decline required tests, as required in R9-16-110(A)(3);

5. A copy of the emergency care plan, as required in R9-16-108(E);

6. The date the midwife began providing midwifery services to the client;

7. The date the client is expected to deliver the newborn;

8. The date the newborn was delivered, if applicable;

9. An initial assessment of the client to:
   a. Determine whether the client has a history of a condition or circumstance that would preclude care of the client by the midwife, as specified in R9-16-111; and
   b. Determine the:
      i. Number and outcome of previous pregnancies, and
      ii. Number of previous medical or midwife visits the client has had during the current pregnancy;

10. Progress notes documenting the midwifery services provided to the client;

11. For a delivery identified in R9-16-108(B):
   a. Rate of dilation, and
   b. Duration of second stage labor;

12. Laboratory and diagnostic reports, according to R9-16-108(I);

13. Documentation of consultations as required in R9-16-112, including:
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A. Midwife shall ensure that a record for each newborn includes the following:

1. The full name, date of birth, and address of the newborn's mother;
2. The newborn's:
   a. Date of birth,
   b. Gender,
   c. Weight at birth,
   d. Length at birth, and
   e. Apgar scores at 1 minute and 5 minutes after birth;
3. The newborn's estimated gestational age at birth;
4. Progress notes documenting the midwifery services provided to the newborn;
5. Laboratory and diagnostic reports, as required in R9-16-108(I);
6. Documentation of consultations as required in R9-16-112:
   a. Reason for the consultation,
   b. Name of physician or certified nurse midwife,
   c. Date of consultation,
   d. Time of consultation, and
   e. Recommendation made by the physician or certified nurse midwife;
7. Written reports received from consultations as required in R9-16-112;
8. A description of any conditions or circumstances arising during the pregnancy that required the transfer of care;
9. The name of the physician, certified nurse midwife, or hospital to which the care of the client was transferred, if applicable;
10. Documentation of medications or vitamins administered to the client;
11. Documentation of medications or vitamins administered to the newborn and the physician's written orders for the medications or vitamins;
12. The outcome of the pregnancy;
13. Written reports received from consultations as required in R9-16-112;
14. Instructions provided to the client before the midwife stopped providing midwifery services to the client;
15. The date the midwife stopped providing midwifery services to the client; and
16. The name of the physician, certified nurse midwife, or hospital to which the care of the client was transferred, if applicable;
17. Documentation of medications or vitamins taken by the client;
18. Documentation of medications or vitamins administered to the client and the physician's written orders for the medications or vitamins;
19. The outcome of the pregnancy;
20. The date the midwife stopped providing midwifery services to the client; and
21. Instructions provided to the client before the midwife stopped providing midwifery services to the client.

C. A midwife shall ensure that a record for each newborn includes the following:

1. The full name, date of birth, and address of the newborn's mother;
2. The newborn's:
   a. Date of birth,
   b. Gender,
   c. Weight at birth,
   d. Length at birth, and
   e. Apgar scores at 1 minute and 5 minutes after birth;
3. The newborn's estimated gestational age at birth;
4. Progress notes documenting the midwifery services provided to the newborn;
5. Laboratory and diagnostic reports, as required in R9-16-108(I);
6. Documentation of consultations as required in R9-16-112:
   a. Reason for the consultation,
   b. Name of physician or certified nurse midwife,
   c. Date of consultation,
   d. Time of consultation, and
   e. Recommendation made by the physician or certified nurse midwife;
7. Written reports received from consultations as required in R9-16-112;
8. A description of any conditions or circumstances arising during or after the newborn's birth that required the transfer of care;
9. The name of the physician, certified nurse midwife, or hospital to which the care of the newborn was transferred, if applicable;
10. Documentation of medications or vitamins administered to the newborn;
11. Documentation of medications or vitamins administered to the newborn and the physician's written orders for the medications or vitamins;
12. Documentation of newborn screening, including when the specimen collection kit, as defined in A.A.C. R9-13-201, was submitted and results received, as required in R9-16-108(K)(4)(c);
13. The date the midwife stopped providing midwifery services to the newborn; and
14. Instructions provided to the client about the newborn before the midwife stopped providing midwifery services to the newborn.

Historical Note

R9-16-116. Denial, Suspension, or Revocation of License; Civil Penalties; Procedures
In addition to the grounds specified in A.R.S. §§ 36-756 and 13-904(E), the Department may deny, suspend, or revoke a license permanently or for a definite period of time, and may assess a civil penalty for each violation, for any of the following causes:

1. Practicing under a false name or alias so as to interfere with or obstruct the investigative or regulatory process,
2. Practicing under the influence of drugs or alcohol,
3. Falsification of records,
4. Obtaining any fee for midwifery services by fraud or mis-representation,
5. Permitting another to use the midwife’s license, or
6. Knowingly providing false information to the Department.

Historical Note
New Section R9-16-116 renumbered from R9-16-111 and amended by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

R9-16-117. Expired
Historical Note
New Section made by exempt rulemaking at 19 A.A.R. 1805, effective July 1, 2013 (Supp. 13-2).

R9-16-201. Definitions
1. “Accredited” means approved by the:
   a. New England Commission of Higher Education,
   b. Middle States Commission on Higher Education,
   c. Higher Learning Commission,
   d. Northwest Commission on Colleges and Universities,
   e. Southern Association of Colleges and Schools Commission on Colleges, or
   f. WASC Senior College and University Commission.
2. “Applicant” means an individual who submits an application and required documentation for approval to practice as an audiologist or a speech-language pathologist.
3. “ASHA” means the American Speech-Language-Hearing Association, a national professional, scientific, and credentialing association for audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.
4. “Calendar day” means each day, not including the day of the act, event, or default, from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
5. “CCC” means Certificate of Clinical Competence, an award issued by ASHA to an individual who:
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A. Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum,
B. Passes the ETSNEA or ETSNESLP, and
C. Completes a clinical fellowship.

6. “Clinical fellow” means an individual engaged in a clinical fellowship.

7. “Clinical fellowship” means an individual’s postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:
   a. After completion of graduate level academic course work and a clinical practicum;
   b. Under the supervision of a clinical fellowship supervisor; and
   c. While employed on a full-time or part-time equivalent basis.

8. “Clinical fellowship agreement” means the document submitted to the Department by a clinical fellow to register the initiation of a clinical fellowship.

9. “Clinical fellowship report” means a document completed by a clinical fellowship supervisor containing:
   a. A summary of the diagnostic and therapeutic procedures performed by the clinical fellow,
   b. A verification by the clinical fellowship supervisor of the clinical fellow’s performance of diagnostic and therapeutic procedures, and
   c. An evaluation of the clinical fellow’s ability to perform the diagnostic and therapeutic procedures.

10. “Clinical fellowship supervisor” means a licensed speech-language pathologist who:
 a. Is or has been a sponsor of a temporary licensee,
 b. Had a CCC while supervising a clinical fellow before October 28, 1999, or
 c. Has a CCC while supervising a clinical fellow in another state.

11. “Clinical practicum” means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.

12. “Continuing education” means a course that provides instruction and training that is designed to develop or improve a licensee’s professional competence in disciplines directly related to the licensee’s scope of practice.

13. “Course” means a workshop, seminar, lecture, conference, or class.

14. “Diagnostic and therapeutic procedures” means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.

15. “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity.

16. “ETSNEA” means Educational Testing Service National Examination in Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

17. “ETSNESLP” means Educational Testing Service National Examination in Speech-Language Pathology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

18. “Full-time” means 30 clock hours or more per week.


20. “Local education agency” means a governing board established by A.R.S. § 15-101 or A.R.S. Title 15, Chapter 3, Article 3.

21. “Monitoring” means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.

22. “On-site observations” means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.

23. “Part-time equivalent” means:
   a. 25-29 clock hours per week for 48 weeks,
   b. 20-24 clock hours per week for 60 weeks, or
   c. 15-19 clock hours per week for 72 weeks.

24. “Semester credit hour” means one earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.

25. “Semester credit hour equivalent” means one quarter credit, which is equal in value to 2/3 of a semester credit hour.

26. “State-supported institution” means a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.

27. “Student” means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.

28. “Supervision” means being responsible for and providing direction to:
   a. A clinical fellow during on-site observations or monitoring of the clinical fellow’s performance of diagnostic and therapeutic procedures; or
   b. An individual completing a clinical practicum.

29. “Supervisory activities” means evaluating and assessing a clinical fellow’s performance of diagnostic and therapeutic procedures in assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.

Historical Note

R9-16-202. Application
A. An applicant for licensure shall submit to the Department:
   1. An application in a Department-provided format that contains:
      a. The applicant’s name, home address, telephone number, and e-mail address;
      b. The applicant’s Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
      c. If applicable, the applicant’s business addresses and telephone number;
      d. The applicant’s current employment, if applicable, including:
B. In addition to complying with subsection (A), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:

1. The name of each state that issued the applicant a current license, including:
   a. The license number of each current license, and
   b. The date each current license was issued;
2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
   a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
   b. Has met minimum education requirements according to A.R.S. §§ 36-1940 or 36-1940.01;
   c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
   d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

C. The Department shall review the application and required documentation for a license according to R9-16-214 and Table 2.1.

Historical Note
Former Section R9-16-203 repealed, new Section R9-16-203 adopted effective January 23, 1978 (Supp. 78-1).
Repealed effective March 14, 1994 (Supp. 94-1).
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1. A transcript or equivalent documentation issued to the applicant from an accredited college or university demonstrating the applicant’s completion of a master’s degree in audiology before December 31, 2007 or documentation of the applicant’s current CCC;
2. Documentation of a passing grade on an ETSNEA or current CCC dated within three years before the date of application; and
3. Documentation of a passing grade obtained by the applicant on a written hearing aid dispenser examination as required in A.R.S. § 36-1940(C)(4).

Historical Note
Former Section R9-16-203 repealed, new Section R9-16-203 adopted effective January 23, 1978 (Supp. 78-1).
Repealed effective March 14, 1994 (Supp. 94-1).

R9-16-205. Initial Application for a Temporary Speech-language Pathologist
In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist shall submit to the Department the following:
1. A certificate in speech and language therapy awarded by an accredited college or university after the applicant’s completion of a master’s degree consistent with the standards of this state’s universities, as required in A.R.S. § 36-1940.01(A)(2)(a).
2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b).
3. Documentation of the applicant’s completion of the ETS-NESLP as required in A.R.S. § 36-1940.01(A)(3).
4. Documentation of the applicant’s clinical fellowship agreement that includes:
   a. The applicant’s name, home address, and telephone number;
   b. The clinical fellowship supervisor’s name, business address, telephone number, and speech-language pathology license number;
   c. The name and address where the clinical fellowship will take place;
   d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-209; and
   e. The signatures of the applicant and the clinical fellowship supervisor.

B. A temporary license issued is effective for 12 months from the date of issuance.
C. A temporary license may be renewed only once.
D. An applicant issued a temporary speech-language pathologist license shall:
   1. Practice under the supervision of a licensed speech-language pathologist, and
   2. Not practice under the supervision of an individual who has a temporary speech-language pathologist license.

Historical Note
Former Section R9-16-205 repealed, new Section R9-16-205 adopted effective January 23, 1978 (Supp. 78-1).
Repealed effective March 14, 1994 (Supp. 94-1).

R9-16-206. Requirements for a Speech-language Pathologist - Limited
In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist - limited as specified in A.R.S. § 36-1940.01(B) shall submit to the Department the following:
1. A certificate in speech and language therapy awarded by the Department of Education.
2. A document representing an employee or contractor relationship with a local education agency or a state supported institution.

Historical Note
Former Section R9-16-206 repealed, new Section R9-16-206 adopted effective January 23, 1978 (Supp. 78-1).
Repealed effective March 14, 1994 (Supp. 94-1).
R9-16-207. License Renewal
A. Before the expiration date of a license, a licensee shall submit to the Department:
   1. A renewal application in a Department-provided format that contains:
      a. The licensee’s name, home address, telephone number, and e-mail address;
      b. If applicable, the licensee’s business address and telephone number;
      c. The licensee’s current employment, if applicable, including:
         i. The employer’s name,
         ii. The licensee’s position,
         iii. Dates of employment,
         iv. The address of the employer,
         v. The supervisor’s name,
         vi. The supervisor’s email address, and
         vii. The supervisor’s telephone number;
      d. The licensee’s license number and date of expiration;
      e. Since the previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state;
      f. If the licensee was convicted of a felony or a misdemeanor:
         i. The date of the conviction,
         ii. The state or jurisdiction of the conviction,
         iii. An explanation of the crime of which the licensee was convicted, and
         iv. The disposition of the case;
      g. Whether the licensee has had, within two years before the renewal application date, an audiology or speech-language pathology license suspended or revoked by any state;
      h. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant’s license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
         i. The date of the disciplinary action,
         ii. The state or jurisdiction of the disciplinary action,
         iii. Dates of employment,
         iv. Any other applicable documents, including a legal order or settlement agreement;
      i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and documentation of completion is available upon request;
      j. The licensee agrees to allow the Department to submit supplemental requests for information under R9-16-214(C);
      k. An attestation that the information submitted as part of the application is true and accurate; and
      l. The licensee’s signature and date of signature; and
   2. A renewal fee specified in R9-16-216.
B. A licensee licensed as a speech-language pathologist, whose practice is limited to providing services to students under the authority of a local education agency or state-supported institution, shall provide documentation required in A.R.S. § 36-1940.01(B);
C. If a licensee is renewing a temporary speech-language pathology license:
   1. A statement signed and dated by the licensee’s clinical fellowship supervisor agreeing to comply with R9-16-209; and
   2. The name, business address, telephone number, and license number of the speech language pathologist providing supervision to the licensee.
D. In addition to subsection (A), a licensee who submits a renewal application within 30 calendar days after the license expiration date shall submit a late fee specified in R9-16-216.
E. A licensee who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-202.
F. If a licensee applies for a license according to R9-16-202 more than 30 calendar days but less than one year after the expiration date of the applicant’s previous license, the applicant:
   1. Is not required to submit ETSNEA or ETSNESLP documentation, and
   2. Shall submit an attestation of continuing education according to R9-16-208, completed within the twenty-four months before the date of application.
G. The Department shall review the application for a renewal license according R9-16-214 and Table 2.1.

Historical Note

R9-16-208. Continuing Education
A. Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.
   1. Except as provided in (A)(2), a licensed audiologist shall complete at least 20 continuing education hours related to audiology;
   2. A licensed audiologist who fits and dispenses hearing aids shall complete:
      a. At least 20 continuing education hours related to audiology and hearing aid dispensing, and
      b. No more than eight continuing education hours required in subsection (A)(2)(a) provided by a single manufacturer of hearing aids; and
   3. A licensed speech-language pathologist shall complete at least 20 continuing education hours in speech-language pathology related courses.
B. Continuing education shall:
   1. Directly relate to the practice of audiology, speech-language pathology, or fitting and dispensing hearing aids;
   2. Have educational objectives that exceed an introductory level of knowledge of audiology, speech-language pathology, or fitting and dispensing hearing aids; and
   3. Consist of courses that include advances within the last five years in:
      a. Practice of audiology,
      b. Practice of speech-language pathology,
      c. Procedures in the selection and fitting of hearing aids,
      d. Pre- and post-fitting management of clients,
      e. Instrument circuitry and acoustic performance data,
C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. International Institute for Hearing Instruments Studies,
6. American Auditory Society,
7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Society of Otolaryngology, Head and Neck Surgery,
10. American Academy of Otolaryngology-Head and Neck Surgery, or
11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).

Historical Note

R9-16-209. Clinical Fellowship Supervisors
In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall complete a minimum of 36 supervisory activities throughout an individual’s clinical fellowship that include:
1. A minimum of 18 on-site observations,
2. No more than six on-site observations in a 24-hour period, and
3. A minimum of 18 monitoring activities.

Historical Note

R9-16-210. Requirements for Supervising a Speech-language Pathologist Assistant
A licensed speech-language pathologist who provides direct supervision or indirect supervision to a speech-language pathologist assistant shall comply with A.R.S. § 36-1940.04(F) and (G):
1. Establish a record for each speech-language pathologist assistant who receives direct supervision and indirect supervision from the speech-language pathologist that includes:
   a. The speech-language pathologist assistant’s license number, name, home address, telephone number, and e-mail;
   b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the speech-language pathologist assistant is expected to complete;
   c. A document listing each occurrence of direct supervision or indirect supervision provided to the speech-language pathologist assistant that includes:
      i. Business name and address where supervision occurred,
      ii. The date and times when the supervision started and ended,
      iii. The types of clinical interactions provided, and
      iv. Notification of speech-language pathologist assistant’s progress;
   d. Documentation of evaluations provided to the speech-language pathologist assistant during the time supervision was provided; and
   e. Documentation of when supervision was terminated; and
2. Maintain a speech-language pathologist assistant record:
   a. Throughout the period that the speech-language pathologist assistant receives direct supervision and indirect supervision clinical interactions from the supervisor; and
   b. For at least two years after the last date the speech-language pathologist assistant received clinical interactions from the supervisor.

Historical Note

R9-16-211. Equipment; Records
A. A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer’s specifications.
B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:
   1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard Specifications for Audiometers S3.6-2018, incorporated by reference and on file with the Department, with no future additions or amendments and available from the Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, September 20, 2018; and
   2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.
C. A licensee shall maintain the following records according to A.R.S. § 32-3211 for each client for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:
   1. The client’s name, address, and telephone number;
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2. The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and

3. If a product such as a hearing aid, augmentative communication device, or laryngeal device is dispensed, a record of the following:
   a. The name of the product dispensed;
   b. The product’s serial number, if any;
   c. The product’s warranty or guarantee, if any;
   d. The refund policy for the product, if any;
   e. A statement of whether the product is new or used;
   f. The total amount charged for the product;
   g. The name of the licensee; and
   h. The name of the intended user of the product.

Historical Note

R9-16-212. Bill of Sale Requirements
An audiologist who dispenses hearing aids shall provide a bill of sale to a client at the time the audiologist provides a hearing aid to a client or at a time requested by the client that complies with the requirements in R9-16-311(A)(7).

Historical Note

R9-16-213. Enforcement
A. The Department may, as applicable:
   1. Deny, revoke, or suspend an audiology or speech-language pathology’s license under A.R.S. § 36-1934; or
   2. Request an injunction under A.R.S. § 36-1937; or
   3. Assess a civil money penalty under A.R.S. § 36-1939.

B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
   1. The type of violation;
   2. The severity of the violation;
   3. The danger to the public health and safety;
   4. The number of violations;
   5. The number of clients affected by the violations;
   6. The degree of harm to the consumer;
   7. A pattern of noncompliance, and
   8. Any mitigating or aggravating circumstances.

C. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

Historical Note
The Department shall issue a regular license or a temporary license.

A. A licensee may obtain a duplicate license by submitting to the Department a written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.

D. The Department shall issue a regular license or a temporary license:
  1. Within five calendar days after receiving the license fee, and
  2. From the date of issue, the license is valid for:
     a. Two years, if a regular license, and
     b. Twelve months, if a temporary license.

### Table 2.1 Time-frames (in calendar days)

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Statutory Authority</th>
<th>Overall Time-Frame</th>
<th>Administrative Completeness Review Time-Frame</th>
<th>Time to Respond to Notice of Deficiency</th>
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<tbody>
<tr>
<td>Application for an Initial or Temporary License</td>
<td>A.R.S. §§ 36-1904 and 36-1940</td>
<td>60</td>
<td>30</td>
<td>30</td>
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<tr>
<td>License Renewal</td>
<td>A.R.S. § 36-1904</td>
<td>60</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
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### Historical Note
Table 2.1 made by exempt rulemaking under R9-16-209 at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Table 2.1 repealed; new Table 2.1 made and recodified under new Section R9-16-214, with an immediate effective date of April 8, 2020 (Supp. 20-2).

### R9-16-215. Changes Affecting a License or a Licensee; Request for a Duplicate License

A. A licensee shall submit to the Department a notice in a Department-provided format within 30 calendar days after the effective date of a change in:
  1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
  2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
     a. Marriage certificate,
     b. Divorce decree, or
     c. Other legal document establishing the licensee’s new name; and
  3. The place or places, including address or addresses, where the licensee engages in the practice of audiology or speech-language pathology.

B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a format provided by the Department that includes:
  1. The licensee’s name and address,
  2. The licensee’s license number and expiration date,
  3. The licensee’s signature and date of signature, and
  4. A duplicate license fee specified in R9-16-216.

### Historical Note

### R9-16-216. Fees
A. An applicant shall submit to the Department the following nonrefundable fee for:
  1. An initial application as an audiologist, $100;
  2. An initial application as a speech-language pathologist, $100; and
  3. An initial application as a temporary speech-language pathologist, $100.

B. An applicant shall submit to the Department the following fee for:
  1. An initial license as an audiologist, $200;
  2. An initial license as a speech-language pathologist, $200; and
  3. A temporary license as a speech-language pathologist, $100.

C. A licensee shall submit to the Department the following fee for:
  1. A renewal license as an audiologist, $200;
  2. A renewal license as a speech-language pathologist, $200; and
  3. A temporary renewal license as a speech-language pathologist, $100.

D. If a licensed audiologist or speech-language pathologist submits a renewal license application specified in subsection (C) within 30 calendar days after the license expiration date, the licensee shall submit with the renewal license application a $25 late fee.

E. The fee for a duplicate license is $25.

F. An applicant for initial licensure is not required to submit the applicable fee in subsection (A) and (B) if the applicant, as part of the applicable application in R9-16-202, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

### Historical Note
ARTICLE 3. LICENSING HEARING AID DISPENSERS
R9-16-301. Definitions
In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:
1. “Applicant” means an individual or a business organization that submits an application and required documentation for approval to practice as a hearing aid dispenser.
3. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
4. “Continuing education” means a course that provides instruction and training that directly relates to the practice of fitting and dispensing hearing aids specified in A.R.S. § 36-1904.
5. “Designated agent” means an individual who:
   a. Is authorized by an applicant or hearing aid dispenser [a person] to receive communications from the Department, including legal service of process;
   b. May file or sign documents on behalf of the applicant or hearing aid dispenser;
   c. Is a U.S. citizen or legal resident;
   d. Has an Arizona address; and
   e. Is a controlling person of the business organization, if applicable.
6. “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state specified in R9-16-308(A)(2).
7. “GED” means a general education development test.
8. “Hearing aid dispenser examination” means one of the examinations for the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
9. “Practical examination” means a test:
   a. Designated by the Department that demonstrates an applicant’s proficiency in the practice of fitting and dispensing hearing aids.
10. “State licensing entity” means a state agency or board that approves licensure and takes disciplinary action of individuals or businesses that practice as a hearing aid dispenser.
11. “Temporary hearing aid dispenser” means a person who is issued a temporary hearing aid dispenser license under Title 36, Chapter 17 and this Article for a specified period of time under the supervision of a hearing aid dispenser.

Historical Note
New Section made by final expedited rulemaking at 26 A.A.R. 816, with an immediate effective date of April 8, 2020 (Supp. 20-2).

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R9-16-302. Examination Requirements
A. Within two years after the date an applicant receives the approval notification in R9-16-306(B), or a temporary hearing aid dispenser receives the approval in R9-16-305(B), the applicant or temporary hearing aid dispenser shall take and obtain a passing score on the Department-designated:
1. Written hearing aid dispenser examination required in subsection (B), and
2. Practical examination required in subsection (B).
B. An applicant approved to take the Department-designated practical examination or a temporary hearing aid dispenser approved to take the Department-designated practical examination shall:
1. Arrive on the scheduled date and time of the examination,
2. Provide proof of identity by a government-issued photographic identification card that is provided by the applicant or temporary hearing aid dispenser upon the request of the individual administering the examination, and
3. Exhibit ethical conduct during the examination process.
C. After the Department receives an applicant’s Department-designated written hearing aid dispenser examination results, the Department shall notify the applicant of:
   1. A passing score and approval to take the practical examination; or
   2. A failing score that includes, as applicable, approval to retake the written hearing aid dispenser examination.
D. An applicant or temporary hearing aid dispenser who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.
E. An applicant or temporary hearing aid dispenser taking the examination will receive a passing score on the examination if the applicant or temporary hearing aid dispenser demonstrates the proficiencies in A.R.S. § 36-1924, as determined by the Department.
F. After the Department receives an applicant’s practical examination results, the Department shall notify the applicant whether the applicant received:
   1. A passing score; or
   2. A failing score and, as applicable, approval to retake the written hearing aid dispenser examination.
G. The Department shall notify an applicant or temporary hearing aid dispenser that the applicant or temporary hearing aid dispenser may apply for an initial hearing aid dispenser license when the applicant or temporary hearing aid dispenser has received a passing score on both of the examinations in subsection (A).

Historical Note

R9-16-303. Application
A. An applicant for licensure shall submit to the Department:
   1. An application in a Department-provided format that contains:
      a. The applicant’s name, home address, telephone number, and e-mail address;
b. The applicant’s Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
c. The applicant’s current employment, if applicable, including:
   i. The employer’s name,
   ii. The licensee’s position,
   iii. Dates of employment,
   iv. The address of the employer,
   v. The supervisor’s name,
   vi. The supervisor’s email address, and
   vii. The supervisor’s telephone number;
d. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
e. If the applicant was convicted of a felony or misdemeanor:
   i. The date of the conviction,
   ii. The state or jurisdiction of the conviction,
   iii. An explanation of the crime of which the applicant was convicted, and
   iv. The disposition of the case;
f. Whether a hearing aid dispenser license issued to the applicant has been suspended or revoked;
g. Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant’s hearing aid dispenser license;
h. Whether the applicant has been disciplined by any state, territory or district in this country for an act upon the applicant’s hearing aid dispenser license;
i. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-314;
j. An attestation that the information submitted as part of the application is true and accurate; and
k. The applicant’s signature and date of signature;
2. Documentation of the applicant’s citizenship or alien status that complies with A.R.S. § 41-1080;
3. Documentation that the applicant received a high school diploma, a high school equivalency diploma, an associate degree, or a higher degree;
4. Whether a professional license or certificate has been revoked or suspended by another state or jurisdiction;
5. If a license for an applicant has been revoked or suspended by any state, documentation that includes:
   a. The date of the revocation or suspension, 
   b. The state or jurisdiction of the revocation or suspension, and
   c. An explanation of the revocation or suspension;
6. If an applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
   a. The date of the ineligibility for licensing,
   b. The state or jurisdiction of the ineligibility for licensing, and
   c. An explanation of the ineligibility for licensing;
7. If an applicant has been disciplined by any state, territory or district, in this country for an act upon the applicant’s hearing aid dispenser license, documentation that includes:
   a. The date of the disciplinary action,
   b. The state or jurisdiction of the disciplinary action,
   c. An explanation of the disciplinary action, and
   d. Any other applicable documents, including a legal order or settlement agreement; and
8. A nonrefundable application fee specified in R9-16-316.

B. The Department shall review an application and documentation for approval according to R9-16-314 and Table 3.1.

Historical Note

R9-16-304. Requirements for an Initial Hearing Aid Dispenser License
A. An applicant for initial licensure shall submit an application to the Department that includes:
   1. The information and documents required in R9-16-303;
   2. Documentation of passing the:
      a. Written hearing aid dispenser examination, and
      b. Practical examination; and
   3. The fees specified in R9-16-316.
B. In addition to complying with subsections (A)(1) and (A)(3), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
   1. The name of each state that issued the applicant a current hearing aid dispenser license, including:
      a. The license number of each current hearing aid dispenser license, and
      b. The date each current hearing aid dispenser license was issued;
   2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
   3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
      a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
      b. Has met minimum education requirements according to A.R.S. § 36-1923(A);
      c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
      d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
C. An initial hearing aid dispenser license is valid for two years from the date of issue for licensure by examination or licensure by reciprocity.
D. If the Department does not issue an initial hearing aid dispenser license to an applicant, the Department shall return the license fee to the applicant.

Historical Note
Amended effective March 22, 1976 (Supp. 76-2). The Department of Health Services advises that this rule is preempted by Section 521(a) of the federal Food, Drug and Cosmetic Act (21 U.S.C. 360K). See 21 CFR 808.53, effec-
R9-16-305. Requirements for an Initial Temporary Hearing Aid Dispenser License

A. In addition to complying with R9-16-303, an applicant for a temporary hearing aid dispenser license shall submit to the Department:
   1. The sponsor’s:
      a. Name,
      b. Business address,
      c. Business telephone number, and
      d. Arizona hearing aid dispenser license number.
   2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant’s hearing aid dispenser practice according to A.R.S. § 36-1905.

B. If the Department issues a temporary license to the applicant, the Department shall notify the applicant of approval to take the hearing aid dispenser examination as specified in R9-16-302.

C. A temporary hearing aid dispenser may renew a temporary license according to A.R.S. § 36-1926.

D. A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.

E. A hearing aid dispenser whose temporary license is terminated according to subsection (D):
   1. Shall not practice until issued a new license,
   2. May apply for an initial or temporary license as a hearing aid dispenser according to this Article; and
   3. May choose to:
      a. Complete the two-year test period issued to the applicant with a previous temporary license, or
      b. Restart the two-year test period on the date the Department approves the hearing aid dispenser’s temporary license in subsection (E)(2); and
      4. If the applicant chooses to restart the two-year test period in subsection (3)(b), the previous test result obtained will not apply.

F. An initial hearing aid dispenser license is valid for 12 months from the date of issue for a temporary license or in compliance with A.R.S. § 36-1926(D).

Historical Note
Section repealed, new Section adopted effective June 25, 1993 (Supp. 93-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

R9-16-306. Application for Examination

A. In addition to complying with R9-16-303, an applicant for initial licensure by examination shall submit an application to the Department that includes:
   1. Information and documentation required in R9-16-303, and
   2. The fee in R9-16-316.

B. If the Department approves the application, the Department shall notify the applicant of approval to take the written hearing aid dispenser examination as specified in R9-16-302.

C. If the Department approves an application, the applicant shall not practice fitting and dispensing hearing aids without a license issued by the Department.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

R9-16-307. Initial Application for a Business Hearing Aid Dispenser License

A. An applicant for a business hearing aid dispenser license shall submit to the Department:
   1. An application in a Department-provided format that contains:
      a. The name of the business organization;
      b. The business organization’s Arizona business name, address, e-mail address, and telephone number;
      c. If the business organization has more than one location, provide the name, address, e-mail address, and telephone number for each location;
      d. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
      e. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization;
      f. Whether the business organization or a hearing aid dispenser working for the business organization has a hearing aid dispenser license suspended or revoked by any state;
      g. Whether the business organization or a hearing aid dispenser working for the business organization is currently ineligible for licensing in any state due to a suspension or revocation;
      h. An attestation that the:
         i. Business organization allows the Department to make supplemental requests for additional information; and
         ii. Information required as part of the application has been submitted and is true and accurate; and
   2. An application and license fee specified in R9-16-316.

B. A business organization with more than one location shall submit a duplicate license fee for each additional location according to R9-16-315 and R9-16-316.

C. The Department shall review an application for a business hearing aid dispenser license according to R9-16-314 and Table 3.1.

D. A business organization licensed according to this Article shall comply with A.R.S. § 36-1910.

E. An initial license issued to a business organization according to this Section is valid for two years from the date of issue.

Historical Note

R9-16-308. License Renewal
A. A licensee, except for a temporary hearing aid dispenser, shall submit a renewal application in a Department-provided format that contains:
1. For an individual licensed as a hearing aid dispenser:
   a. The licensee’s name, home address, telephone number, and e-mail address;
   b. The licensee’s current employment, if applicable, including:
      i. The employer’s name,
      ii. The licensee’s position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor’s name,
      vi. The supervisor’s email address, and
      vii. The supervisor’s telephone number;
   c. The licensee’s license number and expiration date;
   d. Since the hearing aid dispenser’s previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
   e. If the licensee was convicted of a felony or misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the licensee was convicted, and
      iv. The disposition of the case;
   f. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
   g. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
   h. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-16-314;
   i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and that documentation of completion is available upon request;
   j. An attestation that the information required as part of the application has been submitted and is true and accurate; and
   k. The licensee’s signature and date of signature;
2. Whether the licensee has, within the two years before the date of the application, had:
   a. A license issued under this Article suspended or revoked;
   b. A professional license or certificate revoked by another state or jurisdiction; and
3. A license renewal fee specified in R9-16-316; or
4. For a business organization licensed as a hearing aid dispenser:
   a. The information in subsection R9-16-307(A)(1), and
   b. A license renewal fee specified in R9-16-316.
B. A licensee, except for a temporary hearing aid dispenser, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:
1. The information and renewal fee required in subsection (A), and
2. A late fee specified in R9-16-316.
C. A renewal license issued to a licensee, except for temporary hearing aid dispenser, is valid for two years after the expiration date of the previous license issued by the Department.
D. If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:
   1. The hearing aid dispenser may apply for a new license according to subsection (E), or
   2. The business organization may apply for a new license according to R9-16-307.
E. A licensee whose license is nonrenewable, according to subsection (D)(1), and is within one year after the expiration date of the hearing aid dispenser’s license, the licensee shall submit:
   1. The information in R9-16-303(A);
   2. An attestation of continuing education, according to R9-16-309, completed with twenty-four months before the date of the date of application; and
   3. A nonrefundable application fee and a license fee specified in R9-16-316.
F. If allowed in R9-16-303, a temporary hearing aid dispenser shall submit at least 30 calendar days before the expiration date on the license, a renewal application to the Department in a Department-provided format that contains:
1. The information in R9-16-303(A);
2. The applicant’s sponsor’s:
   a. Name,
   b. Business address,
   c. Business telephone number, and
   d. Arizona hearing aid dispenser license number;
3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant’s hearing aid dispenser practice according to A.R.S. § 36-1905; and
4. A license renewal fee specified in R9-16-316.
G. A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.
H. The Department shall review a renewal application according to R9-16-314 and Table 3.1.

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

R9-16-309. Continuing Education
A. Twenty-four months prior to submitting a renewal application, a licensee shall complete 24 continuing education hours that includes no more than eight continuing education hours provided by a single manufacturer of hearing aids.
B. Continuing education shall:
   1. Directly relate to the practice of fitting and dispensing hearing aids;
   2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
   3. Consist of courses that include advances within the last five years in:
      a. Procedures in the selection and fitting of hearing aids,
      b. Pre- and post-fitting management of clients,
      c. Instrument circuitry and acoustic performance data,
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C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
2. Arizona Speech-Language-Hearing Association,
3. American Speech-Language-Hearing Association,
4. International Hearing Society,
5. International Institute for Hearing Instruments Studies,
6. American Auditory Society,
7. American Academy of Audiology,
8. Academy of Doctors of Audiology,
9. Arizona Society of Otolaryngology, Head and Neck Surgery,
10. American Academy of Otolaryngology-Head and Neck Surgery, or
11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

Historical Note
Adopted effective June 25, 1993 (Supp. 93-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

R9-16-310. Sponsors
A. A sponsor shall:
1. Provide to a temporary hearing aid dispenser for on-site training and supervision that:
   a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary hearing aid dispenser; and
   b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
2. Maintain a training record that:
   a. Is signed by the temporary hearing aid dispenser;
   b. Has the date, time, and content of the training and supervision provided to the temporary hearing aid dispenser, as required in subsection (A)(1); and
   c. Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; and
3. Not provide sponsorship to more than two temporary hearing aid dispenser licensees at one time.
B. When a sponsor terminates a sponsorship agreement with a temporary hearing aid dispenser, the sponsor shall:
1. Provide to the temporary hearing aid dispenser a:
   a. Written notice indicating termination of the sponsorship agreement, and
   b. Copy of the hearing aid dispenser’s records in subsection (A)(2); and
2. Provide to the Department documentation of the notice required in subsection (B)(1)(a).

Historical Note
C. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**
Adopted effective June 25, 1993 (Supp. 93-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835; with an immediate effective date of April 8, 2020 (Supp. 20-2).

**R9-16-314. Time-frames**
A. For each type of license issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(1).
1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.

B. For each type of license issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
1. The administrative completeness review time-frame begins on the date the Department receives an application required in this Article.
2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
   a. If an application and required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
   b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
3. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
4. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
5. For each type of license issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
   a. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
   b. During the substantive review time-frame:
      a. The Department may make one comprehensive written request for additional information or documentation; and
      b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information of documentation.
6. A comprehensive written request or a supplemental request for additional information or documentation sus-
pend the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.

4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.

Table 3.1. Time-frames (in calendar days)

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Statutory Authority</th>
<th>Overall Time-frame</th>
<th>Administrative Completeness Review Time-frame</th>
<th>Time to Respond to Notice of Deficiency</th>
<th>Substantive Review Time-frame</th>
<th>Time to Respond to Comprehensive Written Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Application for a Hearing Aid Dispenser</td>
<td>A.R.S. §§ 36-1904, 36-1923</td>
<td>60</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Initial Application for a Business Organization</td>
<td>A.R.S. § 36-1910</td>
<td>60</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>License Renewal</td>
<td>A.R.S. § 36-1904</td>
<td>60</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

**Historical Note**

Table 3.1 renumbered from Table 1 and amended by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Table 3.1 repealed; new Table 3.1 made and recodified under R9-16-314 by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

R9-16-315. Change Affecting a License or a Licensee; Request for Duplicate License

A. A hearing aid dispenser licensee or temporary hearing aid dispenser licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
   1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
   2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
      a. Marriage certificate,
      b. Divorce decree, or
      c. Other legal document establishing the licensee’s new name; or
   3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.

B. A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a Department-provided format that includes:
   1. The licensee’s name and address,
   2. The licensee’s license number and expiration date,
   3. The licensee’s signature and date of signature, and
   4. A duplicate license fee specified in R9-16-316.

C. A business hearing aid dispenser licensee shall submit a written notice to the Department within 30 calendar days after the licensee:
   1. Has a change in the information provided in R9-16-307(A)(1)(b).
   2. Closes a location specified in R9-16-307(A)(1)(b) and (c), including the location address.
   3. Begins operating at new location, not specified in R9-16-307(A)(1)(c), including the new location address.

D. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 2688, effective June 7, 2002 (Supp. 02-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Section repealed; new Section made by final expedited rulemaking at 26 A.A.R. 835, with an immediate effective date of April 8, 2020 (Supp. 20-2).

**Table 1. Renumbered**

**Historical Note**

Table 1 made by final rulemaking at 8 A.A.R. 2688, effective June 7, 2002 (Supp. 02-2). Table 1 renumbered to Table 3.1 by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2).

R9-16-316. Fees

A. An applicant shall submit to the Department the following fee for:
   1. A nonrefundable initial application, $100;
   2. An initial license for a regular or business hearing aid dispenser, $200;
   3. A renewal application for temporary hearing aid dispenser license, $100.
   4. A regular or business hearing aid dispenser licensee for a renewal license, $200.

B. If a renewal application is submitted within 30 calendar days after the license expiration date, a licensee shall submit with the renewal application a $25 late fee.

C. The fee for a duplicate license is $25.

D. An applicant, who is not a business organization, for initial licensure is not required to submit the applicable fee in subsection (A) if the applicant, as part of the applicable application in R9-16-303 or R9-16-306, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
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R9-16-317. Repealed

Historical Note

ARTICLE 4. REGISTRATION OF ENVIRONMENTAL HEALTH SANITARIANS

R9-16-401. Definitions
The following definitions apply in this Article, unless otherwise specified:

1. “Accredited” means that an educational institution is recognized by the U.S. Department of Education as providing standards necessary to meet acceptable levels of quality for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice.

2. “Administrative completeness review time-frame” has the same meaning as in A.R.S. § 41-1072.

3. “Applicant” means an individual who submits an application packet or renewal application packet for registration as an environmental health sanitarian.

4. “Application packet” means the information, documents, and fees required by the Department to:
   a. Determine eligibility to take a sanitarian examination, and
   b. Be registered as an environmental health sanitarian.

5. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run and including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.

6. “Continuing education” means a course that provides instruction and training that is designed to develop or improve a registered environmental health sanitarian’s professional competence in disciplines directly related to the practice of a registered environmental health sanitarian.

7. “Continuing education hour” means 50 to 60 minutes of continuous course work.

8. “Course” means a workshop, seminar, lecture, conference, or other learning program activities as approved by the Department.


10. “Environmental health” means the science and practice of preventing human injury and illness and promoting well-being by identifying sources that produce potential hazardous physical, chemical, and biological agents in air, water, soil, food, and other conditions; and eliminating or minimizing exposure to the sources that adversely affect or may adversely affect human health.

11. “Environmental health sanitarian aide” means an individual who performs and assists with environmental health services as described and under the supervision of an individual in R9-16-403.

12. “Hazardous environmental agent” means a material, whether liquid, solid, gas, or sludge, that contains properties that make the material potentially harmful to public health or the environment.

13. “Immediate family member” means an individual related by birth, marriage, or adoption.

14. “License or licensed” means a permit, certificate, or similar form of approval issued by a state agency according to state law that an individual may practice in the profession indicated by the approval.

15. “Natural science” means a branch of science that deals with the physical world, including life, physical, and health sciences.

16. “Overall time-frame” has the same meaning as in A.R.S. § 41-1072.

17. “Practice of a registered environmental health sanitarian” means acting under the authority of R9-16-402.

18. “Registered environmental health sanitarian” means the same as a “registered sanitarian” in A.R.S. § 36-136.01.

19. “Renewal application packet” means the information, documents, and fees required by the Department to apply for a renewal registration as an environmental health sanitarian.

20. “Sanitarian examination” means a test that consists of questions related to environmental health including natural sciences, facility and system inspections, investigations, compliance, responding to emergencies, and promoting environmental public health awareness.

21. “Semester credit” means one earned academic unit of study or equivalent, with a grade of “C” or better, at an accredited college or university by:
   a. Attending a 50 to 60 minute class session each calendar week for at least 16 weeks, or
   b. Completing practical work for a class as determined by the accredited college or university.

22. “Substantive review time-frame” has the same meaning as in A.R.S. § 41-1072.

23. “Supervision” means being responsible for and providing direction to an individual who:
   a. Performs and assists a registered environmental health sanitarian with environmental health services as described in R9-16-403, and
   b. Is employed as an environmental health sanitarian aide in a position directly related to environmental health.

24. “Testing center” means a facility, approved by the Department that provides a proctored computer-based sanitarian examination.

Historical Note
R9-16-402. Eligibility and Responsibilities for a Registered Environmental Health Sanitarian

A. An individual is eligible to be a registered environmental health sanitarian, if the individual meets at least one of the following:

1. Has completed at least 30 semester credits at an accredited college or university in the natural sciences or the equivalent credits from a college or university from outside the United States or its territories verified by a Department-approved third party evaluation service;
2. Has completed at least five years of employment as a sanitarian aide in a position directly related to environmental health;
3. Has completed at least five years of active military service in the field of environmental health;
4. Is currently licensed as a sanitarian in another jurisdiction, has passed a sanitarian examination that is equivalent to this state's examination as specified in A.R.S. § 36-136.01, and has completed at least one of the requirements identified in subsections (A)(1), (2), or (3); or
5. Has received a copy of official sanitarian examination test results from a testing center that contains the sanitarian examination test results with a score of 70% or more and has completed at least one of the requirements identified in subsections (A)(1), (2), or (3).

B. An individual who is eligible to be a registered environmental health sanitarian according to subsection (A)(1) through (3) shall pass a sanitarian examination administered by a testing center.

C. The practice of a registered environmental health sanitarian may include:

1. Investigate, sample, measure, and assess hazardous environmental agents;
2. Recommend and apply protective interventions that control hazards to health;
3. Develop, promote, and enforce guidelines, policies, rules, statutes, and regulations;
4. Perform system analysis;
5. Interpret research utilizing science and evidence to understand the relationship between health and environment; or
6. Interpret data and prepare technical summaries and reports.

D. A registered environmental health sanitarian shall:

1. Comply with A.R.S. § 41-1009;
2. Comply with A.A.C. Title 9, Chapter 8; and
3. Review and, as applicable, sign reports prepared by a sanitarian aide.

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4).
Amended effective April 12, 1985 (Supp. 85-2). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).
Amended by final rulemaking at 10 A.A.R. 3004, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 23 A.A.R. 3038, effective October 5, 2017 (Supp. 17-4).

R9-16-403. Requirements for an Environmental Health Sanitarian Aide

A. An environmental health sanitarian aide may perform and assist in any of the following environmental health services:

1. Inspections related to food establishments, food processing, food distribution, sewage and refuse disposal, water supplies, hotels, motels, campground, swimming pools, and other related public facilities regulated under A.A.C. Title 9, Chapter 8;
2. Investigations of complaints to ensure compliance with environmental regulations;
3. Routine samplings of water, sewage, food, and other samples for analysis; or

B. An environmental health sanitarian aide shall:

1. Have reports reviewed by a registered environmental health sanitarian;
2. Not approve or disapprove the operation of an establishment under A.A.C. Title 9, Chapter 8; and
3. Not sign on behalf of a registered environmental health sanitarian.

C. A sanitarian aide, who has completed at least five years of employment as an environmental health sanitarian aide in a position directly related to environmental health, may apply for registration as an environmental health sanitarian according to R9-16-405.

D. An individual who provides supervision to an environmental health sanitarian aide shall:

1. Ensure that the number of hours and type of supervision in providing environmental health services is consistent with:
   a. The sanitarian aide’s skills and experience,
   b. The setting where the environmental health services are provided, and
   c. The tasks assigned;
2. Establish a record for the environmental health sanitarian aide who receives supervision that includes:
   a. The sanitarian aide’s name, address, e-mail address, and telephone number;
   b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the environmental health sanitarian aide is expected to complete;
   c. Documentation of evaluations provided to the environmental health sanitarian aide during the time supervision was provided; and
   d. Documentation of when supervision began and ended; and
3. Maintain a sanitarian aide’s record throughout the period that the environmental health sanitarian aide received supervision.

Historical Note


R9-16-404. Continuing Education Requirements; Continuing Education Deferral; and Renewal Extension

A. A registered environmental health sanitarian shall complete 12 continuing education hours during the 12 months prior to December 31 of each calendar year, unless the registered environmental health sanitarian:

1. Has been a registered environmental health sanitarian for less than 12 months as indicated on the renewal application;
2. Was prevented from completing continuing education according to subsection (A) due to a personal or immediate
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

A. An individual may apply to take the sanitarian examination for registration as a sanitarian if the individual meets one of the eligibility requirements in R9-16-402(A)(1) through (A)(3).

B. At least seven calendar days before a Sanitarians Council meeting, an applicant for environmental health sanitarian registration shall submit an application packet to the Department containing:

1. The following information in a Department-provided format:
   a. The applicant’s name, address, e-mail address, and telephone number;
   b. If applicable, applicant’s former names;
   c. The applicant’s social security number, required under A.R.S. §§ 25-320 and 25-502;
   d. If applicable, the applicant’s current employment information:
      i. The employer’s name, address, e-mail address, and telephone number;
      ii. The applicant’s position title; and
      iii. The applicant’s employment start date;
   e. If an applicant meets the eligibility requirement in R9-16-402(A)(1), the following for each college or university where the applicant completed semester credits or the equivalent credits from a college or university:
      i. The college or university’s name, address, e-mail address, and telephone number;
      ii. The number of natural science semester credits completed; and
      iii. If applicable, the degree obtained;
   f. If an applicant meets the eligibility requirement in R9-16-402(A)(2), the following for each employer during the five years the applicant was employed as a sanitarian aide:
      i. The employer’s name, address, e-mail address, and telephone number;
      ii. The name, title, e-mail address, and telephone number of a contact individual for the employer;
      iii. The applicant’s position and description of responsibilities; and
      iv. The months and years of employment;
   g. If an applicant meets the eligibility requirement in R9-16-402(A)(3), the following for each active military service assignment during the five years the applicant held a military job position in the field of environmental health:
      i. The military branch name, address, e-mail address, and telephone number;

C. A registered environmental health sanitarian who deferred continuing education in subsection (B) shall obtain:

1. The deferred continuing education by the end of the subsequent renewal year, and
2. The continuing education required in subsection (A) for the current renewal year.

D. A registered environmental health sanitarian called to active military service:

1. Shall submit:
   a. Written notice for renewal extension to the Department that includes:
      i. The registered environmental health sanitarian’s name, address, e-mail address, and telephone number;
      ii. The registered environmental health sanitarian’s registration number;
      iii. A statement stating the reason for the notice of renewal extension; and
      iv. The registered environmental health sanitarian’s signature, including date of signature;
   b. A copy of the registered environmental health sanitarian’s deployment documentation;
2. Retains registration as an environmental health sanitarian for the term of service or deployment plus 180 calendar days;
3. Defers the requirement for completing the continuing education for the term of service or deployment plus 180 calendar days; and
4. Shall submit a renewal application packet according to R9-16-406 after the term of service or deployment plus 180 calendar days.

E. The Department shall review the request to defer continuing education submitted in subsection (B) for approval according to R9-16-407 and Table 4.1.

F. If the Department denies a registered environmental health sanitarian’s request to defer continuing education, the registered environmental health sanitarian shall submit the required continuing education hours in subsection (A) according to R9-16-406(D)(1)(h).

Historical Note
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ii. The name, title, e-mail address, and telephone number of a contact individual from the military branch;

iii. The applicant’s military job position and description of responsibilities; and

iv. The months and years of active military service assignments;

h. If an applicant meets the eligibility requirement in R9-16-402(A)(4), the following for a sanitarian licensed in another state or jurisdiction:

i. The state, county, and city that issued the applicant’s current license as a sanitarian;

ii. The testing organization that administered the sanitarian examination;

iii. The name of the sanitarian examination;

iv. The sanitarian examination administration date;

v. The number of sanitarian examination questions;

vi. The sanitarian examination score;

vii. The other eligibility requirement in R9-16-402(A)(1) through (A)(3) met by the applicant; and

viii. As applicable, the information required in subsection (B)(1)(e), (f), or (g);

i. If an applicant meets the eligibility requirement in R9-16-402(A)(5), an applicant shall provide the following information:

i. The name of the testing center;

ii. The date the sanitarian examination was completed;

iii. The sanitarian examination score; and

iv. As applicable, the information required in subsection (B)(1)(e), (f), or (g);

j. Whether the applicant is or has been licensed as a sanitarian in another state or jurisdiction;

k. Whether the applicant has had an application for licensure as a sanitarian denied in a state or jurisdiction;

l. If the applicant has had an application for licensure as a sanitarian denied, the:

i. Reason for denial;

ii. Date of the denial; and

iii. Name, address, and telephone number of the licensing agency that denied the applicant’s application;

m. Whether the applicant has had a license as a sanitarian suspended or revoked by a state or jurisdiction or entered into a consent agreement with a state or jurisdiction;

n. If the applicant has had a license as a sanitarian suspended or revoked or entered into a consent agreement, the:

i. Reason for the suspension, revocation, or consent agreement;

ii. Date of the suspension, revocation, or consent agreement; and

iii. Name, address, and telephone number of the licensing agency that suspended, revoked, or entered into a consent agreement with the applicant;

o. Whether the applicant has been convicted of a felony or a misdemeanor related to the functions of the applicant’s employment or occupation as a sanitarian in this state or another state;

p. If the applicant has been convicted of a felony or a misdemeanor in subsection (B)(1)(o):

i. The date of the conviction;

ii. The state or jurisdiction of the conviction;

iii. An explanation of the crime of which the applicant was convicted, and

iv. The disposition of the case;

q. Whether the applicant agrees to allow the Department to submit supplemental requests for additional information or documentation in R9-16-407;

r. An attestation that:

i. The applicant authorizes the Department to verify all information provided in the application packet, and

ii. The information submitted as part of the application packet is true and accurate; and

s. The applicant’s signature and date of signature;

2. In addition to the application in subsection (B)(1), the following:

a. A copy of applicant’s Social Security card;

b. Proof of U.S. citizenship or alien status according to A.R.S. § 41-1080;

c. If applicable, a copy of an applicant’s sanitarian license issued by another state or jurisdiction;

d. If an official transcript is issued by a college or university from outside of the United States or its territories, documentation from a third party evaluation service verifying equivalent credits identified in subsection (B)(1)(e);

e. If applicable, a letter verifying an applicant’s start and end dates of employment for each employer identified in subsection (B)(1)(f);

f. If applicable, a letter verifying an applicant’s start and end dates of the military job position for each active military service assignment identified in subsection (B)(1)(g);

g. If applicable, documentation of the completed sanitarian examination, including the sanitarian examination test results, from the testing center or jurisdiction that administered the sanitarian examination required by another state or jurisdiction in subsection (B)(1)(h); and

h. If applicable, a copy of the official notice from a testing center in subsection (B)(1)(i); and

3. The nonrefundable $25 application fee.

C. If an official transcript documents natural science semester credit hours identified in subsection (B)(1)(e), an applicant shall instruct the college or university to send the official transcript to the Department.

D. The Department shall review an application packet for an applicant to take a sanitarian examination according to R9-16-407 and Table 4.1.

E. The Department shall review a sanitarian examination for an applicant licensed by another state or jurisdiction for approval for the applicant to practice as a registered environmental health sanitarian according to R9-16-407 and Table 4.1.

F. An applicant approved to take a sanitarian examination shall:

1. Select a testing center,

2. Take a scheduled sanitarian examination administered by the testing center,

3. Pass the sanitarian examination with a score of 70% or more and submit a copy of the applicant’s official sanitarian examination test results to the Department.

G. The Department shall review an application packet for approval for an applicant to practice as a registered environmental health sanitarian according to R9-16-407 and Table 4.1.
H. An applicant, who does not submit a copy of official sanitarian examination test results to the Department in subsection (F) within six months after the date that the applicant received the notice of approval to take the sanitarian examination, shall submit a new application packet according to R9-16-405(B).

I. An applicant, who submits a copy of official sanitarian examination test results to the Department in subsection (F) within six months after the date that the applicant received the notice of approval to take the sanitarian examination and does not score 70% or more, shall:

1. Have 12 months from the date of the approval letter the applicant received from the Department to provide a copy of official sanitarian examination test results in subsection (F); and
2. Comply with subsection (F)(1) through (F)(3) to retake the sanitarian examination.

Historical Note

R9-16-406. Application for Renewal Registration

A. Except as provided in R9-16-404(D), a registered environmental health sanitarian shall submit an application packet for registration renewal on or before December 31 of each calendar year.

B. A registered environmental health sanitarian who does not submit a renewal application packet by December 31 has a grace period until February 15 to submit a renewal application packet.

C. A registered environmental health sanitarian, who does not submit a renewal application packet by February 15, shall not practice as a registered environmental health sanitarian.

D. By December 31 of each calendar year, an applicant shall submit to the Department a renewal application packet containing:

1. The following information in a Department-provided format:
   a. The applicant’s name, address, e-mail address, and telephone number;
   b. The applicant’s environmental health sanitarian registration number;
   c. Whether the applicant, since the applicant last submitted an application packet or renewal application packet, has had a license as a sanitarian suspended or revoked by a state or jurisdiction or entered into a consent agreement with another jurisdiction;
   d. If the applicant has had a license as a sanitarian suspended or revoked or entered into a consent agreement with another jurisdiction, the:
      i. Reason for the suspension, revocation, or consent agreement;
      ii. Date of the suspension, revocation, or consent agreement; and
      iii. Name, address, and telephone number of the licensing agency that suspended, revoked, or entered into a consent agreement;
   e. Whether the applicant, since the applicant last submitted a renewal application packet, has been convicted of a felony or a misdemeanor related to the applicant’s employment or occupation as a sanitarian in this state or another jurisdiction;
   f. If the applicant has been convicted of a felony or a misdemeanor as stated according to subsection (D)(1)(e):
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the applicant was convicted, and
      iv. The disposition of the case;
   g. Whether the applicant requested to defer continuing education due to a personal or immediate family member’s illness according to R9-16-404(B);
   h. Except for a registered environmental health sanitarian in R9-16-404(A), for each continuing education course completed during the previous 12 months, the following:
      i. The course title,
      ii. A course description,
      iii. The name of the individual providing the continuing education course,
      iv. The date the continuing education course was completed, and
      v. The total number of continuing education hours attended;
   i. Whether the applicant has been a registered environmental health sanitarian for less than 12 months according to R9-16-404(A)(1);
   j. An attestation that:
      i. The applicant affirms that the continuing education courses specified according to subsection (h) are applicable and consistent with the Department’s approved continuing education courses or with the practice of a registered environmental sanitarian described in R9-16-402(C);
      ii. The applicant authorizes the Department to verify all information provided in the renewal application packet; and
      iii. The information submitted as part of the renewal application packet is true and accurate; and
   k. The applicant’s signature and date of signature;
   2. If applicable, a copy of the approved request to defer continuing education, and
   3. The $10 renewal application fee.

E. If a registered environmental health sanitarian does not submit a renewal application packet in subsection (D) by February 15:

1. The registered environmental health sanitarian’s registration expires on February 16; and
2. Before practicing as a registered environmental health sanitarian, a registered environmental health sanitarian whose environmental health sanitarian registration expired shall submit a new application packet according to R9-16-405.

F. The Department shall review the renewal application packet for approval of registration as an environmental health sanitarian according to R9-16-407 and Table 4.1.

Historical Note
Adopted effective September 29, 1976 (Supp. 76-4). Section repealed; new Section made by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2). Former R9-16-406 renumbered to R9-16-408; new R9-16-
R9-16-407. Time-frames

A. The overall time-frame begins for:
1. A sanitarian examination approval, on the date the Department receives an application packet in R9-16-405;
2. An environmental health sanitarian registration approval, on the date the Department receives the applicant’s sanitarian examination test results administered by:
   a. A testing center described in R9-16-405(B)(1)(i) or (F), or
   b. A testing organization or jurisdiction that administered the sanitarian examination required by another state or jurisdiction described in R9-16-405(B)(1)(h);
3. A continuing education deferral approval, on the date the Department receives the continuing education deferral request in R9-16-404; and
4. A renewal registration approval, on the date the Department receives a renewal application packet in R9-16-406.

B. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.

C. Within the administrative completeness review time-frame in Table 4.1, the Department shall:
   1. Provide a notice of administrative completeness to an applicant; or
   2. Provide a notice of deficiencies to an applicant, including a list of the missing information or documents.

D. If the Department provides a notice of deficiencies to an applicant:
   1. The administrative completeness review time-frame and the overall time-frame are suspended after the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant;
   2. If the applicant submits the missing information or documents to the Department within the time-frame in Table 4.1, the substantive review time-frame resumes on the date the Department receives the missing information or documents; and
   3. If the applicant does not submit the missing information or documents to the Department within the time-frame in Table 4.1, the Department shall consider the application or the request withdrawn.

E. If the Department issues a registration or notice of an approval during the administrative completeness review time-frame, the Department may not issue a separate written notice of administrative completeness.

F. Within the substantive review time-frame specified in Table 4.1, the Department:
   1. Shall approve an:
      a. Applicant’s request for registration as an environmental health sanitarian or
      b. Applicant, who did not score 70% or more on the sanitarian examination, to resubmit a sanitarian examination according to R9-16-405(1);
   2. Shall deny an applicant’s request for registration as an environmental health sanitarian;
   3. May make a written comprehensive request for additional information or documentation; and
   4. May make supplemental requests for additional information and documentation if agreed to by the applicant.

G. If the Department provides a written comprehensive request for additional information or documentation or a supplemental request to the applicant:
   1. The substantive review time-frame and overall time-frame are suspended from the date of the written comprehensive request or supplemental request until the date the Department receives the information and documents requested; and
   2. The applicant shall submit to the Department the information and documents listed in the written comprehensive request within 15 calendar days after the date of the written comprehensive request or supplemental request.

H. The Department shall issue:
   1. An approval to an applicant who submits:
      a. An application packet to take a sanitarian examination that complies with the requirements in R9-16-405;
      b. An application packet and a sanitarian examination with a score of 70% or more from a testing center that complies with the requirements in R9-16-405;
      c. An application packet and a sanitarian examination test results from the testing organization or jurisdiction that administered the sanitarian examination that complies with the requirements in R9-16-405;
      d. A continuing education deferral request that complies with the requirements in R9-16-404; and
      e. An application for renewal registration that complies with the requirements R9-16-406; or
   2. A denial to an applicant, including the reason for the denial and the appeal process in A.R.S. Title 41, Chapter 6, Article 10, if:
      a. The applicant does not submit all of the information and documentation listed in a written comprehensive request or supplemental request for additional information or documentation; or
      b. The applicant does not comply with A.R.S. § 36-136.01 and this Article.

Historical Note

Table 1. Repealed

Historical Note
Table 1. Time-frames made by final rulemaking under new Section R9-16-405 at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2). Table 1. Time-frames following Section R9-16-405 renumbered below Section R9-16-407 and amended by final rulemaking at 10 A.A.R. 3004, effective September 11, 2004 (Supp. 04-3). Table 1. Time-frames repealed by final rulemaking at 23 A.A.R. 3038, effective October 5, 2017 (Supp. 17-4).
Table 4.1. Time-frames (in calendar days)

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<tr>
<th>Type of Approval</th>
<th>Statutory Authority</th>
<th>Overall Timeframe</th>
<th>Administrative Completeness Review Time-frame</th>
<th>Time to Respond to Deficiency Notice</th>
<th>Substantive Review Time-frame</th>
<th>Time to Respond to Written Comprehensive Request</th>
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<td>A.R.S. § 36-136.01(B)</td>
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<td>Registration by Reciprocity (R9-16-405)</td>
<td>A.R.S. § 36-136.01(C)</td>
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Historical Note

Table 4.1 Time-frames made by final rulemaking at 23 A.A.R. 3038, effective October 5, 2017 (Supp. 17-4). Amended by final rulemaking at 26 A.A.R. 1875, with an immediate effective date of September 2, 2020 (Supp. 20-3).

R9-16-408. Requesting a Change

Within 30 calendar days after the effective date of a change, a registered environmental health sanitarian requesting a change to personal information shall submit in a Department-provided format:

1. A written notice stating the information to be changed and indicating the new information; and
2. If the change is to the registered environmental health sanitarian’s legal name, a copy of one of the following with the registered environmental health sanitarian’s new name:
   a. Marriage certificate,
   b. Divorce decree,
   c. Professional license, or
   d. Other legal document establishing the registered environmental health sanitarian’s legal name.

Historical Note


R9-16-409. Denial, Suspension, or Revocation

A. The Department may deny an application packet for approval for registration or renewal of registration if the Department determines that an applicant:

1. Intentionally provided false information or documents in an application packet or renewal application packet;
2. Had an application for a license related to the practice of a registered environmental health sanitarian denied by a state or jurisdiction or entered into a consent agreement with a state or jurisdiction; or
3. Had a license related to the practice of a registered environmental health sanitarian suspended or revoked by a state or jurisdiction or entered into a consent agreement with a state or jurisdiction; or
4. Was convicted of or entered into a plea of no contest to a misdemeanor resulting from employment as a registered environmental health sanitarian or a felony.

B. The Department may suspend or revoke a registered environmental health sanitarian’s registration if the Department determines that a registered environmental health sanitarian:

1. Assisted an individual who is not a registered environmental health sanitarian to circumvent the requirements in this Article;
2. Allowed an individual who is not a registered environmental health sanitarian to use the registered environmental health sanitarian’s registration;
3. Falsified records to interfere with or obstruct an investigation or regulatory process of the Department or a political subdivision; or
4. Failed to comply with any of the requirements in A.R.S. § 36-136.01 or this Article.

C. In determining whether to suspend or revoke a registered environmental health sanitarian’s registration, the Department shall consider the threat to public health based on:

1. Whether there is repeated non-compliance with statutes or rules,
2. Type of non-compliance,
3. Severity of non-compliance, and
4. Number of non-compliance actions.

D. The Department’s notice of suspension or revocation to the applicant or registered environmental health sanitarian shall comply with A.R.S. Title 41, Chapter 6, Article 10.

Historical Note


R9-16-410. Repealed

Historical Note

Adopted effective September 29, 1976 (Supp. 76-4). Former Section R9-16-410 repealed, new Section R9-16-410 adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective
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May 16, 2002 (Supp. 02-2).

R9-16-411. Repealed

Historical Note

R9-16-412. Repealed

Historical Note
Adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-413. Repealed

Historical Note
Adopted effective April 12, 1985 (Supp. 85-2). Section repealed by final rulemaking at 8 A.A.R. 2444, effective May 16, 2002 (Supp. 02-2).

R9-16-414. Expired

Historical Note
Former Section R9-16-411 renumbered as Section R9-16-414 effective April 12, 1985 (Supp. 85-2). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective May 16, 2002 (Supp. 01-4).

ARTICLE 5. LICENSING SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

R9-16-501. Definitions
In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. “Accredited” means approved by the:
   a. New England Commission of Higher Education,
   b. Middle States Commission on Higher Education,
   c. Higher Learning Commission,
   d. Northwest Commission on Colleges and Universities,
   e. Southern Association of Colleges and Schools Commission on Colleges, or
   f. WASC Senior College and University Commission.

2. “Applicant” means an individual who submits a license application and required documentation for approval to practice as a speech-language pathologist assistant.

3. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.

4. “Continuing education” means a course that provides instruction and training that is designed to develop or improve a licensee’s professional competence in disciplines that directly relate to the licensee’s scope of practice.

5. “Course” means a workshop, seminar, lecture, conference, or class.

6. “Documentation” means information in written, photographic, electronic, or other permanent form.

7. “General education” means instruction that includes:
   a. Oral communication,
   b. Written communication,
   c. Mathematics,
   d. Computer instruction,
   e. Social sciences, and
   f. Natural sciences.

8. “Observation” means to witness:
   a. The provision of speech-language pathology services to a client, or
   b. A demonstration of how to provide speech-language pathology services to a client.

9. “Semester credit hour” means one earned academic unit of study completed, at an accredited college or university, by:
   a. Attending a 50 to 60 minute class session each calendar week for at least 16 weeks, or
   b. Completing practical work for a course as determined by the accredited college or university.

10. “Speech-language pathologist” means an individual who is licensed under A.R.S. § 36-1940.01.

11. “Speech-language pathology technical course work” means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:
   a. Language acquisition,
   b. Speech development,
   c. Communication disorders,
   d. Articulation and phonology, and
   e. Intervention techniques for speech and language disorders.

12. “Supervision” means instruction and monitoring provided by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04(E) and (F) to an individual training to become a speech-language pathologist assistant.

Historical Note

R9-16-502. Initial Application
A. An applicant for licensure shall submit to the Department:
   1. An application in a Department-provided format that contains:
      a. The applicant’s name, home address, telephone number, and e-mail address;
      b. The applicant’s Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
      c. If applicable, the name of the applicant’s employer and the employer’s business address and telephone number;
      d. Whether the applicant has ever been convicted of a felony or of a misdemeanor in this state or another state;
      e. If the applicant has been convicted of a felony or a misdemeanor:
         i. The date of the conviction,
         ii. The state or jurisdiction of the conviction,
         iii. An explanation of the crime of which the applicant was convicted, and
         iv. The disposition of the case;
      f. Whether the applicant has had a license revoked or suspended by any state;
      g. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

C. A regular license is valid for two years from the date of issue.

D. The Department shall review the application and required documentation for an initial license to practice as a speech-language pathologist assistant according to R9-16-506 and Table 5.1.

E. If the Department does not issue an initial license to an applicant, the Department shall refund the license fee to the applicant.

Historical Note


R9-16-503. License Renewal

A. Before the expiration date of a speech-language pathologist assistant license, a licensee shall submit to the Department:

1. An application in a Department-provided format for renewal of a speech-language pathologist assistant license that contains:
   a. The licensee’s name, home address, telephone number, and e-mail address;
   b. The licensee’s current employment, if applicable, including:
      i. The employer’s name,
      ii. The licensee’s position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor’s name,
      vi. The supervisor’s e-mail address, and
      vii. The supervisor’s telephone number;
   c. If applicable, the name of the licensee’s supervising speech-language pathologist;
   d. The license number and date of expiration;
   e. Since the previous license application, whether the licensee has been convicted of a felony or a misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the licensee was convicted, and
      iv. The disposition of the case;
   f. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
   g. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension.

2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification.

3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
   a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
   b. Has met minimum education requirements according to A.R.S. § 36-1940.04;
   c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
   d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

B. In addition to complying with subsection (A)(1) through (5), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:

1. The name of each state that issued the applicant a current speech-language pathologist assistant license;
   a. The license number of each current speech-language pathologist assistant license, and
   b. The date each current speech-language pathologist assistant license was issued;
2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
   a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
   b. Has met minimum education requirements according to A.R.S. § 36-1940.04;
   c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
   d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

C. A regular license is valid for two years from the date of issue.

D. The Department shall review the application and required documentation for an initial license to practice as a speech-language pathologist assistant according to R9-16-506 and Table 5.1.

E. If the Department does not issue an initial license to an applicant, the Department shall refund the license fee to the applicant.
and this Article and documentation of completion is available upon request;  
k. An attestation that the information required as part of the renewal application is true and accurate; and  
l. The licensee’s signature and date of signature;  
2. If a license for a licensee has been revoked or suspended by any state within the previous that two years, documentation that includes:  
a. The date of the revocation or suspension,  
b. The state or jurisdiction of the revocation or suspension, and  
c. An explanation of the revocation or suspension;  
3. If the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:  
a. The date of the ineligibility for licensure,  
b. The state or jurisdiction of the ineligibility for licensure, and  
c. An explanation of the ineligibility for licensure;  
B. According to A.R.S. § 36-1904, the Department shall allow a speech-language pathologist assistant to renew a license within 30 calendar days after the expiration date of the license by submitting to the Department:  
1. The renewal application, including documentation required in subsection (A), and  
2. Fees specified in R9-16-508.  
C. An individual who does not submit a renewal application, documentation; and fees required in subsection (A) or (B), shall reapply for an initial license according to R9-16-502.  

Historical Note  

R9-16-504. Continuing Education  
A. Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.  
B. Continuing education shall:  
1. Directly relate to the practice of speech-language pathology;  
2. Have educational objectives that exceed an introductory level of knowledge of speech-language pathology; and  
3. Consist of courses that include advances within the last five years in:  
a. Practice of speech-language pathology,  
b. Auditory rehabilitation,  
c. Ethics, or  
d. Federal and state statutes or rules.  
C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):  
1. Hearing Healthcare Providers of Arizona,  
2. Arizona Speech-Language-Hearing Association,  
3. American Speech-Language-Hearing Association,  
4. International Hearing Society,  
5. International Institute for Hearing Instrument Studies,  
6. American Auditory Society,  
7. American Academy of Audiology,  
8. Academy of Doctors of Audiology,  
9. Arizona Medical Association,  
10. American Academy of Otolaryngology-Head and Neck Surgery, or  
11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).  
D. A speech-language pathologist assistant shall comply with the requirements in A.R.S. § 36-1904.  

Historical Note  

Table 1. Renumbered  

Historical Note  
New Table 1 made by final rulemaking at 15 A.A.R. 2132, effective January 30, 2010 (Supp. 09-4). Table 1 renumbered to Table 5.1 by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2).  

R9-16-506. Time-frames  
A. For each type of license issued by the Department under this Article, Table 5.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).  
1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.  
2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.  
B. For each type of license issued by the Department under this Article, Table 5.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).  
1. The administrative completeness review time-frame begins on the date the Department receives an application and required documentation required in this Article.
2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
   a. If an application or required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
   b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing documents or information.
   c. If the applicant does not submit to the Department all or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.

3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

C. For each type of license issued by the Department under this Article, Table 5.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date of the notice of administrative completeness.

1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department issued or denied the license.
2. During the substantive review time-frame:
   a. The Department may make one comprehensive written request for additional information or documentation;
   b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.

3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the documents and information requested.

4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.

D. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

### Table 5.1. Time-frames (in calendar days)

<table>
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<tr>
<th>Type of Approval</th>
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<th>Administrative Completeness Review Time-Frame</th>
<th>Time to Respond to Notice of Deficiency</th>
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<td>Renewal License (R9-16-503)</td>
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<td>60 30</td>
<td>30</td>
<td>30 30</td>
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</tr>
</tbody>
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Historical Note
Table 5.1 renumbered from Table 1 and amended by exempt rulemaking at 20 A.A.R. 1998, effective July 1, 2014 (Supp. 14-2). Table 5.1 repealed; new Table 5.1 made and recodified under Section R9-16-506 by final expedited rulemaking at 26 A.A.R. 852, with an immediate effective date of April 8, 2020 (Supp. 20-2).

### R9-16-507. Changes Affecting a License or a Licensee; Request for a Duplicate License

A. A licensee shall submit a notice to the Department in writing within 30 calendar days after the effective date of a change in:
   1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
   2. The licensee’s name, including one of the following with the licensee’s new name:
      a. Marriage certificate,
      b. Divorce decree, or
      c. Other legal document establishing the licensee’s new name; or
   3. The place or places, including address or addresses, where the licensee engages in the practice of speech-language pathology.

B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a Department-provided format that contains:
   1. The licensee’s name and address,
   2. The licensee’s license number and expiration date,
   3. The licensee’s signature and date of signature, and
   4. A duplicate license fee specified in R9-16-508.

Historical Note

### R9-16-508. Fees

A. An applicant shall submit to the Department the following fees:
   1. An initial nonrefundable application fee, $100; and
2. An initial license fee, $200.

B. An applicant shall submit to the Department a $200 license fee for renewal.

C. If an applicant submits a renewal license application specified in subsection (B) within 30 calendar days after the license expiration date, the applicant shall submit with the renewal license application a $25 late fee.

D. An applicant for initial licensure is not required to submit the applicable fee in subsection (A), if the applicant submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

E. The fee for a duplicate license is $25.

**Historical Note**


**ARTICLE 6. RADIATION TECHNOLOGISTS**

**R9-16-601. Definitions**

In addition to the definitions in A.R.S. § 32-2801, the following definitions apply in this Article unless otherwise specified:

1. “Applicant” means:
   a. An individual who submits an application packet, or
   b. A person who submits a request for approval of a radiation technologist training program.

2. “Application packet” means the information, documents, and fees required by the Department for a certificate or permit.

3. “ARRT” means the American Registry of Radiologic Technologists.

4. “Authorized user” means the same as in A.A.C. R9-7-102.

5. “Calendar day” means each day, not including the day of the act, event, or default, from which a designated period of time beings to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday.


7. “Certification” means the issuing of a certificate.

8. “Chest radiography” means radiography performed to visualize the heart and lungs only.

9. “Continuing education” means a course or learning activity that provides instruction and training designed to develop or improve the professional competence of a certificate holder related to the certificate holder’s scope of practice.

10. “Contrast media” means material intentionally administered to a human body to define a part or parts of the human body that are not normally radiographically visible.

11. “Department-approved educational program” means a curriculum of courses and learning activities that are accredited by a nationally recognized accreditation body or granted approval through the Department.

12. “Department-approved examination” means a test administered through ARRT, NMTCB, ISCD, or CBRPA.

13. “Extremity” means the same as in A.A.C. R9-7-102.

14. “Fluoroscopy” means the use of radiography to directly visualize internal structures of the human body, the motion of internal structures, and fluids in real time, or near real-time, to aid in the treatment or diagnosis of disease or the performance of other medical procedures.

15. “ISCD” means the International Society for Clinical Densitometry.

16. “Nationally recognized accreditation body” means ARRT, NMTCB, ISCD, or CBRPA.

17. “NMTCB” means the Nuclear Medicine Technology Certification Board.

18. “Radiography” means the record of an image, representing anatomical details of a part of a human body examined through the use of ionizing radiation, formed by the differential absorption of ionizing radiation within the part of the human body.


20. “Radiopharmaceutical agent” means a radionuclide or radionuclide compound designed and prepared for administration to human beings.

**Historical Note**

New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-602. Training Programs**

A. The Department shall maintain a list of Department-approved educational programs according to A.R.S. § 32-2804 on the Department’s website at https://www.azdhs.gov/licensing/special/index.php#mrt-provider-info.

B. An applicant may request Department approval of a curriculum of courses and learning activities as a training program by submitting an application packet that contains:
   1. An application, in a Department-provided format, that includes:
      a. The name and address of the school providing the training program;
      b. The name, title, telephone number, and e-mail address of the administrator or designee of the school; and
   2. A list of instructors providing the instruction and the credentials of each.

C. The Department shall:
   1. Review each application packet according to R9-16-621; and
   2. If approved, add the applicant’s school to the list of Department-approved educational programs in subsection (A).

D. If an applicant for certification or permit did not complete a radiation technologist training program.

   a. An individual who submits an application packet, or
   b. The name, title, telephone number, and e-mail address of the administrator or designee of the school; and
   c. A list of instructors providing the instruction and the credentials of each.

**Historical Note**

New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-603. Practical Technologist in Radiology - Eligibility and Scope of Practice**

A. An individual is eligible for certification as a practical technologist in radiology if the individual:
   1. Is at least 18 years of age; and
2. Either:
   a. Has completed a training program in radiologic technology through a Department-approved educational program and achieved a score of at least 67% on a Department-approved examination; or
   b. Meets the criteria in A.R.S. § 32-4302(A).

B. An individual certified as a practical technologist in biology shall:
   2. Perform only:
      a. Chest radiography, and
      b. Radiography of the extremities; and
   3. Not use fluoroscopy or contrast media.

**Historical Note**

New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-604. Practical Technologist in Podiatry - Eligibility and Scope of Practice**

A. An individual is eligible for certification as a practical technologist in podiatry if the individual:
   1. Is at least 18 years of age; and
   2. Either:
      a. Has:
         i. Completed a training program in podiatry radiology through a Department-approved educational program;
         ii. Received a signed and dated attestation from a podiatrist licensed according to A.R.S. Title 32, Chapter 7, verifying that the applicant:
            (1) Completed training under the direction of the licensed podiatrist; and
            (2) Is proficient in independently taking radiographs; and
         iii. Achieved a score of at least 70% on a Department-approved examination; or
      b. Meets the criteria in A.R.S. § 32-4302(A).

B. An individual certified as a practical technologist in podiatry shall:
   1. Complete a training program in radiology through a Department-approved educational program and achieved a score of at least 70% on a Department-approved examination, or

**Historical Note**

New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-606. Application for Examination**

A. An individual may apply for examination if the individual meets eligibility criteria for a:
   1. Practical technologist in radiology listed in R9-16-603(A);
   2. Practical technologist in podiatry listed in R9-16-604(A);
   3. Practical technologist in bone densitometry listed in R9-16-605(A).

B. An application for examination shall submit an application packet to the Department that includes:
   1. The information and documents required in R9-16-619; and
   2. Practical technologist in podiatry listed in R9-16-604(A);
   3. For an applicant for examination as a practical technologist in podiatry, the attestation specified in R9-16-605(A).

C. The Department shall approve or deny an individual’s application for examination according to R9-16-621.

D. If the Department determines that the application packet submitted under subsection (B) is complete and in compliance, the Department shall notify the applicant that the application is approved to test.

E. Upon notification by the Department according to subsection (D), and applicant:
   1. Shall arrange testing through AART, and
   2. Has six months to complete testing before the applicant is required to re-apply for examination.

**Historical Note**

New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-607. Application for Initial Certification as a Practical Technologist in Radiology, Practical Technologist in Podiatry, or Practical Technologist in Bone Densitometry**

A. Except as provided in subsection (B), an applicant for initial certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry shall submit an application packet to the Department that includes:
   1. The information and documents required in R9-16-619;
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2. Except as provided in R9-16-602(D), documentation of completion of a Department-approved educational program;

3. Documentation of achieving the applicable minimum score on a Department-approved examination;

4. For an application for a practical technologist in podiatry, the signed attestation in R9-16-604(A)(2)(a)(ii) containing:
   a. The name and date of birth of the applicant,
   b. The name and license number of the licensed podiatrist,
   c. A statement by the licensed podiatrist verifying completion of the applicant’s clinical training and approval of radiographic images taken by the applicant, and
   d. The licensed podiatrist’s signature and date; and

5. The applicable fee in R9-16-623.

B. If an applicant for initial certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
   1. The information and documentation required in R9-16-619;
   2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
   3. A statement, signed and dated by the applicant, attesting that the applicant:
      a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which certification is being requested;
      b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
      c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
      d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and

4. The applicable fee in R9-16-623.

C. The Department shall approve or deny an individual’s application for initial certification according to R9-16-621.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-609. Application for Initial Certification as a Radiation Technician, Nuclear Medicine Technologist, or Radiation Therapy Technologist

A. Except as provided in subsection (B), an applicant for initial certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist shall submit an application packet to the Department that includes:
   1. The information and documents required in R9-16-619;
   2. Either:
      a. A copy of the applicant’s current ARRT or NMTCB certification; or
      b. Documentation of:
         i. Completing a Department-approved educational program, except as provided in R9-16-602(D); and
         ii. Having a passing score on a Department-approved examination; and

3. The applicable fee in R9-16-623.

B. If an applicant for initial certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
   1. The information and documentation required in R9-16-619;
   2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
   3. A statement, signed and dated by the applicant, attesting that the applicant:
      a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which certification is being requested;
      b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
C. The Department shall approve or deny an individual’s application for initial certification according to R9-16-621.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-610. Mammographic Technologist - Eligibility and Scope of Practice
A. An individual is eligible to apply for initial certification as a mammographic technologist if the individual:
1. Is at least 18 years of age;
2. Possesses a current Department-issued certification in radiologic technology; and
3. Satisfies one of the following:
   a. Holds a current ARRT certification in mammography;
   b. Meets the initial training and education requirements in 21 CFR 900.12 and has a passing score on a Department-approved examination in mammography; or
   c. Meets the criteria in A.R.S. § 32-4302(A).
B. An individual certified as a mammographic technologist:
1. Shall follow the standards specified in the 2017 American Society of Radiologic Technologists Mammography Practice Standards, available at https://www.asrt.org/docs/default-source/practice-standards-published/ps_mamm.pdf?sfvrsn=10e076d0_16, incorporated by reference, on file with the Department, and including no future editions or amendments; and
2. May perform diagnostic mammography or screening mammography, as defined in A.R.S. § 30-651.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-611. Student Mammography Permits
A. Before beginning the initial training in 21 CFR 900.12 under R9-16-610(A)(3)(b), an individual shall obtain a student mammography permit from the Department.
B. An applicant for a student mammography permit shall submit an application packet to the Department that includes:
1. The information and documents required under R9-16-619; and
2. A Department-provided agreement form that includes the following:
   a. The name and date of birth of the applicant;
   b. The name, license number, e-mail address, and telephone number of a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology;
   c. A statement that the licensed radiologist is accepting responsibility for the applicant’s supervision and training; and
   d. The licensed radiologist’s signature and date of signing.
C. The Department shall approve or deny an individual’s application for a student mammography permit according to R9-16-621.
D. A student mammography permit is valid for one year from the date issued and may not be renewed.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-612. Application for Initial Certification as a Mammographic Technologist
A. Except as provided in subsection (B), an applicant for initial certification as a mammographic technologist shall submit an application packet to the Department that includes:
1. The information and documents required in R9-16-619;
2. The applicant’s current radiology technologist certificate number;
3. The applicant’s current student mammography permit number, if applicable;
4. Either:
   a. A copy of current ARRT certification in mammography; or
   b. Documentation of:
      i. Completing of initial education and training that meets the requirements specified in 21 CFR 900.12, and
      ii. Having a passing score on a Department-approved examination in mammography; and
5. The applicable fee in R9-16-623.
B. If an applicant for initial certification as a mammographic technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
1. The information and documentation required in R9-16-619;
2. Documentation of the license or certification as a mammographic technologist issued to the applicant by each state in which the applicant holds the license or certification;
3. A statement, signed and dated by the applicant, attesting that the applicant:
   a. Has been licensed or certified as a mammographic technologist in another state for at least one year;
   b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
   c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
   d. Does not have an complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
4. The applicable fee in R9-16-623.
C. The Department shall approve or deny an individual’s application for initial certification as a mammographic technologist according to R9-16-621.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-613. Computed Tomography Technologist - Eligibility and Scope of Practice
A. An individual is eligible to apply for initial certification as a computed tomography technologist if the individual:
1. Is at least 18 years of age;
2. Possesses a current Department-issued certification as a radiologic technologist or nuclear medicine technologist; and
3. Satisfies one of the following:
   a. Holds a current ARRT or NMTCB certification in computed tomography,
   b. Has completed two years of training in computed tomography and twelve hours of computed tomography-specific education, or
   c. Meets the criteria in A.R.S. § 32-4302(A).

B. An individual certified as a computed tomography technologist:
   1. Shall follow the standards specified in the 2017 American Society of Radiologic Technologists Computed Tomography Practice Standards, available at https://www.asrt.org/docs/default-source/practice-standards-published/ps_ct.pdf?sfvrsn=9e076d0_16, incorporated by reference, on file with the Department, and including no future editions or amendments; and
   2. May apply ionizing radiation to a human using a computed tomography machine for diagnostic purposes.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-614. Application for Computed Tomography Technologist Preceptorship and Temporary Certification

A. Before beginning training under R9-16-613(A)(3)(b), an individual shall obtain a computed tomography preceptorship certificate from the Department.

B. An applicant for a computed tomography preceptorship certificate shall submit an application packet to the Department that includes:
   1. The information and documentation required in R9-16-619;
   2. A Department-provided agreement form from a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology, that includes the following:
      a. The name and date of birth of the applicant;
      b. The name, license number, e-mail address, and telephone number of the licensed radiologist;
      c. A statement that the licensed radiologist is accepting responsibility for the applicant’s supervision and training; and
      d. The licensed radiologist’s signature and date of signing; and
   3. The applicable fee in R9-16-623.

C. The Department shall approve or deny an individual’s application for a computed tomography preceptorship certificate according to R9-16-621.

D. A computed tomography preceptorship certificate is valid for one year from the date issued and may not be renewed.

E. At least 30 days before the expiration of an individual’s computed tomography preceptorship certificate, the individual may apply for a computed tomography temporary certificate by submitting an application packet to the Department that includes:
   1. The information and documents required under R9-16-619;
   2. A Department-provided agreement form from a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology, that includes the following:
      a. The name and date of birth of the applicant;
      b. The name, license number, e-mail address, and telephone number of the licensed radiologist;
      c. A statement that the licensed radiologist is accepting responsibility for the applicant’s supervision and training; and
      d. The licensed radiologist’s signature and date of signing; and
   3. The applicable fee in R9-16-623.

F. The Department shall approve or deny an individual’s application for a computed tomography temporary certificate according to R9-16-621.

G. A computed tomography temporary certificate is valid for one year and may not be renewed.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).
Section heading corrected to heading made in the table of contents at 25 A.A.R. 2409; Section amended by final rulemaking at 26 A.A.R. 350, effective April 5, 2020 (Supp. 20-1).

R9-16-615. Application for Initial Certification for a Computed Tomography Technologist

A. Except as provided in subsection (B), an applicant for initial certification as a computed tomography technologist shall submit an application packet to the Department that includes:
   1. The information and documents required in R9-16-619;
   2. The applicant’s current radiation technologist or nuclear medicine technologist certificate number;
   3. The applicant’s computed tomography preceptorship number or temporary certificate number, if applicable;
   4. Either:
      a. A copy of the applicant’s current ARRT or NMTCB certification in computed tomography; or
      b. Documentation of completion of:
         i. Two years of training in computed tomography, and
         ii. Twelve hours of computed tomography-specific education; and
   5. The applicable fee in R9-16-623.

B. If an applicant for initial certification as a computed tomography technologist may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
   1. The information and documentation required in R9-16-619;
   2. Documentation of the license or certification as a computed tomography technologist issued to the applicant by each state in which the applicant holds the license or certification;
   3. A statement, signed and dated by the applicant, attesting that the applicant:
      a. Has been licensed or certified as a computed tomography technologist in another state for at least one year;
      b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
      c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
      d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
   4. The applicable fee in R9-16-623.
C. The Department shall approve or deny an individual’s application for initial certification as a computed tomography technologist according to R9-16-621.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-616. Radiologist Assistant - Eligibility and Scope of Practice
A. An individual is eligible to apply for initial certification as a radiologist assistant if the individual:
  1. Is at least 18 years of age; and
  2. Satisfies one of the following:
     a. Holds a current ARRT or CBRPA certification as a radiologist assistant;
     b. Has:
        i. Completed a baccalaureate degree or post-baccalaureate certificate from an accredited educational institution that encompasses a radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship, and
        ii. Achieved a passing score on an ARRT or a CBRPA examination for radiologist assistants; or
     c. Meets the criteria in A.R.S. § 32-4302(A).
B. An individual certified as a radiologist assistant:
  1. Shall follow the standards specified the 2017 American Society of Radiologic Technologists Radiologist Assistant Practice Standards, available at https://www.asrt.org/docs/default-source/practice-standards-published/ps_raa.pdf?sfvrsn=1ae076d0_16, incorporated by reference on file with the Department, and including no future editions or amendments; and
  2. May perform the following procedures under the direction of a radiologist, licensed under A.R.S. Title 32, Chapter 13 or 17 and certified in radiology by the American Board of Radiology:
     a. Fluoroscopy;
     b. Assessment and evaluation of the physiological and psychological responsiveness of individuals undergoing radiologic procedures;
     c. Evaluation of image quality, making initial image observations and communicating observations to the supervising radiologist; and
     d. Administration of contrast media or other medications prescribed by the supervising radiologist.
C. A radiologist assistant shall not interpret images, make diagnoses, or prescribe medications or therapies.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-617. Application for Initial Certification as a Radiologist Assistant
A. Except as provided in subsection (B), an applicant for initial certification as a radiologist assistant shall submit an application packet to the Department that includes:
  1. The information and documents required in R9-16-619;
  2. Either:
     a. The applicant’s current ARRT or CBRPA certification as a radiologist assistant; or
     b. Documentation of:
        i. Completing a baccalaureate degree or post-baccalaureate certificate from an accredited educational institution that encompasses a radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship, and
        ii. Having a passing score an ARRT or a CBRPA examination for radiologist assistants; and
  3. The applicable fee in R9-16-623.
B. If an applicant for initial certification as a radiologist assistant may be eligible for certification under A.R.S. § 32-4302(A), the applicant shall submit an application packet to the Department that includes:
  1. The information and documentation required in R9-16-619;
  2. Documentation of the license or certification as a radiologist assistant issued to the applicant by each state in which the applicant holds the license or certification;
  3. A statement, signed and dated by the applicant, attesting that the applicant:
     a. Has been licensed or certified as a radiologist assistant in another state for at least one year;
     b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
     c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
     d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
  4. The applicable fee in R9-16-623.
C. The Department shall approve or deny an individual’s application for initial certification as a radiologist assistant according to R9-16-621.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-618. Special Permits
A. An applicant for a special permit under A.R.S. § 32-2814(B) shall submit an application packet to the Department containing:
  1. The information and documents required in R9-16-619;
  2. An attestation, in a Department-provided format, from the health care institution in which the applicant proposes to practice:
     a. Stating that the requesting health care institution is located in an Arizona medically underserved area, as defined in A.A.C. R9-15-101(4), or a health professional shortage area, as defined in A.A.C. R9-15-101(25); and
     b. Verifying that the health care institution developed and is implementing a program of continuing education for the applicant to protect the health and safety of individuals undergoing radiologic procedures; and
  3. A letter signed by the health care institution’s administrator or designee that provides justification for the issuance of a special permit.
B. The Department shall approve or deny an application for a special permit according to R9-16-621.
C. A special permit is valid for no more than one year, but may be renewed as provided in subsection (A) if the circumstances justifying the issuance of a special permit have not changed.
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES - OCCUPATIONAL LICENSING

Historical Note
New Section made by final expedited rulemaking at 25 A.R.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-619. Application Information
An applicant for certification shall submit to the Department:

1. The following information in a Department-provided format:
   a. The applicant’s name;
   b. The applicant’s residential address and, if different, mailing address;
   c. The applicant’s telephone number;
   d. The applicant’s e-mail address;
   e. The applicant’s Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
   f. The applicant’s date of birth;
   g. The applicant’s current employment in the radiation technology field, if applicable, including:
      i. The employer’s name,
      ii. The applicant’s position,
      iii. Dates of employment,
      iv. The address of the employer,
      v. The supervisor’s name,
      vi. The supervisor’s email address, and
      vii. The supervisor’s telephone number;
   h. The applicant’s educational history related to radiation technology, including:
      i. The name and address of each educational institution,
      ii. The degree or certification received, and
      iii. The applicant’s date of graduation;
   i. The type of certificate being applied for;
   j. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state;
   k. If the applicant has been convicted of a felony or a misdemeanor:
      i. The date of the conviction,
      ii. The state or jurisdiction of the conviction,
      iii. An explanation of the crime of which the applicant was convicted, and
      iv. The disposition of the case;
   l. Whether the applicant holds other professional licenses or certifications and, if so:
      i. The professional license or certification, and
      ii. The state in which the professional license or certification was issued;
   m. Whether the applicant has had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate;
   n. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-621;
   o. An attestation that the information submitted as part of an application packet is true and accurate; and
   p. The applicant’s signature and date of signing;

2. If the applicant has had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
   a. The date of the disciplinary action, revocation, or suspension;
   b. The state or nationally accredited certifying body that issued the disciplinary action, revocation, or suspension; and
   c. An explanation of the disciplinary action, revocation, or suspension;

3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
   a. The date of the ineligibility for licensing or certification;
   b. The state or jurisdiction of the ineligibility for licensing or certification, and
   c. An explanation of the ineligibility for licensing or certification;


Historical Note
New Section made by final expedited rulemaking at 25 A.R.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-620. Renewal of Certification
A. Certifications issued under R9-16-607, R9-16-609, R9-16-612, R9-16-615, and R9-16-617 are valid for two years after issuance, unless revoked.

B. A certificate holder may apply to renew a certification:
   1. Within 90 days before the expiration date of the certificate holder’s current certification;
   2. Within the 30-day period after the expiration date of the certificate holder’s certification, if the certificate holder pays the late renewal penalty fee in R9-16-623; or
   3. Within the extension time period granted under A.R.S. § 32-4301.

C. An applicant for renewal of a certification shall submit to the Department an application packet, including:
   1. The following in a Department-provided format:
      a. The applicant’s name, address, telephone number, email address, date of birth, and Social Security number;
      b. The applicant’s current certification number and type;
      c. The applicant’s current employment in the radiation technology field, if applicable, including:
         i. The employer’s name,
         ii. The applicant’s position,
         iii. Dates of employment,
         iv. The address of the employer,
         v. The supervisor’s name,
         vi. The supervisor’s email address, and
         vii. The supervisor’s telephone number;
      d. Whether the applicant has, within the two years before the date of the application, had:
         i. A certificate issued under this Article suspended or revoked; or
         ii. A professional license or certificate revoked by another state, jurisdiction, or nationally recognized accreditation body;
      e. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-621;
      f. An attestation that all the information submitted as part of the application packet is true and accurate; and
      g. The applicant’s signature and date of signature;
   2. Either:
      a. An attestation that the applicant completed continuing education required under A.R.S. § 32-2815(D) and that documentation of completion is available upon request, signed and dated by the applicant; or
      b. A copy of the applicant’s current certification from a nationally recognized accreditation body; and
   3. The applicable renewal fee and, if applicable, the late renewal penalty fee required in R9-16-623.
The Department shall approve or deny an application for recertification according to R9-16-621.

**Historical Note**
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-621. Review Time-frames**

**A.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
   1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
   2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.

**B.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
   1. The administrative completeness review time-frame begins on the date the Department receives an application packet required in this Article.
   2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
      a. If an application packet is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application packet.
      b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
      c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application packet withdrawn.
   3. If the Department issues a certificate during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

**C.** For each type of certificate or permit issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
   1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
   2. During the substantive review time-frame:
      a. The Department may make one comprehensive written request for additional information or documentation; and
      b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information of documentation.
   3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
   4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the certificate or permit.

**D.** An applicant who is denied a certificate or permit may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**Table 6.1. Time-frames**

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**Historical Note**
New Table 6.1 made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

**R9-16-622. Changes Affecting a Certificate or Certificate Holder; Request for a Duplicate Certificate**

**A.** A certificate holder shall notify the Department in writing, within 30 calendar days after the effective date of a change in:
   1. The certificate holder’s residential address, mailing address, or e-mail address, including the new residential address, mailing address, or e-mail address;
   2. The certificate holder’s name, including a copy of the legal document establishing the certificate holder’s new name; or
   3. The certificate holder’s employer, including the name and address of the new employer.

**B.** A certificate holder may obtain a duplicate certificate by submitting to the Department:
   1. A written request for a duplicate certificate, in a Department-provided format, that includes:
a. The certificate holder’s name and address,
b. The certificate holder’s certificate number and expiration date, and
c. The certificate holder’s signature and date of signature; and

2. The duplicate certificate fee in R9-16-623.

C. A certificate holder may submit to the Department, either as a separate written document or as part of the renewal application, a signed and dated request to transfer to inactive status or retirement status under A.R.S. § 32-2816(F).

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).

R9-16-623. Fees
A. Except as provided in subsection (C) or (D), an applicant shall submit to the Department the following nonrefundable fees for:
1. An initial application or renewal application for certification as a practical technologist in radiology, practical technologist in podiatry, or practical technologist in bone densitometry, $100;
2. An initial application or renewal application for certification as a radiation technologist, nuclear medicine technologist, or radiation therapy technologist, $100;
3. An initial application or renewal application for certification as a mammographic technologist, $20;
4. A computed tomography preceptorship certificate or computed tomography temporary certificate, $10;
5. An initial application or renewal application for certification as a computed tomography technologist, $20;
6. An initial application or renewal application for certification as a radiologist assistant, $100; and
7. A late renewal penalty fee according to A.R.S. § 32-2816(C), $50.
B. The fee for a duplicate certificate is $10.
C. An applicant for initial certification is not required to submit the applicable fee in subsection (A) if the applicant, as part of the applicable application packet in R9-16-607, R9-16-609, R9-16-612, R9-16-615, or R9-16-617, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
D. As allowed under A.R.S. § 32-2816(F), a certificate holder is not required to submit a fee for renewal of certification if the certificate holder submits to the Department an affidavit stating that the certificate holder:
1. Is retired from the practice of radiologic technology, or
2. Requests to be placed on inactive status.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).
Section amended by final rulemaking at 26 A.A.R. 350, effective April 5, 2020 (Supp. 20-1).

R9-16-624. Enforcement
A. The Department may, as applicable:
1. Deny, revoke, or suspend a certificate or permit under A.R.S. § 36-2821;
2. Request an injunction under A.R.S. § 36-2825; or
3. Assess a civil money penalty under A.R.S. § 36-2821.
B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
1. The type of violation,
2. The severity of the violation,
3. The danger to public health and safety,
4. The number of violations,
5. The number of individuals affected by the violations,
6. The degree of harm to an individual,
7. A pattern of noncompliance, and
8. Any mitigating or aggravating circumstances.
C. A certificate holder or permittee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

Historical Note
New Section made by final expedited rulemaking at 25 A.A.R. 2409, effective August 27, 2019 (Supp. 19-3).