

NOTICES OF PROPOSED RULEMAKING

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

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

[R05-411]

PREAMBLE

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| <u>1. Sections Affected</u>
R4-25-103 | <u>Rulemaking Action</u>
Amend |
|---|--|
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 32-822(A), 32-822(B), 32-826, 32-827, 32-829
Implementing statute: A.R.S. § 32-830
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 4309, October 28, 2005
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Linda Wells, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: linda.wells@podiatry.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The purpose of this rulemaking is to increase the Board's fees for an application for examination under A.R.S. §§ 32-822 and 32-826, issuance of a license under A.R.S. § 32-826, and renewal under A.R.S. § 32-829. The Board has not raised these fees since 1989. In fact the last time the Board imposed a new fee was 10 years ago for licensees who dispensed drugs or devices. The Board is responsible for overseeing the practice of podiatry in Arizona by evaluating applications of those who wish to practice podiatry in Arizona, licensing qualified individuals, ensuring that licensees conform to the Board's statutes and rules, investigating complaints, and applying appropriate disciplinary action to licensees who violate the Board's statutes and rules. The Board performs these oversight and regulatory functions to protect the health and safety of those persons who use the services of licensed podiatrists. In 2001 the Board's operating costs began to exceed the revenues it receives through its licensing fees authorized under A.R.S. § 32-830. The Board has determined that it must increase its fees in order to continue its oversight and regulatory functions.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Board did not review or rely on any study.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable

Notices of Proposed Rulemaking

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

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

The rulemaking impacts applicants, licensees, and consumers seeking podiatry services, and the Board. The Board bears moderate costs for writing the rule and related economic, small business, and consumer impact statement and mailing the new rule to interested persons. The Board's administrative costs to implement the rule are minimal. The Board will realize a substantial increase in revenues from the increased fees. It is necessary to raise these fees to continue the Board's licensing and oversight functions

The increased cost for a license by examination or license by comity is minimal for each applicant. The increased cost for issuance of a license is minimal for each applicant.

A licensee will be minimally affected by the increase in the license renewal fee.

A podiatrist who employs other podiatrists and chooses to pay their licensing fees will be affected by the fee increases.

A licensee may choose to pass the cost of the increase to consumers of podiatry services. However, consumers benefit from the Board's continuing oversight of podiatrists because the Board's mission is to ensure that only competent podiatrists practice in Arizona by protecting consumers from improper or inadequate delivery of podiatry services.

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

Name: Linda Wells, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: linda.wells@podiatry.state.az.us

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

An oral proceeding will be conducted by the Board at the following location in the state for the purpose of taking oral and written testimony on the proposed rules from members of the public.

Date: December 19, 2005
Time: 9:00 a.m.
Location: 1400 W. Washington, Room B1
Phoenix, AZ 85007

The public record on the proposed rulemaking will close at 12:00 p.m. on December 19, 2005.

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

None

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

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section
R4-25-103. Fees

ARTICLE 1. GENERAL PROVISIONS

R4-25-103. Fees

~~The following fees shall be paid:~~

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for examination ~~pursuant to~~ according to A.R.S. §§ 32-822(A) and 32-825, ~~\$250.00~~ \$450.00.
2. Application for examination ~~pursuant to~~ according to A.R.S. § 32-827, ~~\$250.00~~ \$450.00.
3. License issuance, ~~\$100.00~~ \$225.00.
4. Annual renewal, ~~\$200.00~~ \$275.00.
5. No change
6. No change
7. No change
8. No change