

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

[R06-209]

PREAMBLE

1. Sections Affected

R4-24-101
R4-24-103
R4-24-104
R4-24-106
R4-24-107
R4-24-201
R4-24-202
R4-24-203
R4-24-204
R4-24-204
R4-24-205
R4-24-205
R4-24-205
R4-24-206
R4-24-207
R4-24-208
R4-24-209
Table 1
Exhibit 1

Rulemaking Action

Amend
Amend
Amend
Repeal
Re-number
Amend
Amend
Amend
Re-number
New Section
Repeal
Re-number
Amend
Re-number
Amend
Amend
Amend
Amend
Amend
Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2003(5)

Implementing statutes: A.R.S. §§ 32-2002, 32-2003, 32-2021(C), 32-2022, 32-2024, 32-2025, 32-2027, 32-2028, 32-2029, 41-1072 through 41-1079

3. The effective date of the rules:

August 5, 2006

4. A list of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 12 A.A.R. 227, January 27, 2006

Notice of Proposed Rulemaking: 12 A.A.R. 720, March 10, 2006

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Heidi Herbst Paakkonen, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: heidi.herbst-paakkonen@ptboard.state.az.us

6. An explanation of the rule, including the agency's reason for initiating the rule:

The Board is revising its rules in Articles 1 and 2 consistent with its five-year-review report approved by the Governor's Regulatory Review Council in October 2004. The Board will be making rule changes in Articles 3, 4, and 5 in subsequent rulemakings. In this rulemaking, the Board is amending definitions and adding definitions to allow for consistent interpretation of the rules. Provisions are being amended or added for Board officers and access to Board records. Application requirements for a renewal license or certificate and an initial physical therapist license and physical therapist assistant certificate are being clarified, including applications by individuals educated in the United States and applications by individuals educated outside the United States. The provisions for reinstatement, interim permits, and supervised clinical practice are being amended. The Interim Period Evaluation Form is being repealed because an applicant will be evaluated using the Physical Therapist Clinical Performance Instrument or the Physical Therapist Assistant Clinical Performance Instrument. The time-frame provisions for Board action on applications are being amended. The fee provisions are being moved from Article 2 to Article 1.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did 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.

8. 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

9. The 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 Board bears moderate costs for writing rules to implement its statutes and related economic, small business, and consumer impact statement and mailing the new rules to interested persons.

Increasing the substantive review time-frame from 15 days to 30 days for a regular license, license by endorsement, physical therapist assistant certificate, foreign-educated applicant, and foreign-educated interim permit/supervised clinical practice approval of facility benefits the Board. Because the Board holds its meetings on the fourth Tuesday of every month, the time-frame sometimes falls outside the 30 days required for a substantive review of an application, which requires the Board to hold a special meeting. The cost for a special meeting ranges from minimal to moderate.

The overall economic impact of the rules is expected to be minimal for a physical therapist applicant and licensee, minimal for a certificate-holder applicant and certificate holder, minimal for an onsite supervisor, and minimal for a credential evaluation agency or business that hires physical therapists or physical therapist assistants with the benefits outweighing the costs.

The Board does not anticipate that R4-24-202 will increase costs to a licensee requesting reinstatement. Due to changes in A.R.S. § 32-2028, effective August 25, 2004, a certificate-holder may request reinstatement of a certificate. A certificate-holder will bear minimal costs as a result of R4-24-202.

The requirements in R4-24-203 for a foreign-educated applicant may result in minimal costs for obtaining a translation of a document if the document is not written in English.

Because the English proficiency examinations administered by ETS have changed, the Board is adding the iBT examination. The Board will continue to honor the ETS scores of those persons who took the examinations required in R4-25-203 before the end of September 2005.

The legislation that became effective August 25, 2004 also changed A.R.S. § 32-2025 to allow the Board to issue an interim permit to an applicant who was educated in the United States and determined by the Board to lack the competence to work as a physical therapist assistant. R4-24-204 requires a physical therapist assistant interim permit holder to be evaluated according to the Physical Therapist Assistant Clinical Performance Instrument, which contains basic standards for safely and responsibly working as a physical therapist assistant. The costs for a physical therapist assistant to conform with the standards should be minimal.

The Board is repealing Exhibit 1, Interim Period Evaluation Form and in R4-24-204, is adopting the American Physical Therapy Association's (APTA) Physical Therapist Clinical Performance Instrument (Instrument) for evaluating a physical therapist interim permit holder. The Board believes that most interim period holders are currently being evaluated consistent with the APTA criteria. The consistent requirements should benefit an interim permit holder who should not incur additional costs to meet the requirements in R4-24-204.

Credential evaluation agencies continue to benefit from the requirements in R4-24-203 that foreign-educated applicants be evaluated for substantial educational equivalency.

An applicant for a license and an applicant for a certificate benefit from the notice provided in R4-24-205 of the score required for successful passage of a jurisprudence examination.

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The language in R4-24-208 is being amended to consolidate the requirements for renewal of licenses and certificates and clarify language. Because a licensee and certificate-holder are already required to meet the requirements, the rule should not increase costs for them.

A business, including a small business, should not incur additional expense because of the rules, but benefit from clarification of rule requirements. A consumer of physical therapy services benefits from the rules because the rules assure that only qualified persons practice physical therapy.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The Board made technical and grammatical changes at the suggestion of G.R.R.C. staff and the following nonsubstantive changes:

In R4-24-201(A)(1)(e), the Board changed “done” to “completed”.

In R4-24-201(C)(2), the Board added “certifying” twice to indicate that an applicant by endorsement is required to submit a verification of a license issued by either a licensing or certifying agency.

In the proposed rulemaking for R4-24-208, the Board had added “a license or” and failed to underline to indicate the change. The Board underlined the phrase in the final rulemaking.

11. A summary of the comments made regarding the rule and the agency response to them:

The Board did not receive any comments.

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

None

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

Rule	Incorporation by reference
R4-24-101(11)	A Coursework Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States, published 2003
R4-24-101(27)	Physical Therapist Assistant Clinical Performance Instrument, published March 1998
R4-24-101(28)	Physical Therapist Clinical Performance Instrument, published December 1997
R4-24-101(31)	Code of Ethics, amended June 2000 and the accompanying Guide for Professional Conduct, amended January 2004

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-24-101. Definitions
- R4-24-103. Board ~~Duties~~ Officers
- R4-24-104. ~~Board Confidential Information and Records; Access~~
- R4-24-106. ~~Approval of Credential Evaluation Agencies~~ Repealed
- ~~R4-24-206-R4-24-107.~~ Fees

ARTICLE 2. LICENSING AND EXAMINATION PROVISIONS

Section

- R4-24-201. Application for a Physical Therapist License
- R4-24-202. ~~Application for Reinstatement of License or Certificate~~
- R4-24-203. Foreign-educated Applicants ~~Applicant Requirements; Supervised Clinical Practice~~
- R4-24-204. Supervised Clinical Practice
- ~~R4-24-205. Renewal of License and Address Changes~~ Repealed

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- ~~R4-24-204~~~~R4-24-205~~. Examination Scores
R4-24-206. Fees Renumbered
R4-24-207. Application for a Physical Therapist Assistant Certificate
R4-24-208. ~~Renewal of Certificate and Address Changes~~ License or Certificate Renewal; Address Change
R4-24-209. Time-frames for Board Approvals
Table 1. Time-frames (in days)
Exhibit 1. ~~Interim Period Evaluation~~ Repealed

ARTICLE 1. GENERAL PROVISIONS

R4-24-101. Definitions

In addition to the definitions in A.R.S. § 32-2001, in this Chapter:

1. “Accredited” means accredited by a nationally recognized accreditation organization.
- ~~2.~~ “Accredited educational program” means a physical therapist or physical therapist assistant educational program that is accredited by:
 - ~~a.~~ the The Commission on Accreditation of Physical Therapy Education (CAPTE), or
 - ~~b.~~ an An agency recognized as qualified to accredit physical therapist or physical therapist assistant programs by either the U.S. Department of Education or the Council on Higher Education Accreditation (CHEA) at the time of the applicant’s graduation.
- ~~3.~~ “Applicant” means an individual seeking an initial or renewal license, initial or renewal certificate, or interim permit, or reinstatement from the Board.
4. ~~“APTA” means the American Physical Therapy Association.~~
- ~~3.~~4. No change
5. No change
6. “College Board” means an association composed of schools, colleges, universities, and other educational organizations across the United States that is responsible for the development of assessment tests that are used to provide college credit or for college placement.
7. “College level examination program” means services offered by the College Board for an individual to demonstrate college-level achievement by taking an examination approved by the College Board.
- ~~6.~~8. No change
- ~~7.~~9. “Continuing competence” means maintaining the professional skill, knowledge, and ability of a physical therapist by successfully completing 20 contact hours of scholarly and professional activities during each compliance period related to physical therapy.
10. “Course” means an organized subject matter in which instruction is offered within a specified period of time.
11. “Course evaluation tool” means A Coursework Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States, Fourth Edition, 2003, published by the Federation of State Boards of Physical Therapy, 509 Wythe St., Alexandria, VA, 22314, incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.
- ~~8.~~12. “Credential evaluation” means a written appraisal by an agency approved by the Board assessment of a foreign-educated applicant’s general and professional educational course work previously completed by an applicant.
13. “Credential evaluation agency” means an organization that evaluates a foreign-educated applicant’s education and provides recommendations to the Board about whether the applicant’s education is substantially equivalent to physical therapy education provided in an accredited educational program.
- ~~9.~~14. No change
- ~~10.~~15. No change
16. “ETS” means Educational Testing Service, an organization that provides educational learning and assessment services, including the Test of English as a Foreign Language Program.
- ~~11.~~17. “Facility” means a building where:
 - a. A physical therapist is engaged in the practice of physical therapy;
 - b. An applicant, licensee, or certificate-holder is engaged in a supervised clinical practice; or
 - c. A physical therapist assistant performs physical therapy-related tasks delegated by an onsite supervisor.
- ~~12.~~18. “Foreign-educated applicant” means a physical therapist an individual who graduated from a physical therapist educational program outside the United States, Puerto Rico, District of Columbia, or a U.S. territory.
- ~~13.~~19. No change
20. “Good moral character” means the applicant has not taken any action that is grounds for disciplinary action against a licensee or certificate-holder under A.R.S. § 32-2044.
21. “Hour” means 60 minutes.
22. “iBT” means internet-based TOEFL.
- ~~14.~~23. “National disciplinary database” means the disciplinary database of the Federation of State Boards of Physical

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~~Therapy~~ or the U.S. Department of Health and Human Services' Health Integrity and Protection Data Base, which contains ~~of~~ previous or current disciplinary actions taken against a licensed physical therapist or certified physical therapist assistant by state licensing agencies.

24. "Lapsed" means expired because of failure to renew a license or certificate.
- ~~15-25.~~ No change
26. "Onsite supervisor" means a physical therapist who provides onsite supervision as defined in A.R.S. § 32-2001.
27. "Physical Therapist Assistant Clinical Performance Instrument" means the document used to assess an individual's knowledge, skills, and attitudes to determine the individual's readiness to work as a physical therapist assistant that is published by the American Physical Therapy Association, Division of Education, March 1998, 1111 North Fairfax Street, Alexandria, VA 22314-1488 and incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.
28. "Physical Therapist Clinical Performance Instrument" means the document used to assess an individual's knowledge, skills, and attitudes to determine the individual's readiness to practice physical therapy that is published by the American Physical Therapy Association, Division of Education, December 1997, 1111 North Fairfax Street, Alexandria, VA 22314-1488 and incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.
29. "Physical therapy services" means any of the actions stated in the definition of practice of physical therapy in A.R.S. § 32-2001.
30. "Qualified translator" means an individual, other than an applicant, who is:
- An officer or employee of an official translation bureau or government agency.
 - A professor or instructor who teaches a translated language in an accredited college or university in the United States.
 - An American consul in the country where the translated document is issued or another individual designated by the American consul in the country where the translated document is issued, or
 - A consul general or diplomatic representative of the United States or individual designated by the consul general or diplomatic representative.
- ~~16-31.~~ "Recognized standards of ethics" means the Code of Ethics (amended June ~~1994~~ 2000) and the accompanying Guide for Professional Conduct (amended January ~~1999~~ 2004) of the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, VA 22314-1488, which is incorporated by reference and on file with the ~~Secretary of State Board~~. This incorporation includes no later editions or amendments.
32. "Supervised clinical practice" means the period of time a physical therapist is engaged in the practice of physical therapy or a physical therapist assistant is engaged in work as a physical therapist assistant after being issued an interim permit by the Board.
33. "TOEFL" means test of English as a foreign language.
34. "Week" means the period beginning on Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m.

R4-24-103. Board Duties Officers

~~Officers of the~~ The Board shall elect ~~are~~ a president, vice-president, and secretary. ~~The officers shall be elected at the~~ its first regular Board meeting ~~of the Board~~ each year by majority vote of the Board.

- The president shall preside at all Board meetings;
- ~~if~~ When the president is disqualified or unable to attend preside at a Board meeting, the vice-president shall preside ~~at the meeting~~.

R4-24-104. Board Confidential Information and Records; Access

- ~~The Board shall maintain a public file of all records that are not confidential by law for every licensee and certificate-holder.~~
- ~~The Board shall not make a licensee's educational records or social security number available to the public. The home address and telephone number of a licensee shall not be made available to the public unless the home address and telephone number are the only address and telephone number of record.~~
- ~~The Board shall keep confidential and shall not make available to the public patient records, including clinical records, files, any other report or oral statement relating to diagnostic findings or treatment, and any information, records, or reports kept by the Board as a result of an investigation by the Board.~~
- ~~The Board shall make copies of the public record of the Board available to any person at a cost determined by the Board. Unless authorized by the Board, a person shall not remove Board records from the Board premises except for an official Board meeting held at another site or for archival purposes. A person shall request the permission of the Board's Executive Director prior to examining, inspecting, or obtaining copies of a public record. The Board may make a public record available electronically.~~

The following information or a record containing this information is confidential and is not provided to the public by the Board:

- An applicant's, licensee's, or certificate-holder's:

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- a. Social Security number;
 - b. Home address or home telephone number unless the address or telephone number is the only address or telephone number of record;
 - c. Credential evaluation report, education transcript, grades, or examination scores;
 - d. National physical therapist or physical therapist assistant examination score;
 - e. Diagnosis and treatment records; and
2. According to A.R.S. § 32-2045, information or a document related to investigations by the Board until the information or document becomes a public record or as required by law.

R4-24-106. Approval of Credential Evaluation Agencies Repealed

- A.** The Board shall approve an agency to perform a credential evaluation of a foreign-educated applicant based upon:
1. ~~The Recommended Guidelines for Reviewing Credentialing Agencies (amended February 1997) of the Federation of State Boards of Physical Therapy, 509 Wythe Street, Alexandria, VA, 22314, which is incorporated by reference and on file with the Secretary of State. This incorporation by reference contains no later editions or amendments.~~
 2. ~~The agency agreement to use the Course Work Evaluation Tool (amended March 1999) of the Federation of State Boards of Physical Therapy, 509 Wythe Street, Alexandria, VA, 22314, which is incorporated by reference and on file with the Secretary of State. This incorporation by reference contains no later editions or amendments.~~
 3. ~~The agency agreement to evaluate the areas of both general and professional education curriculum as determined by the Board requirements in R4-24-203(A).~~
- B.** ~~A credential evaluation agency that is denied approval may request a hearing in accordance with A.R.S. § Title 41, Chapter 6, Article 10.~~

~~R4-24-206, R4-24-107, Fees~~

No change

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change

ARTICLE 2. LICENSING AND EXAMINATION PROVISIONS

R4-24-201. Application for a Physical Therapist License

- A.** An applicant for a physical therapist license shall submit to the Board an application packet that ~~contains~~ includes:
1. ~~A completed national physical therapist examination form for computerized testing provided by the Board, if applicable;~~
 2. 1. An application form provided by the Board; that is signed; and dated; and verified by the applicant and notarized and that contains:
 - a. The applicant's name, business and residential addresses, telephone number, birth date, and ~~social~~ Social Security number;
 - b. No change
 - c. The name and address of the university or college where the applicant completed an accredited educational program; and dates of attendance; and an official transcript with date of completion;
 - d. No change
 - e. Professional employment history for the past five years, including the name, address, and telephone number for each ~~employer~~ place of employment, job title, and description of the work ~~done~~ completed, and explanation of any breaks in employment, if applicable;
 - f. No change
 - g. No change
 - h. A statement of whether the applicant has ever been found guilty of or has a complaint, allegation, or charge currently pending for any action by a professional licensing board in any jurisdiction of the United State or foreign country and if so, an explanation;
A statement of whether the applicant is currently or ever has been under investigation, suspension, or restriction

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by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;

- i. No change
- j. A statement of whether the applicant has committed any of the actions referenced in the definition of good moral character in R4-24-101;
- ~~j-k.~~ A statement of whether the applicant has ever had a malpractice judgment, or has a lawsuit currently pending for malpractice, or entered into a settlement from a malpractice suit and if so, an explanation;
- ~~k-l.~~ No change
- ~~l-m.~~ No change
- ~~m-n.~~ A statement of whether the applicant has, within the past 10 years, abused used alcohol, any illegal chemical substance, or prescription medications, that in any way has impaired or limited the applicant's ability to practice physical therapy with skill and safety and if so, an explanation;
- ~~n-o.~~ No change
- ~~o-p.~~ A statement of whether the applicant has been diagnosed as having or is being treated for pedophilia, exhibitionism, voyeurism, or any other sexual behavior disorder and if so, an explanation ever violated A.R.S. § 32-2044(10);
- ~~p-q.~~ A sworn statement by the applicant verifying attesting to the truthfulness of the information provided by the applicant.

~~3-2.~~ A passport photograph of the applicant no larger than 1 1/2 x 2 inches and that was taken not more than 6 six months before the date of the application; and

4. A completed questionnaire covering Arizona statutes and rules pertaining to physical therapy provided by the Board; and

~~5-3.~~ The fee required in R4-24-206 R4-24-107.

B. No change

- 1. An official transcript or letter showing that the applicant has completed all requirements of an accredited educational program that includes the official seal of the university or college where the applicant completed the accredited educational program signed by and signature of the registrar of the university or college, where the applicant completed the physical therapist educational program; and
- 2. Verification of passing a national examination in physical therapy as evidenced by an original notice of examination results; and
- 3. Verification of passing a jurisprudence examination as evidenced by an original notice of examination results.

C. In addition to the requirements in subsections (A) ~~(2)~~ (1) through (A) ~~(5)~~ (3) and subsection (B), an applicant for a physical therapist license by endorsement shall submit to the Board:

- 1. No change
- 2. A verification of each license, signed and dated by an official of the agency licensing or certifying the applicant, that includes the official seal of the licensing or certifying agency and all of the following:
 - a. The name and address of the applicant;
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change

~~**D.** In addition to submitting the fee required by the Board and documents in subsection (A)(2) through (A)(4) and (B), a foreign-educated applicant shall submit to the Board proof of legal authorization to reside and seek employment in the United States or a U. S. Territory, and arrange to have directly submitted to the Board:~~

- ~~1. A credentials evaluation report prepared within one year before the date of application;~~
- ~~2. Verification of passing a national examination in physical therapy as evidenced by an original notice of examination results; and~~
- ~~3. Written documentation of authorization to practice without limitation issued by the authorizing body in the country where the professional education as a physical therapist was received.~~

~~**E.** An applicant who has twice failed the national examination shall submit a written plan for remediation to the Board before Board approval for subsequent testing.~~

~~**F.D.** No change~~

R4-24-202. Application for Reinstatement of License or Certificate

The Board shall require an applicant whose license lapsed more than three years before applying to demonstrate competence by serving an internship. If the license application is not denied for other reasons, the licensee shall serve an internship under a restricted license.

- 1. The internship under restricted license shall be under the supervision of a physical therapist for not less than 160 hours nor more than 960 hours.

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2. The internship shall be in a clinical setting that provides broad exposure to general physical therapy. The site shall be capable of providing experience in the activities identified on the Interim Period Evaluation Form attached as Exhibit 1. The supervising physical therapist shall complete the Interim Period Evaluation Form and submit it to the Board before the restricted licensee completes the internship.
 3. A restricted licensee shall be granted an unrestricted license by the Board upon submission by the supervising physical therapist to the Board of an Interim Period Evaluation Form that indicates that all skills have been completed with an evaluation rating of "approved".
 4. If the restricted licensee does not receive an "approved" rating on all skills on the Interim Period Evaluation Form before the end of the internship, additional remedial activities shall be required. The Board may require the restricted licensee to complete additional time in a supervised internship, take additional coursework, and pass an examination. An unrestricted license shall be granted following completion of the remedial activities. The Board shall deny an unrestricted license to any restricted licensee who fails to complete the remedial activities. The restricted licensee may appeal the denial of license under Title 41, Chapter 6, Article 10.
- A.** An applicant whose Arizona license or certificate lapsed for three consecutive years or less after the date of renewal of the license or certificate may apply for reinstatement of the license or certificate by submitting the application in R4-24-208 and the reinstatement fee and renewal fee required in R9-24-107.
- B.** An applicant whose Arizona license or certificate lapsed for more than three consecutive years after the date of renewal of the license or certificate may apply for reinstatement of the license or certificate by submitting the reinstatement fee and renewal fee in R4-24-107, and:
1. For an applicant educated in the United States requesting reinstatement of a license, the application in R4-24-201(A) and (B);
 2. For a foreign-educated applicant requesting reinstatement of a license, the application in R4-24-203; or
 3. For an applicant requesting reinstatement of a certificate, the application in R4-24-207(A) and (B).
- C.** If an applicant submits an application according to subsection (B), the Board shall require the applicant to demonstrate competency by doing one or more of the following:
1. Practice physical therapy or work as a physical therapist assistant under an interim permit that allows the applicant to participate in a supervised clinical practice,
 2. Complete one or more courses relevant to the practice of physical therapy or the work of a physical therapist assistant,
 3. Complete continuing competence requirements for the period of time of the lapsed license, or
 4. Take and pass a jurisprudence examination or national examination.

R4-24-203. Foreign-educated Applicants Applicant Requirements; Supervised Clinical Practice

- A.** For a credential evaluation agency to determine that a foreign educated applicant's education is substantially equivalent to the education provided to a physical therapist in an accredited educational program, the foreign educated applicant shall have:
1. A minimum of a bachelor's degree in physical therapy;
 2. Completed at least 120 semester credit hours, including at least 58 semester credit hours in college level general education and at least 61 semester credit hours in professional education;
 3. A minimum grade of C or its equivalent in each professional education course; and
 4. Earned all semester credit hours at a university or college.
- A foreign-educated applicant shall meet the requirements in A.R.S. § 32-2022(B) and the following:
1. The applicant shall comply with the requirements in R4-24-201.
 2. The applicant shall ensure that a document required by R4-24-201 or this subsection is:
 - a. Submitted to the Board in English; or
 - b. Accompanied by an original English translation by a qualified translator if the document is submitted to the Board in a language other than English and includes an affidavit of accuracy by the qualified translator affirming:
 - i. The qualified translator has translated the entire document,
 - ii. The qualified translator has not omitted anything from or added to the translation, and
 - iii. The translation is true and accurate.
 3. To meet the requirements in A.R.S. § 32-2022(B)(4), the applicant shall state on the application form whether the applicant's practice as a physical therapist was limited in the country where the professional education occurred. If the applicant's practice was limited in the country where the professional education occurred, the applicant shall submit to the Board documentation of the limitation, or arrange to have documentation of limitation sent directly to the Board, that includes:
 - a. The name, address, and telephone number of the entity that limited the applicant's practice of physical therapy;
 - b. A description of the action or lack of action that led to the limitation on the applicant's practice as a physical therapist; and
 - c. A description of the limitation on the applicant's practice of physical therapy.
 4. If English is not the native language of the foreign-educated applicant, to meet the requirements in A.R.S. § 32-

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2022(B)(6), the applicant shall pass either of the following tests and ensure that the test scores are sent directly to the Board by the testing entity:

- a. If the applicant passed the following ETS tests before September 30, 2005:
 - i. TOEFL with a score of 560 or more if a paper-based test or with a score of 220 or more if a computer-based test;
 - ii. Test of Spoken English with a score of 50 or more; and
 - iii. Test of Written English with a score of 4.5 or more; or
- b. After September 30, 2005, the iBT with an overall test score of a minimum of 100 and a:
 - i. Writing section with a minimum score of 25,
 - ii. Speaking section with a minimum score of 25,
 - iii. Reading section with a minimum score of 25, and
 - iv. Listening section with a minimum score of 25.

5. To demonstrate that the applicant meets uniform criteria for educational requirements according to A.R.S. § 32-2022(E)(3), the applicant shall undergo a credential evaluation to determine that the applicant meets the requirements in the course evaluation tool and arrange to have a credential evaluation report, prepared within 18 months from the date of the application, sent directly to the Board by the credential evaluation agency.

6. To meet the requirements in A.R.S. § 32-2022(B)(5), the applicant shall obtain a work visa to reside and seek employment in the United States issued by the Bureau of Citizenship and Immigration Services and submit a copy of the work visa to the Board.

B. A foreign-educated applicant shall arrange to have original documentation, including an official transcript or letter signed by the registrar of the university or college stating that the applicant has completed all requirements of a physical therapist educational program, sent directly to the credential evaluation agency. All documentation shall be in English or accompanied by a verified English translation. Following review, the credential evaluation agency shall notify the Board of the results.

After receiving a credential evaluation report from a credential evaluation agency, the Board:

1. If the credential evaluation report does not establish that the education obtained by the foreign-educated applicant is substantially equivalent to the education required of a physical therapist in an accredited education program, may require the applicant to:

- a. Complete one or more university or college courses and obtain a grade of C or better in each course;
- b. Complete a college level examination program; or
- c. If an applicant for a license, complete one or more continuing competence courses; and

2. Shall issue, within the time-frames stated in Table 1, an interim permit to complete a supervised clinical practice to the applicant if:

- a. The applicant was required to meet one or more of the requirements in subsection (B)(1) and completes the requirements; or
- b. The credential evaluation report establishes that the education obtained by the foreign-educated applicant is substantially equivalent to the education required of a physical therapist in an accredited education program; and
- c. The applicant has passed the national examination and jurisprudence examination; and
- d. The applicant meets the requirements in A.R.S. Title 32, Chapter 19 and R4-24-201.

C. Following receipt of the educational credential evaluation by the Board, if an applicant has an educational deficiency, the applicant shall complete one of the following requirements as directed by the Board:

1. Application of college level program scores towards semester credit hours for a limited number of courses as determined by the Board; or
2. Completion of college courses in the deficiency with a minimum grade average of C or its equivalent.

D. A foreign-educated applicant for whom English is not the native language shall pass the following English proficiency examinations and arrange for the scores to be sent directly to the Board:

1. Test of English as a Foreign Language with a minimum score of 560.
2. Test of Spoken English with a minimum score of 50 and
3. Test of Written English with a minimum score of 4.5 or better.

E. A foreign-educated applicant shall complete all educational or course work requirements set by the Board before receiving an interim permit to begin a period of supervised clinical practice.

F. A foreign-educated applicant for an interim permit shall submit the application required in R4-24-201.

G. Under A.R.S. § 32-2025, the Board shall issue an interim permit to each qualified foreign-educated applicant bearing the:

1. Name of the applicant;
2. Date of issue; and
3. Date of expiration.

H. The supervised clinical practice period for a foreign-educated applicant shall be in a clinical setting that provides learning experiences for an applicant that includes:

1. Examining, evaluating, and testing persons who have mechanical, physiological, and developmental impairments;

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- functional limitations and disabilities, or other health and movement related conditions to determine a diagnosis, prognosis, and plan of therapeutic intervention; and
2. Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions.
- ~~I. The supervised clinical practice shall provide a minimum of 20 hours per week of supervised practice for 180 days, or 40 hours per week for 90 days.~~
- ~~J. To receive Board approval of the facility for clinical practice and of the supervisor for the supervised clinical practice period, an applicant shall submit to the Board:~~
1. A written request for approval of the facility and supervisor, including the name of the facility, the name and license number of the supervisor, and a description of the physical therapy services provided at the facility;
 2. Evidence that within the requested facility the supervisor can observe and report on the applicant's evaluative, diagnostic, and intervention planning skills, and the applicant's provision of therapeutic interventions listed on the Board's Interim Period Evaluation Form, and that the facility has no current restriction by a state or federal government agency; and
 3. Evidence that the supervisor holds an unrestricted license to practice physical therapy in this state for the previous 2-year period and previous experience as a clinical education instructor.
- ~~K. The Board shall consider the request for approval of a clinical practice facility at a regularly scheduled Board meeting and may request an interview with the supervisor. Upon approval, the proposed supervisor shall sign a statement agreeing to act as supervisor and to fulfill the required supervisory obligation, and shall submit the statement to the Board.~~
- ~~L. The clinical supervisor shall submit a report including the Board's Interim Period Evaluation Form before the end of the supervised practice.~~
- ~~M. If the Board determines from the report submitted by the supervisor that all clinical learning experiences have not been completed by the applicant or that the Interim Period Evaluation Form indicates that all skills have not been completed with an evaluation rating of "approved", the Board shall require an additional 90 days of supervised clinical practice, not to exceed a total supervised clinical practice period of 270 days.~~
- ~~N. The Board shall deny a license to an applicant who fails to meet the requirements of this Section or A.R.S., Title 32, Chapter 19. An applicant denied a license may request a hearing under A. R. S., Title 41, Chapter 6, Article 10.~~

R4-24-204. Supervised Clinical Practice

- A. An interim permit holder shall complete a supervised clinical practice under onsite supervision.**
- B. Before an individual is issued an interim permit, the individual shall submit to the Board:**
1. A written request for Board approval of the facility where supervised clinical practice will take place that includes:
 - a. The name, address, and telephone number of the facility; and
 - b. A description of the physical therapy services provided at the facility; and
 2. The name of the individual who holds an unrestricted license to practice physical therapy in this state and agrees to provide onsite supervision of the individual.
- C. The Board shall approve or deny a request made under subsection (B)(1):**
1. After assessing whether the facility provides the opportunity for an interim permit holder to attain the knowledge, skills, and attitudes to be evaluated according to the Physical Therapist Assistant Clinical Performance Instrument or Physical Therapist Clinical Performance Instrument; and
 2. According to the time-frames in Table 1.
- D. An onsite supervisor shall:**
1. Observe the interim permit holder during the supervised clinical practice and:
 - a. Rate the interim permit holder's performance in each of the clinical performance criteria in the Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument, including the dates and hours the onsite supervisor provided onsite supervision; and
 - b. Recommend that the interim permit holder be licensed or complete further supervised clinical practice; and
 2. Submit the completed Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument to the Board no later than 30 days after the completion date of the supervised clinical practice.
- E. After the Board receives the completed Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument, the Board:**
1. May require the interim permit holder to complete additional onsite supervision under the interim permit if the additional onsite supervision does not cause the interim permit holder to exceed six months from the date the interim permit was issued and:
 - a. The onsite supervisor does not approve one or more of the skills listed on the Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument;
 - b. The onsite supervisor recommends that the interim permit holder complete further supervised clinical practice;
or
 - c. The Board determines that the interim permit holder has not met the requirements in A.R.S. Title 32, Chapter 19

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and this Chapter.

2. If the interim permit holder meets all of the requirements in A.R.S. Title 32, Chapter 19 and this Chapter, shall issue:
 - a. A license to an applicant for a license, or
 - b. A certificate to an applicant for a certificate.
 3. If the applicant, licensee, or certificate-holder does not meet all of the requirements in A.R.S. Title 32, Chapter 19 and this Chapter, shall deny:
 - a. A license to an applicant for a license, or
 - b. A certificate to an applicant for a certificate.
- F. An applicant who has been denied a license or certificate may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-25-205. -Renewal of License and Address Changes Repealed

- ~~A. A licensee shall submit an application to renew a license to practice physical therapy on a form provided by the Board on or before August 31 of even-numbered years and shall provide the following information for the license period immediately preceding the renewal application:~~
- ~~1. A statement of whether the licensee has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;~~
 - ~~2. A statement of whether the licensee has had an application for a professional or occupational license, certificate or registration, other than a driver's license denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;~~
 - ~~3. A statement of whether the licensee has been found guilty of or has a complaint, allegation, or charge currently pending for any action by a professional licensing board in any jurisdiction of the United States or foreign country and if so, an explanation;~~
 - ~~4. A statement of whether the licensee has been the subject of disciplinary action by a professional association or post-secondary educational institution;~~
 - ~~5. A statement of whether the licensee has had a malpractice judgment against the licensee or has a lawsuit currently pending for malpractice and if so, an explanation;~~
 - ~~6. A statement of whether the licensee is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;~~
 - ~~7. A statement of whether the licensee has any impairment to the licensee's cognitive, communicative, or physical ability to engage in the practice of physical therapy with skill and safety and if so, an explanation;~~
 - ~~8. A statement of whether the licensee has abused alcohol, any illegal chemical substance, or prescription medications, that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;~~
 - ~~9. A statement of whether the licensee has been diagnosed as having or is being treated for any psychiatric disorder which includes, but is not limited to, bipolar disorder, schizophrenia, or paranoia, or other psychotic disorder that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;~~
 - ~~10. A statement of whether the licensee has been diagnosed as having or is being treated for pedophilia, exhibitionism, voyeurism, or any other sexual behavior disorder and if so, an explanation;~~
 - ~~11. Beginning in the year 2002, a statement of whether the licensee has completed the 20 contact hours of continuing competence for the previous compliance period as required in R4-24-401, and~~
 - ~~12. A sworn statement verifying the truthfulness of the information provided by the licensee.~~
- ~~B. Failure of the Board to inform a licensee of license expiration does not excuse a licensee's non-renewal or untimely renewal.~~
- ~~C. A licensee shall submit a license renewal fee to the Board by mail or in person. The fee shall be paid by cashier's check, money order, or personal check.~~
- ~~D. The Board shall deny a license renewal to a licensee who fails to comply with renewal requirements. A person denied renewal of license may request a hearing under A.R.S. § Title 41, Chapter 6, Article 10.~~
- ~~E. The Board shall mail a receipt and registration card to each licensee who renews a license showing the named licensee has a current and valid license.~~
- ~~F. A licensee shall notify the Board, in writing, within 30 days of a change of address to be used by the Board.~~

R4-24-204, R4-24-205. Examination Scores

- A. No change
 1. No change
 2. No change
- B. No change
 1. No change

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2. No change

C. In addition to the requirements in subsections (A) and (B), to be licensed as a physical therapist or certified as a physical therapist assistant, an applicant shall obtain a scaled score of 600 or more based on a scale ranging from 200 to 800 on a jurisprudence examination.

R4-24-206. Fees Renumbered

R4-24-207. Application for a Physical Therapist Assistant Certificate

A. An applicant for an original physical therapist assistant certificate shall submit to the Board an application packet that ~~contains~~ includes:

~~1.~~ A ~~completed national physical therapist assistant examination form for computerized testing provided by the Board office, if applicable:~~

~~2.~~1. No change

a. The applicant's name, business and residential addresses, telephone number, birth date, and ~~social~~ Social Security number;

b. The name and address of the ~~school or college or university~~ where the applicant completed a ~~physical therapist assistant~~ an accredited educational program for physical therapist assistants, dates of attendance, and date of completion;

c. No change

d. No change

e. No change

f. ~~A statement of whether the applicant has ever been found guilty of or has a complaint, allegation, or charge currently pending for any action by a professional licensing board in any jurisdiction of the United States or foreign country and if so, an explanation;~~

A statement of whether the applicant is currently or ever has been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;

g. No change

~~h.~~ h. A statement of whether the applicant has committed any of the actions referenced in the definition of good moral character in R4-24-101;

~~h.~~i. No change

~~i.~~j. No change

~~j.~~k. No change

~~k.~~l. A statement of whether the applicant has, within the past 10 years, ~~abused~~ used alcohol, any illegal chemical substance, or prescription medications, that in any way has impaired or limited the applicant's ability to participate in therapeutic interventions with skill and safety and if so, an explanation;

~~l.~~m. No change

~~m.~~n. A statement of whether the applicant has ~~been diagnosed as having or is being treated for pedophilia, exhibitionism, voyeurism, or any other sexual behavior disorder and if so, an explanation~~ ever violated A.R.S. § 32-2044(10); and

~~n.~~o. No change

~~3.~~2. A passport photograph of the applicant no larger than 1 1/2 x 2 inches ~~and that was taken not more than 6~~ six months before the date of the application; and

~~4.~~ A ~~completed questionnaire covering Arizona statutes and rules pertaining to physical therapy that has been provided by the Board; and~~

~~5.~~3. A The fee required in R4-24-206 R4-24-107.

B. No change

1. An official transcript or letter showing that the applicant ~~has~~ completed all requirements of an accredited educational program that includes the official seal of the school or college where the applicant completed the accredited educational program signed by and signature of the registrar of the school or college; where the applicant completed the physical therapist assistant educational program; and

2. No change; and

3. Verification of passing a jurisprudence examination as evidenced by an original notice of examination results; and

C. In addition to the requirements in subsections (A) and (B), an applicant for a physical therapist assistant certificate by endorsement shall submit to the Board:

1. The name of the licensing or certifying agency of any jurisdiction in which the applicant is currently or has been previously licensed or certified; and

2. A verification of license or certificate, signed and dated by an official of the agency licensing or certifying the applicant, that includes the official seal of the licensing or certifying agency and all of the following:

a. The name of the applicant;

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- b. The license or certificate number and date of issuance;
- c. The current status of the license or certificate;
- d. The expiration date of the license or certificate;
- e. A statement of whether the applicant was ever denied a license or certificate by the agency and if so, an explanation; and
- f. A statement of whether any disciplinary action is pending or has ever been taken against the applicant and if so, an explanation.

~~C.D.~~ No change

R4-24-208. ~~Renewal of Certificate and Address Changes~~ License or Certificate Renewal; Address Change

A. A licensee or certificate-holder shall submit a renewal application packet to the Board ~~renew a physical therapist assistant certificate on or before August 31 of an even-numbered year and shall provide the~~ that includes:

- 1. ~~the~~ The following information for the license or certificate period immediately preceding the renewal application:
 - a. The licensee's or certificate-holder's:
 - i. Name;
 - ii. Home, business, and e-mail addresses; and
 - iii. Home and business telephone numbers;
 - ~~1-b.~~ A statement of whether the licensee or certificate-holder has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;
 - ~~2-c.~~ A statement of whether the licensee or certificate-holder has had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;
 - ~~3-d.~~ A statement of whether the certificate-holder has been found guilty of or has a complaint, allegation, or charge currently pending for any action by a professional licensing board in any jurisdiction of the United States or foreign country and if, an explanation;
A statement of whether the licensee or certificate-holder is currently or ever has been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;
 - ~~4-e.~~ A statement of whether the licensee or certificate-holder has been the subject of disciplinary action by a professional association or post-secondary institution;
 - ~~5-f.~~ A statement of whether the licensee or certificate-holder has had a malpractice judgment against the licensee or certificate-holder or has a lawsuit pending for malpractice and if so, an explanation;
 - ~~6-g.~~ A statement of whether the licensee or certificate-holder is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;
 - ~~h.~~ A statement of whether the licensee or certificate-holder has adhered to the recognized standards of ethics;
 - ~~i.~~ A statement of whether the licensee or certificate-holder has or has not committed any of the actions referenced in the definition of good moral character in R4-24-101.
 - ~~j.~~ A statement of whether the licensee or certificate-holder has been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against the licensee or certificate-holder;
 - ~~k.~~ If a licensee, a statement of whether the licensee has:
 - ~~i.~~ Any impairment to the licensee's cognitive, communicative, or physical ability to engage in the practice of physical therapy with skill and safety and if so, an explanation;
 - ~~ii.~~ Used alcohol, any illegal chemical substance, or prescription medicine, that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;
 - ~~iii.~~ Been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;
 - ~~7-l.~~ If a certificate-holder, A a statement of whether the certificate-holder has:
 - ~~i.~~ any Any impairment to the certificate-holder's cognitive, communicative, or physical ability to participate in therapeutic interventions work as a physical therapist assistant with skill and safety and if so, an explanation;
 - ~~8-ii.~~ abused Used alcohol, any illegal chemical substance or prescription medications medicine, that in any way has impaired or limited the certificate-holder's ability to participate in therapeutic interventions work as a physical therapist assistant with skill and safety and if so, an explanation;
 - ~~9-iii.~~ been Been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited certificate-holder's ability to participate in therapeutic interventions work as a physical therapist assistant with skill and safety and if so, an explanation; and
 - ~~10-m.~~ A statement of whether the licensee or certificate-holder has been diagnosed as having or is being treated for pedophilia, exhibitionism, voyeurism, or any other sexual behavior disorder and if so, an explanation ever vio-

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lated A.R.S. § 32-2044(10):

~~11-2. A sworn statement verifying the signature of the applicant attesting to the truthfulness of the information provided by the licensee or certificate-holder; and~~

~~3. The fee required by the Board in R4-24-107.~~

- ~~B. Failure of the Board to inform a licensee or certificate-holder of license or certificate expiration does not excuse a licensee's or certificate-holder's non-renewal or untimely renewal.~~
- ~~C. A certificate-holder shall submit a certificate renewal fee to the Board by mail or in person. The fee shall be paid by cashier's check, money order, or personal check. The Board shall:
 - ~~1. Approve or deny the application within the time-frames in R4-24-209 and Table 1, and~~
 - ~~2. Deny the application of an applicant who does not meet the requirements in A.R.S. § 32-2001 et seq or this Chapter.~~~~
- ~~D. The Board shall deny a certificate renewal to an applicant for renewal who fails to comply with a renewal requirement. A person licensee or certificate-holder denied renewal of a license or certificate may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.~~
- ~~E. The Board shall mail a receipt and registration card to each certificate-holder who renews a certificate showing the named certificate holder has a current and valid certificate.~~
- ~~F. E. A licensee or certificate-holder shall notify send to the Board, in writing, within 30 days of a written notification of a change of address or telephone number of address to be used by the Board no later than 30 days after the date of the change of address or telephone number.~~

R4-24-209. Time-frames for Board Approvals

- ~~A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the substantive review time-frame and overall time-frame. The overall time-frame and the substantive review time-frame may not be extended by more than 25% of the overall time-frame.~~
- ~~B. No change
 - ~~1. The administrative completeness review time-frame begins:
 - ~~a. When the Board receives an application packet for approval to take the national physical therapist examination or national physical therapist assistant examination as required in A.R.S. §§ 32-2022 and 32-2024,~~
 - ~~b. When the Board receives notice of the results of a national physical therapist examination or national physical therapist assistant examination taken by an applicant as required in A.R.S. §§ 32-2022 and 32-2024 for approval or denial of a license or certificate,~~
 - ~~e.a. When the Board receives an application packet for a an initial or renewal license or certificate by endorsement under A.R.S. § 32-2023(A), or~~
 - ~~d. When the Board receives an application for approval or denial of a license for a foreign-educated applicant,~~
 - ~~b. When the Board receives a request for approval of a facility.~~~~
 - ~~2. No change
 - ~~a. No change~~
 - ~~b. No change~~~~
 - ~~3. No change~~
 - ~~4. No change~~~~
- ~~C. No change
 - ~~1. No change~~
 - ~~2. The Board shall send a written notice of approval to an applicant to take the national physical therapist examination or national physical therapist assistant examination or approval of a license or certificate to an applicant who meets the qualifications in A.R.S. §§ 32-2001 through 32-2027 and these rules this Chapter.~~
 - ~~3. No change~~~~
- ~~D. No change
 - ~~1. No change~~
 - ~~2. No change~~~~
- ~~E. No change~~
- ~~F. No change~~
- ~~G. An applicant shall send written notice to the Board within 30 days from the date of any change of applicant's address.~~

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Table 1. Time-frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Regular License; Foreign-educated; Physical Therapist Assistant Certificate (R4-24-201, R4-24-205)	Approval to take an examination	A.R.S. § 32-2024	90	30	60
Regular and Restricted Original License (R4-24-201)	License	A.R.S. §§ 32-2022, 32-2023	60 <u>75</u>	30	30 <u>45</u>
License by Endorsement (R4-24-201)	License by Endorsement	A.R.S. § 32-2026	60 <u>75</u>	15 <u>30</u>	45
Physical Therapist Assistant Certificate (R4-24-205 R4-24-207)	Certificate	A.R.S. §§ 32-2022; 32-2023	60 <u>75</u>	30	30 <u>45</u>
Foreign-educated (R4-24-201)	Interim Permit	A.R.S. § 32-2025	30	15	15
Foreign-educated (R4-24-201 R4-24-203)	License	A.R.S. §§ 32-2022; 32-2025	60 <u>75</u>	45	15 <u>30</u>
Foreign-educated and Supervised Clinical Practice (R4-24-203, R4-24-204)	Interim Permit and Approval of facility Facility and supervising-physical therapist	A.R.S. § 32-2025(€)	30 <u>60</u>	15 <u>30</u>	15 <u>30</u>
Reinstatement (R4-24-202)	Reinstatement of License or Certificate	A.R.S. § 32-2028	30	15	15

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EXHIBIT 1 Repealed

**ARIZONA STATE BOARD OF PHYSICAL THERAPY
INTERIM PERIOD EVALUATION FORM**

NAME: _____ **PERIOD FROM:** _____ **TO:** _____

SUPERVISOR: _____ **FACILITY:** _____

NOTE: ALL SKILL MUST BE APPROVED PRIOR TO END OF SUPERVISED PERIOD

SKILL	APPROVED	OBSERVED NOT APPROVED	NOT OBSERVED	COMMENTS
PROFESSIONAL BEHAVIOR				
1. Demonstrates professional/ethical conduct				
2. Pursues professional development				
3. Manages time effectively				
4. Able to problem-solve				
COMMUNICATION				
5. Establishes therapeutic rapport with patient, families, etc.				
6. Communicates with patient and family				
7. Uses and interprets non-verbal communication with patients/family				
8. Responds appropriately to behavior/condition of patient				
9. Interacts with professionals/exchanges communication				
10. Uses supportive personnel effectively				
11. Makes appropriate documentation				
EVALUATION				
12. Performs comprehensive evaluation				
13. Interprets evaluation properly				
14. Sets appropriate goals				
15. Plans discharge				
16. Analyzes posture				
17. Evaluates sensory status				
18. Analyzes gait				
19. Evaluates functional activities				
20. Assesses neuromuscular status				
21. Evaluates ROM				
22. Performs MMT				
23. Assesses need for orthotic devices				
24. Assesses and responds to physiologic status of patient				

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Exhibit 1 (continued)

SKILL	APPROVED	OBSERVED- NOT- APPROVED	NOT- OBSERVED	COMMENTS
PROGRAM PLANNING & TREATMENT				
25. Plans and modifies treatment program				
26. Uses medical record				
27. Provides exercises without equipment				
28. Provides exercise with equipment				
29. Selects appropriate modalities				
30. Selects appropriate positioning/draping				
APPLICATION OF TREATMENT SKILLS				
31. Cerv/lumbar tx				
32. Electrical stimulation				
33. Hydrotherapy				
34. Ultra Sound				
35. Massage; soft tissue mobilization				
36. Cryotherapy				
37. CPR				
38. Wound/Burn Care				
39. Infection control				
40. Safe body mechanics				
41. Manual therapy joint mobilization				
42. Neurological facilitation/inhibition				
43. Gait training				
44. Functional activity training				

I (agree) (disagree) with the above assessment of my clinical skills as a physical therapist.

Interim Permit Holder's Signature Date

- A. _____ I recommend that _____ be considered for licensure.
- B. _____ I recommend that _____ be considered for the next scheduled licensing examination.
- C. _____ I recommend extension of the Interim Permit for _____
- D. _____ Other: _____

Please return this form to the:
Arizona State Board of Physical Therapy
1400 West Washington, Suite 230
Phoenix, Arizona 85007

Signature of Supervisor

Date

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 7. DEPARTMENT OF TRANSPORTATION
THIRD-PARTY PROGRAMS

[R06-207]

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
Article 1	Amend
R17-7-101	Amend
R17-7-201	Amend
R17-7-202	Amend
R17-7-203	Amend
R17-7-204	Amend
R17-7-301	Amend
R17-7-302	Amend
R17-7-401	Amend
Article 5	New Article
R17-7-501	New Section
R17-7-502	New Section
Article 6	New Article
R17-7-601	New Section
R17-7-602	New Section
R17-7-603	New Section
R17-7-604	New Section
R17-7-605	New Section
R17-7-606	New Section
R17-7-607	New Section
R17-7-608	New Section
R17-7-609	New Section
Article 7	New Article
R17-7-701	New Section
R17-7-702	New Section
R17-7-703	New Section
R17-7-704	New Section
R17-7-705	New Section
R17-7-706	New Section
R17-7-707	New Section
Article 8	New Article
R17-7-801	New Section
R17-7-802	New Section

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. §§ 28-363 and 28-366

Implementing statute: A.R.S. § 28-5101

3. The effective date of the rules:

August 5, 2006

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 815, February 18, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 3429, September 9, 2005

Notice of Oral Proceeding: 11 A.A.R. 3462, September 9, 2005

Notice of Supplemental Proposed Rulemaking: 11 A.A.R. 5103, December 2, 2005

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5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Janette M. Quiroz
Address: Administrative Rules Unit
Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 530M
1801 W. Jefferson
Phoenix, AZ 85007
Telephone: (602) 712-8996
Fax: (602) 712-3373
E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/mvd/mvdrules/rules.asp>

6. An explanation of the rule, including the agency's reason for initiating the rule:

The Arizona Department of Transportation, Motor Vehicle Division (Division) proposes to consolidate and amend existing rules and create new rules for the Division's Third-Party Programs.

Currently third-party provisions are contained within 17 A.A.C. 5, Article 7 and 17 A.A.C. 7, Articles 1 through 4. This rulemaking action will consolidate the existing rules into one Chapter: 17 A.A.C. 7, Articles 1 through 8. In addition, the rules have been amended to improve clarity, conciseness, and understandability.

These rules provide the requirements necessary for the business community and the public to successfully participate in the Third-Party Programs, including:

- Commercial driver licenses and instruction permits;
- Dealer licenses;
- Driver license examinations;
- Motor carrier permits;
- Motor vehicle record processing;
- Noncommercial driver licenses, instruction permits, and identification licenses;
- Tax report processing;
- Title and registration; and Vehicle verification.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did 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:

None

8. 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

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

The Division incurs substantial costs under the third-party program rules, to certify and train personnel who work for authorized third parties, to perform continuous quality assurance, conduct periodic audits, and to regulate authorized third parties, in the interest of protection of the public. However, the Division experiences a decrease in revenue spending as the responsibilities that would normally be performed by the Division are provided for by an authorized or certified third party.

Authorized or certified third-party participants can incur moderate to substantial cost for facilities, security, equipment (such as computers, hardware/software), and costs associated with personnel. Conversely, the rules increase business opportunities of businesses and individuals meeting the authorization or certification requirements. Participants in the Third-Party Title and Registration Program will experience an increased cost for the procurement of a third-party bond for each branch office, whereas previous participants were required only one bond per company, and not each branch. This increase will not affect those third parties exempt under A.R.S. § 28-5104.

Consumers of authorized or certified third parties are subject to a minimal convenience fee for services, authorized under A.R.S. § 28-5101. Consumers experience non-quantifiable benefits of obtaining services at non-traditional times and locations by non-traditional means, and the ability to avoid increased wait time at Division field offices. Additionally, these rules protect consumers of services provided by authorized or certified third parties through Division oversight.

Implementation of these rules will not significantly increase the cost to the Division, or existing and potential third parties.

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10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Technical and grammatical changes were made by the Division at the suggestion of Council staff to improve clarity.

11. A summary of the comments made regarding the rule and the agency response to them:

None

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

None

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

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 7. DEPARTMENT OF TRANSPORTATION
THIRD-PARTY PROGRAMS**

~~ARTICLE 1. DEFINITIONS AND APPLICABILITY~~

Section
R17-7-101. Definitions

ARTICLE 2. AUTHORIZATION

Section
R17-7-201. Authorization Application Requirements
R17-7-202. Notification of Authorization Approval or Denial and Hearing
R17-7-203. Authorization Agreement
R17-7-204. Authorized Third-party ~~Party's~~ Duties Requirements

ARTICLE 3. CERTIFICATION

Section
R17-7-301. Certification Application Requirements
R17-7-302. Notification of Certification Approval or Denial and Hearing

ARTICLE 4. AUDITS

Section
R17-7-401. Audits

ARTICLE 5. PRE-APPLICATION AND SELECTION PANEL

Section
R17-7-501. Definitions
R17-7-502. Pre-application and Selection Panel

ARTICLE 6. DRIVER LICENSE EXAMINATION PROGRAM

Section
R17-7-601. Definitions
R17-7-602. Activities
R17-7-603. Additional Authorization Application Requirements for Driver License Examination Program
R17-7-604. Additional Certification Application Requirements for Driver License Examination Program
R17-7-605. Authorized Driver License Examination Program Requirements

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<u>R17-7-606.</u>	<u>Certified Driver License Examiner Requirements</u>
<u>R17-7-607.</u>	<u>Professional Conduct</u>
<u>R17-7-608.</u>	<u>Enforcement</u>
<u>R17-7-609.</u>	<u>Denial, Cancellation, and Suspension</u>

ARTICLE 7. TITLE AND REGISTRATION PROGRAM

Section

<u>R17-7-701.</u>	<u>Definitions</u>
<u>R17-7-702.</u>	<u>Authorization Application</u>
<u>R17-7-703.</u>	<u>General Authorization Requirements for the Title and Registration Program</u>
<u>R17-7-704.</u>	<u>General Requirements of an Authorized Third Party or a Certified Individual</u>
<u>R17-7-705.</u>	<u>Financial Requirements</u>
<u>R17-7-706.</u>	<u>Corrective Action</u>
<u>R17-7-707.</u>	<u>General Application Requirements for Certification of an Individual</u>

ARTICLE 8. THIRD-PARTY INSPECTION PROGRAM

Section

<u>R17-7-801.</u>	<u>Definitions</u>
<u>R17-7-802.</u>	<u>General Provisions; Additional Duties; Reporting Requirements for Inspection Program</u>

ARTICLE 1. DEFINITIONS AND APPLICABILITY

R17-7-101. Definitions

The following definitions apply to this Chapter unless otherwise specified:

1. "Accountable inventory" means an item that is reproduced by the Division in a consecutively numbered series for:
 - a. Recording the number of a completed, issued, or voided item in a log, and
 - b. Reporting the number of a completed, issued, or voided item to the Division.
2. "Activity" means a function or service that is provided by an authorized third party and performed by a certified individual.
3. "Agency head" or "political subdivision head" means the chief officer of an agency or political subdivision or another individual with authority to act for the agency head or political subdivision head.
4. "Application Date" means the date an application is signed by the applicant.
5. "Application Received Date" means the date a completed application is received by the Division.
46. "Audit" means ~~an examination or inspection of the operations of an authorized third party to determine compliance with all applicable statutes, rules, contract terms, and Division policies~~ performing an inspection or attestation engagement of the operations of an authorized third party to determine compliance with applicable statutes, rules, and contract terms.
7. "Attestation engagement" means the Arizona Department of Transportation Office of Audit & Analysis examines, reviews, or completes specific testing procedures that are agreed upon with the Division; the result of which is a report issued to the Division by the Arizona Department of Transportation Office of Audit & Analysis.
58. "Authorized third party" means an entity that:
 - a. Has written permission from the Division to operate a business under A.R.S. Title 28, Chapter 13; and
 - b. Employs or contracts with at least one certified individual to provide third-party services.
69. "Branch" means an authorized third party's business location that is:
 - a. An additional established place of business.
 - ~~a. b. Division-approved;~~
 - ~~b. c. Not used as a residence;~~
 - ~~e. d. Authorized to perform contracted activities at the third party's business location, and~~
 - ~~d. e. Located within the same county as the established place of business.~~
710. "Cancellation" means a Division action that withdraws an authorization or certification issued under A.R.S. Title 28, Chapter 13.
811. "Certified individual" means an individual who the Division certifies under A.R.S. Title 28, Chapter 13 to perform specified activities for an authorized third party as an employee or contractor. The Division may certify an individual as a:
 - a. Commercial driver license examiner,
 - b. Dealer license processor,
 - c. Driver license processor,

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- d. Noncommercial driver license examiner,
 - e. Tax report processor,
 - f. Title and registration processor,
 - g. Vehicle inspector, or
 - h. Vehicle permit processor.
912. "Classes of driver licenses" ~~is defined~~ has the meaning prescribed in A.R.S. § 28-3101.
4013. "Commercial driver license examiner" means an individual certified by the Division to administer class A, B, or C driver license skills tests.
4414. "Contact individual" means ~~an a principal or designated individual, other than the principal~~ of an authorized third party who communicates with the Division on behalf of the authorized third party;
- a. ~~Whose current name and telephone number the authorized third party submits to the Division in writing;~~
 - b. ~~Who communicates with the Division on behalf of the authorized third party.~~
4215. "Convenience fee" means the amount exceeding the statutorily prescribed fees and taxes that an authorized third party collects and retains for its services.
4316. "Department" means the Arizona Department of Transportation.
17. "Director" means the Division Director, Motor Vehicle Division, Arizona Department of Transportation or the Director's designee.
4418. "Division" means the Arizona Department of Transportation, Motor Vehicle Division.
15. "Division headquarters" means 1801 West Jefferson Street, Phoenix, Arizona 85007.
4619. "Division-issued business license" means:
- a. An automotive recycler license,
 - b. A broker license,
 - c. A distributor license,
 - d. A distributor branch license,
 - e. A factory branch license,
 - f. A manufacturer license,
 - g. A new motor vehicle dealer license,
 - h. A professional driver training school license,
 - i. A third-party authorization,
 - j. A title service company license,
 - k. A used motor vehicle dealer license,
 - l. A wholesale motor vehicle dealer license, or
 - m. A wholesale motor vehicle auction dealer license.
4720. "Driver license processor" means an individual certified by the Division to:
- a. Review applications for driver licenses, instruction permits, and identification licenses;
 - b. Administer driver license tests;
 - c. Enter information related to the application in the Division's database; and
 - d. Issue or deny specified classes of driver licenses, instruction permits, and identification licenses.
4821. "Established place of business" means an authorized third party's business location that is:
- a. Division-approved,
 - b. Not used as a residence, and
 - c. ~~Performs third party activities on site. Where the authorized third party performs authorized activities.~~
19. "Floor plan" means a Division approved diagram of a building interior, as seen from above, that shows the interior dimensions and the location of doors, windows, and equipment. A floor plan includes:
- a. A computer generated graphic,
 - b. A blueprint or other photographic reproduction of an architectural plan or technical drawing, or
 - e. A non-technical drawing made by hand using a straightedge.
2022. "Good standing" means an authorized or certified third-party applicant ~~does not have~~ has no:
- a. ~~Within three years before the application date, a suspension~~ Suspension, cancellation, revocation, or denial of a Division-issued ~~authorized third party business license or certification; or~~ within the previous three years of the application date;
 - b. ~~On the application date, any delinquent~~ Delinquent fees, taxes, or unpaid ~~balance~~ balances owed to the Division; ~~and~~
 - c. ~~While holding a third party authorization or certification;~~
 - i. ~~A suspension, cancellation, revocation, or denial of another Division issued license; or~~
 - ii. ~~Delinquent fees, taxes, or unpaid balance owed to the Division.~~
 - d. ~~If the applicant is a former Department employee or authorized third party owner or employee:~~ Derogatory information received from any consumer protection agency contacted by the Division; or
Dismissal or resignation from position for cause, if the applicant is a former Department employee or authorized

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- ~~third-party owner or employee, within three years before the application date, to include:~~
- ~~i. A dismissal from position due to misconduct Misconduct;~~
 - ~~ii. A resignation Resignation from position:
 - ~~(1) In lieu of dismissal;~~
 - ~~(2) By mutual agreement following allegations of misconduct; or~~
 - ~~(3) Under unsatisfactory conditions~~~~
 - ~~iii. A designation Designation “not eligible for rehire.”~~
21. ~~“Inactive status” means a Division action taken at the request of an authorized third party that deactivates a third-party authorization for no more than six months.~~
2223. ~~“Log” means a complete, chronological record of accountable inventories and activities performed and kept by the authorized third party; as prescribed by the Division.~~
2324. ~~“Monthly reconciliation report” means an authorized third-party’s report on of accountable inventory use other than title and registration accountable inventory. A monthly reconciliation report:~~
- ~~a. Lists the number of each completed license, permit, or form;~~
 - ~~b. Lists the number of each voided license, permit, or form;~~
 - ~~c. Is signed by a principal or contact individual of the authorized third party; and~~
 - ~~d. Includes all voided licenses, permits, or forms.~~
2425. ~~“Noncommercial driver license examiner” means an individual certified by the Division to administer any class D, G, and M driver license tests, including vision, written, and skills tests.~~
26. ~~“Principal” means any of the following:~~
- ~~a. If a sole proprietorship, the sole proprietor;~~
 - ~~b. If a partnership, limited partnership, limited liability partnership, limited liability company, or corporation the:
 - ~~i. Partner;~~
 - ~~ii. Manager;~~
 - ~~iii. Member;~~
 - ~~iv. Officer;~~
 - ~~v. Director;~~
 - ~~vi. Agent; or~~
 - ~~vii. If a limited liability company or corporation, each stockholder owning 20 percent or more of the limited liability company or corporation; or~~~~
 - ~~c. If a political subdivision or government agency, the political subdivision or agency head.~~
2527. ~~“Principal place of business” means an authorized third party’s administrative headquarters.~~
2628. ~~“Skills test” means a set of tests, authorized and approved by the Division and administered by a commercial or non-commercial driver license examiner or driver license processor to determine whether the applicant possesses the required skills for the type of license for which the applicant applies.~~
2729. ~~“Skills test route” means a public road or highway driving course, identified by an authorized third party and approved by the Division, for administering skills tests to driver license applicants.~~
2830. ~~“Suspension” means a Division action that, for a stated period, prohibits:~~
- ~~a. An authorized third party from:
 - ~~i. Providing at least one type of third-party activity, or~~
 - ~~ii. Operating as an authorized third party.~~~~
 - ~~b. A certified individual from:
 - ~~i. Performing at least one type of third-party activity, or~~
 - ~~ii. Working for an authorized third party.~~~~
2931. ~~“Tax report processor” means an individual certified by the Division to:~~
- ~~a. Process motor fuel tax reports and interstate user fuel tax reports from fuel suppliers, fuel vendors, and motor carriers; and~~
 - ~~b. File the reports with the Department.~~
3032. ~~“Test site” means a location, identified by an authorized third party, for administering skills tests to driver license applicants that is:~~
- ~~a. Division-approved,~~
 - ~~b. Permanently marked, and~~
 - ~~c. Off the public road or highway.~~
3133. ~~“Title and registration processor” means an individual certified by the Division to:~~
- ~~a. Review applications for vehicle certificates of title or registrations under A.R.S. Title 28, Chapter 7,~~
 - ~~b. Enter information related to applications for vehicle certificates of title or registrations in the Division’s database, and~~
 - ~~c. Issue or deny vehicle certificates of title or registrations.~~
3234. ~~“Vehicle dealer license processor” means an individual certified by the Division to:~~

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- a. Review applications for vehicle dealer licenses under A.R.S. Title 28, Chapter 10;
- b. Enter information related to the applications in the Division's database; and
- c. Issue or deny vehicle dealer licenses.

~~3335~~ "Vehicle inspector" means an individual certified by the Division to perform motor vehicle inspections.

~~3436~~ "Vehicle permit processor" means an individual certified by the Division to:

- a. Review applications for permits or registrations under A.R.S. Title 28, Chapter 3, Articles 18 and 19, and Chapter 7.
- b. Enter information related to the applications in the Division's database; and
- c. Issue or deny permits or registrations.

ARTICLE 2. AUTHORIZATION

R17-7-201. Authorization Application Requirements

- A. An applicant for third-party authorization shall provide to the Division:
- 1. The applicant's name, business name, and federal employer identification number;
 - 2. The applicant's bond status as exempt or nonexempt under A.R.S. §§ 28-5104 ~~and 28-5105~~. If exempt, the applicant's name under subsection (A)(1);
 - 3. The name of the applicant's principal. ~~If the applicant is:~~
 - a. ~~A sole proprietor, state the sole proprietor's name;~~
 - b. ~~A partnership, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, or corporation, the name of each:~~
 - i. ~~Partner;~~
 - ii. ~~Manager;~~
 - iii. ~~Member;~~
 - iv. ~~Officer;~~
 - v. ~~Director;~~
 - vi. ~~Agent; and~~
 - vii. ~~If a limited liability company or corporation, each stockholder owning 20 percent or more of the limited liability company or corporation; or~~
 - e. ~~A political subdivision or government agency, the name of the political subdivision head or agency head;~~
 - 4. The name and telephone number of the applicant's contact individual;
 - 5. The activities for which the applicant seeks authorization;
 - 6. The address of the applicant's principal place of business and the address of each ~~established place of business branch;~~
 - 7. A statement that the applicant is in good standing with the Division, ~~if applicable;~~
 - 8. The signature of:
 - a. The sole proprietor,
 - b. All partners,
 - c. A corporate officer,
 - d. A limited liability company manager, or
 - e. The political subdivision head or agency head;
 - 9. ~~An applicant shall provide to the Department documents~~ Documents relating to the applicant's business. ~~If if the applicant is a:~~
 - a. ~~A corporation~~ Corporation:
 - i. A copy of the articles of incorporation, including any amendments, filed with the Arizona Corporation Commission; and
 - ii. Any other official documents, including copies of board meeting minutes and annual reports, that reflect changes to the corporate name, structure, or officers;
 - b. ~~A limited~~ Limited liability company:
 - i. A copy of the articles of organization, including any amendments, filed with the Arizona Corporation Commission, and
 - ii. A copy of the application for registration as a foreign limited liability company filed with the Arizona Corporation Commission and a copy of the certificate of registration issued by the Arizona Corporation Commission to a foreign limited liability company; or
 - c. ~~A limited~~ Limited partnership, ~~or a limited liability partnership, or a limited liability limited partnership:~~
 - i. A copy of a valid certificate of existence issued by the Arizona Secretary of State, or
 - ii. A copy, stamped "Filed" by the Arizona Secretary of State, of a Certificate of Limited Partnership, Certificate of Foreign Limited Partnership, Limited Liability Partnership form, Foreign Limited Liability Partnership form, or Statement of Qualification for Conversion of Limited Partnership or Limited Liability

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Partnership to a Limited Liability Limited Partnership;

10. A floor plan for each established place of business;
 11. A map, drawing, or narrative description of each skills test route and a photograph or drawing of each test site;
 12. Unless exempt, proof of a surety bond according to A.R.S. § 28-5104; and
 13. Unless exempt, a full set of fingerprints for a criminal records check of each principal at least age 18 ~~named under subsection (A)(3)(a) or (A)(3)(b)~~. The applicant is responsible for the cost of finger printing and background check. Each full set of fingerprints shall be impressed on a fingerprint card:
 - a. Supplied by the Division, and
 - b. Completed by a law enforcement agency.
- B.** Unless exempt, an applicant for a third-party authorization shall submit, ~~for the individual named under subsection (A)(3)(a) or (A)(3)(b) for each principal,~~ a statement on a form provided by the Division with the following information:
1. Name, including other names and birth dates used;
 2. Residence address;
 3. Any Division-issued business suspension, cancellation, revocation, or denial within ~~five~~ three years before the application date;
 4. The individual's signature witnessed by a notary public or a Division agent designated under A.R.S. § 28-370(A); and
 5. Any other information requested by the ~~Division~~ Director.
- C.** The authorization application packet as provided under subsection (A) and (B) is received within 30 days of application date.

R17-7-202. Notification of Authorization Approval or Denial and Hearing

- A.** Notification. The Division shall send written and dated notification of approval or denial of third-party authorization:
1. By regular mail,
 2. To the mailing address provided on the application, and
 3. According to A.R.S. § ~~28-5107(A)~~ 28-5107.
- B.** Hearing. A.R.S. §§ 28-5107(B) through 28-5107(D), A.A.C. R17-1-501 through R17-1-511, and A.A.C. R17-1-513 apply to a hearing on the denial of third-party authorization.

R17-7-203. Authorization Agreement

- A.** Before the ~~Department~~ Division issues a third-party authorization, an applicant receiving authorization shall sign a written agreement with the Division as to the terms and conditions of the third-party authorization.
- B.** The authorization agreement shall include an addendum identifying the specific requirements unique to each third-party program activity.

R17-7-204. Authorized Third-party Party's Duties Requirements

- A.** An authorized third party shall maintain compliance with all state and federal laws, Division rules, and contract provisions;
- B.** While holding a third-party authorization, any principal or qualifying party of an authorized third party shall not have a:
1. Suspension, cancellation, revocation, or denial of another Division-issued license; or
 2. Delinquent fees, taxes, or unpaid balance owed to the Division.
- ~~A.C.~~ Until returned to the Division, an authorized third party shall retain the following records at each ~~established place of business~~ branch or at the principal place of business:
1. All logs and copies of completed, issued, or voided accountable inventory;
 2. All unused accountable inventory; and
 3. All other paper and electronic records, including all supporting documents, relating to the activities provided by the third party.
- ~~B.D.~~ Upon the request of the Department, a third party shall provide to the Division the records listed in subsections (A)(1) through (A)(3) upon request of the Department subsection (C).
- ~~C.E.~~ An authorized third party shall maintain a copy of the certificate relating to each type of authorized activity the certified individual performs at the business location where the certified individual works.
- ~~D.F.~~ An authorized third party shall retain a certified individual's personnel file for one year after the certified individual's last day of work. The ~~retained~~ personnel file shall include the certified individual's:
1. Dates of employment,
 2. All computer access forms (if applicable), and
 3. Computer access termination form (if applicable).
- ~~E.G.~~ An authorized third party shall submit by the fifth day of each month, a monthly reconciliation report. If the authorized third party fails to timely submit a monthly reconciliation report, the Division shall:
1. Give an oral or written warning for the first untimely report,
 2. Send a letter of concern for the second untimely report in a 12-month period, or
 3. Suspend or cancel the authorization for the third untimely report in a 12-month period.
- ~~F.H.~~ An authorized third party shall comply with the audit and inspection requirements of R17-7-401.

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- ~~I.~~ An authorized third party shall provide a safe work area adequate in size to accommodate the related test:
- ~~G.J.~~ An authorized third party shall obtain the Division's written approval before:
1. Changing the location or floor plan of each established place of business,
 2. Changing a skills test route or test site, or
 3. Performing an additional authorized activity.
- ~~H.K.~~ An authorized third party shall notify the Division, within two business days, of any change to the list of certified personnel or the contact individual.
- ~~H.L.~~ An authorized third party that is open to the public shall post at each place of business the sign required by A.R.S. § 28-5101(F) 28-5101(G), and a sign provided by the Division that is stating states the business:
1. ~~The business is~~ Is a Division-authorized third-party provider, and
 2. ~~The business may~~ May charge the customer a convenience fee.
- ~~J.M.~~ An authorized third party shall not represent that it is the State of Arizona, the Department, or the Division in any printed or electronic advertising or promotional material. comply with the requirements of R17-7-201 before:
1. Using a name different from the name on its Authorization Agreement, or
 2. Changing ownership.
- ~~K.N.~~ An authorized third party shall not employ or contract with a current Department employee to provide training for certification without the Department employee obtaining written approval from the Department. An authorized third party shall cooperate with an onsite audit by Department personnel or the Department's representative.
- ~~L.O.~~ An authorized third party shall comply with the requirements of R17-7-201:
1. ~~Before using a name different from the name on its authorization, or~~
 2. ~~Before an ownership change in the entity operating as the authorized third party.~~
- An authorized third party shall not represent that it is the state of Arizona, the Department, or the Division in any printed or electronic advertising or promotional material, except to the extent that it is authorized by the Division.
- P. Attend all ongoing Division training;
- ~~M.Q.~~ An authorized third party shall cooperate with an on-site audit by Department personnel or the Department's representative. not employ or contract with a current Department employee to provide training for certification without written approval from the Department.

ARTICLE 3. CERTIFICATION

R17-7-301. Certification Application Requirements

- A.** A certification applicant shall provide to the Division the following:
1. The applicant's name, residence address, mailing address, telephone number, and date of birth;
 2. The activities for which the applicant seeks certification;
 3. The dates of any employment of the applicant by the Division;
 4. Whether the Division previously denied an application for any certification of the applicant;
 5. For each previous certification issued to the applicant by the Division:
 - a. The effective dates of the certification, and
 - b. The activity the applicant was certified to perform;
 6. Whether the Division suspended or canceled any certification listed under subsection (A)(5);
 7. ~~Whether~~ If the applicant previously worked as a certified individual, the names of ~~no more than~~ the last three authorized third parties that employed or contracted with the applicant, and the dates of the employment or contract work;
 8. The applicant's signature;
 9. ~~A full set of fingerprints, on a fingerprint card supplied by the Division and completed by a law enforcement agency, for a criminal records check; and; A statement that the applicant is in good standing with the Division, if applicable;~~
 10. ~~The applicant's signature;~~ A full set of fingerprints, on a fingerprint card supplied by the Division and completed by a law enforcement agency, for a criminal records check; and
 11. If the applicant requests certification as a driver license processor or a driver license examiner, the applicant's driving record for the 39 months before the application date.
- B.** The applicant is responsible for the cost of finger printing and criminal records check.
- C.** An applicant for a certification shall submit to the Division a statement with the information listed under R17-7-201(B).
- D.** An applicant is eligible for certification if the applicant:
1. Is at least age 18 on the application date;
 2. Is in good standing as defined in R17-7-101(20); and
 3. Successfully completes all training courses ~~and continuing education courses~~ required by the Division; or and
 4. ~~Agrees in writing to complete all training courses and continuing education courses required by the Division. The certification application packet as provided in subsections (A) through (C) is received within 30 days of application date.~~
- E.** An applicant who was previously employed by the Division is eligible for certification if the applicant:

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1. Meets the requirements under subsection (D),
2. Was not terminated by the Division for misconduct in performing official duties within three years ~~before~~ of the application date, or
3. Did not resign during a Division investigation of misconduct in performing official duties within three years ~~before~~ of the application date.

R17-7-302. Notification of Certification Approval or Denial and Hearing

- A. Notification. The Division shall send written and dated notification of certification approval or denial:
1. By regular mail,
 2. To the mailing address provided on the application, and
 3. According to A.R.S. § ~~28-5107(A)~~ 28-5107.
- B. Hearing. A.R.S. §§ 28-5107(B) through 28-5107(D), A.A.C. R17-1-501 through R17-1-511, and A.A.C. R17-1-513 apply to a certification denial hearing.

ARTICLE 4. AUDITS

R17-7-401. Audits

- A. During an ~~on-site~~ onsite audit or inspection, Department personnel, a law enforcement agency, ~~or federal personnel employees, or agents of the Federal Motor Carrier Safety Administration~~ may:
1. Review and copy paper and electronic records;
 2. Examine the site;
 3. Interview:
 - a. Employees, ~~and~~
 - b. ~~Customers. Certified individuals, and~~
 - c. Customers
- B. If Department personnel or the Department's representative ~~conduct~~ conducts an onsite audit outside Arizona under A.R.S. § 28-5102(B)(3), the Department shall charge, and the authorized third party shall pay, for the audit.
1. The audit charge and payment shall equal the Arizona Department of Administration reimbursement for out-of-state travel authorized by A.R.S. Title 38, Chapter 4, Article 2 and stated in ~~sections Section II-D-3 and sections II-D-6~~ of the Arizona Accounting Manual prepared by the Arizona Department of Administration.
 2. ~~Sections Section II-D-3 and II-D-6~~ of the Arizona Accounting Manual is available on the Arizona General Accounting Office web site at www.gao.state.az.us.

ARTICLE 5. PRE-APPLICATION AND SELECTION PANEL

R17-7-501. Definitions

The following term applies to this Article, unless the content otherwise requires:

"Selection Panel" means a committee, designated by the Director and comprised of Department personnel, to review and evaluate a potential applicant under Articles 2 and 3 of this Chapter.

R17-7-502. Pre-application and Selection Panel

- A. For the selection panel process, an applicant shall:
1. Submit a completed Third-Party Authorization Interest form under R17-7-201;
 2. Submit a business plan with information as required by the Division; and
 3. Attend an interview conducted by Division personnel.
- B. The Division selection panel shall evaluate documentation as required in subsections (A)(1) and (A)(2) for each applicant.
- C. The Division selection panel shall forward the results of the evaluation to the appropriate program.

ARTICLE 6. DRIVER LICENSE EXAMINATION PROGRAM

R17-7-601. Definitions

The following terms and phrases apply to this Article, unless the context otherwise requires:

1. "Arizona Commercial Driver License Manual" means the Division's approved reference material for CDL applicants, containing specific requirements to obtain a CDL.
2. "Arizona CDL Examiners Manual" means the Division's approved curriculum for training CDL examiners for administering the CDL skills test.
3. "CDL" means Commercial Driver License.
4. "CDLE" means Commercial Driver License Examination.
5. "CDLE Coach or Transit Bus Activity" means the program activity for administering examinations for a Passenger (P) endorsement on a CDL.

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6. “CDLE School Bus Activity” means the program activity for administering examinations for a School Bus (S) endorsement on a CDL.
7. “CDLE Truck Activity” means the program activity for administering examinations for a Class A, B, or C truck license.
8. “Component Parts” means the safety-related parts as listed on the “Third Party CDL Demonstration Test Score Sheet.”
9. “Contractor” means an authorized third party that enters into an agreement with the Division to employ a Driver License Examiner.
10. “Driver license examiner” means an individual certified as either a commercial or non-commercial driver license examiner as defined under this Section.
11. “Demonstration Test” means a skills test defined in R17-7-101.
12. “NDL” means Noncommercial Driver License, Class D, G, or M.
13. “NDLE” means Noncommercial Driver License Examination.
14. “NDLE Operator Activity” means the program activity for Class D and G driver licenses.
15. “NDLE Motorcycle Activity” means the program activity for Class M driver license or endorsement.
16. “Pre-trip Inspection Examination” means the process of examining the applicant’s ability to identify a commercial vehicle’s component parts, and to determine if the parts are in safe operating condition as required under state and federal law.
17. “Qualifying party” means a bona fide employee designated by the principal, to qualify for authorization on behalf of the principal.

R17-7-602. Activities

The authorized and certified activities for the Driver License Examination Program are:

1. CDLE “Coach or Transit Bus.”
2. CDLE “School Bus.”
3. CDLE “Truck.”
4. NDLE “Motorcycle,” or
5. NDLE “Operator.”

R17-7-603. Additional Authorization Application Requirements for Driver License Examination Program

In addition to the requirements of R17-7-201, an applicant approved by the Selection Panel shall:

1. Provide the name, telephone number, and email address of the applicant’s qualifying party on the Authorization Application.
2. The qualifying party shall:
 - a. Be a bona fide employee whose principal employment is with the company for whom the applicant has qualified for authorization;
 - b. Have complete oversight, supervision, and responsibility of all operations necessary of the principal, to ensure full compliance with all applicable statutes, rules, and program requirements; and
 - c. Meet all authorization requirements on behalf of the principal.
3. Submit a “Site Inspection Request” form for each of the following:
 - a. Principal place of business.
 - b. Established place of business.
 - c. Branch office, and
 - d. Test Site:
 - i. CDL: The Driver License Examiner shall attach a diagram with the dimensions of any proposed CDL test site. The physical dimensions of the site shall comply with the Arizona CDL Examiners Manual.
 - ii. Motorcycle: The Driver License Examiner shall attach a diagram with the dimensions of any proposed motorcycle test site to the inspection request. The physical dimensions of the site shall comply with the Motorcycle Safety Foundation requirements.
4. Maintain a current agreement for the use of the land if the applicant does not own the land on which the test site is located.
5. Ensure each principal place of business, established place of business, branch office, and test site:
 - a. Meet all local zoning requirements, and
 - b. Are not used as a residence.

R17-7-604. Additional Certification Application Requirements for Driver License Examination Program

In addition to R17-7-301 an applicant for certification as a Driver License Examiner shall:

1. Possess a valid Arizona driver license of the class and endorsement representative of the examinations to be administered by the Driver License Examiner;
2. Not have a driver license suspension, cancellation, revocation, or disqualification within the 39 months of application date, including a CDL medical suspension under R17-4-508, or conviction within 39 months of the application date

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relating to:

- a. Driving under the influence of intoxicating liquors or drugs.
- b. Reckless driving.
- c. Racing upon a highway, or
- d. Leaving the scene of an accident.
3. For CDLE:
 - a. Be at least 21 years of age.
 - b. Have a minimum of three years of driving experience pertaining to the operation of a commercial vehicle representative of the type and class for which the applicant is seeking certification, and
 - c. Have a total of three years experience in:
 - i. Issuing driver licenses;
 - ii. Instructing driver education;
 - iii. Instructing professional driving, or
 - iv. Any combination of subsections (c)(i) through (c)(iii).
4. For NDLE:
 - a. Be at least 18 years of age.
 - b. Have a minimum of one year driving experience, and
 - c. Have a total of one year experience in:
 - i. Issuing driver licenses;
 - ii. Instructing driver education;
 - iii. Instructing professional driving; or
 - iv. Any combination of subsections (c)(i) through (c)(iii).
5. A contractor has the right to withdraw a certification application if the examiner applicant has failed to meet certification requirements.

R17-7-605. Authorized Driver License Examination Program Requirements

In addition to R17-7-204, after authorization, a Driver License Examiner shall:

1. Ensure all vehicles used for examination are:
 - a. Representative of the class and type for which the individual is seeking a driver license.
 - b. Maintained in a safe operating condition, and
 - c. Comply with registration and insurance requirements set forth in A.R.S. Title 28, Chapters 7, 9, 15, and 16.
2. Maintain approved commercial vehicles that comply with applicable Federal Motor Carrier Safety Regulations and Arizona Commercial Driver License Manual;
3. Purchase and maintain the following examination equipment:
 - a. For CDLE skills testing:
 - i. At least fifteen 28" high traffic cones.
 - ii. Measuring tape.
 - iii. Clipboard, and
 - iv. At least two wheel chocks for placement in front of and behind the vehicle rear wheels for pre-trip inspection examination.
 - b. For NDLE skills testing:
 - i. Clipboard.
 - ii. Fire Extinguisher (Class A,B,C).
 - iii. First aid kit.
 - iv. Proper vision screening equipment approved by the Division if providing vision examinations, and
 - v. Seventy -five 4- or 6-inch high traffic cones (motorcycle only).
4. Notify the Division within two business days of any change of the qualifying party; and
5. Notify the Division, within two business days, of any change to the list of certified personnel, or the contact individual.

R17-7-606. Certified Driver License Examiner Requirements

A Certified Driver License Examiner shall:

1. Comply with all state and federal laws, Division rules, and contract provisions;
2. Maintain compliance with all pre-certification requirements;
3. Not administer any examination unless the driver license applicant meets the requirements of all statutes, rules and policies governing driver licensing;
4. Attend ongoing Division training;
5. Provide written notice within 24 hours to both the Authorized Driver License Examination Program licensee and the Division if the examiner's driver license is suspended, revoked, canceled or disqualified, including a CDL medical suspension or revocation under R17-4-508;

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6. Conduct skills tests only on Division-approved test routes;
7. Complete, in the presence of the applicant, the score sheet at the time of the skills test. The score sheet is valid for 30 calendar days from the day the applicant completes the skills test; and
8. Verify the CDL driver license applicant possesses a:
 - a. Valid Arizona driver license with photograph;
 - b. Valid Division-issued commercial instruction permit for the class and endorsement of the vehicle to be used in the skills test; and
 - c. Sealed envelope from the Division containing a valid Arizona Driver License or Identification Card Application that names the applicant in the appropriate section and states the applicant successfully completed the CDL written tests.

R17-7-607. Professional Conduct

The Driver License Examination contractor or examiner shall not:

1. Accompany an applicant into an MVD field office or any other Authorized Driver License Examination Program office.
2. Solicit for any purpose, an individual on the premises rented, leased, or owned by the Division or any other business authorized under the Driver License Examination Program.

R17-7-608. Enforcement

Upon termination from the Driver License Examination Program, whether voluntary or involuntary, the Driver License Examiner shall surrender the following to the Division:

1. All authorization, certification, and branch certificates issued by the Division;
2. All unused Division forms and unused accountable inventory;
3. All copies of completed or voided accountable inventory and logs; and
4. All records of driver license examinations conducted.

R17-7-609. Denial, Cancellation, and Suspension

The Division shall deny, cancel, or suspend authorization or certification, upon determination by the Director, that a Contractor or Examiner is no longer qualified for authorization or certification under this Chapter, or is in material breach of the Authorization Agreement with the Division.

ARTICLE 7. TITLE AND REGISTRATION PROGRAM

R17-7-701. Definitions

The following terms and phrases apply to this Article, unless the content otherwise requires:

1. “Concentration Banking System (CBS)” means a type of state bank account, established by the Arizona State Treasurer’s office, for deposit of funds collected by an authorized third party.
2. “Floor plan” means a Division-approved diagram of a building’s interior, as seen from above, that shows the interior dimensions and the location of doors, windows, and equipment.
3. “Vicinity” means the area adjacent to, or in the immediate proximity of, each authorized third party’s place of business.

R17-7-702. Authorization Application

In addition to the requirements in R17-7-201, an applicant for third-party authorization shall provide to the Division:

1. A floor plan of each place of business that includes:
 - a. A computer-generated graphic;
 - b. A blueprint or other photographic reproduction of an architectural plan or technical drawing; or
 - c. A non-technical drawing made by hand using a straightedge; and
2. A third-party bond for each branch location unless otherwise exempt under A.R.S. § 28-5104.

R17-7-703. General Authorization Requirements for the Title and Registration Program

In addition to R17-7-201 and R17-7-204, the authorized third party shall:

1. Have facilities, including the vicinity and equipment, pre-approved by the Division;
2. Have an established place of business as defined in R17-7-101;
3. Conduct all authorized activities only at the established place of business; and
4. Submit to the Division for review and approval any other businesses the authorized third party conducts at the established place of business.

R17-7-704. General Requirements of an Authorized Third Party or a Certified Individual

The authorized third party or certified individual shall:

1. Submit all documents and corrections, according to all laws, rules, and Third-Party Authorization Agreement.
2. Immediately notify the Division of unlawful actions relating to motor vehicle transactions;

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3. Require that a customer submit all supporting documentation relating to a title and registration or driver license transactions before updating the Division databases;
4. Maintain professional conduct as required under R17-7-607;
5. Provide written notice within 24 hours to both the authorized third-party program and the Division if the certified individual's driver license is suspended, revoked, canceled or disqualified by the Division, including a CDL medical suspension under R17-5-508;
6. Conduct skills tests only on Division-approved test routes;
7. Not witness or notarize documents relating to title and registration transactions unless the customer submits appropriate identification;
8. Not accompany any applicant into the Division or any third-party office; or
9. Solicit for any purpose, an individual on the premises rented, leased, or owned by the Division or any other business authorized under the Driver License Examination Program.

R17-7-705. Financial Requirements

An authorized third party shall comply with the Division's specific financial requirements as follows:

Deposit all money required to be remitted to the Division under A.R.S. § 28-5101 by the business day following the transaction date in the designated:

1. CBS account, or
2. Account through an electronic method pre-approved by the Division.

R17-7-706. Corrective Action

A. Non-compliance with federal and state laws, rules, or contract requirements shall result in corrective action.

B. The Division shall send a notice of corrective action for non-compliance under (A).

C. Corrective actions shall include probation, suspension or cancellation of authorization or certification based on:

1. Non-compliance,
2. History of non-compliance,
3. Frequency and severity of the violation, or
4. Failure to maintain good standing status defined in R17-7-101.

R17-7-707. General Application Requirements for Certification of an Individual

In addition to the requirements in R17-7-301 an applicant requesting:

1. Certification shall:
 - a. Complete all supplementary application forms, and
 - b. Be employed or under contract for an employer applying for or authorized as a Title and Registration or Driver License Authorized Provider, as applicable.
2. Driver license certification shall:
 - a. Not have any driver license suspensions, revocations, cancellations or disqualifications within the 39 months of application, including convictions related to:
 - i. Driving under the influence of intoxicating liquors or drugs,
 - ii. Reckless driving,
 - iii. Racing upon the highway, or
 - iv. Leaving the scene of an accident.
 - b. Not have a CDL medical suspension under R17-4-508.

ARTICLE 8. THIRD-PARTY INSPECTION PROGRAM

R17-7-801. Definitions

The following term applies to this Article, unless the context otherwise requires:

"Inspection" means vehicle verification as prescribed in A.R.S. § 28-2011.

R17-7-802. General Provisions; Additional Duties; Reporting Requirements for Inspection Program

A. In addition to the authorization provisions under R17-7-101 through R17-7-501, an authorized vehicle inspection provider shall:

1. Maintain all vehicle inspection forms in numerical order by the accountable form number;
2. Ensure that the Division receives the following by the fifth day of each month:
 - a. Completed Vehicle Inspection Monthly Reconciliation Report for the previous month;
 - b. Division copies of the vehicle inspection forms, along with any voided forms; and
 - c. If no inspections were completed during the previous month, a verification of Vehicle Inspection Monthly Reconciliation indicating zero inspections.
3. Retain all vehicle inspector copies of completed and voided vehicle inspection forms in numerical order by accountable form number, filed by month, and made readily accessible for audit purposes for a period of three years.

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- B.** In the event that the Division does not receive a Vehicle Inspection Monthly Reconciliation Report from the Authorized Vehicle Inspection Provider, under R17-7-802, the Division shall take corrective action according to R17-7-706.