

NOTICES OF PROPOSED RULEMAKING

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

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 22. BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Editor's Note: The following Notice of Proposed Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1244.)

[R12-83]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R4-22-108 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-1803(A)(5) and (C)(1)
Implementing statute: A.R.S. §§ 32-1826 and 32-1871(A)(5)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 18 A.A.R. 1239, May 25, 2012 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Jenna Jones, Executive Director
Address: Board of Examiners in Osteopathic Medicine and Surgery
9535 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 657-7703
Fax: (480) 657-7715
E-mail: Jenna.Jones@azdo.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
The Board's current rules rely on A.R.S. § 32-1826(A), which requires the Board to establish fees by a formal vote at its annual January meeting. As a result, the Board has annually established and posted its licensing fees on its web site. The Board has never placed the licensing fees in rule. The recent addition of A.R.S. § 41-1008(D) to the Administrative Procedure Act requires an agency to comply with all rulemaking provisions to establish or increase a fee unless the agency is granted an express exemption by the legislature. This change makes it necessary for the Board to put its fees in rule. This rulemaking puts the fees charged by the Board for its licensing activities into rule. It does not increase any of the fees.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

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Not applicable

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

The rulemaking will have no impact on applicants and licensees required to pay the fees because the fees currently exist. The fees are simply being placed in rule form as now required under A.R.S. § 41-1008(D).

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Jenna Jones, Executive Director
Address: Board of Examiners in Osteopathic Medicine and Surgery
9535 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 657-7703
Fax: (480) 657-7715
E-mail: Jenna.Jones@azdo.gov

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

An oral proceeding regarding the proposed rule will be held as follows:

Date: Tuesday, June 26, 2012
Time: 10:00 a.m.
Location: 9535 E. Doubletree Ranch Road, Board room
Scottsdale, AZ 85258

The rulemaking record will close at 5:00 p.m. on Friday, June 29, 2012.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the Board's fees.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis has been submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 22. BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

ARTICLE 1. GENERAL PROVISIONS

Section

R4-22-108. ~~Miscellaneous Fees and Charges~~

ARTICLE 1. GENERAL PROVISIONS

R4-22-108. ~~Miscellaneous Fees and Charges~~

A. Under the specific authority provided by A.R.S. §§ 32-1826(A) and 32-1871(A)(5), the Board establishes and shall collect the following fees for the Board's licensing activities services rendered by the Board are hereby established:

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1. Application to practice osteopathic medicine, \$400;
 2. Issuance of initial license, \$180 (pro-rated);
 3. Biennial renewal of license, \$636 plus the penalty and reimbursement fees specified in A.R.S. § 32-1826(B), if applicable;
 4. Locum tenens registration, \$300;
 5. Annual registration for internship, residency, or clinical fellowship, \$50;
 6. Teaching license, \$318;
 7. Five-day educational teaching permit, \$106; and
 8. Annual registration to dispense drugs and devices, \$240 (initial registration fee is pro-rated).
- B.** Under the specific authority provided by A.R.S. § 32-1826(C), the Board establishes and shall collect the following charges for services provided by the Board:
1. ~~For verification~~ Verification of a license to practice osteopathic medicine issued by the Board and copy of licensee's complaint history, \$5.00-;
 2. ~~For a copy of the minutes to all Board meetings during the calendar year, \$75.00. Issuance of a duplicate license, \$10;~~
 3. ~~For the sale of lists~~ List of physicians licensed by the Board, \$25.00 if for non-commercial use or \$100 if for commercial use-;
 4. ~~For copying~~ Copying records, documents, letters, minutes, applications, and files, 25¢ per page-;
 5. ~~For copying~~ Copy of an audio tapes tape, \$35.00 ~~per tape-;~~ and
 6. ~~For the sale of computerized tapes or diskettes~~ Digital medium not requiring programming, \$100.
- C.** Except as provided under A.R.S. § 41-1077, the fees listed in subsection (A) are not refundable.