



Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Information 126

Rulemaking Guide 127

RULES AND RULEMAKING

Proposed Expedited Rulemaking, Notices of

 9 A.A.C. 16 Department of Health Services - Occupational Licensing. 129

 9 A.A.C. 16 Department of Health Services - Occupational Licensing. 148

 9 A.A.C. 16 Department of Health Services - Occupational Licensing. 165

OTHER AGENCY NOTICES

Ombudsman, Notices of Agency

 Board of Chiropractic Examiners 173

GOVERNOR'S OFFICE

Governor's Executive Order 2020-02

 Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies 174

INDEXES

 Register Index Ledger 176

 Rulemaking Action, Cumulative Index for 2020 177

 Other Notices and Public Records, Cumulative Index for 2020 177

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 178

 Register Publishing Deadlines 180

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines. 181

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

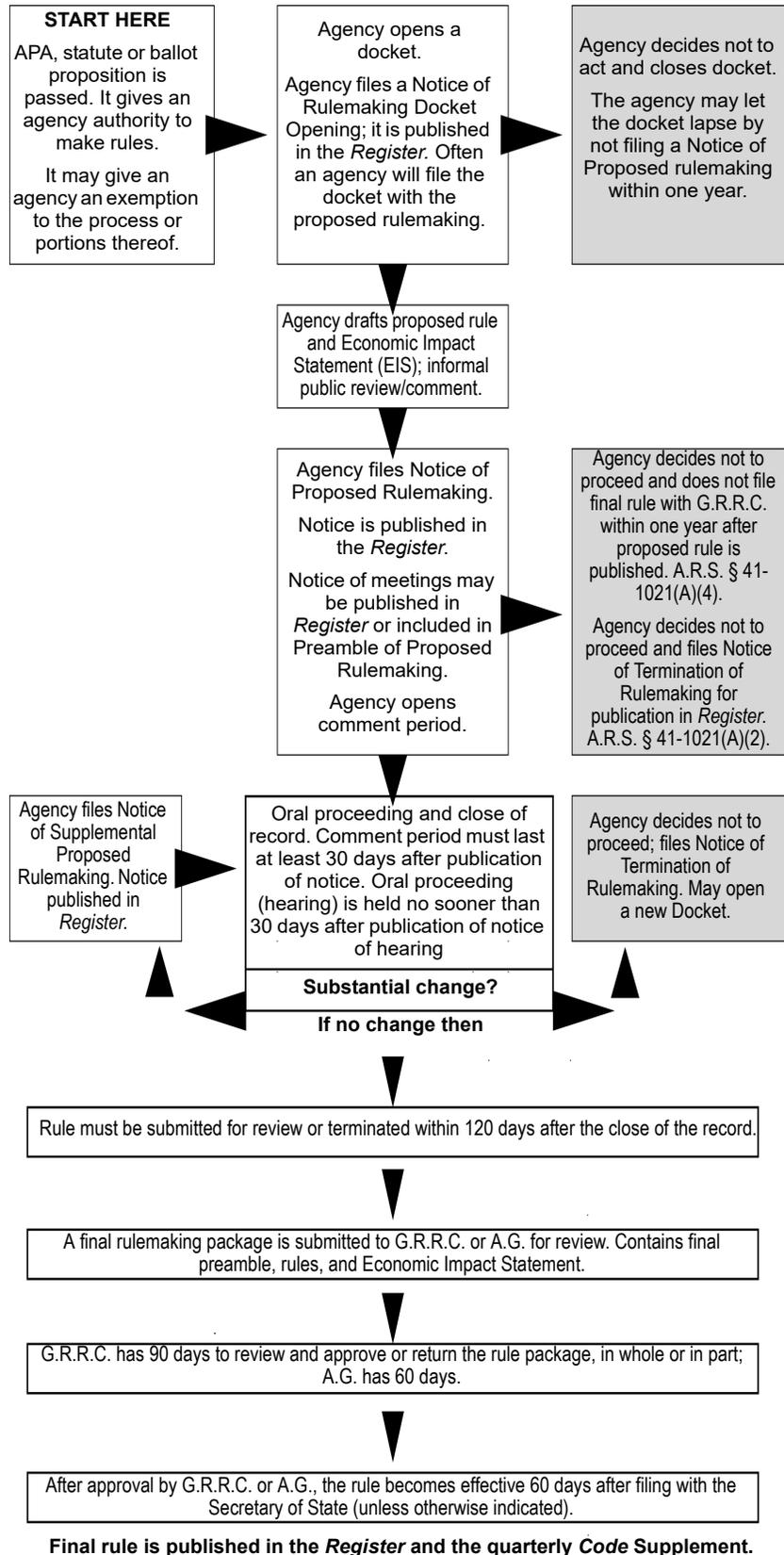
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the proposed expedited rule should be addressed to the agency proposing the rule. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING**

[R19-297]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R9-16-201 | Amend |
| R9-16-202 | Repeal |
| R9-16-202 | New Section |
| R9-16-203 | Repeal |
| R9-16-203 | New Section |
| R9-16-204 | Repeal |
| R9-16-204 | New Section |
| R9-16-205 | Repeal |
| R9-16-205 | New Section |
| R9-16-206 | Repeal |
| R9-16-206 | New Section |
| R9-16-207 | Repeal |
| R9-16-207 | New Section |
| R9-16-208 | Amend |
| R9-16-209 | Repeal |
| R9-16-209 | New Section |
| Table 2.1 | Repeal |
| R9-16-210 | Repeal |
| R9-16-210 | New Section |
| R9-16-211 | Repeal |
| R9-16-211 | New Section |
| R9-16-212 | Repeal |
| R9-16-212 | New Section |
| R9-16-213 | Repeal |
| R9-16-213 | New Section |
| R9-16-214 | Repeal |
| R9-16-214 | New Section |
| Table 2.1 | New Table |
| R9-16-215 | Amend |
| R9-16-216 | New Section |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
 Implementing statutes: A.R.S. §§ 36-1901 through 36-1910, 36-1934, and 36-1936 through 36-1940.03
- 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 expedited rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3320, November 15, 2019
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Thomas Salow, Branch Chief
 Address: Arizona Department of Health Services
 Division of Licensing Services
 150 N. 18th Ave., Suite 400
 Phoenix, AZ 85007



Telephone: (602) 364-1935
 Fax: (602) 364-4808
 E-mail: Thomas.Salow@azdhs.gov
 or
 Name: Stephanie Elzenga, Administrative Counsel
 Address: Arizona Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
 Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Stephanie.Elzenga@azdhs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

The five-year-review report (Report) for 9 A.A.C. 16, Article 2 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on September 26, 2019.

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:

The Department did not review or rely on any study for this rulemaking.

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.

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:

Close of record: January 31, 2020 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

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 Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

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:

There are no federal rules applicable to the subject of the rule.

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 such analysis was 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 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

Section

R9-16-201.	Definitions
R9-16-202.	Application for an Initial License for an Audiologist <u>Application</u>
R9-16-203.	Application for an Initial License for a Speech-language Pathologist <u>Initial Application for an Audiologist</u>
R9-16-204.	Application for a Temporary License for a Speech-language Pathologist <u>Initial Application for a Speech-language Pathologist</u>
R9-16-205.	License Renewal for an Audiologist <u>Initial Application for a Temporary Speech-language Pathologist</u>
R9-16-206.	License Renewal for a Speech-language Pathologist <u>Requirements for a Speech-language Pathologist - Limited</u>
R9-16-207.	License Renewal for a Temporary Speech-language Pathologist <u>License Renewal</u>
R9-16-208.	Continuing Education
R9-16-209.	Time-frames <u>Clinical Fellowship Supervisors</u>
Table 2.1.	Time-frames (in calendar days) <u>Repealed</u>
R9-16-210.	Clinical Fellowship Supervisors <u>Requirements for Supervising a Speech-language Pathologist Assistant</u>
R9-16-211.	Requirements for Supervising a Speech-language Pathologist Assistant <u>Equipment; Records</u>
R9-16-212.	Equipment; Records <u>Bill of Sale Requirements</u>
R9-16-213.	Bill of Sale Requirements <u>Enforcement</u>
R9-16-214.	Disciplinary Actions <u>Time-frames</u>
Table 2.1.	Time-frames (in calendar days)
R9-16-215.	Changes Affecting a License or a Licensee; Request for a Duplicate License
R9-16-216.	<u>Fees</u>

ARTICLE 2. LICENSING AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

R9-16-201. Definitions

1. "Accredited" means approved by the:
 - a. ~~New England Association of Schools and Colleges~~ Commission of Higher Education,
 - b. Middle States Commission on Higher Education,
 - c. ~~North Central Association of Colleges and Schools~~ Higher Learning Commission,
 - d. Northwest Commission on Colleges and Universities,
 - e. Southern Association of Colleges and Schools Commission on Colleges, or
 - f. ~~Western Association of Schools and Colleges~~ WASC Senior College and University Commission.
2. "Applicant" means:
 - a. ~~An individual who submits an application packet; or~~
 - b. ~~A person who submits a request for approval for a continuing education course.~~
2. "Applicant" means an individual who submits an application and required documentation for approval to practice as an audiologist or a speech-language pathologist.
3. "Application packet" means ~~the information, documents, and fees required by the Department for a license.~~
- 4.3. "ASHA" means ~~the American Speech-Language-Hearing Association, a national scientific and professional organization for audiologists and speech-language pathologists; professional, scientific, and credentialing association for audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.~~
- 5.4. "Calendar day" means each day, not including the day of the act, event, or default, from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- 6.5. "CCC" means Certificate of Clinical Competence, an award issued by ASHA to an individual who:
 - a. Completes a degree in audiology or speech-language pathology from an accredited college or university that includes a clinical practicum,
 - b. Passes the ETSNEA or ETSNESLP, and
 - c. Completes a clinical fellowship.
- 7.6. "Clinical fellow" means an individual engaged in a clinical fellowship.
- 8.7. "Clinical fellowship" means an individual's postgraduate professional experience assessing, diagnosing, screening, treating, writing reports, and counseling individuals exhibiting speech, language, hearing, or communication disorders, obtained:



- a. After completion of graduate level academic course work and a clinical practicum;
 - b. Under the supervision of a clinical fellowship supervisor; and
 - c. While employed on a full-time or part-time equivalent basis.
- ~~9-8.~~ “Clinical fellowship agreement” means the document submitted to the Department by a clinical fellow to register the initiation of a clinical fellowship.
- ~~10-9.~~ “Clinical fellowship report” means a document completed by a clinical fellowship supervisor containing:
- a. A summary of the diagnostic and therapeutic procedures performed by the clinical fellow,
 - b. A verification by the clinical fellowship supervisor of the clinical fellow's performance of diagnostic and therapeutic procedures, and
 - c. An evaluation of the clinical fellow's ability to perform the diagnostic and therapeutic procedures.
- ~~11-10.~~ “Clinical fellowship supervisor” means a licensed speech-language pathologist who:
- a. Is or has been a sponsor of a temporary licensee,
 - b. Had a CCC while supervising a clinical fellow before October 28, 1999, or
 - c. Has a CCC while supervising a clinical fellow in another state.
- ~~12-11.~~ “Clinical practicum” means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.
- ~~13-12.~~ “Continuing education” means a course that provides instruction and training that is designed to develop or improve the licensee’s professional competence in disciplines directly related to the licensee’s scope of practice.
- ~~14-13.~~ “Course” means a workshop, seminar, lecture, conference, or class.
- ~~15.~~ “Current CCC” means documentation issued by ASHA verifying that an individual is presently certified by ASHA.
- ~~16.~~ “Department designated written hearing aid dispenser examination” means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:
- ~~a. The International Licensing Examination for Hearing Healthcare Professionals, administered by the International Hearing Society; or~~
 - ~~b. A test provided by the Department or other organization.~~
- ~~14.~~ “Diagnostic and therapeutic procedures” means the principles and methods used by an audiologist in the practice of audiology or a speech-language pathologist in the practice of speech-language pathology.
- ~~15.~~ “Disciplinary action” means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity.
- ~~16.~~ “ETSNEA” means Educational Testing Service National Examination in Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.
- ~~17.~~ “ETSNESLP” means Educational Testing Service National Examination in Speech-Language Pathology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.
- ~~18.~~ “Full-time” means 30 clock hours or more per week.
- ~~22.~~ “Graduate level” means leading to, or creditable towards, a master's or doctoral degree.
- ~~19.~~ “Hearing aid dispenser examination” means the International Licensing Examination for Hearing Healthcare Professionals approved by the Department as complying with A.R.S. § 36-1924.
- ~~23-20.~~ “Local education agency” means a school district governing board established by A.R.S. §§ 15-301 through 15-396 A.R.S. § 15-101 or A.R.S. Title 15, Chapter 3, Article 3.
- ~~24-21.~~ “Monitoring” means being responsible for and providing direction to a clinical fellow without directly observing diagnostic and therapeutic procedures.
- ~~25-22.~~ “On-site” observations” means the presence of a clinical fellowship supervisor who is watching a clinical fellow perform diagnostic and therapeutic procedures.
- ~~26-23.~~ “Part-time equivalent” means:
- a. 25-29 clock hours per week for 48 weeks,
 - b. 20-24 clock hours per week for 60 weeks, or
 - c. 15-19 clock hours per week for 72 weeks.
- ~~27.~~ “Pupil” means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- ~~28-24.~~ “Semester credit hour” means one earned academic unit of study based on completing, at an accredited college or university, a 50 to 60 minute class session per calendar week for 15 to 18 weeks.
- ~~29-25.~~ “Semester credit hour equivalent” means one quarter credit, which is equal in value to 2/3 of a semester credit hour.



- ~~30-26.~~ “State-supported institution” means ~~a school receiving funding under A.R.S. §§ 15-901 through 15-1045~~ a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- ~~27.~~ “Student” means a child attending a school, a charter school, a private school, or an accommodation school as defined in A.R.S. § 15-101.
- ~~31-28.~~ “Supervise” “Supervision” means being responsible for and providing direction to:
- A clinical fellow during on-site observations or monitoring of the clinical fellow's performance of diagnostic and therapeutic procedures; or
 - An individual completing a clinical practicum.
- ~~32-29.~~ “Supervisory activities” means evaluating and assessing a clinical fellow's performance of diagnostic and therapeutic procedures in assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, cognitive, hearing, or communication disorders.
- ~~33.~~ “Week” means the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.

R9-16-202. Application for an Initial License for an Audiologist Application

- ~~A.~~ Except as provided in subsection (B), an applicant for an audiology license or an audiology license to fit and dispense shall submit to the Department:
- An application in a format provided by the Department that contains:
 - The applicant's name, home address, telephone number, and e-mail address;
 - The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - If applicable, the applicant's business address and telephone number;
 - If applicable, the name of applicant's employer, including the employer's business address and telephone number;
 - Whether the applicant is requesting an audiology license to fit and dispense;
 - Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
 - The date of the conviction;
 - The state or jurisdiction of the conviction;
 - An explanation of the crime of which the applicant was convicted, and
 - The disposition of the case;
 - Whether the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids in another state or country;
 - Whether the applicant has had a license revoked or suspended by any state within the previous two years;
 - Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
 - Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant's practice of audiology;
 - Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;
 - An attestation that the information submitted is true and accurate; and
 - The applicant's signature and date of signature;
 - If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
 - The date of the revocation or suspension;
 - The state or jurisdiction of the revocation or suspension, and
 - An explanation of the revocation or suspension;
 - If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
 - The date of the ineligibility for licensing;
 - The state or jurisdiction of the ineligibility for licensing, and
 - An explanation of the ineligibility for licensing;
 - If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's audiologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
 - The date of the disciplinary action;
 - The state or jurisdiction of the disciplinary action;
 - An explanation of the disciplinary action, and
 - Any other applicable documents, including a legal order or settlement agreement;
 - If applicable, a list of all states and countries in which the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids;
 - A copy of the applicant's:
 - U.S. passport, current or expired;
 - Birth certificate;
 - Naturalization documents; or
 - Documentation of legal resident alien status;
 - One of the following:
 - A copy of the applicant's official transcript issued to the applicant by an accredited college or university after the applicant's completion of a doctoral degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940(A)(2); or



- b. Documentation that the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(C), of the education and clinical rotation requirements in A.R.S. § 36-1940;
- 8. Documentation:
 - a. Of a passing grade on a ETSNEA dated within three years before the date of application required in A.R.S. § 36-1902(E);
 - b. Of a current CCC completed by the applicant within three years before the date of application; or
 - c. The applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(D), of the audiology examination requirements in A.R.S. § 36-1940; and
- 9. A nonrefundable \$100 application fee.
- B.** An applicant for an audiology license to fit and dispense hearing aids who was awarded a master's degree before December 31, 2007 shall submit to the Department:
 - 1. An application in a format provided by the Department that contains the information in subsections (A)(1) through (A)(7) and (A)(9);
 - 2. A copy of the applicant's official transcript from an accredited college or university demonstrating the applicant's completion of a master's degree in audiology before December 31, 2007;
 - 3. Documentation that the applicant is eligible, according to A.R.S. § 36-1940.02(C), for a waiver of the education and clinical rotation requirements in A.R.S. § 36-1940;
 - 4. Documentation that the applicant:
 - a. Has a passing grade on a ETSNEA completed within three years before the date of application;
 - b. Has a CCC completed within three years before the date of application; or
 - c. Is eligible for a waiver, according to A.R.S. § 36-1940.02(D), of the audiology examination requirements in A.R.S. § 36-1940; and
 - 5. Documentation:
 - a. Of a passing grade obtained by the applicant on a Department designated written hearing aid dispenser's examination as required in A.R.S. § 36-1940(C); or
 - b. That the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(E), of the hearing aid dispensing examination requirements in A.R.S. § 36-1940.
- C.** The Department shall review the application packet for a license to practice as an audiologist, an audiologist to fit and dispense hearing aids, or an audiologist, who has a master's degree, to fit and dispense hearing aids, as applicable, according to R9-16-209 and Table 2-1.
- D.** An audiologist with a doctoral degree in audiology who is licensed to fit and dispense hearing aids shall take and pass a Department-provided jurisprudence and ethics examination within six months after the issue date of the audiologist's license.
- A.** An applicant for licensure shall submit to the Department:
 - 1. An application in a Department-provided format that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. If applicable, the applicant's business addresses and telephone number;
 - d. The applicant's current employment, if applicable, including:
 - i. The employer's name,
 - ii. The licensee's position,
 - iii. Dates of employment,
 - iv. The address of the employer,
 - v. The supervisor's name,
 - vi. The supervisor's email address, and
 - vii. The supervisor's telephone number;
 - e. If applicable, whether the applicant is requesting an audiology license to fit and dispense;
 - f. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state;
 - g. If the applicant has been convicted of a felony or a misdemeanor:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - h. Whether the applicant is or has been licensed as an audiologist, an audiologist to fit and dispense hearing aids, or a speech-language pathologist in another state or country;
 - i. Whether the applicant has had a license revoked or suspended by any state;
 - j. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
 - k. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act related to the applicant's practice of audiology or a speech-language pathologist license;
 - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-214(C);
 - m. An attestation that the information submitted as part of the application is true and accurate; and
 - n. The applicant's signature and date of signature;
 - 2. If a license for the applicant has been revoked or suspended by any state documentation that includes:
 - a. The date of the revocation or suspension,
 - b. The state or jurisdiction of the revocation or suspension, and
 - c. An explanation of the revocation or suspension;



3. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing.
 - b. The state or jurisdiction of the ineligibility for licensing, and
 - c. An explanation of the ineligibility for licensing;
 4. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's license to practice audiology or a speech-language pathologist license that is consistent with A.R.S. Title 36, Chapter 17, documentation that includes:
 - a. The date of the disciplinary action.
 - b. The state or jurisdiction of the disciplinary action.
 - c. An explanation of the disciplinary action, and
 - d. Any other applicable documents, including a legal order or settlement agreement;
 5. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-108; and
 6. A fee specified in R9-16-216.
- B.** In addition to complying with subsection (A), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
1. The name of each state that issued the applicant a current license, including:
 - a. The license number of each current license, and
 - b. The date each current license was issued;
 2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
 3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
 - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
 - b. Has met minimum education requirements according to A.R.S. §§ 36-1940 or 36-1940.01;
 - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C.** The Department shall review the application and required documentation for a license according to R9-16-214 and Table 2.1.
- R9-16-203. Application for an Initial License for a Speech language Pathologist Initial Application for an Audiologist**
- A.** Except as provided in subsection (B), an applicant for a speech language pathologist license shall submit to the Department:
1. An application in a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - e. If applicable, the applicant's business address and telephone number;
 - d. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
 - e. Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - f. If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant is or has been licensed as a speech language pathologist in another state or country;
 - h. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
 - i. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
 - j. Whether a disciplinary action has been imposed by any state, territory, or district in this country for an act related to the applicant's speech language pathologist license;
 - k. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;
 - l. An attestation that the information submitted is true and accurate; and
 - m. The applicant's signature and date of signature;
 2. If applicable, a list of all states and countries in which the applicant is or has been licensed as speech language pathologist;
 3. If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
 - a. The date of the revocation or suspension;
 - b. The state or jurisdiction of the revocation or suspension, and
 - e. An explanation of the revocation or suspension;
 4. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing;
 - b. The state or jurisdiction of the ineligibility for licensing, and
 - e. An explanation of the ineligibility for licensing;
 5. If the applicant has been disciplined by any state, territory, or district of this country for an act related to the applicant's speech language pathologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
 - a. The date of the disciplinary action;



- b. The state or jurisdiction of the disciplinary action;
- e. An explanation of the disciplinary action; and
- d. Any other applicable documents, including a legal order or settlement agreement;
- 6. A copy of the applicant's:
 - a. U.S. passport, current or expired;
 - b. Birth certificate;
 - e. Naturalization documents; or
 - d. Documentation of legal resident alien status;
- 7. Documentation of the applicant's:
 - a. Official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities;
 - b. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b); and
 - e. One of the following:
 - i. Completion of clinical fellowship signed by the clinical fellowship supervisor as required in A.R.S. § 36-1940.01(A)(2)(e); or
 - ii. Completion of a CCC within three years before the date of the application;
- 8. Documentation:
 - a. Of the applicant's passing score on the ETSNESLP; or
 - b. That the applicant is eligible for a waiver, according to A.R.S. § 36-1940.02(B), from the examination requirements in A.R.S. § 36-1940.01; and
- 9. A nonrefundable \$100 application fee.
- B.** An applicant for a speech language pathologist license, limited to providing services to pupils under the authority of a local education agency or state supported institution, shall submit:
 - 1. An application in a format provided by the Department that contains requirements in subsections (A)(1) through (6) and (A)(9);
 - 2. A copy of an employee agreement or employment contract, conditioned upon the applicant's receipt of a speech language pathologist license, with a local education agency or a state supported institution that includes the:
 - a. Applicant's name and Social Security number;
 - b. Name of the local education agency or state supported institution;
 - e. Classification title of the applicant;
 - d. Work dates or projected work dates of the employment contract; and
 - e. Signatures of the applicant and the individual authorized by the governing board to represent the local education agency or state supported institution; and
 - 3. A copy of a temporary or regular certificate in speech and language therapy issued by the State Board of Education to the applicant.
- C.** The Department shall review an application packet for a license to practice as a speech language pathologist according to R9-16-209 and Table 2-1.
- A.** In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist shall submit to the Department the following:
 - 1. A transcript or equivalent documentation issued to the applicant from an accredited college or university after the applicant's completion of a doctoral degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940(A)(2) or documentation of the applicant's current CCC.
 - 2. Documentation of a passing grade on a ETSNEA or current CCC dated within three years before the date of application required in A.R.S. §§ 36-1902(E) and 36-1940(A)(3) or current license from other state.
 - 3. Documentation of completing supervised clinical rotation consistent with the standards of this state's universities required in A.R.S. § 36-1940(B)(2) or current CCC.
 - 4. Whether the applicant is applying to fit and dispense hearing aids.
 - 5. If applicable, a list of all states and countries in which the applicant is or has been licensed as an audiologist or an audiologist to fit and dispense hearing aids.
- B.** In addition to complying with R9-16-202, an applicant for initial licensure as an audiologist licensed to fit and dispense hearing aids who was awarded a master's degree before December 31, 2007 shall submit to the Department the following:
 - 1. A transcript or equivalent documentation issued to the applicant from an accredited college or university demonstrating the applicant's completion of a master's degree in audiology before December 31, 2007 or documentation of the applicant's current CCC;
 - 2. Documentation of a passing grade on an ETSNEA or current CCC dated within three years before the date of application; and
 - 3. Documentation of a passing grade obtained by the applicant on a written hearing aid dispenser examination as required in A.R.S. § 36-1940(C)(4).

R9-16-204. Application for a Temporary License for a Speech Language Pathologist License Initial Application for a Speech-language Pathologist

- A.** An applicant for a temporary speech language pathologist license shall submit to the Department:
 - 1. An application in a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - e. If applicable, the applicant's business address and telephone number;
 - d. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
 - e. Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;



- f. If the applicant has been convicted of a felony or a misdemeanor involving moral turpitude:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant is or has been licensed as a speech-language pathologist in another state or country;
 - h. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
 - i. Whether the applicant is currently ineligible for licensing in any state because of a license revocation or suspension;
 - j. Whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed by any state or country upon the applicant's speech-language pathologist license;
 - k. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-209;
 - l. An attestation that the information submitted is true and accurate; and
 - m. The applicant's signature and date of signature;
2. If applicable, a list of all states and countries in which the applicant is or has been licensed as a speech-language pathologist;
 3. If a license for the applicant has been revoked or suspended by any state within the previous two years, documentation that includes:
 - a. The date of the revocation or suspension;
 - b. The state or jurisdiction of the revocation or suspension, and
 - e. An explanation of the revocation or suspension;
 4. If the applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing;
 - b. The state or jurisdiction of the ineligibility for licensing, and
 - e. An explanation of the ineligibility for licensing;
 5. If the applicant has been disciplined by any state, territory or district of this country for an act related to the applicant's audiologist license that is grounds for disciplinary action under Title 37, Chapter 17, documentation that includes:
 - a. The date of the disciplinary action;
 - b. The state or jurisdiction of the disciplinary action;
 - e. An explanation of the disciplinary action; and
 - d. Any other applicable documents, including a legal order or settlement agreement;
 6. A copy of the applicant's:
 - a. U.S. passport, current or expired;
 - b. Birth certificate;
 - e. Naturalization documents; or
 - d. Documentation of legal resident alien status;
 7. Documentation of the applicant's:
 - a. Official transcript issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a); and
 - b. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b);
 8. A copy of the applicant's clinical fellowship agreement that includes:
 - a. The applicant's name, home address, and telephone number;
 - b. The clinical fellowship supervisor's name, business address, telephone number, and Arizona audiology or speech-language pathology license number;
 - e. The name and address where the clinical fellowship will take place;
 - d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-210; and
 - e. The signatures of the applicant and the clinical fellowship supervisor;
 9. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3); and
 10. A nonrefundable \$100 application fee.
- B.** A temporary license issued is effective for 12 months from the date of issuance.
- C.** A temporary license may be renewed only once.
- D.** An applicant issued a temporary speech-language pathologist license shall:
1. Practice under the supervision of a licensed speech-language pathologist, and
 2. Not practice under the supervision of individual who has a temporary speech-language pathologist license.
- E.** The Department shall review an application packet for a temporary speech-language pathologist license according to R9-16-209 and Table 2.1.

In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist shall submit to the Department the following:

1. A transcript or equivalent documentation issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a) or documentation of current CCC;
2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b) or documentation of current CCC;
3. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3) or documentation of current CCC; and
4. Documentation of the completion of clinical fellowship or documentation of current CCC.



R9-16-205. License Renewal for an Audiologist Initial Application for a Temporary Speech-language Pathologist

- A.** Except as provided in subsection (B) and before the expiration date of the audiologist's license, a licensed audiologist or audiologist who fits and dispenses hearing aids shall submit to the Department:
 - 1. A renewal application in a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. If applicable, the applicant's business address and telephone number;
 - c. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
 - d. The applicant's license number and date of expiration;
 - e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - f. If the applicant was convicted of a felony or a misdemeanor involving moral turpitude:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant has had, within two years before the renewal application date, an audiologist license suspended or revoked by any state;
 - h. An attestation that the information submitted is true and accurate; and
 - i. The applicant's signature and date of signature;
 - 2. Documentation of the continuing education required in R9-16-208, completed within the two years before the expiration date of the license, including:
 - a. The name of the individual or organization providing the course;
 - b. The date and location where the course was provided;
 - c. The title of each course attended;
 - d. A description of each course's content;
 - e. The name of the instructor;
 - f. The instructor's education, training, and experience background, if applicable; and
 - g. The number of continuing education hours earned for each course; and
 - 3. A \$200 license renewal fee.
- B.** In addition to the documentation and renewal fee in subsection (A), an applicant who submits a renewal application within 30 calendar days after the license expiration date shall submit a \$25 late fee.
- C.** An applicant who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-202.
- D.** If an applicant applies for a license according to R9-16-202 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
 - 1. Is not required to submit ETSNEA documentation, and
 - 2. Shall submit documentation of continuing education according to R9-16-208, completed within the two years before the date of application.
- E.** The Department shall review the application packet for a renewal license to practice as an audiologist or an audiologist to fit and dispense hearing aids according to R9-16-209 and Table 2.1.
- A.** In addition to complying with R9-16-202(A), an applicant for initial licensure as a temporary speech-language pathologist shall submit to the Department the following:
 - 1. A transcript or equivalent documentation issued to the applicant by an accredited college or university after the applicant's completion of a master's degree consistent with the standards of this state's universities, as required in A.R.S. § 36-1940.01(A)(2)(a)
 - 2. Completion of a clinical practicum, as required in A.R.S. § 36-1940.01(A)(2)(b).
 - 3. Documentation of the applicant's completion of the ETSNESLP as required in A.R.S. § 36-1940.01(A)(3).
 - 4. Documentation of the applicant's clinical fellowship agreement that includes:
 - a. The applicant's name, home address, and telephone number;
 - b. The clinical fellowship supervisor's name, business address, telephone number, and speech-language pathology license number;
 - c. The name and address where the clinical fellowship will take place;
 - d. A statement by the clinical fellowship supervisor agreeing to comply with R9-16-209; and
 - e. The signatures of the applicant and the clinical fellowship supervisor.
- B.** A temporary license issued is effective for 12 months from the date of issuance.
- C.** A temporary license may be renewed only once.
- D.** An applicant issued a temporary speech-language pathologist license shall:
 - 1. Practice under the supervision of a licensed speech-language pathologist, and
 - 2. Not practice under the supervision of an individual who has a temporary speech-language pathologist license.

R9-16-206. License Renewal for a Speech-language Pathologist Requirements for a Speech-language Pathologist – Limited

- A.** Except as provided in subsection (B) and before the expiration date of the speech-language pathologist's license, a licensed speech-language pathologist shall submit to the Department:
 - 1. A renewal application in a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. If applicable, the applicant's business address and telephone number;
 - c. If applicable, the name of the applicant's employer, including the employer's business address and telephone number;
 - d. The applicant's license number and date of expiration;



- e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - f. If the applicant was convicted of a felony or a misdemeanor:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant had, within two years before the renewal application date, a speech language pathologist license suspended or revoked by any state;
 - h. An attestation that the information submitted is true and accurate; and
 - i. The applicant's signature and date of signature;
2. Documentation of the continuing education required in R9-16-208, completed within the two years before the expiration date of the license, including:
- a. The name of the individual or organization providing the course;
 - b. The date and location where the course was provided;
 - c. The title of each course attended;
 - d. The description of each course's content;
 - e. The name of the instructor;
 - f. The instructor's education, training, and experience background, if applicable; and
 - g. The number of continuing education hours earned for each course;
3. If the applicant is limited to providing speech language pathology services to pupils under the authority of a local education agency or state supported institution the documents required in R9-16-203(B); and
4. A \$200 license renewal fee.
- B.** In addition to the documentation and renewal fee in subsection (A), an applicant who submits a renewal application within 30 calendar days after the license expiration date shall submit a \$25 late fee.
- C.** An applicant who does not submit the documentation and the fee in subsection (A) and, if applicable, (B) within 30 calendar days after the license expiration date shall apply for a new license in R9-16-203.
- D.** If an applicant applies for a license according to R9-16-203 more than 30 calendar days but less than one year after the expiration date of the applicant's previous license, the applicant:
- 1. Is not required to submit ETSNESLP documentation, and
 - 2. Shall submit documentation of continuing education according to R9-16-208 completed within the two years before the date of application.
- E.** The Department shall review the application packet for a renewal license to practice as a speech language pathologist according to R9-16-209 and Table 2.1.

In addition to complying with R9-16-202(A), an applicant for initial licensure as a speech-language pathologist – limited as specified in A.R.S. § 36-1940.01(B) shall submit to the Department the following:

1. A certificate in speech and language therapy awarded by the Department of Education.
2. A document representing an employee or contractor relationship with a local education agency or a state supported institution.

R9-16-207. License Renewal for a Temporary Speech language Pathologist License Renewal

- A.** Before the expiration date of the temporary speech language pathologist license, a licensed temporary speech language pathologist shall submit to the Department:
- 1. A renewal application in a format provided by the Department that contains:
 - a. The applicant's name, home address, e-mail address, and telephone number;
 - b. The applicant's license number and date of expiration;
 - c. The name of the applicant's employer, including the employer's business address, and telephone number;
 - d. The name, business address, telephone number, and license number of the speech language pathologist providing supervision to the applicant;
 - e. Since the previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - f. If the applicant was convicted of a felony or a misdemeanor:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. An attestation that the information submitted is true and accurate; and
 - h. The applicant's signature and date of signature;
 - 2. A statement signed and dated by the applicant's clinical fellowship supervisor agreeing to comply with R9-16-210; and
 - 3. A \$100 license renewal fee.
- B.** The Department shall review the application packet for a renewal temporary license to practice as a temporary speech language pathologist according to R9-16-209 and Table 2.1.
- A.** Before the expiration date of a license, a licensee shall submit to the Department:
1. A renewal application in a Department-provided format that contains:
 - a. The licensee's name, home address, telephone number, and e-mail address;
 - b. If applicable, the licensee's business address and telephone number;
 - c. The licensee's current employment, if applicable, including:
 - i. The employer's name,



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

R9-16-208. Continuing Education

- A.** ~~Every 24 months after the effective date of a regular license, a licensee shall complete continuing education approved by the Department-~~
 - 1. ~~Except as provided in (A)(2), a licensed audiologist shall complete at least 20 continuing education hours related to audiology;~~
 - 2. ~~A licensed audiologist who fits and dispenses hearing aids shall complete:~~
 - a. ~~At least 20 continuing education hours related to audiology and hearing aid dispensing, and~~
 - b. ~~No more than eight continuing education hours required in subsection (A)(2)(a) provided by a single manufacturer of hearing aids; and~~
 - 3. ~~A licensed speech language pathologist shall complete at least 20 continuing education hours in speech language pathology related courses.~~
- B.** Continuing education shall:
 - 1. Directly relate to the practice of audiology, speech language pathology, or fitting and dispensing hearing aids;
 - 2. Have educational objectives that exceed an introductory level of knowledge of audiology, speech language pathology, or fitting and dispensing hearing aids; and
 - 3. Consist of courses that include advances within the last five years in:
 - a. Practice of audiology,
 - b. Practice of speech language pathology,
 - c. Procedures in the selection and fitting of hearing aids,
 - d. Pre and post fitting management of clients,
 - e. Instrument circuitry and acoustic performance data,
 - f. Ear mold design and modification contributing to improved client performance,



- g. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss;
 - h. Auditory rehabilitation;
 - i. Ethics;
 - j. Federal and state statutes or rules, or
 - k. Assistive listening devices.
- C.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
- 1. Hearing Healthcare Providers of Arizona;
 - 2. Arizona Speech-Language-Hearing Association;
 - 3. American Speech-Language-Hearing Association;
 - 4. International Hearing Society;
 - 5. International Institute for Hearing Instrument Studies;
 - 6. American Auditory Society;
 - 7. American Academy of Audiology;
 - 8. Academy of Doctors of Audiology;
 - 9. Arizona Society of Otolaryngology-Head and Neck Surgery;
 - 10. American Academy of Otolaryngology-Head and Neck Surgery, or
 - 11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).
- D.** An applicant may request approval for a continuing education course by submitting the following to the Department:
- 1. The applicant's name, address, telephone number, and e-mail address, as applicable;
 - 2. If the applicant is a licensee, the licensee's license number;
 - 3. The title of the continuing education course;
 - 4. A brief description of the course;
 - 5. The name, educational background, and teaching experience of the individual presenting the course, if available;
 - 6. The educational objectives of the course; and
 - 7. The date, time, and place of presentation of the course.
- E.** If an applicant submits the information in subsection (D), the Department shall review the request for approval for a continuing education course according to R9-16-209 and Table 2.1.
- F.** The Department shall approve a continuing education course if the Department determines that the continuing education course:
- 1. Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in audiology, speech-language pathology, or hearing aid dispensing;
 - 2. Is developed and presented by individuals knowledgeable and experienced in the subject area; and
 - 3. Contributes directly to the professional competence of a licensee.
- A.** Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.
- 1. Except as provided in (A)(2), a licensed audiologist shall complete at least 20 continuing education hours related to audiology;
 - 2. A licensed audiologist who fits and dispenses hearing aids shall complete:
 - a. At least 20 continuing education hours related to audiology and hearing aid dispensing, and
 - b. No more than eight continuing education hours required in subsection (A)(2)(a) provided by a single manufacturer of hearing aids; and
 - 3. A licensed speech-language pathologist shall complete at least 20 continuing education hours in speech-language pathology related courses.
- B.** Continuing education shall:
- 1. Directly relate to the practice of audiology, speech-language pathology, or fitting and dispensing hearing aids;
 - 2. Have educational objectives that exceed an introductory level of knowledge of audiology, speech-language pathology, or fitting and dispensing hearing aids; and
 - 3. Consist of courses that include advances within the last five years in:
 - a. Practice of audiology,
 - b. Practice of speech-language pathology,
 - c. Procedures in the selection and fitting of hearing aids,
 - d. Pre- and post-fitting management of clients,
 - e. Instrument circuitry and acoustic performance data,
 - f. Ear mold design and modification contributing to improved client performance,
 - g. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,
 - h. Auditory rehabilitation,
 - i. Ethics,
 - j. Federal and state statutes or rules, or
 - k. Assistive listening devices.
- C.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
- 1. Hearing Healthcare Providers of Arizona,
 - 2. Arizona Speech-Language-Hearing Association,
 - 3. American Speech-Language-Hearing Association,
 - 4. International Hearing Society,
 - 5. International Institute for Hearing Instruments Studies,
 - 6. American Auditory Society,
 - 7. American Academy of Audiology,
 - 8. Academy of Doctors of Audiology,
 - 9. Arizona Society of Otolaryngology, Head and Neck Surgery,



- 10. American Academy of Otolaryngology-Head and Neck Surgery, or
- 11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).

R9-16-209. Time-frames Clinical Fellowship Supervisors

- A.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the overall time frame described in A.R.S. § 41-1072(2).
 - 1. An applicant and the Department may agree in writing to extend the substantive review time frame and the overall time frame.
 - 2. The extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
 - B.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the administrative completeness review time frame described in A.R.S. § 41-1072(1), which begins on the date the Department receives an application packet.
 - 1. The administrative completeness review time frame begins:
 - a. The date the Department receives an application packet required in this Article, or
 - b. The date the Department receives a request for continuing education course approval according to R9-16-208.
 - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time frame.
 - a. If a license application packet or request for continuing education course approval is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the license application packet or request for continuing education course approval.
 - b. A notice of deficiencies suspends the administrative completeness review time frame and the overall time frame from the date of the notice until the date the Department receives the missing information or documentation.
 - e. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the license application packet or request for continuing education course approval withdrawn.
 - 3. If the Department issues a license or approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
 - C.** For each type of license or approval issued by the Department under this Article, Table 2.1 specifies the substantive review time frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
 - 1. Within the substantive review time frame, the Department shall provide a written notice to the applicant that the Department approved or denied the license or continuing education course approval.
 - 2. During the substantive review time frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing to allow one or more supplemental requests for additional information or documentation, the Department may make the number of supplemental requests agreed to between the Department and the applicant.
 - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time frame and the overall time frame from the date of the request until the date the Department receives all the information or documentation requested.
 - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
 - D.** After receiving the written notice of approval in an applicant for a regular license or a temporary license shall send the required license fee to the Department. If the applicant does not submit the license fee within 30 calendar days after the date the Department sends the written notice of approval to the applicant, the Department shall consider the application withdrawn.
 - E.** The Department shall issue a regular license or a temporary license:
 - 1. Within five calendar days after receiving the license fee, and
 - 2. From the date of issue, the license is valid for:
 - a. Two years, if a regular license, and
 - b. Twelve months, if a temporary license.
 - F.** An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship that include:
- 1. A minimum of 18 on-site observations,
 - 2. No more than six on-site observations in a 24-hour period, and
 - 3. A minimum of 18 monitoring activities.



Table 2.1. Time-frames (in calendar days) Repealed

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness-Review Time-Frame	Time to Respond to Notice of Deficiency	Substantive Review Time-Frame	Time to Respond to Comprehensive Written Request
Application for an Initial License for an Audiologist (R9-16-202)	A.R.S. §§ 36-1904 and 36-1940	60	30	30	30	30
Application for an Initial License for a Speech-language Pathologist (R9-16-203)	A.R.S. §§ 36-1904 and 36-1940.01	60	30	30	30	30
Application for Temporary License for a Speech-language Pathologist (R9-16-204)	A.R.S. §§ 36-1904 and 36-1940.03	60	30	30	30	30
License Renewal for an Audiologist (R9-16-205)	A.R.S. § 36-1904	60	30	30	30	30
License Renewal for a Speech-language Pathologist (R9-16-206)	A.R.S. § 36-1904	60	30	30	30	30
License Renewal for a Temporary Speech-language Pathologist (R9-16-207)	A.R.S. §§ 36-1904 and 36-1940.03	60	30	30	30	30
Approval of Continuing Education Course (R9-16-208)	A.R.S. § 36-1904	45	30	30	15	30

R9-16-210. ~~Clinical Fellowship Supervisors~~ Requirements for Supervising a Speech-language Pathologist Assistant

In addition to complying with the requirements in A.R.S. § 36-1905, a clinical fellowship supervisor shall:

1. Complete a minimum of 36 supervisory activities throughout an individual's clinical fellowship that include:
 - a. A minimum of 18 on-site observations;
 - b. No more than six on-site observations in a 24-hour period; and
 - c. A minimum of 18 monitoring activities;
2. Submit a copy of the clinical fellowship report to the Department within 30 calendar days after the completion of the clinical fellowship; and
3. Provide the Department and the clinical fellow with written notice within 72 hours of after the decision to stop supervising the clinical fellow if the clinical fellowship supervisor voluntarily stops supervising a clinical fellow before the completion of the clinical fellowship.

A licensed speech-language pathologist who provides direct supervision or indirect supervision to a speech-language pathologist assistant shall comply with A.R.S. § 36-1940.04(F) and (G):

1. Establish a record for each speech-language pathologist assistant who receives direct supervision and indirect supervision from the speech-language pathologist that includes:
 - a. The speech-language pathologist assistant's license number, name, home address, telephone number, and e-mail;
 - b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the speech-language pathologist assistant is expected to complete;
 - c. A document listing each occurrence of direct supervision or indirect supervision provided to the speech-language pathologist assistant that includes:
 - i. Business name and address where supervision occurred,
 - ii. The date and times when the supervision started and ended,
 - iii. The types of clinical interactions provided, and
 - iv. Notation of speech-language pathologist assistant's progress;
 - d. Documentation of evaluations provided to the speech-language pathologist assistant during the time supervision was provided; and
 - e. Documentation of when supervision was terminated; and



- 2. Maintain a speech-language pathologist assistant record:
 - a. Throughout the period that the speech-language pathologist assistant receives direct supervision and indirect supervision clinical interactions from the supervisor; and
 - b. For at least two years after the last date the speech-language pathologist assistant received clinical interactions from the supervisor.

R9-16-211. Requirements for Supervising a Speech-language Pathologist Assistant Equipment; Records

A licensed speech-language pathologist who provides direct supervision or indirect supervision to a speech-language pathologist assistant shall:

- 1. Have at least two years of full-time professional experience as a licensed speech-language pathologist;
- 2. Provide direct supervision or indirect supervision to no more than two full-time or three part-time speech-language pathologist assistants at one time;
- 3. Ensure that the amount and type of direct supervision and indirect supervision provided is consistent with:
 - a. The speech-language pathologist assistant's skills and experience;
 - b. The needs of the clients served;
 - c. The setting where the services are provided; and
 - d. The tasks assigned;
- 4. Inform a client when the services of a speech-language pathology assistant is being provided;
- 5. Document each occurrence of direct supervision and indirect supervision provided to a speech-language pathology assistant, including:
 - a. The speech-language pathologist assistant's name and license number;
 - b. The name and address of business where services occurred; and
 - c. The date and type of supervision provided;
- 6. Ensure that the amount and type of direct supervision and indirect supervision provided to a speech-language pathology assistant is:
 - a. A minimum of 20 per cent direct supervision and 10 per cent indirect supervision during the first 90 days of employment; and
 - b. Subsequent to the first 90 days of employment, a minimum of 10 per cent direct supervision and 10 per cent indirect supervision;
- 7. If more than one licensed speech-language pathologist provides direct supervision or indirect supervision to a speech-language pathology assistant, designate one speech-language pathologist as the primary speech-language pathologist who is responsible for coordinating direct supervision and indirect supervision provided by other speech-language pathologists;
- 8. Establish a record for each speech-language pathologist assistant who receives direct supervision and indirect supervision from the speech-language pathologist that includes:
 - a. The speech-language pathologist assistant's name, home address, telephone number, and e-mail;
 - b. A plan indicating the types of skills and the number of hours allocated to the development of each skill that the speech-language pathologist assistant is expected to complete;
 - c. A document listing each occurrence of direct supervision or indirect supervision provided to the speech-language pathologist assistant that includes:
 - i. Business name and address where supervision occurred;
 - ii. The times when the supervision started and ended;
 - iii. The types of clinical interactions provided; and
 - iv. Notation of speech-language pathologist assistant's progress;
 - d. Documentation of evaluations provided to the speech-language pathologist assistant during the time supervision was provided; and
 - e. Documentation of when supervision was terminated; and
- 9. Maintain a speech-language pathologist assistant record:
 - a. Throughout the period that the speech-language pathologist assistant receives direct supervision and indirect supervision clinical interactions from the supervisor; and
 - b. For at least two years after the last date the speech-language pathologist assistant received clinical interactions from the supervisor.

A. A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer's specifications.

B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:

- 1. The equipment is calibrated a minimum of every 12 months and according to the American National Standard - Specifications for Audiometers S3.6-2018, incorporated by reference and on file with the Department, with no future additions or amendments and available from the Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, September 20, 2018; and
- 2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

C. A licensee shall maintain the following records according to A.R.S. § 32-3211 for each client for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:

- 1. The client's name, address, and telephone number;
- 2. The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and



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

R9-16-212. ~~Equipment; Records~~ Bill of Sale Requirements

- ~~A.~~** ~~A licensee shall maintain equipment used by the licensee in the practice of audiology or the practice of speech-language pathology according to the manufacturer's specifications.~~
- ~~B.~~** ~~If a licensee uses equipment that requires calibration, the licensee shall ensure that:~~
1. ~~The equipment is calibrated a minimum of every 12 months and according to the American National Standard—Specifications for Audiometers S3.6-2010, Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, November 2, 2010, incorporated by reference and on file with the Department and the Office of the Secretary of State with no future additions or amendments; and~~
 2. ~~A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.~~
- ~~C.~~** ~~A licensee shall maintain the following records according to A.R.S. § 32-3211 for each client for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of audiology, practice of speech-language pathology, or practice of fitting and dispensing hearing aids:~~
1. ~~The name, address, and telephone number of the individual to whom services are provided;~~
 2. ~~The name or description and the results of each test and procedure used in evaluating speech, language, and hearing disorders or determining the need for dispensing a product or service; and~~
 3. ~~If a product such as a hearing aid, augmentative communication device, or laryngeal device is dispensed, a record of the following:~~
 - a. ~~The name of the product dispensed;~~
 - b. ~~The product's serial number, if any;~~
 - c. ~~The product's warranty or guarantee, if any;~~
 - d. ~~The refund policy for the product, if any;~~
 - e. ~~A statement of whether the product is new or used;~~
 - f. ~~The total amount charged for the product;~~
 - g. ~~The name of the licensee; and~~
 - h. ~~The name of the intended user of the product.~~

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

R9-16-213. ~~Bill of Sale Requirements~~ Enforcement

An audiologist who dispenses hearing aids shall provide a bill of sale to a client at the time the audiologist provides a hearing aid to the client or at a time requested by the client that complies with the requirements in R9-16-314.

- A.** The Department may, as applicable:
1. Deny, revoke, or suspend an audiology or speech-language pathology's license under A.R.S. § 36-1934;
 2. Request an injunction under A.R.S. § 36-1937; or
 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
1. The type of violation.
 2. The severity of the violation.
 3. The danger to the public health and safety.
 4. The number of violations.
 5. The number of clients affected by the violations.
 6. The degree of harm to the consumer.
 7. A pattern of noncompliance, and
 8. Any mitigating or aggravating circumstances.
- C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-214. ~~Disciplinary Actions~~ Time-frames

- ~~A.~~** ~~The Department may, as applicable:~~
1. ~~Deny, revoke, or suspend an audiologist or speech-language pathologist's license under A.R.S. § 36-1934;~~
 2. ~~Request an injunction under A.R.S. § 36-1937; or~~
 3. ~~Assess a civil money penalty under A.R.S. § 36-1939.~~
- ~~B.~~** ~~In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:~~
1. ~~The type of violation;~~



- 2. ~~The severity of the violation;~~
- 3. ~~The danger to the public health and safety;~~
- 4. ~~The number of violations;~~
- 5. ~~The number of clients affected by the violations;~~
- 6. ~~The degree of harm to the consumer;~~
- 7. ~~A pattern of noncompliance; and~~
- 8. ~~Any mitigating or aggravating circumstances.~~
- ~~C. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.~~
- ~~D. The Department shall notify a licensee’s employer within five calendar days after the Department initiates a disciplinary action against a licensee.~~
- A. For each type of license issued by the Department under this Article, Table 2.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
 - 1. An applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 - 2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. For each type of license issued by the Department under this Article, Table 2.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
 - 1. The administrative completeness review time-frame begins the date the Department receives an application required in this Article.
 - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
 - a. If a license application is not complete, the notice of deficiencies listing each deficiency and the information or documentation needed to complete the application.
 - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
 - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
 - 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. For each type of license issued by the Department under this Article, Table 2.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
 - 1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department approved or denied.
 - 2. During the substantive review time-frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
 - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
 - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
- D. The Department shall issue a regular license or a temporary license:
 - 1. Within five calendar days after receiving the license fee, and
 - 2. From the date of issue, the license is valid for:
 - a. Two years, if a regular license, and
 - b. Twelve months, if a temporary license.
- E. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.



Table 2.1 Time-frames (in calendar days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-Frame</u>	<u>Administrative Completeness Review Time-Frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-Frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Application for an Initial or Temporary License (R9-16-202)</u>	<u>A.R.S. §§ 36-1904 and 36-1940</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>License Renewal (R9-16-207)</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

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

- A.** A licensee shall submit a notice to the Department in writing within 30 calendar days after the effective date of a change in:
 1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
 2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
 - a. Marriage certificate;
 - b. Divorce decree, or
 - c. Other legal document establishing the licensee’s new name; and
 3. The place or places, including address or addresses, where the licensee engages in the practice of audiology, speech language pathology, or fitting and dispensing hearing aids.
- B.** A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a format provided by the Department that includes:
 1. The licensee’s name and address;
 2. The licensee’s license number and expiration date;
 3. The licensee’s signature and date of signature, and
 4. A \$25 duplicate license fee.
- A.** A licensee shall submit to the Department a notice in a Department-provided format within 30 calendar days after the effective date of a change in:
 1. The licensee’s home address or e-mail address, including the new home address or e-mail address;
 2. The licensee’s name, including a copy of one of the following with the licensee’s new name:
 - a. Marriage certificate,
 - b. Divorce decree, or
 - c. Other legal document establishing the licensee’s new name; and
 3. The place or places, including address or addresses, where the licensee engages in the practice of audiology or speech-language pathology.
- B.** A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a format provided by the Department that includes:
 1. The licensee’s name and address,
 2. The licensee’s license number and expiration date,
 3. The licensee’s signature and date of signature, and
 4. A duplicate license fee specified in R9-16-216.

R9-16-216. Fees

- A.** An applicant shall submit to the Department the following nonrefundable fee for:
 1. An initial application as an audiologist, \$100;
 2. An initial application as a speech-language pathologist, \$100; and
 3. An initial application as a temporary speech-language pathologist, \$100.
- B.** An applicant shall submit to the Department the following fee for:
 1. An initial license as an audiologist, \$200;
 2. An initial license as a speech-language pathologist, \$200; and
 3. A temporary license as a speech-language pathologist, \$100.
- C.** A licensee shall submit to the Department the following fee for:
 1. A renewal license as an audiologist, \$200;
 2. A renewal license as a speech-language pathologist, \$200; and
 3. A temporary renewal license as a speech-language pathologist, \$100.
- D.** If a licensed audiologist or speech-language pathologist submits a renewal license application specified in subsection (C) within 30 calendar days after the license expiration date, the licensee shall submit with the renewal license application a \$25 late fee.
- E.** The fee for a duplicate license is \$25.
- F.** An applicant for initial licensure is not required to submit the applicable fee in subsection (A) and (B) if the applicant, as part of the applicable application in R9-16-202, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.



NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

[R19-298]

PREAMBLE

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Lists various rule numbers (R9-16-301 to R9-16-317) and their corresponding actions (Amend, Repeal, New Section).

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statutes: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
Implementing statutes: A.R.S. §§ 36-1901 through 36-1910, 36-1921 through 36-1926; and 36-1934 through 36-1940.02.

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 expedited rule:

Notice of Rulemaking Docket Opening: 25 A.A.R. 3321, November 15, 2019

4. The agency's contact person who can answer questions about the rulemaking:

Name: Thomas Salow, Branch Chief
Address: Arizona Department of Health Services
Division of Licensing Services
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007
Telephone: (602) 364-1935
Fax: (602) 364-4808
E-mail: Thomas.Salow@azdhs.gov



or

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5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:

The five-year-review report (Report) for 9 A.A.C. 16, Article 3 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on September 26, 2019.

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:

The Department did not review or rely on any study for this rulemaking.

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.

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:

Close of record: January 31, 2018 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

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 Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

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:

There are no federal rules applicable to the subject of the rule.

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 such analysis was 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 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

ARTICLE 3. LICENSING HEARING AID DISPENSERS

Section
R9-16-301. Definitions
R9-16-302. Individuals to Act for Applicant Examination Requirements
R9-16-303. Examination Requirements Application
R9-16-304. Written Hearing Aid Dispenser Examination Requirements for an Initial Hearing Aid Dispenser License
R9-16-305. Practical Examination Requirements for an Initial Temporary Hearing Aid Dispenser License
R9-16-306. Application for an Initial License by Examination Application for Examination
R9-16-307. Application for an Initial License by Reciprocity Initial Application for a Business Hearing Aid Dispenser License
R9-16-308. Application for an Initial License to a Business Organization License Renewal
R9-16-309. Application for a Temporary License Continuing Education
R9-16-310. Sponsors
R9-16-311. License Renewal Responsibilities of a Hearing Aid Dispenser
R9-16-312. Continuing Education Equipment and Records
R9-16-313. Responsibilities of a Hearing Aid Dispenser Enforcement
R9-16-314. Equipment and Records Time-frames
Table 3.1. Time-frames (in calendar days)
R9-16-315. Disciplinary Actions Change Affecting a License or a Licensee; Request for Duplicate License
R9-16-316. Time-frames Fees
Table 3.1. Time-frames (in calendar days) Repealed
R9-16-317. Change Affecting a License or a Licensee; Request for Duplicate License Repealed

ARTICLE 3. LICENSING HEARING AID DISPENSERS

R9-16-301. Definitions

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

- 1. "Applicant" means an individual or a business organization that submits to the Department an approval to test, or initial, renewal or temporary license an application packet and required documentation for approval to practice as a hearing aid dispenser.
2. "Application packet" means the information, documents, and fees required by the Department to apply for a license.
3-2. "Business organization" means an entity identified in A.R.S. § 36-1910.
4-3. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
5-4. "Continuing education" means a course that provides instruction and training that directly relates to the practice of fitting and dispensing hearing aids as specified in A.R.S. § 36-1904.
6. "Continuing education hour" means 50 minutes of continuing education.
7. "Controlling person" has the same meaning as in A.R.S. § 36-881.
8. "Course" means a workshop, seminar, lecture, conference, or class.
9. "Department designated written hearing aid dispenser examination" means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:
a. The International Licensing Examination for Healthcare Professionals, administered by the International Hearing Society; or
b. A test provided by the Department or other organization.
10-5. "Designated agent" means an individual who is:
a. Is authorized by an applicant or hearing aid dispenser [a person] to receive communications from the Department, including legal service of process; and to
b. file May file or sign documents on behalf of the applicant or hearing aid dispenser;
c. Is a U.S. citizen or legal resident;
d. Has an Arizona address; and
e. Is a controlling person of the business organization, if applicable.
11-6. "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing entity a state specified in R9-16-311(A)(2) and (3) R9-16-308(A)(2).
7. "GED" means a general education development test.
8. "Hearing aid dispenser examination" means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:
a. The International Licensing Examination for Hearing Health Professionals, administered by the International Hearing Society; or
b. A test provided by the Department or other organization.
12. "In-service education" means organized instruction or information that is provided to a licensed hearing aid dispenser.



9. “Practical examination” means a test:
 - a. Designated by the Department that demonstrates an applicant’s proficiency in the practice of fitting and dispensing of hearing aids, and
 - b. Compliant with A.R.S. § 36-1924(A)(4).
10. “State licensing entity” means a state agency or board that approves licensure and takes disciplinary action of individuals or businesses that practice as a hearing aid dispenser.
11. “Temporary hearing aid dispenser” means a person who is licensed under A.R.S. Title 36, Chapter 17 and this Article for a specified period of time under the sponsorship of a hearing aid dispenser also licensed under A.R.S. Title 36, Chapter 17 and this Article.

R9-16-302. Individuals to Act for Applicant Examination Requirements

When an applicant or a hearing aid dispenser is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or hearing aid dispenser:

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

R9-16-303. Examination Requirements Application

- A.** Within two years after the date an applicant receives the approval notification in R9-16-304(C)(1), or a hearing aid dispenser with a temporary license receives the approval in R9-16-309(C), the applicant or hearing aid dispenser with a temporary license shall take and obtain a passing score on the Department-designated:
1. Written hearing aid dispenser examination required R9-16-304, and
 2. Practical examination required in R9-16-305.
- B.** An applicant approved to take the Department-designated practical examination according to R9-16-304(C)(1), the examination required in R9-16-307(E), or a hearing aid dispenser with a temporary license approved to take the Department-designated practical examination according to R9-16-309(F)(1) shall:
1. Arrive on the scheduled date and time of the examination,
 2. Provide proof of identity by a government issued photographic identification card that is provided by the applicant or hearing aid dispenser with a temporary license upon the request of the individual administering the examination, and
 3. Exhibit ethical conduct during the examination process.
- C.** An applicant or hearing aid dispenser with a temporary license who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.
- D.** An applicant or hearing aid dispenser with a temporary license taking the examination:
1. Required in R9-16-307(E), will receive:
 - a. A passing score if 75% or more of the responses are correct, as determined by the Department; or
 - b. A failing score if fewer than 75% of the responses are incorrect, as determined by the Department; and
 2. Required in R9-16-304(C)(1) or R9-16-309(F)(1) will receive a passing score on the examination if the applicant or hearing aid dispenser with a temporary license demonstrates the proficiencies in A.R.S. § 36-1924(A)(4), as determined by the Department.



E. The Department shall notify an applicant or hearing aid dispenser with a temporary license that the applicant or hearing aid dispenser with a temporary license may apply for an initial hearing aid dispenser license when the applicant or hearing aid dispenser with a temporary license has received a passing score on both of the examinations in subsection (A).

A. An applicant for licensure shall submit to the Department:

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

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

R9-16-304. ~~Written Hearing Aid Dispenser Examination~~ Requirements for an Initial Hearing Aid Dispenser License

~~A. An applicant applying for an approval to take the Department designated written hearing aid dispenser examination shall submit to the Department:~~

- ~~1. An application in a format provided by the Department that contains:-~~
 - ~~a. The applicant's name, home address, telephone number, and e-mail address;~~
 - ~~b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;~~
 - ~~c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;~~
 - ~~d. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction; and~~
 - ~~e. If the applicant was convicted of a felony or misdemeanor:-~~
 - ~~i. The date of the conviction,~~
 - ~~ii. The state or jurisdiction of the conviction,~~
 - ~~iii. An explanation of the crime of which the applicant was convicted, and~~
 - ~~iv. The disposition of the case;~~
 - ~~f. Whether within the two years before the application date, a hearing aid dispenser license issued to the applicant was suspended or revoked;~~



- g. Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;
 - h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-316;
 - i. An attestation that the information submitted as part of the application is true and accurate; and
 - j. The applicant's signature and date of signature;
2. A copy of the applicant's:
 - a. U.S. passport, current or expired;
 - b. Birth certificate;
 - c. Naturalization documents; or
 - d. Documentation of legal resident alien status;
 3. Documentation that the applicant:
 - a. Received a high school diploma from an accredited high school;
 - b. Passed the general education development tests;
 - c. Completed an associate degree or higher from an accredited college or university; or
 - d. Continuously engaged in the practice of fitting and dispensing hearing aids during the three years before August 11, 1970;
 4. If the applicant was issued a hearing aid dispenser license in another state or jurisdiction, where the applicant was issued a hearing aid dispenser license; and
 5. A nonrefundable \$100 application fee.
- B.** The Department shall review an application for an approval to take the Department designated written hearing aid examination according to R9-16-316 and Table 3.1.
- C.** Within five calendar days after the Department receives the applicant's Department designated written hearing aid dispenser examination results, the Department shall provide written notification to the applicant of:
1. A passing score that includes approval to take the Department designated practical examination in R9-16-305; or
 2. A failing score that includes, as applicable, approval to retake the Department designated written hearing aid dispenser examination.
- A.** An applicant for initial licensure shall submit an application to the Department that includes:
1. The information and documents required in R9-16-303;
 2. Documentation of passing the:
 - a. Written hearing aid dispenser examination, and
 - b. Practical examination; and
 3. The fees specified in R9-16-316.
- B.** In addition to complying with subsections (A)(1) and (A)(3), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:
1. The name of each state that issued the applicant a current hearing aid dispenser license, including:
 - a. The license number of each current hearing aid dispenser license, and
 - b. The date each current hearing aid dispenser license was issued;
 2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
 3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
 - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
 - b. Has met minimum education requirements according to A.R.S. § 36-1923(A);
 - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.
- C.** An initial hearing aid dispenser license is valid for two years from the date of issue for licensure by examination or licensure by reciprocity.
- D.** If the Department does not issue an initial hearing aid dispenser license to an applicant, the Department shall return the license fee to the applicant.
- R9-16-305. Practical Examination Requirements for an Initial Temporary Hearing Aid Dispenser License**
- A.** After an applicant takes the Department designated practical examination required in R9-16-303(A), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:
1. A passing score; or
 2. A failing score and, as applicable, approval to retake the Department designated practical examination.
- B.** The Department shall administer the Department designated practical exam that complies with A.R.S. § 36-1924(A)(4):
1. In October each calendar year, and
 2. According to A.R.S. § 36-1923.
- A.** In addition to complying with R9-16-303, an applicant for a temporary hearing aid dispenser license shall submit to the Department:
1. The sponsor's:
 - a. Name,
 - b. Business address,
 - c. Business telephone number, and
 - d. Arizona hearing aid dispenser license number.



- 2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905.
- B.** If the Department issues a temporary license to the applicant, the Department shall notify the applicant of approval to take the hearing aid dispenser examination as specified in R9-16-302.
- C.** A temporary hearing aid dispenser may renew a temporary license according to A.R.S. § 36-1926.
- D.** A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.
- E.** A hearing aid dispenser whose temporary license is terminated according to subsection (D):
 - 1. Shall not practice until issued a new license.
 - 2. May apply for an initial or temporary license as a hearing aid dispenser according to this Article; and
 - 3. May choose to:
 - a. Complete the two-year test period issued to the applicant with a previous temporary license, or
 - b. Restart the two-year test period on the date the Department approves the hearing aid dispenser's temporary license in subsection (E)(2); and
 - 4. If the applicant chooses to restart the two-year test period in subsection (3)(b), the previous test result obtained will not apply.
- F.** An initial hearing aid dispenser license is valid for 12 months from the date of issue for a temporary license or in compliance with A.R.S. § 36-1928(D).

R9-16-306. Application for an Initial License by Examination Application for Examination

- A.** Within six months after receiving the written notice in R9-16-303(E), an applicant for an initial license by examination shall submit to the Department:-
 - 1. An application in a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;-
 - b. An attestation that the information submitted as part of the application for approval to take the Department designated written hearing aid dispenser examination required in R9-16-304 is currently true and accurate; and
 - e. The applicant's signature and date signed; and
 - 2. A license fee of \$200.
- B.** The Department shall review an application for an initial hearing aid dispenser license by examination according to R9-16-316 and Table 3.1.
- C.** If the Department does not issue an initial hearing aid dispenser license by examination to an applicant, the Department shall return the license fee to the applicant.
- D.** An initial hearing aid dispenser license is valid for two years from the date of issue.
- A.** In addition to complying with R9-16-303, an applicant for initial licensure by examination shall submit an application to the Department that includes:
 - 1. Information and documentation required in R9-16-303, and
 - 2. The fee in R9-16-316.
- B.** If the Department approves the application, the Department shall notify the applicant of approval to take the written hearing aid dispenser examination as specified in R9-16-302.
- C.** If the Department approves an application, the applicant shall not practice fitting and dispensing hearing aids without a license issued by the Department.

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

- A.** An applicant for an initial license by reciprocity shall submit to the Department:-
 - 1. An application in a format provided by the Department that contains:
 - a. The information required in R9-16-304(A)(1)(a) through (A)(1)(j);
 - b. The name of each state that issued the applicant a current hearing aid dispenser license;
 - e. The license number of each current hearing aid dispenser license; and
 - d. The date each current hearing aid dispenser license was issued;
 - 2. The documents required R9-16-304(A)(2) through (A)(5);-
 - 3. For each state named in subsection (A)(1)(b):
 - a. A statement, on the letterhead of the state licensing entity that issued the hearing aid dispenser license and signed by an official of the state licensing entity, that the applicant holds a current hearing aid dispenser license in good standing;
 - b. A copy of the written and practical portions of the Department designated hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;-
 - e. The state licensing entity's statement of:
 - i. The applicant's score on each section of the hearing aid dispenser examination taken by the applicant;
 - ii. The minimum passing score for each section of the hearing aid dispenser examination taken by the applicant; and
 - iii. The minimum passing score for the hearing aid dispenser examination taken by the applicant;
 - d. A copy of the applicant's current license;
 - e. An attestation that the information submitted as part of the application for an initial license by reciprocity is true and accurate; and
 - f. The applicant's signature and date of signature; and
 - 4. A \$200 license fee.
- B.** Based on the information submitted under subsections (A)(1) through (A)(3), the Department shall determine whether:-
 - 1. The content of the examination taken by the applicant is substantially the same as the content of the Department's examinations in:
 - a. The Department designated written hearing aid dispenser examination, and



- b. The Department designated practical examination;
 - 2. The applicant's scores on the examinations in (A)(3)(c) meet the requirements in R9-16-303 for passing; and
 - 3. The applicant complies with A.R.S. §§ 36-1922 and 36-1923(A), and this Article.
 - C.** The Department shall review an application for an initial license by reciprocity according to R9-16-316 and Table 3.1.
 - D.** If the Department does not issue an initial license by reciprocity to an applicant, the Department shall return the license fee to the applicant.
 - E.** If the Department issues an initial license by reciprocity to an applicant, the Department shall provide notification to the applicant that the applicant is approved to take and required to pass the examination identified in A.R.S. § 36-1922 within six months after the initial license by reciprocity is issued.
 - F.** After an applicant takes the examination in subsection (E), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:
 - 1. A passing score; or
 - 2. A failing score and, as applicable, approval to retake the examination.
 - G.** An initial license by reciprocity issued to an applicant is valid for two years from the date of issue.
 - A.** An applicant for a business hearing aid dispenser license shall submit to the Department:
 - 1. An application in a Department-provided format that contains:
 - a. The name of the business organization;
 - b. The business organization's Arizona business name, address, e-mail address, and telephone number;
 - c. If the business organization has more than one location, provide the name, address, e-mail address, and telephone number for each location;
 - d. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
 - e. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;
 - f. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state;
 - g. Whether the business organization or a hearing aid dispenser working for the business organization is currently ineligible for licensing in any state due to a suspension or revocation;
 - h. An attestation that the:
 - i. Business organization allows the Department to make supplemental requests for additional information; and
 - ii. Information required as part of the application has been submitted and is true and accurate; and
 - i. The signature and date of signature from the designated agent; and
 - 2. An application and license fee specified in R9-16-316.
 - B.** A business organization with more than one location shall submit a duplicate license fee for each additional location according to R9-16-315 and R9-16-316.
 - C.** The Department shall review an application for an initial business hearing aid dispenser license according to R9-16-314 and Table 3.1.
 - D.** A business organization licensed according to this Article shall comply with A.R.S. § 36-1910.
 - E.** An initial license issued to a business organization according to this Section is valid for two years from the date of issue.
- R9-16-308. Application for an Initial License to a Business Organization License Renewal**
- A.** An applicant that is a business organization shall submit to the Department:
 - 1. An application for an initial hearing aid dispenser license in a format provided by the Department that contains:
 - a. The name of the business organization;
 - b. The business organization's Arizona business name, address, and telephone number;
 - c. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
 - d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;
 - e. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;
 - f. Whether the business organization or a hearing aid dispenser working for the business organization currently is not eligible for licensing in any state due to a suspension or revocation;
 - g. An attestation that information required as part of the application has been submitted and is true and accurate; and
 - h. The signature and date of signature from the designated agent;
 - 2. A nonrefundable \$100 application fee; and
 - 3. A \$200 license fee.
 - B.** The Department shall review an application for an initial hearing aid dispenser license to a business organization according to R9-16-316 and Table 3.1.
 - C.** If the Department does not issue an initial hearing aid dispenser license to a business organization, the Department shall return the license fee in subsection (A)(3) to the applicant.
 - D.** A business organization licensed according to this Section shall comply with A.R.S. § 36-1910.
 - E.** An initial license issued to a business organization according to this Section is valid for two years from the date of issue.
 - A.** A licensee, except for a temporary hearing aid dispenser, shall submit a renewal application in a Department-provided format that contains:
 - 1. For an individual licensed as a hearing aid dispenser:
 - a. The licensee's name, home address, telephone number, and e-mail address;



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

R9-16-309. Application for a Temporary License Continuing Education

- A.** An applicant for a temporary license shall submit to the Department:
1. An application in a format provided by the Department that contains:
 - a. The information in R9-16-304(A)(1)(a) through (A)(5); and
 - b. The applicant’s sponsor’s:
 - i. Name,
 - ii. Business address;



- iii. Business telephone number, and
 - iv. Arizona hearing aid dispenser license number;
 - 2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
 - 3. A \$100 license fee.
- B.** The Department shall review an application for a temporary license according to R9-16-316 and Table 3-1.
- C.** If the Department issues a temporary license to the applicant, the Department shall also provide written notification to the applicant of approval to take the Department-designated written hearing aid dispenser examination within six months after the temporary license is issued.
- D.** If the Department does not issue an applicant a temporary license, the Department shall return the license fee in subsection (A)(3) to the applicant.
- E.** If a hearing aid dispenser with a temporary license takes and fails the Department-designated written hearing aid dispenser examination required in subsection (C), the temporary hearing aid dispenser may:
 - 1. Renew the temporary license once according to R9-16-311(F), and
 - 2. Take the Department-designated written hearing aid dispenser examination within the six months after renewal of the temporary license.
- F.** Within five calendar days after the Department receives an individual's Department-designated written hearing aid dispenser examination results, the Department shall provide written notification to the individual of:
 - 1. A passing score that includes approval to take the Department-designated practical examination; or
 - 2. A failing score that includes, as applicable, approval to retake the Department-designated written hearing aid dispenser examination.
- G.** A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.
- H.** A hearing aid dispenser whose temporary license is terminated according to subsection (G), shall:
 - 1. Not practice until issued a new license, and
 - 2. May apply for an initial license as a hearing aid dispenser according to this Article or a temporary license according to this Section.
- I.** A temporary license is valid for 12 months from the date of issue.
- A.** Twenty-four months prior to submitting a renewal application, a licensee shall complete 24 continuing education hours that includes no more than eight continuing education hours provided by a single manufacturer of hearing aids.
- B.** Continuing education shall:
 - 1. Directly relate to the practice of fitting and dispensing hearing aids;
 - 2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
 - 3. Consist of courses that include advances within the last five years in:
 - a. Procedures in the selection and fitting of hearing aids,
 - b. Pre- and post-fitting management of clients,
 - c. Instrument circuitry and acoustic performance data,
 - d. Ear mold design and modification contributing to improved client performance,
 - e. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,
 - f. Auditory rehabilitation,
 - g. Ethics,
 - h. Federal and state statutes or rules, or
 - i. Assistive listening devices.
- C.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
 - 1. Hearing Healthcare Providers of Arizona,
 - 2. Arizona Speech-Language-Hearing Association,
 - 3. American Speech-Language-Hearing Association,
 - 4. International Hearing Society,
 - 5. International Institute for Hearing Instruments Studies,
 - 6. American Auditory Society,
 - 7. American Academy of Audiology,
 - 8. Academy of Doctors of Audiology,
 - 9. Arizona Society of Otolaryngology, Head and Neck Surgery,
 - 10. American Academy of Otolaryngology-Head and Neck Surgery, or
 - 11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

R9-16-310. Sponsors

- A.** A sponsor shall:
 - 1. Provide to a hearing aid dispenser with a temporary license a minimum of 64 hours per month of on-site training and supervision that:
 - a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the hearing aid dispenser with a temporary license; and
 - b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
 - 2. Maintain a record that:
 - a. Is signed by the hearing aid dispenser with a temporary license;
 - b. Has the date, time, and content of the training and supervision provided to the hearing aid dispenser with a temporary license, as required in subsection (A)(1); and



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

R9-16-311. License Renewal Responsibilities of a Hearing Aid Dispenser

- A.** A licensee, except for a hearing aid dispenser with a temporary license, shall submit a renewal application in a format provided by the Department that contains:
 - 1. For an individual licensed as a hearing aid dispenser:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
 - d. The applicant's license number and expiration date;
 - e. Since the hearing aid dispenser's previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state or jurisdiction;
 - f. If the applicant was convicted of a felony or misdemeanor involving moral turpitude:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant has had a license revoked or suspended by any state within the previous two years;
 - h. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
 - i. Whether any disciplinary action has been imposed by any state, territory or district in this country for an act upon the applicant's hearing aid dispenser license;
 - j. An attestation that information required as part of the application has been submitted and is true and accurate; and
 - k. The applicant's signature and date of signature;
 - 2. In addition to the requirements in subsection (A)(1) an individual shall submit:
 - a. Documentation of 24 continuing education hours completed within the 24 months before the expiration date on the license, including:
 - i. The name of the organization providing the course;
 - ii. The date and location where the course was provided;
 - iii. The title of each course attended;
 - iv. A description of each course's content;
 - v. Whether the course was taught in person;
 - vi. The name of the instructor;
 - vii. The instructor's education, training, and experience background, if available; and
 - viii. The number of continuing education hours earned for each course; and
 - b. A \$200 license renewal fee; or
 - 3. For a business organization licensed as a hearing aid dispenser:
 - a. The information in subsection R9-16-308(A)(1), and
 - b. A \$200 license renewal fee.
- B.** A licensee, except for a hearing aid dispenser with a temporary license, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:
 - 1. The information and renewal fee required in subsection (A), and
 - 2. A \$25 late fee.



- C.** A renewal license issued to a licensee, except for a hearing aid dispenser with a temporary license, is valid for two years after the expiration date of the previous license issued by the Department.
- D.** If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:
1. The hearing aid dispenser may apply for a new license according to subsection (E), or
 2. The business organization may apply for a new license according to R9-16-308.
- E.** A licensee whose license is nonrenewable according to subsection (D)(1) and it is within one year after the expiration date of the hearing aid dispenser's license:
1. The applicant shall submit an application in a format provided by the Department that contains:
 - a. The information required in R9-16-304(A)(1) through (A)(4), and
 - b. Documentation of continuing education according to R9-16-312; and
 2. A nonrefundable \$100 application fee and a \$100 license fee.
- F.** If allowed in R9-16-309(E)(1), a hearing aid dispenser with a temporary license shall submit at least 30 calendar days before the expiration date on the license, a renewal application in a format provided by the Department that contains:
1. The information in R9-16-304(A)(1) through (A)(4);
 2. The applicant's sponsor's:
 - a. Name;
 - b. Business address;
 - c. Business telephone number; and
 - d. Arizona hearing aid dispenser license number;
 3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
 4. A \$100 license renewal fee.
- G.** A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.
- H.** The Department shall review a renewal application according to R9-16-316 and Table 3.1.
- A.** A hearing aid dispenser licensed shall:
1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;
 2. Conspicuously post the license received in the hearing aid dispenser's office or place of business;
 3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:
 - a. Type, degree, and configuration of hearing loss;
 - b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
 - c. The client's most comfortable and uncomfortable loudness levels in decibels;
 4. Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:
 - a. Obtained within the previous 12 months for an adult, or
 - b. Within the previous six months for an individual under the age of 18;
 5. Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:
 - a. The client's young age, or
 - b. A physical or mental disability;
 6. Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;
 7. Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:
 - a. Information required in A.R.S. § 36-1909;
 - b. A complete description of:
 - i. Warranty information, and
 - ii. The conditions of any offer of a trial period with a money back guarantee or partial refund; and
 - c. The client's signature and date of signature; and
 8. Not:
 - a. Practice without a license according to A.R.S. § 36-1907,
 - b. Commit unlawful acts according to A.R.S. § 36-1936, or
 - c. Commit actions described in A.R.S. § 36-1934(A).
- B.** The trial period described in subsection (A)(7)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.

R9-16-312. Continuing Education Equipment and Records

A. Continuing education shall:

1. Directly relate to the practice of fitting and dispensing hearing aids;
2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
3. Consist of courses that include advances within the last five years in:
 - a. Procedures in the selection and fitting of hearing aids;
 - b. Pre- and post-fitting management of clients;
 - c. Instrument circuitry and acoustic performance data;
 - d. Ear mold design and modification contributing to improved client performance;
 - e. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss;



- f. Auditory rehabilitation;
- g. Ethics;
- h. Federal and state statutes or rules, or
- i. Assistive listening devices.

B. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (A):

- 1. Hearing Healthcare Providers of Arizona;
- 2. Arizona Speech Language Hearing Association;
- 3. American Speech Language Hearing Association;
- 4. International Hearing Society;
- 5. International Institute for Hearing Instrument Studies;
- 6. American Auditory Society;
- 7. American Academy of Audiology;
- 8. Academy of Doctors of Audiology;
- 9. Arizona Society of Otolaryngology Head and Neck Surgery;
- 10. American Academy of Otolaryngology Head and Neck Surgery; or
- 11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

C. A hearing aid dispenser shall comply with the continuing education requirements in A.R.S. § 36-1904.

A. A licensee shall maintain an audiometer and other hearing devices according to the manufacturer's specifications.

B. If a licensee uses equipment that requires calibration, the licensee shall ensure that:

- 1. The equipment is calibrated at least every 12 months and according to the American National Standard Institution/Acoustical Society incorporated by reference and on file with the Department, with no future additions or amendments, and available from the American National Standards Institution at <http://webstore.ansi.org>; and
- 2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

C. A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:

- 1. The name, address, and telephone number of the individual to whom services are provided;
- 2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;
- 3. For each audiometric test conducted for the client, the:
 - a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service;
 - b. Name of the individual who performed the audiometric tests, and
 - c. Signature of the individual who performed the audiometric tests;
- 4. A copy of the bill of sale required in R9-16-311(A)(7);
- 5. Documented verification of the effectiveness of the hearing aid required in R9-16-311(A)(6); and
- 6. The contracts, agreements, warranties, trial periods, or other documents involving the client.

R9-16-313. Responsibilities of a Hearing Aid Dispenser Enforcement

A. A hearing aid dispenser licensed according to subsections R9-16-306 or R9-16-307 shall:

- 1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;
- 2. Conspicuously post the license received according to subsections R9-16-306 or R9-16-307 in the hearing aid dispenser's office or place of business;
- 3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:
 - a. Type, degree, and configuration of hearing loss;
 - b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
 - e. The client's most comfortable and uncomfortable loudness levels in decibels;
- 4. Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:
 - a. Obtained within the previous 12 months for an adult, or
 - b. Within the previous six months for an individual under the age of 18;
- 5. Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:
 - a. The client's young age, or
 - b. A physical or mental disability;
- 6. Maintain documentation for three years from the date of receipt of the information, that supports the exclusion of specific audiometric tests according to subsections (A)(4) and (A)(5);
- 7. Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;
- 8. Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:
 - a. Information required in A.R.S. § 36-1909;
 - b. A complete description of:
 - i. Warranty information, and
 - ii. The conditions of any offer of a trial period with a money-back guarantee or partial refund; and



- e. The client's signature and date of signature; and
 - 9. Not:
 - a. Practice without a license according to A.R.S. § 36-1907;
 - b. Commit unlawful acts according to A.R.S. § 36-1936, or
 - e. Commit actions described in A.R.S. § 36-1934(A).
 - B.** The trial period described in subsection (A)(8)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.
 - A.** The Department may, as applicable:
 - 1. Deny, revoke, or suspend a license under A.R.S. § 36-1934.
 - 2. Request an injunction under A.R.S. § 36-1937, or
 - 3. Assess a civil money penalty under A.R.S. § 36-1939.
 - B.** In determining which disciplinary action specified in subsection (A), the Department shall consider:
 - 1. The type of violation.
 - 2. The severity of the violation.
 - 3. The danger to the public health and safety.
 - 4. The number of violations.
 - 5. The number of clients affected by the violations.
 - 6. The degree of harm to the consumer.
 - 7. A pattern of noncompliance, and
 - 8. Any mitigating or aggravating circumstances.
 - C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- R9-16-314. Equipment and Records Time-frames**
- A.** A licensee shall maintain an audiometer that performs the audiometric tests as described in R9-16-313 according to the manufacturer's specifications.
 - B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:
 - 1. The equipment is calibrated at least every 12 months and according to the American National Standard—Specifications for Audiometers, S3.6-2010, Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, November 2, 2010, incorporated by reference and on file with the Department and the Office of the Secretary of State, with no future additions or amendments; and
 - 2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.
 - C.** A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:
 - 1. The name, address, and telephone number of the individual to whom services are provided;
 - 2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;
 - 3. For each audiometric test conducted for the client, the:
 - a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service;
 - b. Name of the individual who performed the audiometric tests; and
 - e. Signature of the individual who performed the audiometric tests;
 - 4. A copy of the bill of sale required in R9-16-313(A)(8);
 - 5. Documented verification of the effectiveness of the hearing aid required in R9-16-313(A)(7); and
 - 6. The contracts, agreements, warranties, trial periods, or other documents involving the client.
 - A.** For each type of license issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
 - 1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 - 2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.
 - B.** For each type of license issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
 - 1. The administrative completeness review time-frame begins on the date the Department receives an application required in this Article.
 - 2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
 - a. If an application and required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
 - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
 - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
 - 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.



- C. For each type of license issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
 - 1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
 - 2. During the substantive review time-frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
 - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
 - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.
- D. An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

Table 3.1. Time-frames (in calendar days)

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

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

- A. The Department may, as applicable:
 - 1. Take an action under A.R.S. § 36-1934,
 - 2. Request an injunction under A.R.S. § 36-1937, or
 - 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 - 1. The type of violation;
 - 2. The severity of the violation;
 - 3. The danger to the public health and safety;
 - 4. The number of violations;
 - 5. The number of clients affected by the violations;
 - 6. The degree of harm to the consumer;
 - 7. A pattern of noncompliance; and
 - 8. Any mitigating or aggravating circumstances.
- C. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- D. The Department shall notify a licensee's employer within five days after the Department initiates a disciplinary action against a licensee.
- A. A hearing aid dispenser licensee or temporary hearing aid dispenser licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
 - 1. The licensee's home address or e-mail address, including the new home address or e-mail address;
 - 2. The licensee's name, including a copy of one of the following with the licensee's new name:
 - a. Marriage certificate,
 - b. Divorce decree, or
 - c. Other legal document establishing the licensee's new name; or
 - 3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.
- B. A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a Department-provided format that includes:
 - 1. The licensee's name and address,
 - 2. The licensee's license number and expiration date,
 - 3. The licensee's signature and date of signature, and
 - 4. A duplicate license fee specified in R9-16-316.
- C. A business hearing aid dispenser licensee shall submit a written notice to the Department within 30 calendar days after the licensee:
 - 1. Has a change in the information provided in R9-16-307(A)(1)(b).



2. Closes a location specified in R9-16-307(A)(1)(b) and (c), including the location address.
3. Begins operating at new location, not specified in R9-16-307(A)(1)(c), including the new location address.

R9-16-316. Time-frames Fees

- A.** The overall time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1. The Department and an applicant may agree in writing to extend the substantive review time frame and the overall time frame. The substantive review time frame and the overall time frame may not be extended by more than 25 percent of the overall time frame.
- B.** The administrative completeness review time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1.
1. The administrative completeness review time frame begins:
 - a. For an applicant submitting an application for approval to take the Department designated written hearing aid dispenser examination, when the Department receives the application required in R9-16-304(A);
 - b. For an applicant submitting an application for initial hearing aid dispenser license by examination, when the Department receives the application required in R9-16-306;
 - c. For an applicant submitting an application for initial hearing aid dispenser license by reciprocity, when the Department receives the application required in R9-16-307;
 - d. For a business organization submitting an application for an initial hearing aid dispenser license to a business organization, when the Department receives the application required in R9-16-308;
 - e. For an applicant submitting an application for a temporary license, when the Department receives the application required in R9-16-309;
 - f. For a licensed hearing aid dispenser applying to renew a hearing aid dispenser license, when the Department receives the application required in R9-16-311;
 - g. For a business organization applying to renew a business organization hearing aid dispenser license, when the Department receives the application required in R9-16-311; and
 - h. For a temporary hearing aid dispenser applying to renew a temporary license, when the Department receives the application required in R9-16-311.
 2. If an application is incomplete, the Department shall provide a notice of deficiencies to the applicant or licensee describing the missing documents or incomplete information. The administrative completeness review time frame and the overall time frame are suspended from the date of the notice until the date the Department receives the documentation or information listed in the notice of deficiencies. An applicant or licensee shall submit to the Department the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1 for responding to a notice of deficiencies.
 3. If the applicant or licensee submits the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall provide a written notice of administrative completeness to the applicant or licensee.
 4. If the applicant or licensee does not submit the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall consider the application withdrawn.
 5. When an application is complete, the Department shall provide a notice of administrative completeness to the applicant or licensee.
 6. If the Department issues a license or notice of approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time frame described in A.R.S. § 41-1072 is specified in Table 3.1 and begins on the date of the notice of administrative completeness.
1. If an application complies with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a notice of approval to an applicant or a licensee to an applicant or licensee.
 2. If an application does not comply with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall make one comprehensive written request for additional information, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information. The substantive review time frame and the overall time frame are suspended from the date that the Department sends a comprehensive written request for additional or a supplemental request for information until the date that the Department receives all of the information requested.
 3. An applicant or licensee shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information within the time specified in Table 3.1.
 4. If the applicant or licensee does not submit the additional information within the time specified in Table 3.1 or the additional information submitted by the applicant or licensee does not demonstrate compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall provide to the applicant or licensee a written notice of denial that complies with A.R.S. § 41-1092.03(A).
 5. If the applicant or licensee submits the additional information within the time specified in Table 3.1 and the additional information submitted by the applicant or licensee demonstrates compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a license to an applicant or licensee or a notice of approval to an applicant.
- A.** An applicant shall submit to the Department the following fee for:
1. A nonrefundable initial application, \$100;
 2. An initial license for a regular or business hearing aid dispenser, \$200;
 3. A renewal application for temporary hearing aid dispenser license, \$100.
 4. A regular or business hearing aid dispenser licensee for a renewal license, \$200.
- B.** If a renewal application is submitted within 30 calendar days after the license expiration date, a licensee shall submit with the renewal application a \$25 late fee.
- C.** The fee for a duplicate license is \$25.



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

Table 3.1. Time frames (in calendar days) Repealed

Table with 7 columns: Type of Approval, Statutory Authority, Overall Time-frame, Administrative Completeness-Review Time-frame, Time to Respond to Notice of Deficiency, Substantive Review Time frame, Time to Respond to Comprehensive Written Request. Rows include various license types like Approval to take the Department-designated Written Hearing Aid Dispenser Examination, Initial License by Examination, etc.

R9-16-317. Change Affecting a License or a Licensee; Request for Duplicate License Repealed

- A. A licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
1. The licensee's home address or e-mail address, including the new home address or e-mail address;
2. The licensee's name, including a copy of one of the following with the licensee's new name:
a. Marriage certificate;
b. Divorce decree; or
c. Other legal document establishing the licensee's new name; or
3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.
B. A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a format provided by the Department that includes:
1. The licensee's name and address;
2. The licensee's license number and expiration date;
3. The licensee's signature and date of signature, and
4. A \$25 duplicate license fee.



NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

[R19-299]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**
- | <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|--------------------------|
| R9-16-501 | Amend |
| R9-16-502 | Amend |
| R9-16-503 | Amend |
| R9-16-504 | Amend |
| R9-16-505 | Repeal |
| R9-16-505 | New Section |
| Table 5.1 | Repeal |
| R9-16-506 | Repeal |
| R9-16-506 | New Section |
| Table 5.1 | New Table |
| R9-16-507 | Amend |
| R9-16-508 | New Section |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)
 Implementing statutes: A.R.S. §§ 36-1902(B)(5) and 36-1940.04
- 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 expedited rule:**
 Notice of Rulemaking Docket Opening: 25 A.A.R. 3401, November 22, 2019
- 4. The agency's contact person who can answer questions about the rulemaking:**
- Name: Thomas Salow, Branch Chief
 Address: Arizona Department of Health Services
 Division of Licensing Services
 150 N. 18th Ave., Suite 400
 Phoenix, AZ 85007
- Telephone: (602) 364-1935
 Fax: (602) 364-4808
 E-mail: Thomas.Salow@azdhs.gov
- or
- Name: Stephanie Elzenga, Administrative Counsel
 Address: Arizona Department of Health Services
 Office of Administrative Counsel and Rules
 150 N. 18th Ave., Suite 200
 Phoenix, AZ 85007
- Telephone: (602) 542-1020
 Fax: (602) 364-1150
 E-mail: Stephanie.Elzenga@azdhs.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:**
 The five-year-review report (Report) for 9 A.A.C. 16, Article 5 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on October 25, 2019.



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:

The Department did not review or rely on any study for this rulemaking.

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.

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

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

Not applicable

10. Where, when, and how persons may provide written comments on the proposed expedited rule:

Close of record: January 31, 2020 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

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:

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

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 Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

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:

There are no federal rules applicable to the subject of the rule.

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 such analysis was 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 9. HEALTH SERVICES

CHAPTER 16. DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

ARTICLE 5. LICENSING SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

Section

- R9-16-501. Definitions
- R9-16-502. ~~Application for an Initial License~~ Initial Application
- R9-16-503. License Renewal
- R9-16-504. Continuing Education
- R9-16-505. ~~Time-frames~~ Enforcement
- Table 5.1. ~~Time-frames (in calendar days)~~ Repealed
- R9-16-506. ~~Disciplinary Actions~~ Time-frames
- Table 5.1. Time-frames (in calendar days)
- R9-16-507. Changes Affecting a License or a Licensee; Request for Duplicate License
- R9-16-508. Fees

ARTICLE 5. LICENSING SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

R9-16-501. Definitions

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

1. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges Commission of Higher Education,
 - b. Middle States Commission on Higher Education,
 - c. North Central Association of Colleges and Schools Higher Learning Commission,
 - d. Northwest Commission on Colleges and Universities,



- e. Southern Association of Colleges and Schools Commission on Colleges, or
- f. ~~Western Association of Schools and Colleges~~ WASC Senior College and University Commission.
- 2. ~~“Applicant” means:~~
 - a. ~~An individual who submits a license application packet, or~~
 - b. ~~A person who submits a request for approval of a continuing education course.~~
- 2. “Applicant” means an individual who submits a license application and required documentation for approval to practice as a speech-language pathologist assistant.
- 3. ~~“Application packet” means the information, documents, and fees required by the Department to apply for a license.~~
- 4.3. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- 5. ~~“Client” means an individual who receives speech-language pathology services from a speech-language pathologist assistant.~~
- 6.4. “Continuing education” means a course that provides instruction and training that is designed to develop or improve a licensee’s professional competence in disciplines that directly relate to the licensee’s scope of practice.
- 7. ~~“Continuing education hour” means 50 to 60 minutes of continuous instruction.~~
- 8.5. ~~“Course” means a workshop, seminar, lecture, conference, or class.~~
- 9.6. ~~“Documentation” or “documented” means information in written, photographic, electronic, or other permanent form.~~
- 10.7. ~~“General education” means instruction that includes:~~
 - a. Oral communication,
 - b. Written communication,
 - c. Mathematics,
 - d. Computer instruction,
 - e. Social sciences, and
 - f. Natural sciences.
- 11.8. ~~“Observation” means to witness:~~
 - a. The provision of speech-language pathology services to a client, or
 - b. A demonstration of how to provide speech-language pathology services to a client.
- 12.9. ~~“Semester credit hour” means one earned academic unit of study completed, at an accredited college or university, by:~~
 - a. Attending a 50 to 60 minute class session each calendar week for at least 16 weeks, or
 - b. Completing practical work for a course as determined by the accredited college or university.
- 13.10. ~~“Speech-language pathologist” means an individual who is licensed under A.R.S. § 36-1940.01.~~
- 14.11. ~~“Speech-language pathology technical course work” means a curriculum that provides knowledge to develop core skills and assume job responsibilities, including:~~
 - a. Language acquisition,
 - b. Speech development,
 - c. Communication disorders,
 - d. Articulation and phonology, and
 - e. Intervention techniques for speech and language disorders.
- 15.12. ~~“Supervision” means instruction and monitoring provided by a licensed speech-language pathologist as required in A.R.S. § 36-1940.04(E) and (F) to an individual training to become a speech-language pathologist assistant that includes:~~
 - a. ~~On-site observation and guidance; and~~
 - b. ~~Activities, such as consultation, record review, and review and evaluation of an audiotaped or videotaped screening evaluation or clinical session.~~

R9-16-502. Application for an Initial License Initial Application

- A. An applicant for a ~~speech-language pathologist assistant initial license~~ licensure shall submit to the Department ~~an application packet that includes:~~
 - 1. An application in a ~~format provided by the Department~~ Department-provided format that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. If applicable, the name of the applicant's employer and the employer's business address and telephone number;
 - d. Whether the applicant has ever been convicted of a felony or of a misdemeanor ~~involving moral turpitude~~ in this state or another state;
 - e. If the applicant has been convicted of a felony or a misdemeanor ~~involving moral turpitude~~:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - f. Whether the applicant has had a license revoked or suspended by any state ~~within the previous two years~~;
 - g. Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;
 - h. Whether the applicant agrees to allow the Department to submit supplemental requests for information under ~~R9-16-505~~ R9-16-506;
 - i. An attestation that the information submitted is true and accurate; and
 - j. The applicant's signature and date of signature;
 - 2. If applicable, a list of all states and countries in which the applicant is or has been licensed as a speech-language pathologist assistant;



- 3. If a license for an applicant has been revoked or suspended by any state ~~within the previous two years~~, documentation that includes:
 - a. The date of the revocation or suspension,
 - b. The state or jurisdiction of the revocation or suspension, and
 - c. An explanation of the revocation or suspension;
- 4. If the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensure,
 - b. The state or jurisdiction of the ineligibility for licensure, and
 - c. An explanation of the ineligibility for licensure;
- 5. ~~A copy of the applicant's:~~ Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080.
 - ~~a. U.S. passport, current or expired;~~
 - ~~b. Birth certificate;~~
 - ~~c. Naturalization documents; or~~
 - ~~d. Documentation of legal resident alien status;~~
- 6. ~~An official transcript~~ A transcript or equivalent documentation issued to the applicant from an accredited college or university, showing completion of at least 60 semester credit hours of general education and speech-language pathology technical course work, as required specified in A.R.S. § 36.1940.04(A); that requires:
 - a. No less than 20 semester credit hours of general education, and
 - b. No less than 20 semester credit hours of speech-language pathology technical course work;
- 7. Documentation, signed by a licensed speech-language pathologist as required in A.R.S. §36-1940.04 who provided supervision to the applicant, confirming the applicant's completion of at least 100 hours of clinical interaction that did not include observation; and
- 8. ~~A nonrefundable \$100 application fee; and~~ The application and licensing fees specified in R9-16-508.
- 9. ~~A \$200 license fee.~~

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

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

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

~~B-D.~~ The Department shall review the application ~~packet~~ and required documentation for an initial license to practice as a speech-language pathologist assistant according to ~~R9-16-505~~ R9-16-506 and Table 5.1.

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

R9-16-503. License Renewal

- A. Before the expiration date of a speech-language pathologist assistant license, ~~an applicant~~ a licensee shall submit to the Department:
 - 1. An application in a Department-provided format for renewal of a speech-language pathologist assistant license ~~in a format provided by the Department~~ that contains:
 - a. The applicant's licensee's name, home address, telephone number, and e-mail address;
 - b. ~~If applicable, the name of the applicant's employer and the employer's business address and telephone number;~~ The licensee's current employment, if applicable, including:
 - i. The employer's name,
 - ii. The licensee's position,
 - iii. Dates of employment,
 - iv. The address of the employer,
 - v. The supervisor's name,
 - vi. The supervisor's e-mail address, and
 - vii. The supervisor's telephone number;
 - c. If applicable, the name of the ~~applicant's licensee's~~ supervising speech-language pathologist;
 - d. The ~~applicant's licensee's~~ license number and date of expiration;
 - e. Since the previous license application, whether the ~~applicant licensee~~ licensee has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state;
 - f. If the ~~applicant licensee~~ licensee has been convicted of a felony or a misdemeanor:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the ~~applicant licensee~~ licensee was convicted, and



- iv. The disposition of the case;
- g. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
- h. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
- ~~g-i.~~ Whether the applicant licensee agrees to allow the Department to submit supplemental requests for information under R9-16-505 R9-16-506;
- j. An attestation that the licensee has completed continuing education required under A.R.S. 36-1904 and this Article and documentation of completion is available upon request;
- ~~h-k.~~ An attestation that the information submitted is true and accurate; and required as part of the renewal application is true and accurate; and
- ~~i-l.~~ The applicant's licensee's signature and date of signature;
- 2. If a license for a licensee has been revoked or suspended by any state within the previous that two years, documentation that includes:
 - a. The date of the revocation or suspension.
 - b. The state or jurisdiction of the revocation or suspension, and
 - c. An explanation of the revocation or suspension;
- 3. If the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensure.
 - b. The state or jurisdiction of the ineligibility for licensure, and
 - c. An explanation of the ineligibility for licensure;
- ~~2.~~ In a Department provided format, documentation of continuing education as required in R9-16-504 and completed within 24 months before the expiration date on the license, including:
 - ~~a-~~ The name of the individual or organization providing the course;
 - ~~b-~~ The date and location where the course was provided;
 - ~~e-~~ The title of each course attended;
 - ~~d-~~ A description of each course's content;
 - ~~e-~~ The name of the instructor;
 - ~~f-~~ The instructor's education, training, and experience background, if applicable; and
 - ~~g-~~ The number of continuing education hours earned for each course; and
- ~~3-4.~~ A \$200 license renewal fee. A renewal fee specified in R9-16-508.
- B. According to A.R.S. § 36-1904, the Department shall allow a speech-language pathologist assistant to renew a license within 30 calendar days after the expiration date of the license by submitting to the Department:
 - 1. The renewal application packet, including documentation required in subsection (A), and
 - 2. A \$25 late fee. Fees specified in R9-16-508.
- C. An individual who does not submit a renewal application packet, documentation, and fees required ~~according to~~ in subsection (A) or (B), shall reapply for an initial license according to R9-16-502.

R9-16-504. Continuing Education

- A. ~~According to A.R.S. § 36-1904, a licensee shall complete at least 20 continuing education hours. Twenty-four months prior to submitting a renewal application, a licensee shall complete continuing education.~~
- B. Continuing education shall:
 - 1. Directly relate to the practice of speech-language pathology;
 - 2. Have educational objectives that exceed an introductory level of knowledge of speech-language pathology; and
 - 3. Consist of courses that include advances within the last five years in:
 - a. Practice of speech-language pathology,
 - b. Auditory rehabilitation,
 - c. Ethics, or
 - d. Federal and state statutes or rules.
- C. A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
 - 1. Hearing Healthcare Providers of Arizona,
 - 2. Arizona Speech-Language-Hearing Association,
 - 3. American Speech-Language-Hearing Association,
 - 4. International Hearing Society,
 - 5. International Institute for Hearing Instrument Studies,
 - 6. American Auditory Society,
 - 7. American Academy of Audiology,
 - 8. Academy of Doctors of Audiology,
 - 9. ~~Arizona Society of Otolaryngology-Head and Neck Surgery~~ Arizona Medical Association,
 - 10. American Academy of Otolaryngology-Head and Neck Surgery, or
 - 11. An organization determined by the Department to be consistent with an organization in subsection (C)(1) through (10).
- ~~D.~~ An applicant may request approval for a continuing education course by submitting the following to the Department:
 - ~~1-~~ The applicant's name, address, telephone number, and e-mail address, as applicable;
 - ~~2-~~ If a licensee, the licensee's license number;
 - ~~3-~~ The title of the continuing education course;
 - ~~4-~~ A brief description of the course;
 - ~~5-~~ The name, educational background, and teaching experience of the individual presenting the course, if available;
 - ~~6-~~ The educational objectives of the course; and



- 7. The date, time, and place of presentation of the course, if applicable.
- ~~E.~~ If an applicant submits the information in subsection (D), the Department shall review the request for approval for a continuing education course according to R9-16-505 and Table 5.1.
- ~~F.~~ The Department shall approve a continuing education course if the Department determines that the continuing education course:
 - 1. Is designed to provide current developments, skills, procedures, or treatment in diagnostic and therapeutic procedures in speech language pathology;
 - 2. Is developed and presented by individuals knowledgeable and experienced in the presented subject area; and
 - 3. Contributes directly to the professional competence of a licensee.
- ~~G.D.~~ A speech-language pathologist assistant shall comply with the requirements in A.R.S. § 36-1904.

R9-16-505. Time frames Enforcement

- ~~A.~~ For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the overall time frame described in A.R.S. § 41-1072(2):
 - 1. A regular license is valid for two years.
 - 2. An applicant and the Department may agree in writing to extend the substantive review time frame and the overall time frame.
 - 3. An extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
- ~~B.~~ For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the administrative completeness review time frame described in A.R.S. § 41-1072(1):
 - 1. The administrative completeness review time frame begins on the date the Department receives:
 - a. An application packet required in R9-10-502 and R9-10-503, or
 - b. A request for continuing education course approval according to R9-10-504.
 - 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time frame.
 - a. If a license application packet or request for continuing education course approval is not complete, the notice of deficiencies shall list each deficiency and the documents or information needed to complete the license application packet or request for continuing education course approval.
 - b. A notice of deficiencies suspends the administrative completeness review time frame and the overall time frame from the date of the notice until the date the Department receives the missing documents or information.
 - e. If the applicant does not submit to the Department all the information listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
 - 3. If the Department issues a license or approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- ~~C.~~ For each type of license or approval issued by the Department under this Article, Table 5.1 specifies the substantive review time frame described in A.R.S. § 41-1072(3), which begins on the date of the notice of administrative completeness:
 - 1. Within the substantive review time frame, the Department shall provide a written notice to the applicant that the Department issued or denied the license or continuing education course approval.
 - 2. During the substantive review time frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing to allow one or more supplemental requests for additional information or documentation, the Department may make the number of supplemental requests agreed to between the Department and the applicant.
 - 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time frame and the overall time frame from the date of the request until the date the Department receives all the documents and information requested.
 - 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for information or documentation within 30 calendar days after the date of the request, the Department shall deny the license or approval.
- ~~D.~~ An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- ~~A.~~ The Department may, as applicable:
 - 1. Deny, revoke, or suspend an speech-language pathologist assistant license under A.R.S. § 36-1934;
 - 2. Request an injunction under A.R.S. § 36-1937; or
 - 3. Assess a civil money penalty under A.R.S. § 36-1939.
- ~~B.~~ In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 - 1. The type of violation.
 - 2. The severity of the violation.
 - 3. The danger to public health and safety.
 - 4. The number of violations.
 - 5. The number of clients affected by the violations.
 - 6. The degree of harm to a client.
 - 7. A pattern of noncompliance, and
 - 8. Any mitigating or aggravating circumstances.



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

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Time to Respond to Notice of Deficiency	Substantive Review Time-Frame	Time to Respond to Comprehensive Written Request
Initial License (R9-16-502)	A.R.S. §§ 36-1904 and 36-1904.04	60	30	30	30	30
Renewal License (R9-16-503)	A.R.S. § 36-1904	60	30	30	30	30
Continuing Education (R9-16-504)	A.R.S. § 36-1904	45	30	30	15	30

R9-16-506. Disciplinary Actions Time-frames

- A.** The Department may, as applicable:
 1. Deny, revoke, or suspend an speech language pathologist assistant license under A.R.S. § 36-1934;
 2. Request an injunction under A.R.S. § 36-1937; or
 3. Assess a civil money penalty under A.R.S. § 36-1939.
- B.** In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 1. The type of violation;
 2. The severity of the violation;
 3. The danger to public health and safety;
 4. The number of violations;
 5. The number of clients affected by the violations;
 6. The degree of harm to a client;
 7. A pattern of noncompliance; and
 8. Any mitigating or aggravating circumstances.
- C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.
- A.** For each type of license issued by the Department under this Article, Table 5.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).
 1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
 2. The extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B.** For each type of license issued by the Department under this Article, Table 5.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).
 1. The administrative completeness review time-frame begins on the date the Department receives an application and required documentation required in this Article.
 2. Except as provided in subsection (B)(3), the Department shall provide a written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
 - a. If an application or required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
 - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing documents or information.
 - c. If the applicant does not submit to the Department all or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** For each type of license issued by the Department under this Article, Table 5.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date of the notice of administrative completeness.
 1. Within the substantive review time-frame, the Department shall provide a written notice to the applicant that the Department issued or denied the license.
 2. During the substantive review time-frame:
 - a. The Department may make one comprehensive written request for additional information or documentation; and
 - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
 3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the documents and information requested.
 4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.



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

Table 5.1. Time-frames (in calendar days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-Frame</u>	<u>Administrative Completeness Review Time-Frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-Frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Initial License (R9-16-502)</u>	<u>A.R.S. §§ 36-1904 and 36-1904.04</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Renewal License (R9-16-503)</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

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

- A. A licensee shall submit a notice to the Department in writing within 30 calendar days after the effective date of a change in:
 1. The licensee's home address or e-mail address, including the new home address or e-mail address;
 2. The licensee's name, including one of the following with the licensee's new name:
 - a. Marriage certificate,
 - b. Divorce decree, or
 - c. Other legal document establishing the licensee's new name; or
 3. The place or places, including address or addresses, where the licensee engages in the practice of speech-language pathology.
- B. A licensee may obtain a duplicate license by submitting to the Department a written request for a duplicate license in a ~~format provided by the Department~~ Department-provided format that contains:
 1. The licensee's name and address,
 2. The licensee's license number and expiration date,
 3. The licensee's signature and date of signature, and
 4. ~~A \$25 duplicate license fee.~~ A duplicate license fee specified in R9-16-508.

R9-16-508. Fees

- A. An applicant shall submit to the Department the following fees:
 1. An initial nonrefundable application fee, \$100; and
 2. An initial license fee, \$200.
- B. An applicant shall submit to the Department a \$200 license fee for renewal.
- C. If an applicant submits a renewal license application specified in subsection (B) within 30 calendar days after the license expiration date, the applicant shall submit with the renewal license application a \$25 late fee.
- D. An applicant for initial licensure is not required to submit the applicable fee in subsection (A), if the applicant submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.
- E. The fee for a duplicate license is \$25.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

[M19-121]

- 1. The agency name: Board of Chiropractic Examiners
2. The ombudsman's:
a. Name: Lindsey Castro
b. Title: Deputy Director
3. The ombudsman's office address to include the city, state and zip code:
Address: Board of Chiropractic Examiners
1740 W. Adams St., Suite 2430
Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available:
Telephone: (602) 864-5088
E-mail: generalinfo@chiroboard.az.gov

NOTICE OF AGENCY OMBUDSMAN

[M19-120]

- 1. The agency name: Board of Chiropractic Examiners
2. The ombudsman's:
a. Name: Martin Kollasch, D.C.
b. Title: Executive Director
3. The ombudsman's office address to include the city, state and zip code:
Address: Board of Chiropractic Examiners
1740 W. Adams St., Suite 2430
Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available:
Telephone: (602) 864-5088
E-mail: generalinfo@chiroboard.az.gov



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

WHEREAS, government regulations should be as limited as possible; and

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015, the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016, 2017, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators \$53.9 million in operating costs in 2019 and a total of over \$134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent or abusive activities perpetrated against an agency.
j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least three existing rules to eliminate for every one additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency's website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

ATTEST:

Katie Hobbs
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT**

XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

**2020 Arizona Administrative Register
Volume 26 Page Guide**

Issue 1, Jan. 3, 2020.....1-44

Issue 2, Jan. 10, 2020.....45-96

Issue 3, Jan. 17, 2020.....97-124

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 3 OF VOLUME 26.

Clean Elections Commission, Citizens

R2-20-104. TM-114
R2-20-209. FM-111
R2-20-701. PM-101
R2-20-702.01. PM-102
R2-20-703.01. PM-104

Corporation Commission - Transportation

R14-5-202. PM-11
R14-5-204. PM-11

Economic Security, Department of - Child Support Enforcement

R6-7-103. FM-15

Economic Security, Department of - Developmental Disabilities

R6-6-401. P#-5; PN-5
R6-6-402. P#-5; PM-5
R6-6-403. PR-5; P#-5

R6-6-404. PM-5
R6-6-405. P#-5; PM-5

Education, State Board of

R7-2-306. FXM-66
R7-2-604. FXM-66
R7-2-1309. FXN-66

Health Services, Department of - Health Care Institutions: Licensing

R9-10-109. PEM-49
R9-10-318. PEM-49
R9-10-501. XM-72
R9-10-502. XM-72
R9-10-503. XM-72
R9-10-506. XM-72
R9-10-508. XM-72
R9-10-510. XM-72
R9-10-512. XM-72
R9-10-514. XM-72
R9-10-516. XM-72
R9-10-523. XM-72

R9-10-525. XM-72
R9-10-702. PEM-49
R9-10-703. PEM-49
R9-10-706. PEM-49
R9-10-707. PEM-49
R9-10-708. PEM-49
R9-10-712. PEM-49
R9-10-716. PEM-49
R9-10-722. PEM-49

Secretary of State, Office of the

R2-12-1201. F#-106; FN-106
R2-12-1202. F#-106; FM-106
R2-12-1203. F#-106
R2-12-1204. F#-106; FM-106
R2-12-1205. F#-106; FM-106
R2-12-1206. F#-106; FM-106
R2-12-1207. F#-106; FM-106
R2-12-1208. FR-106; F#-106
R2-12-1209. FR-106

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 3 OF VOLUME 26.

Agency Ombudsman, Notices of

Osteopathic Examiners in Medicine and Surgery, Board of; p. 21
Public Safety, Department of; p. 21

Managers, Board of Examiners for; 4 A.A.C. 33; p. 17
Public Safety, Department of - Tow Trucks; 13 A.A.C. 3; p. 18

Docket Opening, Notices of Rulemaking

Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 115-116
Corporation Commission - Transportation; 14 A.A.C. 5; p. 19
Economic Security, Department of - Developmental Disabilities; 6 A.A.C. 6; p. 17
Nursing Care Institution Administrators and Assisted Living Facility

Governor's Office

Executive Order 2019-01: pp. 23-24

Substantive Policy Statement, Notices of

State Lottery, Arizona; p. 117



RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/21
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/21	12/2	1/31/21
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/21	12/3	2/1/21
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/21	12/4	2/2/21
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/21	12/5	2/3/21
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/21	12/6	2/4/21
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/21	12/7	2/5/21
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/21	12/8	2/6/21
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/21	12/9	2/7/21
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/21	12/10	2/8/21
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/21	12/11	2/9/21
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/21	12/12	2/10/21
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/21	12/13	2/11/21
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/21	12/14	2/12/21
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/21	12/15	2/13/21
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/21	12/16	2/14/21
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/21	12/17	2/15/21
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/21	12/18	2/16/21
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/21	12/19	2/17/21
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/21	12/20	2/18/21
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/21	12/21	2/19/21
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/21	12/22	2/20/21
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/21	12/23	2/21/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/21	12/24	2/22/21
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/21	12/25	2/23/21
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/21	12/26	2/24/21
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/21	12/27	2/25/21
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/21	12/28	2/26/21
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/21	12/29	2/27/21
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/21	12/30	2/28/21
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/21



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	Wednesday May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.