www.azsos.gov

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Volume 31, Issue 29 **~ Administrative Register Contents ~** **July 18, 2025**

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.

Arizona Administrative REGISTER

July 18, 2025
Volume 31, Issue 29

PUBLISHER
SECRETARY OF STATE
Adrian Fontes

ADMINISTRATIVE RULES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

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

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

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.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

The Office of the Secretary of State is an equal opportunity employer.

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.

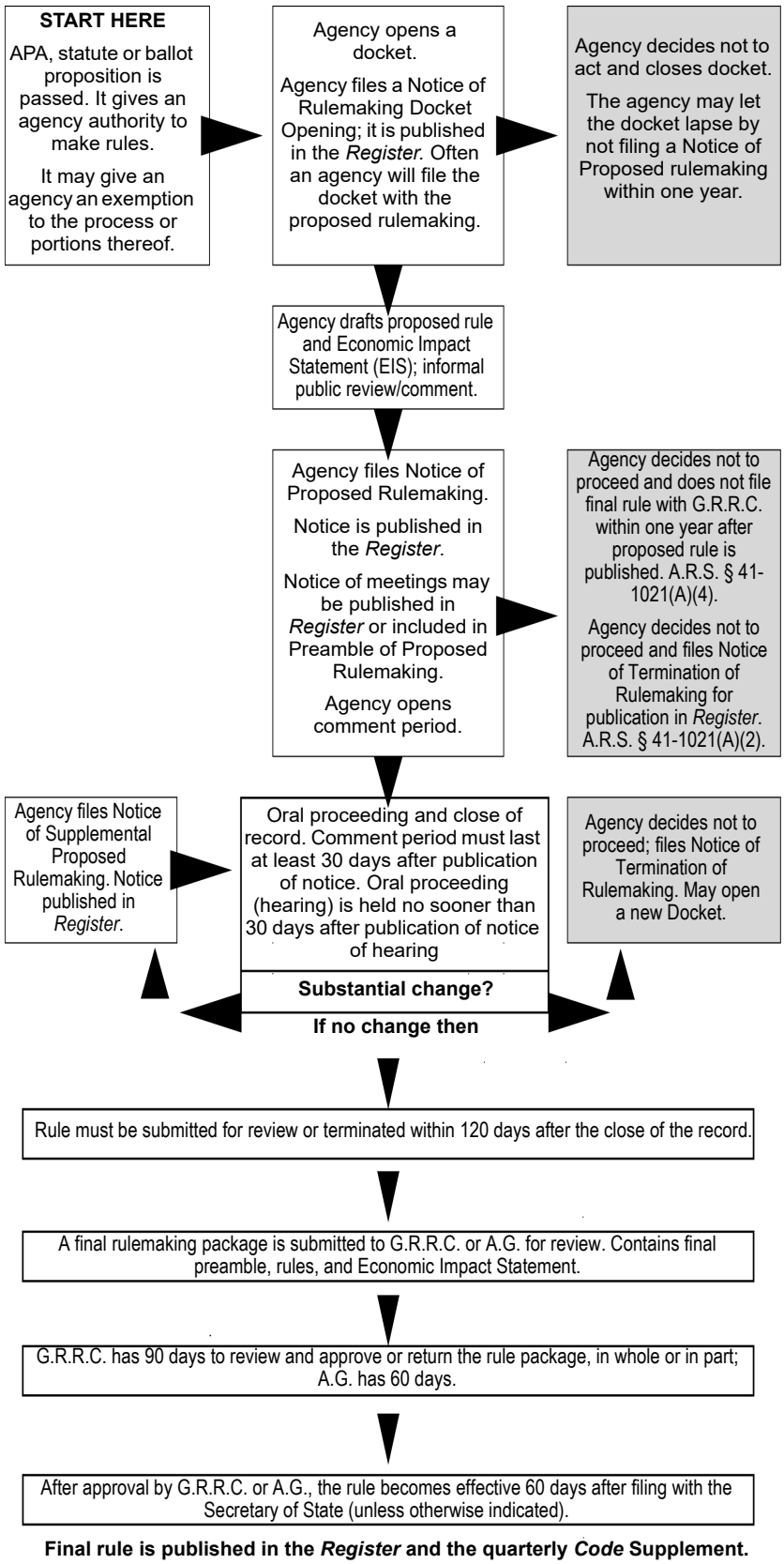
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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 complied 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 FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R25-159]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:

April 21, 2025

2. Article, Part, or Section Affected (as applicable)

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R4-23-110	Amend
R4-23-602	Amend
R4-23-603	Repeal
R4-23-607	Amend
R4-23-693	Amend
R4-23-802	Amend

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

Authorizing statute: A.R.S. § 32-1904(A)

Implementing statute: A.R.S. §§ 32-1901, 32-1930, and 32-1931

4. The effective date of the rule:

August 30, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 544; Issue Date: February 14, 2025; Issue Number: 7; File Number: R25-11

Notice of Proposed Rulemaking: 31 A.A.R. 509; Issue Date: February 14, 2025; Issue Number: 7; File Number: R25-09

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

Name:	Kamlesh Gandhi
Title:	Executive Director
Address:	1110 W. Washington St., Suite 260 Phoenix, AZ 85007
Telephone:	(602) 771-2727
Email:	kgandhi@azpharmacy.gov
Website:	www.azpharmacy.gov

7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Under Laws 2019, Chapter 83, the legislature amended A.R.S. §§ 32-1930 and 32-1931 to deregulate non-prescription retailers. As a result, the Board is repealing language related to non-prescription retailers including references to a permit.

Under Laws 2024, Chapter 234, the legislature added a definition of virtual manufacturer to A.R.S. § 32-1901. As a result, the Board is repealing the Board's definition at R4-23-110.

The Board is also amending R4-23-602 to make it easier for a permit applicant to obtain additional time in which to submit information needed to complete an application.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

9. 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

10. A summary of the economic, small business, and consumer impact:

The Board determined the only economic impact is the Board's costs associated with this rulemaking. The rulemaking simply makes the rules consistent with statute. The amendment of R4-23-602 simplifies a regulatory burden for permit applicants.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

13. 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:

Not applicable

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 Board issues licenses and permits. However, none of the rules in this rulemaking requires a permit.

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

No federal law is directly applicable to this subject of this rulemaking.

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:

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 1. ADMINISTRATIVE

Section
R4-23-110. Definitions

ARTICLE 6. PERMITS AND DISTRIBUTION OF DRUGS

Section
R4-23-602. Permit Application Process and Time ~~frames~~ Frames
R4-23-603. ~~Resident Nonprescription Drugs, Retail~~ Repealed
R4-23-607. Nonresident Permits
R4-23-693. Durable Medical Equipment (DME) and Compressed Medical Gas (CMG) Supplier - Resident or Nonresident

ARTICLE 8. DRUG CLASSIFICATION

Section
R4-23-802. Veterinary

ARTICLE 1. ADMINISTRATIVE

R4-23-110. Definitions

In addition to definitions in A.R.S. § 32-1901, the following definitions apply to this Chapter:

"Active ingredient" means any component that furnishes pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or that affects the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug, that are present in the finished drug product in a modified form, and that furnish the specified activity or effect.

"AHCCCS" means the Arizona Health Care Cost Containment System.

"Annual family income" means the combined yearly gross earned income and unearned income of all adult individuals within a family unit.

"Approved course in pharmacy law" means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations.

"Approved Provider" means an individual, institution, organization, association, corporation, or agency that is approved by the Accreditation Council for Pharmacy Education (ACPE) in accordance with ACPE's policy and procedures or by the Board as meeting criteria indicative of the ability to provide quality continuing education.

"Assisted living facility" means a residential care institution as defined in A.R.S. § 36-401.

"Authentication of product history" means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

"Automated dispensing system" means a mechanical system in a long-term care facility that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information.

"Automated storage and distribution system" means a mechanical system that performs operations or activities other than counting, compounding, or administration, relative to the storage, packaging, or distributing of drugs or devices and that collects, controls, and maintains all transaction information.

"Batch" means a specific quantity of drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

"Beyond-use date" means:

A date determined by a pharmacist and placed on a prescription label at the time of dispensing to indicate a time beyond which the contents of the prescription are not recommended to be used; or

A date determined by a pharmacist and placed on a compounded pharmaceutical product's label at the time of preparation as specified in R4-23-410(B)(3)(d), R4-23-410(I)(6)(e), or R4-23-410(J)(1)(d) to indicate a time beyond which the compounded pharmaceutical product is not recommended to be used.

"Biological safety cabinet" means a containment unit suitable for the preparation of low to moderate risk agents when there is a need for protection of the product, personnel, and environment, consistent with National Sanitation Foundation (NSF) standards, published in the National Sanitation Foundation Standard 49, Class II (Laminar Flow) Biohazard Cabinetry, NSF International P. O. Box 130140, Ann Arbor, MI, revised June 1987 edition, (and no future amendments or editions), incorporated by reference and on file with the Board.

"Care-giver" means a person who cares for someone who is sick or disabled or an adult who cares for an infant or child and includes a patient's husband, wife, son, daughter, mother, father, sister, brother, legal guardian, nurse, or medical practitioner.

"Change of ownership," as used in A.R.S. § 32-1901.01(A), means a change of at least 30 percent in voting stock or vested interest that has direct operational oversight.

"Community pharmacy" means any place under the direct supervision of a pharmacist where the practice of pharmacy occurs or where prescription orders are compounded and dispensed other than a hospital pharmacy or a limited service pharmacy.

"Component" means any ingredient used in compounding or manufacturing drugs in dosage form, including an ingredient that may not appear in the finished product.

"Compounding and dispensing counter" means a pharmacy counter working area defined in this Section where a pharmacist, intern, pharmacy technician, or pharmacy technician trainee under the supervision of a pharmacist compounds, mixes, combines, counts, pours, or prepares and packages a prescription medication to dispense an individual prescription order or prepackages a drug for future dispensing.

"Computer system" means an automated data-processing system that uses a programmable electronic device to store, retrieve, and process data.

"Computer system audit" means an accounting method, involving multiple single-drug usage reports and audits, used to determine a computer system's ability to store, retrieve, and process original and refill prescription dispensing information.

"Contact hour" means 50 minutes of participation in a continuing education activity sponsored by an Approved Provider.

"Container" means:

A receptacle, as described in the official compendium or the federal act, that is used in manufacturing or compounding a drug or in distributing, supplying, or dispensing the finished dosage form of a drug; or

A metal receptacle designed to contain liquefied or vaporized compressed medical gas and used in manufacturing, transfilling, distributing, supplying, or dispensing a compressed medical gas.

"Continuing education" means a structured learning process required of a licensee to maintain licensure that includes study in the general areas of socio-economic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology, characteristics and therapeutics of disease status; or pharmacy practice.

"Continuing education activity" means continuing education obtained through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in an accredited college or school of pharmacy.

"Continuing education unit" or "CEU" means 10 contact hours of participation in a continuing education activity sponsored by an Approved Provider.

"Continuous quality assurance program" or "CQA program" means a planned process designed by a pharmacy permittee to identify, evaluate, and prevent medication errors.

"Correctional facility" has the same meaning as in A.R.S. §§ 13-2501 and 31-341.

"CRT" means a cathode ray tube or other mechanism used to view information produced or stored by a computer system.

"CSPMP" means the Controlled Substances Prescription Monitoring Program established under A.R.S. Title 36, Chapter 28.

"Current good compounding practices" means the minimum standards for methods used in, and facilities or controls used for, compounding a drug to ensure that the drug has the identity and strength and meets the quality and purity characteristics it is represented to possess.

"Current good manufacturing practice" means the minimum standard for methods used in, and facilities or controls used for manufacturing, processing, packing, or holding a drug to ensure that the drug meets the requirements of the federal act as to safety, and has the identity and strength and meets the quality and purity characteristics it is represented to possess.

"Cytotoxic" means a pharmaceutical that is capable of killing living cells.

"Day" means a calendar day unless otherwise specified.

"DEA" means the Drug Enforcement Administration as defined in A.R.S. § 32-1901.

"Declared disaster areas" means areas designated by the governor or by a county, city, or town under A.R.S. § 32-1910 as those areas that have been adversely affected by a natural disaster or terrorist attack and require extraordinary measures to provide adequate, safe, and effective health care for the affected population.

"Delinquent license" means a pharmacist, intern, or pharmacy technician license the Board suspends for failure to renew or pay all required fees on or before the date the renewal is due.

"Dietary supplement or food supplement," as used in A.R.S. § 32-1904(B), means a product (other than tobacco) that:

Is intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin, mineral, herb or other botanical, amino acid, dietary substance for use by humans to supplement the diet by increasing the total daily intake, or concentrate, metabolite, constituent, extract, or combinations of these ingredients;

Is intended for ingestion in pill, capsule, tablet, or liquid form;

Is not represented for use as a conventional food or as the sole item of a meal or diet; and

Is labeled as a "dietary supplement" or "food supplement."

"Digital signature" has the same meaning as in A.R.S. § 41-132(E).

"Dispensing pharmacist" means a pharmacist who, in the process of dispensing a prescription medication after the complete preparation of the prescription medication and before delivery of the prescription medication to a patient or patient's agent, verifies, checks, and initials the prescription medication label, as required in R4-23-402(A).

"Drug sample" means a unit of a prescription drug that a manufacturer provides free of charge to promote the sale of the drug.

"Durable medical equipment" or "DME" means technologically sophisticated medical equipment that may be used by a patient or consumer in a home or residence. DME may be prescription-only devices as defined in A.R.S. § 32-1901. DME includes:

Air-fluidized beds,

Apnea monitors,

Blood glucose monitors and diabetic testing strips,

Continuous Positive Airway Pressure (CPAP) machines,

Electronic and computerized wheelchairs and seating systems,

Feeding pumps,

Home phototherapy devices,

Hospital beds,

Infusion pumps,

Medical oxygen and oxygen delivery systems excluding compressed medical gases,

Nebulizers,

Respiratory disease management devices,

Sequential compression devices,

Transcutaneous electrical nerve stimulation (TENS) unit, and

Ventilators.

"Earned income" means monetary payments received by an individual as a result of work performed or rental property owned or leased by the individual, including:

Wages,

Commissions and fees,

Salaries and tips,

Profit from self-employment,

Profit from rent received from a tenant or boarder, and

Any other monetary payments received by an individual for work performed or rental of property.

"Electronic signature" has the same meaning as in A.R.S. § 44-7002.

"Eligible patient" means a patient who a pharmacist determines is eligible to receive an immunization using professional judgment after consulting with the patient regarding the patient's current health condition, recent health condition, and allergies.

"Emergency drug supply unit" means those drugs that may be required to meet the immediate and emergency therapeutic needs of long-term care facility residents and hospice inpatient facility patients, and which are not available from any other authorized source in sufficient time to prevent risk of harm to residents or patients.

"Extreme emergency" means the occurrence of a fire, water leak, electrical failure, public disaster, or other catastrophe constituting an imminent threat of physical harm to pharmacy personnel or patrons.

"Family unit" means:

A group of individuals residing together who are related by birth, marriage, or adoption; or

An individual who:

Does not reside with another individual; or

Resides only with another individual or group of individuals to whom the individual is unrelated by birth, marriage, or adoption.

"FDA" means the Food and Drug Administration, a federal agency within the United States Department of Health and Human Services, established to set safety and quality standards for foods, drugs, cosmetics, and other consumer products.

"Health care decision maker" has the same meaning as in A.R.S. § 12-2291.

"Health care institution" has the same meaning as in A.R.S. § 36-401.

"Hospice inpatient facility" means a health care institution licensed under A.R.S. § 36-401 and Article 8 that provides hospice services to a patient requiring inpatient services.

"Immediate notice" means a required notice sent by mail, fax, or electronic mail to the Board Office within 24 hours.

"Immunizations training program" means an immunization training program for pharmacists and interns that meets the requirements of R4-23-411(E).

"Inactive ingredient" means any component other than an "active ingredient" present in a drug.

"Internal test assessment" means performing quality assurance or other procedures necessary to ensure the integrity of a test.

"ISO Class 5 environment" means an atmospheric environment that complies with the ISO/TC209 International Cleanroom Standards, specifically ANSI/IEST/ISO-14644-1:1999: Cleanrooms and associated controlled environments--Part 1: Classification of air cleanliness, first edition dated May 1, 1999, (and no future amendments or editions), incorporated by reference and on file in the Board office.

"ISO Class 7 environment" means an atmospheric environment that complies with the ISO/TC209 International Cleanroom Standards, specifically ANSI/IEST/ISO-14644-1:1999: Cleanrooms and associated controlled environments--Part 1: Classification of air cleanliness, first edition dated May 1, 1999, (and no future amendments or editions), incorporated by reference and on file in the Board office.

"Licensed health care professional" means an individual who is licensed and regulated under A.R.S. Title 32, Chapter 7, 11, 13, 14, 15, 16, 17, 18, 25, 29, or 35.

"Limited-service correctional pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that:

Holds a current Board permit under A.R.S. § 32-1931;

Is located in a correctional facility; and

Uses pharmacists, interns, and support personnel to compound, produce, dispense, and distribute drugs.

"Limited-service long-term care pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board-issued permit and dispenses prescription medication or prescription-only devices to patients in long-term care facilities.

"Limited-service mail-order pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices by mailing or delivering the prescription medication or prescription-only device to an individual by the United States mail, a common or contract carrier, or a delivery service.

"Limited-service nuclear pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and provides radiopharmaceutical services.

"Limited-service pharmacy permittee" means a person who holds a current limited-service pharmacy permit in compliance with A.R.S. §§ 32-1929, 32-1930, 32-1931, and A.A.C. R4-23-606.

"Limited-service sterile pharmaceutical products pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current Board permit under A.R.S. § 32-1931 and dispenses a majority of its prescription medication or prescription-only devices as sterile pharmaceutical products.

"Long-term care consultant pharmacist" means a pharmacist providing consulting services to a long-term care facility.

"Long-term care facility" or "LTCF" means a nursing care institution as defined in A.R.S. § 36-401.

"Lot" means a batch or any portion of a batch of a drug, or if a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity. In either case, a lot is identified by a distinctive lot number and has uniform character and quality with specified limits.

"Lot number" or "control number" means any distinctive combination of letters or numbers, or both, from which the complete history of the compounding or manufacturing, control, packaging, and distribution of a batch or lot of a drug can be determined.

"Low-income subsidy" means Medicare-provided assistance that may partially or fully cover the costs of drugs and is based on the income of an individual and, if applicable, the individual's spouse.

"Materials approval unit" means any organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

"Mechanical counting device for a drug in solid, oral dosage form" means a mechanical device that counts drugs in solid, oral dosage forms for dispensing and includes an electronic balance when used to count drugs.

"Mechanical storage and counting device for a drug in solid, oral dosage form" means a mechanical device that stores and counts and may package or label drugs in solid, oral dosage forms for dispensing.

"Mediated instruction" means information transmitted via intermediate mechanisms such as audio or video tape or telephone transmission.

"Medical practitioner-patient relationship" means that before prescribing, dispensing, or administering a prescription-only drug, prescription-only device, or controlled substance to a person, a medical practitioner, as defined in A.R.S. § 32-1901, shall first conduct a physical examination of that person or have previously conducted a physical examination. This subdivision does not apply to:

A medical practitioner who provides temporary patient supervision on behalf of the patient's regular treating medical practitioner;

Emergency medical situations as defined in A.R.S. § 41-1831;

Prescriptions written to prepare a patient for a medical examination; or

Prescriptions written, prescription-only drugs, prescription-only devices, or controlled substances issued for use by a county or tribal public health department for immunization programs, emergency treatment, in response to an infectious disease investigation, public health emergency, infectious disease outbreak or act of bioterrorism. For purposes of this subsection, "bioterrorism" has the same meaning as in A.R.S. § 36-781.

"Medicare" means a federal health insurance program established under Title XVIII of the Social Security Act.

"Medication error" means any unintended variation from a prescription or medication order. Medication error does not include any variation that is corrected before the medication is dispensed to the patient or patient's care-giver, or any variation allowed by law.

"Mobile pharmacy" means a pharmacy that is self-propelled or movable by another vehicle that is self-propelled.

"MPJE" means Multistate Pharmacy Jurisprudence Examination, a Board-approved national pharmacy law examination written and administered in cooperation with NABP.

"NABP" means National Association of Boards of Pharmacy.

"NABPLEX" means National Association of Boards of Pharmacy Licensure Examination.

"NAPLEX" means North American Pharmacist Licensure Examination.

"Order" means either of the following:

A prescription order as defined in A.R.S. § 32-1901; or

A medication order as defined in A.A.C. R4-23-651.

"Other designated personnel" means a non-pharmacist individual who is permitted in the pharmacy area, for a limited time, under the direct supervision of a pharmacist, to perform non-pharmacy related duties, such as trash removal, floor maintenance, and telephone or computer repair.

"Outpatient" means an individual who is not a residential patient in a health care institution.

"Outpatient setting" means a location that provides medical treatment to an outpatient.

"Patient profile" means a readily retrievable, centrally located information record that contains patient demographics, allergies, and medication profile.

"Pharmaceutical patient care services" means the provision of drug selection, drug utilization review, drug administration, drug therapy monitoring, and other drug-related patient care services intended to achieve outcomes related to curing or preventing a disease, eliminating or reducing a patient's symptoms, or arresting or slowing a disease process, by identifying and resolving or preventing potential and actual drug-related problems.

"Pharmaceutical product" means a medicinal drug.

"Pharmacy counter working area" means a clear and continuous working area that contains no major obstacles such as a desktop computer, computer monitor, computer keyboard, external computer drive device, printer, fax machine, pharmacy balance, typewriter, or pill-counting machine, but may contain individual documents or prescription labels, pens, prescription blanks, refill log, pill-counting tray, spatula, stapler, or other similar items necessary for the prescription-filling process.

"Pharmacy law continuing education" means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations, offered by an Approved Provider.

"Pharmacy permittee" means a person who holds a current pharmacy permit that complies with A.R.S. §§ 32-1929, 32-1930, 32-1931, 32-1934, and R4-23-606 and R4-23-652.

"Physician" means a medical practitioner licensed under A.R.S. Title 32, Chapter 13 or 17.

"Physician-in-charge" means a physician who is responsible to the Board for all aspects of a prescription medication donation program required in A.R.S. § 32-1909 and operated in the physician's office or in a health care institution.

"Poverty level" means the annual family income for a family unit of a particular size, as specified in the poverty guidelines updated annually in the *Federal Register* by the U.S. Department of Health and Human Services.

"Precursor chemical" means a precursor chemical I as defined in A.R.S. § 13-3401(26) and a precursor chemical II as defined in A.R.S. § 13-3401(27).

"Prepackaged drug" means a drug that is packaged in a frequently prescribed quantity, labeled in compliance with A.R.S. §§ 32-1967 and 32-1968, stored, and subsequently dispensed by a pharmacist or intern under the supervision of a pharmacist, who verifies at the time of dispensing that the drug container is properly labeled, in compliance with A.R.S. § 32-1968, for the patient.

"Prep area" means a specified area either within an ISO class 7 environment or adjacent to but outside an ISO class 7 environment that:

Allows the assembling of necessary drugs, supplies, and equipment for compounding sterile pharmaceutical products, but does not allow the use of paper products such as boxes or bulk drug storage;

Allows personnel to don personnel protective clothing, such as gown, gloves, head cover, and booties before entering the clean compounding area; and

Is a room or a specified area within a room, such as an area specified by a line on the floor.

"Primary care provider" means the medical practitioner who is treating an individual for a disease or medical condition.

"Proprietor" means the owner of a business permitted by the Board under A.R.S. §§ 32-1929, 32-1930, 32-1931, and 32-1934.

"Provider pharmacy" means a pharmacy that contracts with a long-term care facility to supply prescription medication or other services for residents of a long-term care facility.

"Radiopharmaceutical" means any drug that emits ionizing radiation and includes:

Any nonradioactive reagent kit, nuclide generator, or ancillary drug intended to be used in the preparation of a radiopharmaceutical, but does not include drugs such as carbon-containing compounds or potassium-containing salts, that contain trace quantities of naturally occurring radionuclides; and

Any biological product that is labeled with a radionuclide or intended to be labeled with a radionuclide.

"Radiopharmaceutical quality assurance" means performing and interpreting appropriate chemical, biological, and physical tests on radiopharmaceuticals to determine the suitability of the radiopharmaceutical for use in humans and animals. Radiopharmaceutical quality assurance includes internal test assessment, authentication of product history, and appropriate record retention.

"Radiopharmaceutical services" means procuring, storing, handling, compounding, preparing, labeling, quality assurance testing, dispensing, distributing, transferring, recordkeeping, and disposing of radiochemicals, radiopharmaceuticals, and ancillary drugs. Radiopharmaceutical services include quality assurance procedures, radiological health and safety procedures, consulting activities associated with the use of radiopharmaceuticals, and any other activities required for the provision of pharmaceutical care.

"Red C stamp" means a device used with red ink to imprint an invoice with a red letter C at least one inch high, to make an invoice of a Schedule III through IV controlled substance, as defined in A.R.S. § 36-2501, readily retrievable, as required by state and federal rules.

"Refill" means other than the original dispensing of the prescription order, dispensing a prescription order in the same quantity originally ordered or in multiples of the originally ordered quantity when specifically authorized by the prescriber, if the refill is authorized by the prescriber:

In the original prescription order;

By an electronically transmitted refill order that the pharmacist promptly documents and files; or

By an oral refill order that the pharmacist promptly documents and files.

"Regulated chemical" means the same as in A.R.S. § 13-3401(30).

"Remodel" means to alter structurally the pharmacy area or location.

"Remote drug storage area" means an area that is outside the premises of the pharmacy, used for the storage of drugs, locked to deny access by unauthorized persons, and secured against the use of force.

"Resident" means:

An individual admitted to and living in a long-term care facility or an assisted living facility,

An individual who has a place of habitation in Arizona and lives in Arizona as other than a tourist, or

A person that owns or operates a place of business in Arizona.

"Responsible person" means the owner, manager, or other employee who is responsible to the Board for a permitted establishment's compliance with the laws and administrative rules of this state and of the federal government pertaining to distribution of drugs, devices, precursor chemicals, and regulated chemicals. Nothing in this definition relieves other individuals from the responsibility to comply with state and federal laws and administrative rules.

"Score transfer" means the process that enables an applicant to take the NAPLEX in a jurisdiction and be eligible for licensure by examination in other jurisdictions.

"Security features" means attributes incorporated into the paper of a prescription order, referenced in A.R.S. § 32-1968(A)(4), that are approved by the Board or its staff and include one or more of the following designed to prevent duplication or aid the authentication of a paper document: laid lines, enhanced laid lines, thermochromic ink, artificial watermark, fluorescent ink, chemical void, persistent void, penetrating numbers, high-resolution border, high-resolution latent images, micro-printing, prismatic printing, embossed images, abrasion ink, holograms, and foil stamping.

"Shared order filling" means the following:

Preparing, packaging, compounding, or labeling an order, or any combination of these functions, that are performed by:

A person with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy; or

A person, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

Returning the filled order to the requesting pharmacy for delivery to the patient or patient's care-giver or, at the request of this pharmacy, directly delivering the filled order to the patient.

"Shared order processing" means the following:

Interpreting the order, performing order entry verification, drug utilization review, drug compatibility and drug allergy review, final order verification, and when necessary, therapeutic intervention, or any combination of these order processing functions, that are performed by:

A pharmacist or intern, under pharmacist supervision, with a current Arizona Board license, located at an Arizona pharmacy, on behalf of and at the request of another resident or nonresident pharmacy: or

A pharmacist or intern, under pharmacist supervision, located at a nonresident pharmacy, on behalf of and at the request of an Arizona pharmacy; and

After order processing is completed, returning the processed order to the requesting pharmacy for order filling and delivery to the patient or patient's care-giver or, at the request of this pharmacy, returning the processed order to another pharmacy for order filling and delivery to the patient or patient's care-giver.

"Shared services" means shared order filling or shared order processing, or both.

"Sight-readable" means that an authorized individual is able to examine a record and read its information from a CRT, microfiche, microfilm, printout, or other method acceptable to the Board or its designee.

"Single-drug audit" means an accounting method that determines the numerical and percentage difference between a drug's beginning inventory plus purchases and ending inventory plus sales.

"Single-drug usage report" means a computer system printout of original and refill prescription order usage information for a single drug.

"Standard-risk sterile pharmaceutical product" means a sterile pharmaceutical product compounded from sterile commercial drugs using sterile commercial devices or a sterile pharmaceutical optic or ophthalmic product compounded from non-sterile ingredients.

"State of emergency" means a governmental declaration issued under A.R.S. § 32-1910 as a result of a natural disaster or terrorist attack that results in individuals being unable to refill existing prescriptions.

"Sterile pharmaceutical product" means a medicinal drug free from living biological organisms.

"Strength" means:

The concentration of the drug substance (for example, weight/weight, weight/volume, or unit dose/volume basis); or

The potency, that is, the therapeutic activity of a drug substance as indicated by bioavailability tests or by controlled clinical data (expressed, for example, in terms of unity by reference to a standard).

"Substantial-risk sterile pharmaceutical product" means a sterile pharmaceutical product compounded as a parenteral or injectable dosage form from non-sterile ingredients.

"Supervision" means a pharmacist is present, assumes legal responsibility, and has direct oversight of activities relating to acquiring, preparing, distributing, administering, and selling prescription medications by interns, pharmacy technicians, or pharmacy technician trainees and when used in connection with the intern training requirements means that, in a pharmacy where intern training occurs, an intern preceptor assumes the primary responsibility of teaching the intern during the entire period of the training.

"Supplying" means selling, transferring, or delivering to a patient or a patient's agent one or more doses of:

A nonprescription drug in the manufacturer's original container for subsequent use by the patient, or

A compressed medical gas in the manufacturer's or compressed medical gas distributor's original container for subsequent use by the patient.

"Support personnel" means an individual, working under the supervision of a pharmacist, trained to perform clerical duties associated with the practice of pharmacy, including cashiering, bookkeeping, pricing, stocking, delivering, answering non-professional telephone inquiries, and documenting third-party reimbursement. Support personnel shall not perform the tasks of a pharmacist, intern, pharmacy technician, or pharmacy technician trainee.

"Temporary pharmacy facility" means a facility established as a result of a declared state of emergency to temporarily provide pharmacy services within or adjacent to declared disaster areas.

"Tourist" means an individual who is living in Arizona but maintains a place of habitation outside of Arizona and lives outside of Arizona for more than six months during a calendar year.

"Transfill" means a manufacturing process by which one or more compressed medical gases are transferred from a bulk container to a properly labeled container for subsequent distribution or supply.

"Unearned income" means monetary payment received by an individual that is not compensation for work performed or rental of property owned or leased by the individual, including:

Unemployment insurance,

Workers' compensation,

Disability payments,

Payments from the Social Security Administration,

Payments from public assistance,

Periodic insurance or annuity payments,

Retirement or pension payments,

Strike benefits from union funds,

Training stipends,

Child support payments,

Alimony payments,

Military family allotments,

Regular support payments from a relative or other individual not residing in the household,

Investment income,

Royalty payments,

Periodic payments from estates or trusts, and

Any other monetary payments received by an individual that are not:

As a result of work performed or rental of property owned by the individual,

Gifts,

Lump-sum capital gains payments,

Lump-sum inheritance payments,

Lump-sum insurance payments, or

Payments made to compensate for personal injury.

"Verified signature" or "signature verifying" means in relation to a Board license or permit application or report, form, or agreement, the hand-written or electronic signature of an individual who, by placing a hand-written or electronic signature on a hard-copy or electronic license or permit application or report, form, or agreement agrees with and verifies that the statements and information within or attached to the license or permit application or report, form, or agreement are true in every respect and that inaccurate reporting can result in denial or loss of a license or permit or report, form, or agreement.

"Veteran" means an individual who has served in the United States Armed Forces.

~~"Virtual manufacturer" means an entity that contracts for the manufacture of a drug or device for which the entity:~~

~~Owns the New Drug Application or Abbreviated New Drug Application number, as defined by the FDA, for a drug;~~

~~Owns the Unique Device Identification number, as defined by the FDA, for a prescription device;~~

~~Is not involved in the physical manufacture of the drug or device; and~~

~~Contracts with an Arizona-permitted manufacturing entity for the physical manufacture of the drug or device; or~~

~~If the contracted manufacturing entity is in a location not included in the definition at A.R.S. 32-1901 of other jurisdiction, the virtual manufacturer ensures the facility is inspected every time the virtual manufacturer submits an initial or renewal application and determined to comply with current good manufacturing practices as defined by the federal act and the official compendium.~~

~~Virtual manufacturer includes an entity that may be identified as an own-label distributor, which contracts with a manufacturer to produce a drug or device and with another entity to package and label the drug or device, which is then sold under the distributor's name or another name.~~

"Virtual wholesaler" means an entity that engages in the wholesale distribution of a drug or device in, into, or out of Arizona but does not take physical possession of the drug or device. A virtual wholesaler distributes a drug or device only from a Board-permitted facility to:

A Board-permitted pharmacy, drug manufacturer, full-service drug wholesaler, or non-prescription drug wholesaler; or

A medical practitioner licensed under A.R.S. Title 32; and

Virtual wholesaler includes an entity that may be identified as a broker that buys and sells goods for others or a person that facilitates distribution of a drug, chemical, or device regulated by the Board.

"Wholesale distribution" means distribution of a drug to a person other than a consumer or patient, but does not include:

Selling, purchasing, or trading a drug or offering to sell, purchase, or trade a drug for emergency medical reasons. For purposes of this Section, "emergency medical reasons" includes transferring a prescription drug by a community or hospital pharmacy to another community or hospital pharmacy to alleviate a temporary shortage;

Selling, purchasing, or trading a drug, offering to sell, purchase, or trade a drug, or dispensing a drug as specified in a prescription;

Distributing a drug sample by a manufacturers' or distributors' representative; or

Selling, purchasing, or trading blood or blood components intended for transfusion.

"Wholesale distributor" means any person engaged in wholesale distribution of drugs, including: manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions in the amount of at least 5% of gross sales.

ARTICLE 6. PERMITS AND DISTRIBUTION OF DRUGS

R4-23-602. Permit Application Process and Time ~~frames~~ Frames

A. A person applying for a permit shall:
1. Submit a completed application for the desired permit electronically or manually on a form furnished by the Board, and
2. Submit with the application form:
   a. The documents specified in the application form, and
   b. The permit fee specified in R4-23-205.

B. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.

C. Time frames for permits.
1. The Board office shall finish an administrative completeness review within 60 days from the date the application form is received.
   a. The Board office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the application form.
   b. If the application form is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 60-day time frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
   c. If the Board office does not provide the applicant with written notice regarding administrative completeness, the application form shall be deemed complete 60 days after receipt by the Board office.
2. An applicant with an incomplete application form shall submit to the Board office all of the missing information within 90 days of service of the notice of incompleteness.
   ~~a.~~ If an applicant cannot submit all missing information within 90 days of service of the notice of incompleteness, the applicant may send a written ~~request for an~~ notice of a 30-day extension to the Board office postmarked or delivered no later than 90 days from service of the notice of incompleteness~~;~~
   ~~b. The written request for an extension shall document the reasons the applicant is unable to meet the 90-day deadline; and~~
   ~~c. The Board office shall review the request for an extension of the 90-day deadline and grant the request if the Board office determines an extension of the 90-day deadline will enable the applicant to assemble and submit the missing information. An extension shall be for no more than 30 days. The Board office shall notify the applicant in writing of its decision to grant or deny the request for an extension~~.
3. If an applicant fails to submit a complete application form within the time allowed under subsection (C)(2), the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a permit shall submit a new application and fee as specified in subsection (A).
4. For ~~a nonprescription drug permit applicant,~~ a compressed medical gas distributor permit applicant~~,~~ and a durable medical equipment and compressed medical gas supplier permit applicant, the Board office shall issue a permit on the day the Board office determines an administratively complete application form is received.
5. Except as described in subsection (C)(4), from the date on which the administrative completeness review of an application form is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 120 days.
   a. If an applicant is found to be ineligible, the Board office shall issue a written notice of denial to the applicant.
   b. If an applicant is found to be eligible, the Board office shall recommend to the Board that the applicant be issued a permit. Upon receipt of the Board office's recommendation, the Board shall either issue a permit to the applicant or if the Board determines the applicant does not meet eligibility requirements, return the matter to the Board office.
   c. If the Board office finds deficiencies during the substantive review of the application form, the Board office shall issue a written request to the applicant for additional documentation.
   d. The 120-day time frame for a substantive review for the issuance or denial of a permit is suspended from the date of the written request for additional documentation until the date all documentation is received. The applicant shall submit the additional documentation according to subsection (C)(2).
   e. If the applicant and the Board office mutually agree in writing, the 120-day substantive review time frame may be extended once for no more than 45 days.
6. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time frames for permits:
   a. Administrative completeness review time frame: 60 days.
   b. Substantive review time frame:
      i. ~~Nonprescription drug permit, compressed~~ Compressed medical gas distributor permit~~,~~ and durable medical equipment and compressed medical gas supplier permit: none.
      ii. Except as described in subsection (C)(6)(b)(i): 120 days.
   c. Overall time frame:
      i. ~~Nonprescription drug permit, compressed~~ Compressed medical gas distributor permit~~,~~ and durable medical equipment and compressed medical gas supplier permit: 60 days.
      ii. Except as described in subsection (C)(6)(c)(i): 180 days.

D. Permit renewal.
1. To renew a permit, a permittee shall submit a completed application for permit renewal electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205.
2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1931, the permit is suspended. The permittee shall pay a penalty as provided in A.R.S. § 32-1931 and R4-23-205 to vacate the suspension.
3. Time frames for permit renewals. The Board office shall follow the time frames established in subsection (C).

E. Display of permit. A permittee shall conspicuously display the permit in the location to which it applies.

R4-23-603. ~~Resident Nonprescription Drugs, Retail~~ Repealed

~~**A.** Permit. A person, including the following, shall not sell or distribute a nonprescription drug without a current Board-issued permit:~~
~~1. A grocer;~~
~~2. Other non-pharmacy retail outlet; or~~
~~3. Mobile or non-fixed location retailer, such as a swap-meet vendor.~~
~~**B.** A medical practitioner licensed under A.R.S. Title 32 is exempt from the requirements of subsection (A).~~
~~**C.** Application. To obtain a permit to sell a nonprescription drug, a person shall submit:~~
~~1. A completed application form and fee as specified in R4-23-602; and~~
~~2. Documentation of compliance with local zoning laws, if required by the Board.~~
~~**D.** Drug sales. A nonprescription drug permittee:~~
~~1. Shall sell a drug only in the original container packaged and labeled by the manufacturer; and~~
~~2. Shall not package, repackage, label, or relabel any drug.~~
~~**E.** Inspection. A nonprescription drug permittee shall consent to inspection during business hours by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.~~
~~**F.** Quality control. A nonprescription drug permittee shall:~~
~~1. Ensure that all drugs stocked, sold, or offered for sale are:~~
~~a. Kept clean;~~
~~b. Protected from contamination, excessive heat, cold, sunlight, and other deteriorating factors;~~
~~c. In compliance with federal law; and~~
~~d. Received from a supplier with a current Board-issued permit as specified in R4-23-601(A).~~
~~2. Develop and implement a program to ensure that:~~
~~a. Any expiration-dated drug is reviewed regularly;~~
~~b. Any drug, that exceeds its expiration date, is deteriorated or damaged, or does not comply with federal law, is moved to a quarantine area and not sold or distributed; and~~
~~c. Any quarantined drug is destroyed or returned to its source of supply.~~
~~**G.** Notification. A nonprescription drug permittee shall submit using the permittee's online profile or provide written notice by mail, fax, or e-mail to the Board office within 10 days of changes involving the telephone or fax number, e-mail or mailing address, or business name.~~
~~**H.** Change of ownership. A nonprescription drug permittee shall comply with R4-23-601(F).~~
~~**I.** Relocation. No less than 30 days before an existing nonprescription drug permittee relocates, the permittee shall submit a completed application for relocation electronically or manually on a form furnished by the Board, and the documentation required in subsection (C).~~
~~**J.** Records. A nonprescription drug permittee shall:~~
~~1. Retain records of the receipt and disposal of nonprescription drugs as required in R4-23-601(D), and~~
~~2. Comply with the requirements of A.R.S. § 32-1977 and federal law for the retail sale of methamphetamine precursors.~~
~~**K.** Permit renewal. To renew a nonprescription drug permit, the permittee shall comply with R4-23-602(D).~~
~~**L.** Nonprescription drug vending machine outlet. In addition to the requirements of R4-23-601, R4-23-602, and subsections (A) through (K), a person selling or distributing a nonprescription drug in a vending machine shall comply with the following requirements:~~
~~1. Each individual vending machine is considered an outlet and shall have a Board-issued nonprescription drug permit;~~
~~2. Each nonprescription-drug-permitted vending machine shall display in public view an identification seal, furnished by the Board, containing the permit number, vending machine's serial number, owner's name, and telephone contact number;~~
~~3. Each nonprescription-drug-permitted vending machine is assigned a specific location that is within a weather-tight structure, protected from direct sunlight, and maintained at a temperature not less than 59° F and not greater than 86° F;~~
~~4. Each nonprescription drug sold in a vending machine is packaged and labeled in the manufacturer's original FDA-approved container;~~
~~5. A nonprescription-drug-permitted vending machine is subject to inspection by a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901 as follows:~~
~~a. The owner, manager, or other staff of the nonprescription drug permittee shall provide access to the contents of the vending machine within 24 hours of a request from a Board compliance officer or other authorized officer of the law; or~~
~~b. The Board compliance staff shall have independent access to the vending machine;~~
~~6. Before relocating or retiring a nonprescription-drug-permitted vending machine, the owner or manager shall notify the Board in writing. The notice shall include:~~
~~a. Permit number;~~
~~b. Vending machine's serial number;~~
~~c. Action planned (relocate or retire); and~~
~~d. If retiring a vending machine, the disposition of the nonprescription drug contents of the vending machine;~~
~~7. The sale or distribution of a precursor chemical or regulated chemical in a vending machine is prohibited; and~~
~~8. Under no circumstance may expired drugs be sold or distributed.~~

R4-23-607. Nonresident Permits

A. Permit. A person that is not a resident of Arizona shall not sell or distribute any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical into Arizona without possessing both:
1. A current Board-issued nonresident pharmacy permit, nonresident manufacturer permit, or nonresident full-service or nonprescription drug wholesale permit~~, or nonresident nonprescription drug permit~~; and
2. A current equivalent license or permit issued by the licensing authority in the jurisdiction where the person resides.

B. Application. To obtain a nonresident pharmacy, nonresident manufacturer, or nonresident full-service or nonprescription drug wholesale, ~~or nonprescription drug permit,~~ a person shall submit a completed application, on a form furnished by the Board, and the fee specified in R4-23-205.

C. Notification. A permittee shall submit notification of any change required in this subsection using the permittee's online profile or as a written notice by mail, fax, or e-mail to the Board office within 10 days of the change.

1. Nonresident pharmacy. A nonresident pharmacy permittee shall notify the Board of changes involving the type of pharmacy operated, address, telephone number, business name, or pharmacist-in-charge.
2. Nonresident manufacturer. A nonresident manufacturer permittee shall notify the Board of changes involving listed drugs, address, telephone number, business name, or manager, including manager's telephone number.
3. Nonresident drug wholesaler. A nonresident full-service or nonprescription drug wholesale permittee shall notify the Board of changes involving the types of drugs sold or distributed, address, telephone number, business name, or manager or designated representative, including the manager's or designated representative's telephone number. For a change of designated representative, a nonresident full-service drug wholesale permittee shall submit the documentation, fingerprints, and fee required with the application under subsection (B).
4. ~~Nonresident nonprescription drug retailer. A nonresident nonprescription drug permittee shall notify the Board of changes involving permit category, address, telephone number, business name, or manager, including manager's telephone number.~~

D. Change of ownership. A nonresident permittee shall comply with R4-23-601(F).

E. Drug sales.

1. Nonresident pharmacy. A nonresident pharmacy permittee shall:
   a. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance or prescription-only drug or device to anyone in Arizona except:
      i. A pharmacy, drug manufacturer, or full-service drug wholesaler currently permitted by the Board;
      ii. A medical practitioner currently licensed under A.R.S. Title 32; or
      iii. An Arizona resident upon receipt of a valid prescription order for the resident;
   b. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except:
      i. A pharmacy, drug manufacturer, or full-service or nonprescription drug wholesaler~~, or nonprescription drug retailer~~ currently permitted by the Board;
      ii. A medical practitioner currently licensed under A.R.S. Title 32; or
      iii. An Arizona resident either upon receipt of a valid prescription order for the resident or in the original container packaged and labeled by the manufacturer;
   c. Except for a drug sale that results from the receipt and dispensing of a valid prescription order for an Arizona resident, maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
   d. Provide permit and license records upon request, if immediately available, or in no fewer than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
2. Nonresident manufacturer. A nonresident manufacturer permittee shall:
   a. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance or prescription-only drug or device to anyone in Arizona except a pharmacy, drug manufacturer, or full-service drug wholesaler currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
   b. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, or full-service or nonprescription drug wholesaler~~, or nonprescription drug retailer~~ currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
   c. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
   d. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.
3. Nonresident full-service drug wholesaler. In addition to complying with the ~~distributions~~ distribution restrictions specified in A.R.S. § 32-1983, a nonresident full-service drug wholesale permittee shall:
   a. Not sell, distribute, give away, or dispose of, any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona, except in the original container, packaged and labeled by the manufacturer or repackager;
   b. Not package, repackage, label, or relabel any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona;
   c. Provide track and trace documents required under the Drug Supply Chain and Security Act upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901;
   d. Not sell, distribute, give away, or dispose of any narcotic or other controlled substance, prescription only drug or device, nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, or full service drug wholesaler currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
   e. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, or full-service or nonprescription drug wholesaler~~, or nonprescription drug retailer~~ currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;

f. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical; and
g. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.

4. Nonresident nonprescription drug wholesaler. A nonresident nonprescription drug wholesale permittee shall:
a. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona, except in the original container, packaged and labeled by the manufacturer or repackager;
b. Not package, repackage, label, or relabel any nonprescription drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona;
c. Not sell, distribute, give away, or dispose of any nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except a pharmacy, drug manufacturer, or full-service or nonprescription drug wholesaler~~, or nonprescription drug retailer~~ currently permitted by the Board or a medical practitioner currently licensed under A.R.S. Title 32;
d. Maintain a copy of the current permit or license of each person in Arizona that buys, receives, or disposes of any nonprescription drug, precursor chemical, or regulated chemical; and
e. Provide permit and license records upon request, if immediately available, or in no more than two business days from the date of the request of a Board compliance officer or other authorized officer of the law as defined in A.R.S. § 32-1901.

~~5. Nonresident nonprescription drug retailer. A nonresident nonprescription drug permittee shall not:~~
~~a. Sell, distribute, give away, or dispose of a nonprescription drug, precursor chemical, or regulated chemical to anyone in Arizona except in the original container packaged and labeled by the manufacturer;~~
~~b. Package, repackage, label, or relabel any drug, precursor chemical, or regulated chemical for shipment or delivery to anyone in Arizona; or~~
~~c. Sell, distribute, give away, or dispose of any drug, precursor chemical, or regulated chemical to anyone in Arizona that exceeds its expiration date, is contaminated or deteriorated from excessive heat, cold, sunlight, moisture, or other factors, or does not comply with federal law.~~

F. When selling or distributing any narcotic or other controlled substance, prescription-only drug or device, nonprescription drug, precursor chemical, or regulated chemical into Arizona, a nonresident pharmacy, nonresident manufacturer, or nonresident full-service or nonprescription drug ~~wholesale, or nonprescription drug permittee~~ wholesaler shall comply with federal law, the permittee's resident state drug law, and this Section.

R4-23-693. Durable Medical Equipment (DME) and Compressed Medical Gas (CMG) Supplier-Resident or Nonresident

A. Permit. A person shall not sell, lease, or supply durable medical equipment or a compressed medical gas to a patient or consumer in Arizona for use in a home or residence without a current Board-issued resident or nonresident durable medical equipment and compressed medical gas supplier permit.
~~1.~~ The permit requirements of this Section do not apply to the following unless there is a separate business entity engaged in the business of providing durable medical equipment or a compressed medical gas to a patient or consumer for use in a home or residence:
~~a.~~1. A medical practitioner licensed under A.R.S. Title 32;
~~b.~~2. A hospital, long-term care facility, hospice, or other health-care facility using durable medical equipment or a compressed medical gas in the normal course of treating a patient; and
~~c.~~3. A pharmacy.
~~2. Nothing in this Section shall be construed to prohibit a person with a current Board-issued nonprescription drug permit from the retail sale of nonprescription drugs or devices.~~

B. Application. To obtain a resident or nonresident DME and CMG supplier permit, a person shall submit a completed application form and fee specified in R4-23-205.
1. A resident DME and CMG supplier permit applicant shall include documentation of compliance with local zoning laws, if required by the Board.
2. A nonresident DME and CMG supplier permit applicant that resides in a jurisdiction that issues an equivalent license or permit shall include a copy of the equivalent license or permit.

C. Notification. A resident or nonresident DME and CMG supplier permittee shall submit using the permittee's online profile or provide written notice by mail, fax, or e-mail to the Board office within 10 days of changes involving the telephone or fax number, email or mailing address, or business name.

D. Change of ownership. A resident or nonresident DME and CMG supplier permittee shall comply with R4-23-601(F).

E. Relocation.
1. No fewer than 30 days before a resident DME and CMG supplier permittee relocates, the permittee shall submit a completed application for relocation electronically or manually on a form furnished by the Board, and the documentation required in subsection (B). A fee is not required with an application for relocation.
2. A nonresident DME and CMG supplier permittee shall provide written notice by mail, fax, or e-mail to the Board office no fewer than 10 days before relocating.

F. Orders. A resident or nonresident DME and CMG supplier shall sell, lease, or provide:
1. Durable medical equipment that is a prescription-only device, as defined in A.R.S. § 32-1901, only under a prescription or medication order from a medical practitioner; and
2. A compressed medical gas only under a compressed medical gas order from a medical practitioner.

G. Restriction. A DME and CMG supplier permit authorizes the permittee to procure, possess, and provide a prescription-only device or compressed medical gas to a patient or consumer as specified in subsection (F). A DME and CMG supplier permit does not authorize the permittee to procure, possess, or provide narcotics or other controlled substances, prescription-only drugs other than compressed medical gases, precursor chemicals, or regulated chemicals.

H. Facility. A resident or nonresident DME and CMG supplier permittee shall ensure the facility is clean, uncluttered, sanitary, temperature controlled, and secure from unauthorized access. A permittee shall maintain separate and identified storage areas in the facility and in delivery vehicles for clean, dirty, contaminated, or damaged durable medical equipment or compressed medical gases.

I. A resident or nonresident DME and CMG supplier permittee shall not manufacture, process, transfill, package, or label a compressed medical gas, except as stated in subsection (K).

J. Records. A resident or nonresident DME and CMG supplier permittee shall establish and implement written procedures for maintaining records about acquisition, distribution, returns, recalls, training of personnel, maintenance, cleaning, and complaints.

K. A permittee shall:

1. Ensure a prescription order, medication order, or compressed medical gas order is obtained as specified in subsection (F);
2. Ensure each compressed medical gas container supplied by the permittee contains a label bearing the name and address of the permittee;
3. Ensure all appropriate warning labels are present on the durable medical equipment or compressed medical gas;
4. Retain the records required by Section R4-23-601 and this Section for not fewer than three years, or if supplying a compressed medical gas, one year after the expiration date of the compressed medical gas, whichever is longer; and
5. Make the records required by Section R4-23-601 and this Section available for inspection by the Board or its compliance officer, or if stored in a centralized recordkeeping system apart from the inspection location and not electronically retrievable for inspection, provide the records within four working days of a request by the Board or its staff.

L. Inspection.

1. A resident DME and CMG supplier permittee shall make the DME and CMG supplier's facility available for inspection by the Board or its compliance officers under A.R.S. § 32-1904.
2. Within 10 days from the date of a request by the Board or its staff, a nonresident DME and CMG supplier permittee shall provide a copy of the most recent inspection report completed by the permittee's resident licensing authority, or a copy of the most recent inspection report completed by a third-party auditor approved by the permittee's resident licensing authority or the Board or its designee. The Board may inspect, or may employ a third-party auditor to inspect, a nonresident permittee as specified in A.R.S. § 32-1904.

M. Permit renewal. To renew a resident or nonresident DME and CMG supplier permit, the permittee shall comply with in R4-23-602(D).

N. Nothing in this Section shall be construed to prohibit the emergency administration of oxygen by licensed health-care personnel, emergency medical technicians, first responders, fire fighters, law enforcement officers, and other emergency personnel trained in the proper use of emergency oxygen.

ARTICLE 8. DRUG CLASSIFICATION

R4-23-802. Veterinary

Veterinary preparation: A veterinary drug manufacturer or supplier may distribute:

1. A prescription-only veterinary drug to:
   a. A veterinary medical practitioner licensed under A.R.S. Title 32, Chapter 21,
   b. A full-service drug wholesaler permitted under A.R.S. Title 32, Chapter 18, or
   c. A pharmacy permitted under A.R.S. Title 32, Chapter 18, and
2. A nonprescription veterinary drug to:
   a. A veterinary medical practitioner licensed under A.R.S. Title 32, Chapter 21,
   ~~b. A nonprescription drug retailer permitted under A.R.S. Title 32, Chapter 18,~~
   ~~c.~~b. A full-service or nonprescription drug wholesaler permitted under A.R.S. Title 32, Chapter 18, or
   ~~d.~~c. A pharmacy permitted under A.R.S. Title 32, Chapter 18.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

[R25-160]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
April 21, 2025

2. Article, Part, or Section Affected (as applicable)	**Rulemaking Action**
R4-24-101	Amend
R4-24-104	Amend
R4-24-107	Amend
R4-24-201	Amend
R4-24-202	Amend
R4-24-203	Amend
R4-24-204	Amend
R4-24-205	Amend
R4-24-207	Amend
R4-24-208	Amend

R4-24-209	Amend
Table 1	Amend
R4-24-210	Amend
R4-24-211	Amend
R4-24-302	Amend
R4-24-303	Amend
R4-24-304	Amend
R4-24-305	Amend
R4-24-306	Amend
R4-24-308	Amend
R4-24-309	Amend
R4-24-310	Amend
R4-24-311	Amend
R4-24-312	Amend
R4-24-313	Amend
R4-24-401	Amend
R4-24-402	Amend
R4-24-403	Amend

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

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

Implementing statute: A.R.S. § 32-2003(A)(1), 32-2022(B)(7) and (D), and 32-2025

4. The effective date of the rule:

August 30, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 30 A.A.R. 3685; Issue Date: November 29, 2024; Issue Number: 48; File Number: R24-260

Notice of Proposed Rulemaking: 30 A.A.R. 3568; Issue Date: November 29, 2024; Issue Number: 48; File Number: R24-255

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

Name:	Judy Chepeus
Title:	Executive Director
Address:	1740 W. Adams St., Suite 2450 Phoenix, AZ 85007
Telephone:	(602) 271-7365
Email:	judy.chepeus@ptboard.az.gov
Website:	ptboard.az.gov

7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Board is completing a rulemaking that addresses the issues identified in a 5YRR approved by the Council on April 1, 2025. In particular, the Board is updating the ethics materials incorporated by reference in R4-24-101. Additionally, relying on the authority provided under A.R.S. §§ 32-2022(B)(7) and 32-2025(D), the Board is removing clinical performance instruments from materials incorporated by reference and will approve available instruments on a case-by-case basis. The Board concluded this flexibility is necessary because multiple entities have expressed the intent to develop clinical performance instruments and because some current instruments are available only online.

Under Laws 2024, Chapter 236, the legislature changed certification of physical therapist assistants to licensure. This change ricochets throughout existing rules. Additional changes are made to be consistent with statute and agency practice.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

9. 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

10. A summary of the economic, small business, and consumer impact:

The Board determined the rulemaking has minimal economic impact. The updated materials incorporated by reference or approved by the Board simply make the rules consistent with current industry standards. Other changes make the rules consistent with Board practice or legislative change.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

13. 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:

Not applicable

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 Board does not issue general permits. Rather, the Board issues individual licenses as require by the Board's statutes to each person that is qualified by statute (See A.R.S. § 32-2022) and rule.

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 numerous federal laws that impact the provision of health care services such as physical therapy. However, no federal law is directly applicable to any rule in this rulemaking.

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:

Not applicable

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

The following materials are incorporated by reference in R4-24-101:

- *The Code of Ethics for the Physical Therapist* (amended August 12, 2020) and the accompanying *Guide for Professional Conduct* (amended March 2019).
- *The Standards of Ethical Conduct for the PTA* (amended August 12, 2020)

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

ARTICLE 1. GENERAL PROVISIONS

Section
R4-24-101. Definitions
R4-24-104. Confidential Information and Records
R4-24-107. Fees

ARTICLE 2. LICENSING PROVISIONS

Section
R4-24-201. Application for a Physical Therapist License
R4-24-202. Reinstatement of License ~~or Certificate~~; Reapplication
R4-24-203. Foreign-educated Applicant Requirements
R4-24-204. Supervised Clinical Practice
R4-24-205. Examination Scores
R4-24-207. Application for a Physical Therapist Assistant ~~Certificate~~ License
R4-24-208. License ~~or Certificate~~ Renewal; ~~Address~~ Change in Contact Information
R4-24-209. ~~Time-frames~~ Time Frames for Board Approvals
Table 1. Time Frames (in days)
R4-24-210. Business Entity Registration; Display of Registration Certificate
R4-24-211. Renewal of Business Entity Registration

ARTICLE 3. PRACTICE OF PHYSICAL THERAPY

Section
R4-24-302. Use of Titles
R4-24-304. Adequate Patient Records
R4-24-303. Patient Care Management
R4-24-305. Complaints and Investigations
R4-24-306. Hearings
R4-24-308. Rehearing or Review of Board Decisions
R4-24-309. Disciplinary Actions
R4-24-310. Substance Abuse Recovery Program
R4-24-311. Display of License; Disclosure
R4-24-312. Mandatory Reporting Requirement
R4-24-313. Professional Standards of Care and Training and Education Qualifications for Delivery of Dry Needling Skilled Intervention

ARTICLE 4. CONTINUING COMPETENCE

Section
R4-24-401. Continuing Competence Requirements for Renewal
R4-24-402. Continuing Competence Activities
R4-24-403. Activities Not Eligible for Continuing Competence Credit

ARTICLE 1. GENERAL PROVISIONS

R4-24-101. Definitions

In addition to the definitions in A.R.S. §§ 32-2001 and 32-2053, in this Chapter:

1. "Accredited" means accredited by a nationally recognized accreditation organization.
2. "Accredited educational program" means a physical therapist or physical therapist assistant educational program that is accredited by:
   a. The Commission on Accreditation of Physical Therapy Education, or
   b. An agency recognized as qualified to accredit physical therapist or physical therapist assistant programs by either the U.S. Department of Education or the Council on Higher Education Accreditation at the time of the applicant's graduation.
3. "Administratively suspend," as used in A.R.S. § 32-2027, means a non-disciplinary action in which the Board places a license ~~or certificate~~ issued under A.R.S. Title 32, Chapter 19 and this Chapter on suspended status because the license ~~or certificate~~ was not renewed timely.
4. "Applicant" means an individual or business entity seeking an initial or renewal license, ~~initial or renewal certificate,~~ initial or renewal registration, interim permit, or reinstatement from the Board.
5. "Applicant packet" means the forms and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
6. "Campus" means a facility and immediately adjacent buildings.
7. "Clinical performance instrument" means a tool used to assess an individual's knowledge, skills, and attitudes for readiness to work as a physical therapist or physical therapist assistant, as applicable, that is accepted by the Board and listed on its website.

~~7.~~8. "College Board" means an association composed of schools, colleges, universities, and other educational organizations across the United States that is responsible for the development of assessment tests that are used to provide college credit or for college placement.

~~8.~~9. "College level examination program" means services offered by the College Board for an individual to demonstrate college-level achievement by taking an examination approved by the College Board.

~~9.~~10. "Compliance period" means ~~a~~ the two-year license renewal cycle that ends August 31 of even-numbered years.

~~10.~~11. "Continuing competence" means maintaining the professional skill, knowledge, and ability of a physical therapist or physical therapist assistant by successfully completing scholarly and professional activities related to physical therapy.

~~11.~~12. "Course" means an organized subject matter in which instruction is offered within a specified period of time.

~~12.~~13. "Course evaluation tool" means the Coursework Evaluation Tool for Foreign Educated Physical Therapists who Graduated after June 30, 2009, Fifth Edition, 2004 (effective July 1, 2009), published by the Federation of State Boards of Physical Therapy, 124 West Street, South Alexandria, VA, 22314, incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.

~~13.~~14. "Credential evaluation" means a written assessment of a foreign-educated applicant's general and professional educational course work.

~~14.~~15. "Credential evaluation agency" means an organization that evaluates a foreign-educated applicant's education and provides recommendations to the Board about whether the applicant's education is substantially equivalent to physical therapy education provided in an accredited educational program.

~~15.~~16. "Days" means calendar days.

~~16.~~17. "Endorsement" means a procedure for granting an Arizona license ~~or certificate~~ to an applicant already licensed as a physical therapist or ~~certified as a~~ physical therapist assistant in another jurisdiction of the United States.

~~17.~~18. "ETS" means Educational Testing Service, an organization that provides educational learning and assessment services, including the Test of English as a Foreign Language Program.

~~18.~~19. "Facility" means a building where:
   a. A physical therapist is engaged in the practice of physical therapy;
   b. An applicant~~,~~ or licensee~~, or certificate holder~~ is engaged in a supervised clinical practice; or

c. A physical therapist assistant performs physical therapy-related tasks delegated by an onsite supervisor.

~~19.~~20. "Foreign-educated applicant" means an individual who graduated from a physical therapist educational program outside the United States, Puerto Rico, District of Columbia, or a U.S. territory.

~~20.~~21. "Functional limitation" means restriction of the ability to perform a physical action, activity, or task in an efficient, typically expected, or competent manner.

~~21. "Good moral character" means the applicant has not taken any action that is grounds for disciplinary action against a licensee or certificate holder under A.R.S. § 32-2044.~~

22. "Hour" means 60 minutes.

23. "iBT" means internet-based TOEFL.

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

25. "National examination" means an examination produced by the Federation of State Boards of Physical Therapy or an examination produced by the American Physical Therapy Association.

26. "On call," as used in the definition of "general supervision" prescribed under A.R.S. § 32-2001, means a supervising physical therapist is able to go to the location at which and on the same day that a physical therapist assistant provides a selected treatment intervention if the physical therapist, after consultation with the physical therapist assistant, determines that going to the location is in the best interest of the patient.

27. "Onsite supervisor" means a physical therapist who provides onsite supervision as defined in A.R.S. § 32-2001.

~~28. "Physical Therapist Assistant Clinical Performance Instrument" means the document used to assess an individual's knowledge, skills, and attitudes to determine the individual's readiness to work as a physical therapist assistant that is published by the American Physical Therapy Association, Division of Education, March 1998, 1111 North Fairfax Street, Alexandria, VA 22314-1488 and incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.~~

~~29. "Physical Therapist Clinical Performance Instrument" means the document used to assess an individual's knowledge, skills, and attitudes to determine the individual's readiness to practice physical therapy that is published by the American Physical Therapy Association, Division of Education, December 1997, 1111 North Fairfax Street, Alexandria, VA 22314-1488 and incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.~~

~~30.~~28. "Physical therapy services" means any of the actions stated in the definition of practice of physical therapy in A.R.S. § 32-2001.

~~31.~~29. "Qualified translator" means an individual, other than an applicant, who is:

a. An officer or employee of an official translation bureau or government agency,

b. A professor or instructor who teaches a translated language in an accredited college or university in the United States,

c. An American consul in the country where the translated document is issued or another individual designated by the American consul in the country where the translated document is issued, or

d. A consul general or diplomatic representative of the United States or individual designated by the consul general or diplomatic representative.

~~32.~~30. "Readily available," as used in the definition of "general supervision" prescribed under A.R.S. § 32-2001, means a supervising physical therapist is able to respond within 15 minutes to a communication from a physical therapist assistant providing a selected treatment intervention under general supervision.

~~33.~~31. "Recognized standards of ethics" means the *Code of Ethics for the Physical Therapist* (amended ~~June 2000~~ August 12, 2020) and the accompanying *Guide for Professional Conduct* (amended ~~January 2004~~ March 2019 and the *Standards of Ethical Conduct for the PTA* (amended August 2020) of the American Physical Therapy Association, ~~1111 North Fairfax Street~~ 3030 Potomac Avenue, Suite 100, Alexandria, VA ~~22314-1488~~ 22305-3085, which ~~is~~ are incorporated by reference and on file with the Board. This incorporation includes no later editions or amendments.

~~34.~~32. "Supervised clinical practice" means ~~the period of time~~ a physical therapist is engaged in the practice of physical therapy or a physical therapist assistant is engaged in work as a physical therapist assistant after being issued an interim permit by the Board.

~~35.~~33. "Supervising physical therapist" means ~~an individual~~ a physical therapist licensed under this Chapter who provides onsite or general supervision to ~~assistive personnel~~ licensed physical therapist assistants or onsite supervision to other assistive personnel, interim permit holders, student physical therapists, and student physical therapist assistants.

~~36.~~34. "Suspend" means a disciplinary action in which the Board places a license~~, certificate, permit,~~ or registration in a status that restricts the holder of the license~~, certificate, permit,~~ or registration from practicing as a physical therapist, working as a physical therapist assistant, or offering physical therapy services.

~~37.~~35. "TOEFL" means test of English as a foreign language.

~~38.~~36. "Week" means the period beginning on Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m.

R4-24-104. Confidential Information and Records

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

1. An applicant's~~,~~ or licensee's~~, or certificate holder's~~:
   a. Social Security number;
   b. Home address or home telephone number unless the applicant or licensee designates the ~~address or telephone number, is the only address or telephone number of record~~ information for disclosure under A.R.S. § 32-3226;
   c. Credential evaluation report, education transcript, grades, or examination scores;
   d. National physical therapist or physical therapist assistant examination score;
   e. Diagnosis and treatment records; and

2. According to A.R.S. § 32-2045, information or a document related to investigations by the Board until the information or document becomes a public record or as required by law.

R4-24-107. Fees

A. Under the authority provided by A.R.S. §§ 32-2029, ~~and~~ 32-2030, 32-2032, and 32-2053 the Board establishes and shall collect the following fees:

1. For a physical therapist:
   a. Application for an original license if the applicant applies on or after September 1 in an even-numbered year and no later than August 31 in an odd-numbered year, $260;
   b. Application for an original license if the applicant applies on or after September 1 in an odd-numbered year and no later than August 31 in an even-numbered year, $190;
   c. Renewal of an active license, $160;
   d. Renewal of an inactive license, $80; and
   e. Reinstatement of an administratively suspended license, $100 plus the renewal fee~~; and~~
   ~~f. Duplicate license, $10~~.
2. For a physical therapist assistant:
   a. Application for an original ~~certificate~~ license if the applicant applies on or after September 1 in an even-numbered year and no later than August 31 in an odd-numbered year, $160;
   b. Application for an original ~~certificate~~ license if the applicant applies on or after September 1 in an odd-numbered year and no later than August 31 in an even-numbered year, $120;
   c. Renewal of an active ~~certificate~~ license, $55;
   d. Renewal of an inactive ~~certificate~~ license, $27.50; and
   e. Reinstatement of an administratively suspended ~~certificate~~ license, $50 plus the renewal fee~~; and~~
   ~~f. Duplicate certificate, $10~~.
3. For a business entity:
   a. Application for an original registration, $50;
   b. Renewal, $50; and
   c. Late fee, $25~~; and~~
   ~~d. Duplicate registration, $10~~.

B. Under the authority provided by A.R.S. § 36-3606(A)(3), the Board establishes and shall collect a registration fee from an out-of-state health care provider of telehealth services: $100.

C. The fees specified in subsections (A) and (B) are nonrefundable unless A.R.S. § 41-1077 applies.

ARTICLE 2. LICENSING PROVISIONS

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

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

1. An electronic application form, ~~provided by~~ which is available on the ~~Board that is signed, dated, and verified by the applicant and contains:~~ Board's website;
   ~~a. The applicant's name, business, residential, and e-mail addresses, business and residential telephone numbers, birth date, and Social Security number;~~
   ~~b. The name and address of each university or college attended by the applicant, the dates of attendance, and the date of graduation and degree received, if applicable;~~
   ~~c. The name and address of the university or college where the applicant completed an accredited educational program and dates of attendance;~~
   ~~d. A statement of whether the applicant has ever been licensed as a physical therapist in any other jurisdiction of the United States or foreign country;~~
   ~~e. Professional employment history for the past five years, including the name, address, and telephone number for each place of employment, job title, description of the work completed, and explanation of any breaks in employment, if applicable;~~
   ~~f. A statement of whether the applicant has ever been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;~~
   ~~g. A statement of whether the applicant has ever had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;~~
   ~~h. A statement of whether the applicant is currently or ever has been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;~~
   ~~i. A statement of whether the applicant has ever been the subject of disciplinary action by a professional association or post-secondary educational institution;~~
   ~~j. A statement of whether the applicant has committed any of the actions referenced in the definition of good moral character in R4-24-101;~~
   ~~k. A statement of whether the applicant has ever had a malpractice judgment, has a lawsuit currently pending for malpractice, or entered into a settlement from a malpractice suit and if so, an explanation;~~
   ~~l. A statement of whether the applicant is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;~~
   ~~m. A statement of whether the applicant has any impairment to the applicant's cognitive, communicative, or physical ability to engage in the practice of physical therapy with skill and safety and if so, an explanation;~~

~~n. A statement of whether the applicant has, within the past 10 years, used alcohol, any illegal chemical substance, or prescription medications, that in any way has impaired or limited the applicant's ability to practice physical therapy with skill and safety and if so, an explanation;~~
~~o. A statement of whether the applicant has, within the past 10 years, been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited the applicant's ability to practice physical therapy with skill and safety and if so, an explanation;~~
~~p. A statement of whether the applicant has ever violated A.R.S. § 32-2044(10); and~~
~~q. A statement by the applicant attesting to the truthfulness of the information provided by the applicant;~~

2. A ~~passport~~ headshot photograph of the applicant ~~no larger than 1 1/2 x 2 i~~nches that was taken not more than six months before the date of the application;
3. ~~Documentation~~ A copy of documentation, as described under A.R.S. § 41-1080, of the applicant's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.;
4. A copy of the applicant's valid fingerprint clearance card as required under A.R.S. § 32-2022; and
~~4.~~5. The fee required in R4-24-107.

B. In addition to the requirements in subsection (A), an applicant shall arrange to have the original source of the following information submit the information electronically ~~submitted directly~~ to the Board:
1. An official transcript or letter ~~showing~~ that shows the applicant completed all requirements of an accredited educational program ~~that includes the official seal of,~~ identifies the university or college where the applicant completed the accredited educational program, and contains the electronic signature of the registrar of the university or college,
2. Verification of passing a national examination in physical therapy ~~as evidenced by an original notice of examination results~~, and
3. Verification of passing a jurisprudence examination ~~as evidenced by an original notice of examination results~~.

C. In addition to the requirements in subsections (A) and (B), an applicant for a physical therapist license by endorsement or universal recognition shall electronically submit to the Board:
1. The name of the licensing or certifying agency of any jurisdiction in which the applicant is currently or has been previously licensed, certified, or granted a compact privilege, as defined at A.R.S. § 32-2053;
2. A primary-source verification of each license, certificate, or compact privilege identified in subsection (C)(1) ~~signed and dated by an official of the agency licensing or certifying~~ ~~the applicant,~~ that includes ~~the official seal of the licensing or certifying agency and~~ all of the following:
   a. The name of the applicant;
   b. The license or certificate number and date of issuance;
   c. The current status of the license or certificate;
   d. The expiration date of the license or certificate; and
   ~~e. A statement of whether the applicant was ever denied a license by the agency and if so, an explanation; and~~
   ~~f.~~e. A statement of whether any disciplinary action is pending or has ever been taken against the applicant and if so, an explanation.

D. The Board shall deny a license to an applicant who fails to meet the requirements of this Section or A.R.S. Title 32, Chapter 19. An applicant denied a license may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-24-202. Reinstatement of License ~~or Certificate~~; Reapplication

A. Reinstatement. An applicant whose Arizona license ~~or certificate~~ is administratively suspended for no more than three consecutive years ~~or less~~ after the date ~~of renewal of~~ on which the license ~~or certificate~~ was not renewed may apply for reinstatement of the license ~~or certificate~~ by submitting the application in R4-24-208 and the reinstatement fee and renewal fee required in R4-24-107.

B. Reapplication. An ~~applicant whose~~ Arizona license ~~or certificate~~ that is administratively suspended for more than three consecutive years after the date ~~of renewal of~~ on which the license ~~or certificate~~ was not renewed expires as specified in A.R.S. § 32-2028(B) and may not be reinstated. The holder of an expired license may ~~apply~~ reapply for ~~reinstatement of the~~ a license ~~or certificate~~ by submitting an application under R4-24-201, R4-24-203, or R4-23-207, as applicable, and the ~~reinstatement fee and renewal~~ fee required in R4-24-107~~, and:~~.
~~1. For an applicant educated in the United States requesting reinstatement of a license, the application in R4-24-201(A) and (B);~~
~~2. For a foreign-educated applicant requesting reinstatement of a license, the application in R4-24-203; or~~
3. ~~For an applicant requesting reinstatement of a certificate, the application in R4-24-207(A) and (B).~~

C. If an applicant submits an application according to subsection (B), the Board shall require the applicant to demonstrate competency by doing one or more of the following:
1. Practice physical therapy or work as a physical therapist assistant under an interim permit that allows the applicant to participate in a supervised clinical practice,
2. Complete one or more courses relevant to the practice of physical therapy or the work of a physical therapist assistant,
3. Complete continuing competence requirements for the period ~~of time~~ of the lapsed license, or
4. Take and pass a jurisprudence examination or national examination.

R4-24-203. Foreign-educated Applicant Requirements

A. A foreign-educated applicant shall meet the requirements in A.R.S. § 32-2022(B) and the following:
1. The applicant shall comply with the requirements in R4-24-201.
2. The applicant shall ensure ~~that~~ a document required by R4-24-201 or this subsection is:
   a. Submitted to the Board in English; or
   b. Accompanied by an original English translation by a qualified translator if the document is submitted to the Board in a language other than English and includes an affidavit of accuracy by the qualified translator affirming:
      i. The qualified translator has translated the entire document,
      ii. The qualified translator has not omitted anything from or added to the translation, and

iii. The translation is true and accurate.

3. To meet the requirements in A.R.S. § 32-2022(B)(4), the applicant shall state on the application form whether the applicant's practice as a physical therapist was limited in the country where the professional education occurred. If the applicant's practice was limited in the country where the professional education occurred, the applicant shall submit to the Board documentation of the limitation, or arrange to have documentation of limitation sent directly to the Board~~, that includes~~. The applicant shall ensure the documentation includes:
   a. The name, address, and telephone number of the entity that limited the applicant's practice of physical therapy;
   b. ~~A description of the action or lack of action that led to the limitation on~~ An explanation of why the applicant's practice as a physical therapist is limited;
   c. A description of the nature of the limitation on the applicant's practice of physical therapy; and
   d. If the limitation is based on citizenship requirements of the country in which the professional education was obtained, ~~the applicant shall provide the Board with the~~ a legal reference for the ~~restriction~~ limitation in the laws of the country in which the professional education was obtained, a copy of the referenced laws, and an English translation of the laws that meets the standards in subsection (A)(2)(b).
4. If English is not the native language of the foreign-educated applicant, to meet the requirements in A.R.S. § 32-2022(B)(6), the applicant shall take and pass either of the following tests no more than 18 months before the date on which the application submitted under R4-24-201 is administratively complete and ensure ~~that~~ the test scores are sent directly to the Board by the testing entity:
   a. The TOEFL. An applicant who takes the TOEFL passes with the following:
      i. A score of 560 or more if a paper-based test or a score of 220 or more if a computer-based test;
      ii. Test of Spoken English with a score of 50 or more; and
      iii. Test of Written English with a score of 4.5 or more; or
   b. The iBT. An applicant who takes the iBT passes with an overall test score of a minimum of 100 and a:
      i. Writing section with a minimum score of 25,
      ii. Speaking section with a minimum score of 25,
      iii. Reading section with a minimum score of 25, and
      iv. Listening section with a minimum score of 25.
5. To demonstrate that the applicant meets uniform criteria for educational requirements according to A.R.S. § 32-2022(E)(3), the applicant shall undergo a credential evaluation to determine that the applicant meets the requirements in the course evaluation tool and arrange to have a credential evaluation report, prepared within 18 months from the date of the application, sent directly to the Board by the credential evaluation agency.
6. To meet the requirements in A.R.S. § 32-~~2022(B)(5)~~ 2022(B)(4), the applicant shall obtain a work visa to reside and seek employment in the United States issued by the ~~Bureau of~~ United States Citizenship and Immigration Services and submit a copy of the work visa to the Board.

B. After receiving a credential evaluation report from a credential evaluation agency, the Board:
1. If the credential evaluation report does not establish that the education obtained by the foreign-educated applicant is substantially equivalent to the education required of a physical therapist in an accredited education program, may require the applicant to complete:
   a. ~~Complete one~~ One or more university or college courses and obtain a grade of C or better in each course;
   b. ~~Complete a~~ A college level examination program; or
   c. ~~If an applicant for a license, complete one~~ One or more continuing competence courses; and
2. Shall issue, within the ~~time-frames~~ time frames stated in Table 1, an interim permit to complete a supervised clinical practice to the applicant if:
   a. The applicant was required to meet one or more of the requirements in subsection (B)(1) and completes the requirements; or
   b. The credential evaluation report establishes that the education obtained by the foreign-educated applicant is substantially equivalent to the education required of a physical therapist in an accredited education program; and
   c. The applicant has passed the national examination and jurisprudence examination; and
   d. The applicant meets the requirements in A.R.S. Title 32, Chapter 19 and R4-24-201.

R4-24-204. Supervised Clinical Practice

A. An interim permit holder shall complete a supervised clinical practice under onsite supervision. The supervised clinical practice shall consist of at least 500 hours.

B. Before an individual is issued an interim permit, the individual shall submit to the Board:
1. A written request for Board approval of the facility where supervised clinical practice will take place that includes:
   a. The name, address, and telephone number of the facility; and
   b. A description of the physical therapy services provided at the facility; and
2. The name of the individual who holds an unrestricted license to practice physical therapy in this state and agrees to provide onsite supervision of the individual.

C. The Board shall approve or deny a request made under subsection (B)(1):
1. After assessing whether the facility provides the opportunity for an interim permit holder to attain the knowledge, skills, and attitudes to be evaluated according to ~~the Physical Therapist Assistant Clinical Performance Instrument or Physical Therapist Clinical Performance Instrument~~ an approved clinical performance instrument; and
2. According to the ~~time-frames~~ time frames in Table 1.

D. An onsite supervisor shall:
1. Observe the interim permit holder during the supervised clinical practice and:

a. Rate the interim permit holder's performance, at both the mid-point and completion of the clinical practice, on each of the clinical performance criteria in ~~the Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument~~ the clinical performance instrument used, including the dates and hours the onsite supervisor provided onsite supervision;
b. Recommend following the mid-point rating whether the interim permit holder be allowed to continue the clinical practice and changes needed, if any, to ensure successful completion of the clinical practice; and
c. Recommend following the completion rating whether the interim permit holder be licensed or required to complete further supervised clinical practice; and

2. Submit the ratings ~~on~~ from the ~~Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument~~ clinical performance instrument used to the Board as follows:
a. No later than the 55th day of the clinical practice for the mid-point rating, and
b. No later than 30 days after the end of the supervised clinical practice for the completion rating.

E. After the Board receives the mid-point rating ~~on~~ from the ~~Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument~~ clinical performance instrument, the Board shall review the rating and recommendation of the onsite supervisor and decide whether to allow the interim permit holder to continue the clinical practice or recommend changes in the clinical practice to the onsite supervisor.

F. After the Board receives the completion rating ~~on~~ from the ~~Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument~~ clinical performance instrument, the Board:
1. May require the interim permit holder to complete additional onsite supervision under the interim permit if the additional onsite supervision does not cause the interim permit holder to exceed six months from the date the interim permit was issued and:
a. The onsite supervisor does not approve one or more of the skills ~~listed on~~ from the ~~Physical Therapist Clinical Performance Instrument or Physical Therapist Assistant Clinical Performance Instrument~~ clinical performance instrument;
b. The onsite supervisor recommends that the interim permit holder complete further supervised clinical practice; or
c. The Board determines that the interim permit holder has not met the requirements in A.R.S. Title 32, Chapter 19 and this Chapter.
2. If the interim permit holder meets all of the requirements in A.R.S. Title 32, Chapter 19 and this Chapter, shall issue~~:~~
~~a. A~~ a license ~~to an applicant for a license, or~~
~~b. A certificate to an applicant for a certificate~~.
3. If the ~~applicant, licensee, or certificate holder~~ interim permit holder does not meet all of the requirements in A.R.S. Title 32, Chapter 19 and this Chapter, shall deny~~:~~
~~a. A~~ a license ~~to an applicant for a license, or~~
~~b. A certificate to an applicant for a certificate~~.

G. An applicant who has been denied a license ~~or certificate~~ may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-24-205. Examination Scores

A. To be licensed as a physical therapist or physical therapist assistant, an applicant shall obtain:
1. A scaled score of 600 or more, based on a scale ranging from 200 to 800 on a national examination for physical therapists or physical therapist assistants, as applicable, taken on or after March 14, 1996; or
2. A raw score that is no ~~lower~~ fewer than 1.50 standard ~~deviation~~ deviations below the national average for a national examination for physical therapists or physical therapist assistants, as applicable, taken before March 14, 1996.

~~**B.** To be certified as a physical therapist assistant, an applicant for certification shall obtain:~~
~~1. A scaled score of 600 or more based on a scale ranging from 200 to 800 on a national examination for physical therapist assistants taken on or after March 14, 1996; or~~
~~2. A raw score that is no lower than 1.50 standard deviation below the national average for a national examination for physical therapist assistants taken before March 14, 1996.~~

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

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

A. An applicant for an original physical therapist assistant ~~certificate~~ license shall submit to the Board an application packet that includes:
1. An electronic application form, which is available on ~~provided by~~ the ~~Board, signed, dated, and verified by the applicant that contains:~~ Board's website;
~~a. The applicant's name, business, residential, and e-mail addresses, business and residential telephone numbers, birth date, and Social Security number;~~
~~b. The name and address of the college or university where the applicant completed an accredited educational program for physical therapist assistants, dates of attendance, and date of completion;~~
~~c. A statement of whether the applicant has ever been licensed or certified as a physical therapist assistant in any other jurisdiction of the United States or foreign country~~;
~~d. Professional employment history for the five years before the date of application including the name, address, and telephone number for each place of employment, job title, description of the work completed, and explanation of any breaks in employment, if applicable;~~

~~e. A statement of whether the applicant has ever been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;~~

~~f. A statement of whether the applicant has ever had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;~~

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

~~h. A statement of whether the applicant has ever been the subject of disciplinary action by a professional association or postsecondary educational institution;~~

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

~~j. A statement of whether the applicant has ever had a malpractice judgment or has a lawsuit currently pending for malpractice and if so, an explanation;~~

~~k. A statement of whether the applicant is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;~~

~~l. A statement of whether the applicant has any impairment to the applicant's cognitive, communicative, or physical ability to participate in therapeutic interventions with skill and safety and if so, an explanation;~~

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

~~n. A statement of whether the applicant has, within the past 10 years, been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited the applicant's ability to participate in therapeutic interventions with skill and safety and if so, an explanation;~~

~~o. A statement of whether the applicant has ever violated A.R.S. § 32-2044(10); and~~

~~p. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;~~

2. A headshot ~~passport~~ photograph of the applicant ~~no larger than 1 1/2 x 2 inches~~ that was taken not more than six months before the date of the application;
3. ~~Documentation~~ A copy of documentation, as described under A.R.S. § 41-1080, of the applicant's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.;
4. A copy of the applicant's valid fingerprint clearance card as required under A.R.S. § 32-2022; and

~~4.~~5. The fee required in R4-24-107.

B. In addition to the requirements in subsection (A), an applicant shall arrange to have the primary source of the following information submit the information electronically ~~directly submitted~~ to the Board:

1. An official transcript or letter showing the applicant completed all requirements of an accredited educational program that ~~includes the official seal of~~ identifies the school or college where the applicant completed the accredited educational program and contains the electronic signature of the registrar of the school or college;
2. Verification of passing a national examination for physical therapist assistants ~~as evidenced by an original notice of examination results~~; and
3. Verification of passing a jurisprudence examination ~~as evidenced by an original notice of examination results~~.

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

1. The name of the licensing or certifying agency of any jurisdiction in which the applicant is currently or has been previously licensed, ~~or~~ certified, or granted a compact privilege, as defined at A.R.S. § 32-2053; and
2. A primary-source verification of any license, ~~or~~ certificate~~, signed and dated by an official of the agency licensing or certifying the applicant,~~ or compact privilege identified under subsection (C)(1) that includes ~~the official seal of the licensing or certifying agency and~~ all of the following:
   a. The name of the applicant;
   b. The license or certificate number and date of issuance;
   c. The current status of the license or certificate;
   d. The expiration date of the license or certificate; and
   ~~e. A statement of whether the applicant was ever denied a license or certificate by the agency and if so, an explanation; and~~
   ~~f.~~e. A statement of whether any disciplinary action is pending or has ever been taken against the applicant and if so, an explanation.

D. The Board shall deny a ~~certificate~~ license to an applicant who fails to meet the requirements of this Section or A.R.S. Title 32, Chapter 19. A person denied a ~~certificate~~ license may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-24-208. License ~~or Certificate~~ Renewal; ~~Address~~ Change in Contact Information

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

1. ~~The~~ An electronic renewal application form, which is available on the Board's website, and ~~following~~ information for the compliance period immediately preceding the renewal application~~:~~;
   - ~~a. The licensee's or certificate holder's:~~
     - ~~i. Name;~~
     - ~~ii. Home, business, and e-mail addresses; and~~
     - ~~iii. Home and business telephone numbers;~~
   - ~~b. A statement of whether the licensee or certificate holder has been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation;~~
   - ~~c. A statement of whether the licensee or certificate holder has had an application for a professional or occupational license, certificate, or registration, other than a driver's license, denied, rejected, suspended, or revoked by any jurisdiction of the United States or foreign country and if so, an explanation;~~
   - ~~d. A statement of whether the licensee or certificate holder is currently or ever has been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter and if so, an explanation;~~
   - ~~e. A statement of whether the licensee or certificate holder has been the subject of disciplinary action by a professional association or postsecondary educational institution;~~
   - ~~f. A statement of whether the licensee or certificate holder has had a malpractice judgment against the licensee or certificate holder or has a lawsuit currently pending for malpractice and if so, an explanation;~~
   - ~~g. A statement of whether the licensee or certificate holder is currently more than 30 days in arrears for payment required by a judgment and order for child support in Arizona or any other jurisdiction;~~
   - ~~h. A statement of whether the licensee or certificate holder has adhered to the recognized standards of ethics;~~
   - ~~i. A statement of whether the licensee or certificate holder has or has not committed any of the actions referenced in the definition of good moral character in R4-24-101;~~
   - ~~j. A statement of whether the licensee or certificate holder has been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against the licensee or certificate holder;~~
   - ~~k. If a licensee, a statement of whether the licensee has:~~
     - ~~i. Any impairment to the licensee's cognitive, communicative, or physical ability to engage in the practice of physical therapy with skill and safety and if so, an explanation;~~
     - ~~ii. Used alcohol, any illegal chemical substance, or prescription medicine, that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;~~
     - ~~iii. Been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited the licensee's ability to practice physical therapy with skill and safety and if so, an explanation;~~
   - ~~l. If a certificate holder, a statement of whether the certificate holder has:~~
     - ~~i. Any impairment to the certificate holder's cognitive, communicative, or physical ability to work as a physical therapist assistant with skill and safety and if so, an explanation;~~
     - ~~ii. Used alcohol, any illegal chemical substance or prescription medicine, that in any way has impaired or limited the certificate holder's ability to work as a physical therapist assistant with skill and safety and if so, an explanation;~~
     - ~~iii. Been diagnosed as having or is being treated for bipolar disorder, schizophrenia, paranoia, or other psychotic disorder that in any way has impaired or limited certificate holder's ability to work as a physical therapist assistant with skill and safety and if so, an explanation;~~
   - ~~m. A statement of whether the licensee or certificate holder has ever violated A.R.S. § 32-2044(10);~~
   - ~~n. If a licensee, a statement of whether the licensee has completed the 20 contact hours of continuing competence for the previous compliance period as required in R4-24-401;~~
   - ~~o. If a certificate holder, a statement of whether the certificate holder has completed the 10 contact hours of continuing competence for the previous compliance period as required in R4-24-401;~~
   - ~~p. If a licensee, a statement of whether the licensee has complied with the medical records protocol as required in A.R.S. § 32-3211; and~~
   - ~~q. If a licensee, a statement of whether the licensee has completed the dry needling course content requirements in A.A.C. R4-24-313~~.
2. ~~The signature of the applicant attesting to the truthfulness of the information provided by the licensee or certificate holder;~~

~~3.~~2. If the documentation previously submitted under R4-24-201(A)(3) or R4-24-207(A)(3) did not establish citizenship in the United States or was not a non-expiring work authorization, documentation specified under A.R.S. § 41-1080 that the presence of the licensee ~~or certificate holder~~ in the United States continues to be authorized under federal law; and

~~4.~~3. The fee required by the Board in R4-24-107.

B. Failure of the Board to inform a licensee ~~or certificate holder~~ of license ~~or certificate~~ expiration does not excuse the licensee's ~~or certificate holder's~~ non-renewal or untimely renewal.

C. The Board shall:

1. Approve or deny the application within the time frames in R4-24-209 and Table 1, and
2. Deny the application of an applicant who does not meet the requirements in A.R.S. § 32-2001 et seq. or this Chapter.

D. A licensee ~~or certificate holder~~ denied renewal of a license ~~or certificate~~ may request a hearing under A.R.S. Title 41, Chapter 6, Article 10.

E. A licensee ~~or certificate holder~~ shall ~~send to the Board written notification of a~~ update electronically any change in ~~any of the information provided under subsection (A)(1)(a)~~ the licensee's name, home, business, or email address, or home or business telephone number no later than 30 days after the date of the change.

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

A. The overall ~~time-frame~~ time frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the substantive review ~~time-frame~~ time frame ~~and overall time-frame. The overall time-frame and the substantive review time-frame may not be extended~~ by no more than 25~~%~~ percent of the overall time-frame.

B. The administrative completeness review ~~time-frame~~ time frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.

1. The administrative completeness review ~~time-frame~~ time frame begins:
   a. When the Board receives an application packet for an initial or renewal license ~~or certificate~~ or registration of a business entity or
   b. When the Board receives a request for approval of a facility.
2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information.
   a. The administrative completeness review ~~time-frame~~ time frame and the overall ~~time-frame~~ time frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
   b. An applicant who disagrees with the Board's statement of deficiencies may request a hearing as provided in A.R.S. § 32-2023.
3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
4. If the Board grants a license~~, certificate,~~ or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.

C. The substantive review ~~time-frame~~ time frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the postmark date of the notice of administrative completeness.

1. During the substantive review ~~time-frame~~ time frame, the Board may make one comprehensive written request for additional information or documentation. The ~~time-frame~~ time frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
2. The Board shall send a written notice of approval ~~of a license or certificate~~ to an applicant who meets the qualifications in A.R.S. §§ 32-2001 through 32-2027 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-2001 through 32-2027 and ~~these rules~~ this Chapter.

D. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:

1. Supply the missing information requested under subsection (B)(2) or (C)(1); or
2. Take the national physical therapist examination or national physical therapist assistant examination.

~~**E.** An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.~~

~~**F.**~~**E.** If ~~a time-frame's~~ the last day of a time frame falls on a Saturday, Sunday, or an official state holiday, the Board shall consider the next business day the ~~time-frame's~~ last day.

Table 1. Time Frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time Frame	Administrative Completeness Time Frame	Substantive Review Time Frame
Original License (R4-24-201 or R4-24-207) or Registration as an Out-of-state Health Care Provider of Telehealth Services (A.R.S. § 36-3606)	License Registration	A.R.S. §§ 32-2022; 32-2023; 36-3606	75	30	45
Physical Therapist or Physical Therapist Assistant License ~~or Certificate~~ by Endorsement or Universal Recognition (R4-24-201; R4-24-207)	License ~~or certificate~~ by Endorsement or Universal Recognition	A.R.S. §§ 32-2022; 32-2023; 32-2026; 32-4302	75	30	45
~~Physical Therapist Assistant Certificate (R4-24-207)~~	~~Certificate~~	~~A.R.S. §§ 32-2022; 32-2023~~	~~75~~	~~30~~	~~45~~
Foreign-educated (R4-24-203)	License	A.R.S. §§ 32-2022; 32-2025	75	45	30
Renewal of license ~~or certificate~~ (R4-24-208)	License ~~or certificate~~	A.R.S. § 32-2027	30	15	15
Foreign-educated and Supervised Clinical Practice (R4-24-203, R4-24-204)	Interim Permit and Approval of Facility	A.R.S. § 32-2025	60	30	30
Reinstatement (R4-24-202)	Reinstatement of License ~~or Certificate~~	A.R.S. § 32-2028	30	15	15
Initial Registration of a Business Entity (R4-24-210)	Registration	A.R.S. § 32-2030	30	15	15
Renewal of Registration of a Business Entity (R4-24-211)	Registration	A.R.S. § 32-2030(D)	15	7	8

R4-24-210. Business Entity Registration; Display of Registration Certificate

A. A business entity that offers physical therapy services to the public and is not exempt from registration under A.R.S. § 32-2030(H) shall separately register with the Board each location from which physical therapy services are offered in Arizona.

B. A business entity shall not offer physical therapy services at a location in Arizona until that location is registered with the Board.

C. To register with the Board an Arizona location at which physical therapy services are offered, a business entity shall submit to the Board an electronic application packet that includes the following:

1. An application form, which is available ~~from~~ on the ~~Board and requires the following information:~~ Board's website;
   - ~~a. Name, primary address, and e-mail address of the business entity;~~
   - ~~b. Name, title, address, e-mail address, and telephone number of the manager of the location being registered;~~
   - ~~c. Name and business address of each officer or director of the business entity;~~
   - ~~d. Name and license number of each physical therapist who provides physical therapy services at the location being registered;~~
   - ~~e.~~ ~~Name and certificate number of each physical therapy assistant who works at the location being registered;~~
   - ~~f. Description of the physical therapy services offered at the location being registered;~~
   - ~~g. For the business entity, a statement of whether any state, territory, district, or country has ever:~~
     - ~~i. Refused to issue or renew a registration, permit, license, or other authorization;~~
     - ~~ii. Accepted surrender of a registration, permit, license, or other authorization in lieu of other disciplinary action; or~~
     - ~~iii. Suspended, revoked, cancelled, or taken other disciplinary action against a registration, permit, license, or other authorization; and~~
   - ~~h. Dated signature of an officer or director attesting that:~~
     - ~~i. The business entity has a written protocol that meets the standards in A.R.S. § 32-2030(F) for the secure storage, transfer, and access of the physical therapy records of the business entity's patients; and~~
     - ii. ~~The information provided is true and correct;~~ and
2. The application fee required under R4-24-107~~(A)(3)~~.

D. For each location registered, a business entity shall display, in a location accessible to public view, the:

1. Registration certificate and current renewal verification of the business entity,
2. License and current renewal verification of every physical therapist who provides physical therapy services at the location, and
3. Certificate and current renewal verification of every physical therapy assistant who works at the location.

R4-24-211. Renewal of Business Entity Registration

A. The registration of a business entity expires for each location registered on August 31 of every odd-numbered year.

B. A business entity shall separately renew the registration of each location from which the business entity offers physical therapy services in Arizona.

C. To renew the registration of an Arizona location from which physical therapy services are offered, a business entity shall submit to the Board an electronic application form, which is available ~~from~~ on the ~~Board and requires the following information:~~ Board's website and the renewal fee specified at R4-24-107.

~~1. Name, primary address, and e-mail address of the business entity;~~
~~2. Name, title, address, e-mail address, and telephone number of the manager of the location being registered;~~
~~3. Name and business address of each officer or director of the business entity;~~
~~4. Name and license number of each physical therapist who provides physical therapy services at the location being registered;~~
~~5. Name and certificate number of each physical therapy assistant who works at the location being registered;~~
~~6. Description of the physical therapy services offered at the location being registered;~~
~~7. For the business entity, a statement of whether any state, territory, district, or country has ever:~~
~~a. Refused to issue or renew a registration, permit, license, or other authorization;~~
~~b. Accepted surrender of a registration, permit, license, or other authorization in lieu of other disciplinary action; or~~
~~c. Suspended, revoked, cancelled, or taken other disciplinary action against a registration, permit, license, or other authorization;~~
~~8. Statement of whether the business entity complies with A.R.S. § 32-2030(F); and~~
~~9. Dated signature of an officer or director attesting that the information provided is true and correct.~~

D. A business entity that timely complies with subsection (C) may continue to offer physical therapy services from the location for which application is made until the Board grants or denies the renewed registration.

E. A business entity that fails to comply timely with subsection (C) shall immediately stop offering physical therapy services from the location for which application is not made. To be authorized to offer physical therapy services again from that location, the business entity shall comply with R4-24-210 and pay both the application and late fee specified in R4-24-107~~(A)(3)~~.

ARTICLE 3. PRACTICE OF PHYSICAL THERAPY

R4-24-302. Use of Titles

A. As required under A.R.S. § 32-2042, a licensed physical therapist shall use the designation ~~"P.T."~~ "PT" immediately following the licensee's name or signature to denote licensure. A licensed physical therapist shall not use the designations ~~"R.P.T."~~ "RPT" or ~~"L.P.T."~~ "LPT" in connection with the physical therapist's name or place of business.

B. As required under A.R.S. § 32-2042, a physical therapist assistant shall use the designation "PTA" immediately following the physical therapist assistant's name to denote licensure.

~~**B.**~~**C.** In addition to and immediately following the ~~"P.T."~~ designation specified in subsection (A) or (B), as applicable, a physical therapist or physical therapist assistant may list academic degrees earned and professional specialty certifications held.

~~**C.** As required under A.R.S. § 32-2042, a physical therapist assistant shall use the designation "P.T.A."" immediately following the physical therapist assistant's name to denote certification.~~

D. As required under A.R.S. § 32-2042, a physical therapist or physical therapist assistant who is on retired status shall use "(retired)" or "(ret.)" immediately after the designation required under subsection (A) or (C), as applicable.

R4-24-303. Patient Care Management

A. A physical therapist is responsible for the scope of patient management in the practice of physical therapy as defined by A.R.S. § 32-2001. For each patient, the physical therapist shall:
1. Perform and document an initial evaluation;
2. Perform and document periodic reevaluation;
3. Document a discharge summary and the patient's response to the course of treatment at discharge;
4. Ensure ~~that~~ the patient's physical therapy record is complete and accurate; and
5. Ensure ~~that~~ services reported for billing, whether billed directly to the patient or through a third party, are accurate and consistent with information in the patient's physical therapy record.

B. On each date of service, a physical therapist shall:
1. Perform and document each therapeutic intervention that requires the expertise of a physical therapist; and
2. Determine, based on a patient's acuity and treatment plan, whether it is appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for the patient.

C. A physical therapist shall not supervise more than three assistive personnel at any time. If a physical therapist supervises three assistive personnel, the physical therapist shall ensure ~~that~~:
1. At least one of the assistive personnel is a physical therapist assistant,
2. No more than two of the assistive personnel are physical therapist assistants performing selected treatment interventions under general supervision, and
3. Assistive personnel other than a physical therapist assistant perform a physical therapy task only under the onsite supervision of a physical therapist.

D. Before delegating performance of a selected treatment intervention to a physical therapist assistant working under general supervision, the supervising physical therapist shall ensure ~~that~~ the physical therapist assistant:
1. Is ~~certified~~ licensed under this Chapter, and

2. Has completed at least 2,000 hours of experience as a physical therapist assistant working with patients under onsite supervision.

E. Before delegating performance of a selected physical therapy intervention or physical therapy task to assistive personnel working under general or onsite supervision, the supervising physical therapist shall ensure ~~that~~ the assistive personnel is qualified by education or training to perform the selected physical therapy intervention or physical therapy task in a safe, effective, and efficient manner.

F. A physical therapist who provides general supervision for a physical therapist assistant shall:
1. Be licensed under this Chapter;
2. Respond to a communication from the physical therapist assistant within 15 minutes;
3. Go to the location at which and on the same day that the physical therapist assistant provides a selected treatment intervention if the physical therapist, after consultation with the physical therapist assistant, determines that going to the location is in the best interest of the patient; and
4. Perform a reevaluation and provide each therapeutic intervention for the patient that is done on the day of the reevaluation every fourth treatment visit or every 30 days, whichever occurs first.

G. A physical therapist assistant who provides a selected treatment intervention under general supervision shall document in the patient record:
1. The name and license number of the supervising physical therapist;
2. The name of the patient to whom the selected treatment intervention is provided;
3. The date on which the selected treatment intervention is provided;
4. The selected treatment intervention provided; and
5. Whether the physical therapist assistant consulted with the supervising physical therapist during the course of the selected treatment intervention and if so, the subject of the consultation and any decision made.

R4-24-304. Adequate Patient Records

A. A physical therapist shall ensure ~~that~~ a patient record meets the following minimum standards:
1. Each entry in the patient record is:
   a. Legible,
   b. Accurately dated, and
   c. Signed with the name and legal designation of the individual making the entry;
2. If an electronic signature is used to sign an entry, the electronic signature is secure;
3. The patient record contains sufficient information to:
   a. Identify the patient on each page of the patient record,
   b. Justify the therapeutic intervention,
   c. Document results of the therapeutic intervention,
   d. Indicate advice or cautionary warnings provided to the patient,
   e. Enable another physical therapist to assume the patient's care at any point in the course of therapeutic intervention, and
   f. Describe the patient's medical history.
4. If an individual other than a physical therapist or physical therapist assistant makes an entry into the patient record, the supervising physical therapist co-signs the entry;
5. If it is determined that erroneous information is entered into the patient record:
   a. The error is corrected in a manner that allows the erroneous information to remain legible, and
   b. The individual making the correction dates and initials the correct information; and
6. For each date of service there is an accurate record of the physical therapy services provided and billed.

B. Initial evaluation. As required by A.R.S. § 32-2043(F)(1), a physical therapist shall perform the initial evaluation of a patient. The physical therapist who performs an initial evaluation shall make an entry that meets the standards in subsection (A) in the patient record and document:
1. The patient's reason for seeking physical therapy services;
2. The patient's relevant medical diagnoses or conditions;
3. The patient's current functional status;
~~3.~~4. The patient's signs and symptoms;
~~4.~~5. Objective data from tests or measurements;
~~5.~~6. The physical therapist's interpretation of the results of the examination;
~~6.~~7. Clinical rationale for therapeutic intervention;
~~7.~~8. A plan of care that includes the proposed therapeutic intervention, measurable goals, and frequency and duration of therapeutic intervention; and
~~8.~~9. The patient's prognosis.

C. Therapeutic-intervention notes. For each date that a therapeutic intervention is provided to a patient, the individual who provides the therapeutic intervention shall make an entry that meets the standards in subsection (A) in the patient record and document:
1. The patient's current functional status;
~~1.~~2. The patient's subjective report of current status or response to therapeutic intervention;
~~2.~~3. The therapeutic intervention provided or appropriately supervised;
~~3.~~4. Objective data from tests or measures, if collected;
~~4.~~5. Instructions provided to the patient, if any; and
~~5.~~6. Any change in the plan of care required under subsection ~~(B)(7)~~ (B)(8).

D. Re-evaluation. As required by A.R.S. § 32-2043(F)(2), a physical therapist shall perform a re-evaluation when a patient fails to progress as expected, progresses sufficiently to warrant a change in the plan of care, or in accordance with R4-24-303(F)(4). A physical therapist who performs a re-evaluation shall make an entry that meets the standards in subsection (A) in the patient record and document:
1. The patient's subjective report of current status or response to therapeutic intervention;

2. Assessment of the patient's progress;
3. The patient's current functional status;
4. Objective data from tests or measures, if collected;
5. Rationale for continuing therapeutic intervention; and
6. Any change in the plan of care required under subsection ~~(B)(7)~~(B)(8).

E. Discharge summary. As required by A.R.S. § 32-2043(F)(3), a physical therapist shall document the conclusion of care in a patient's record regardless of the reason that care is concluded.
1. If care is provided in an acute-care hospital, the entry made under subsection (C) on the last date that a therapeutic intervention is provided constitutes documentation of the conclusion of care if the entry is made by a physical therapist.
2. If care is not provided in an acute-care hospital or if a physical therapist does not make the entry under subsection (C) on the last date that a therapeutic intervention is provided, a physical therapist shall make an entry that meets the standards in subsection (A) in the patient record and document:
   a. The date on which therapeutic intervention terminated;
   b. The reason that therapeutic intervention terminated;
   c. Inclusive dates for the episode of care being terminated;
   d. The total number of days on which therapeutic intervention was provided during the episode of care;
   e. The patient's current functional status;
   f. The patient's progress toward achieving the goals in the plan of care required under subsection ~~(B)(7)~~(B)(8); and
   g. The recommended discharge plan.

R4-24-305. Complaints and Investigations

A. A complainant shall ensure that a complaint filed with the Board is about:
1. An individual licensed ~~or certified~~ under this Chapter;
2. A business entity registered with the Board; or
~~2.~~3. An individual believed to be engaged in unlawful practice as described in A.R.S. § 32-2048.

B. If the Board determines under A.R.S. § 32-2045(A)(2) that there is reason to believe ~~that~~ an individual or business entity may have violated A.R.S. Title 32, Chapter 19, or this Chapter, the Board shall prepare a complaint and serve the complaint as described in subsection (D)(2).

C. Complaint requirements. A complainant shall:
1. Submit the complaint to the Board in writing; and
2. Provide the following information:
   a. Name of licensee, ~~certificate holder,~~ business entity, or other individual who is the subject of complaint;
   b. Name and address of complainant;
   c. Nature of the complaint;
   d. Details of the complaint with pertinent dates and activities;
   e. Whether the complainant has contacted any other organization regarding the complaint; and
   f. Whether complainant has contacted the licensee, ~~certificate holder,~~ business entity, or other individual concerning the complaint, and if so, the response, if any.

D. Within 90 days after receiving a complaint, the Board shall ensure ~~that~~ the complaint is reviewed to determine whether the complaint is within the Board's jurisdiction, and:
1. If the complaint is not within the Board's jurisdiction, dismiss the complaint and provide written notice of the dismissal to the complainant; or
2. If the complaint is within the Board's jurisdiction, serve a copy of the complaint on the individual or business entity complained against and provide the individual or business entity complained against with 30 days to respond and admit, deny, or further explain each allegation in the complaint.

E. If a complaint is within the Board's jurisdiction, the Board shall ensure ~~that~~ an investigation regarding the matters alleged in the complaint is conducted.

F. After expiration of the 30 days provided under subsection (D)(2), the Board shall review the complaint, response, and investigation results and take action as prescribed under A.R.S. §§ 32-2045(B) or 32-2046.

R4-24-306. Hearings

A. To facilitate investigation of a complaint, the Board may conduct an informal hearing. The Board shall send written notice of an informal hearing to the ~~individual~~ person who is the subject of the complaint, by personal service or certified mail, return receipt requested, at least 30 days before the informal hearing.

B. The Board shall ensure that the written notice of informal hearing contains the following information:
1. The time, date, and place of the informal hearing;
2. An explanation of the informal nature of the proceedings;
3. The ~~individual's~~ person's right to appear with or without legal counsel;
4. A statement of the allegations and issues involved with a citation to relevant statutes and rules;
5. The ~~individual's~~ person's right to a formal hearing under A.R.S. Title 41, Chapter 6, Article 10 instead of the informal hearing;
6. The ~~licensee's or certificate holder's~~ person's right to request ~~under A.R.S. § 32-3206(A)~~ a copy of information the Board will use in making its determination; and
7. Notice that the Board may take disciplinary action as a result of the informal hearing if it finds the ~~individual~~ person violated A.R.S. Title 32, Chapter 19, or this Chapter;

C. The Board shall ensure ~~that~~ an informal hearing proceeds as follows:
1. Introduction of the respondent and, if applicable, legal counsel for the respondent;
2. Introduction of the Board members, staff, and Assistant Attorney General present;

3. Swearing in of the respondent and witnesses;
4. Brief summary of the allegations and purpose of the informal hearing;
5. Optional opening comment by the respondent;
6. Questioning of the respondent by the Board and questioning of witnesses by the Board and the respondent;
7. Optional additional comments by the respondent; and
8. Deliberation and deciding the case by the Board.

R4-24-308. Rehearing or Review of Board Decisions

A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10.

B. Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.

C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Board or any order or abuse of discretion that deprived the moving party of a fair hearing;
2. Misconduct of the Board, its staff, or an administrative law judge;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
5. Excessive or insufficient penalty;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
7. The findings of fact or decision is not justified by the evidence or is contrary to law.

E. The Board may affirm or modify a decision or grant a rehearing or review to any or all of the parties on all or part of the issues for any of the reasons listed in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.

F. No later than 30 days after making a decision and after giving the parties notice and an opportunity to be heard, the Board may order a rehearing or review on its own initiative for any of the reasons listed in subsection (D). The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted.

G. When a motion for rehearing or review is based upon affidavits, the affidavits shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended for not more than 20 days by the Board ~~for good cause as described in subsection (I) or~~ by written stipulation of the parties or a Board finding that the extension will further justice and cause no harm to any party. The Board may permit reply affidavits.

H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.

I. If the Board makes a specific finding that immediate effectiveness of a particular decision is necessary for preservation of the public health, safety, or welfare and that rehearing or review is impracticable, unnecessary, or contrary to public interest, the decision may be issued as a final decision without an opportunity for rehearing or review. If an application for judicial review of the decision is made, it shall be made under A.R.S. § 12-901 et seq.

R4-24-309. Disciplinary Actions

A. As required by A.R.S. § 39-121.01, a record of Board disciplinary actions, including a decree of censure, is a public record open to public inspection.

B. If the Board decides to restrict a license ~~or certificate~~, the Board shall ensure that the restriction and any required corrective action address the conduct that led to the restriction and protect the public. If the Board decides to require that an individual with a restricted license ~~or certificate~~ be supervised during the period of restriction, the Board shall appoint an unrestricted licensee to provide the supervision.

C. A physical therapist or physical therapist assistant whose license ~~or certificate~~ is suspended, revoked, or voluntarily surrendered shall return the license ~~or certificate~~ to the Board within 10 days after receipt of the Board's final order.

D. At the end of a period of license ~~or certificate~~ restriction, the Board shall terminate the restriction only if the licensee ~~or certificate holder~~ submits to the Board evidence of having completed all required corrective actions and complied with all terms of the restriction. If the Board believes it will help the Board determine whether to terminate a restriction, the licensee ~~or certificate holder~~ shall appear before the Board.

E. An applicant who had a previous license ~~or certificate~~ revoked by the Board shall appear before the Board before the Board acts on the application.

R4-24-310. Substance Abuse Recovery Program

A. Under A.R.S. § 32-2044(8), practicing as a physical therapist or working as a physical therapist assistant while mentally or physically impaired is grounds for disciplinary action.

B. The Board shall allow an impaired licensee ~~or certificate holder~~ to enter into a substance abuse recovery program rather than conduct a disciplinary proceeding if:
1. The impaired licensee ~~or certificate holder~~ is qualified under A.R.S. § 32-2050(2),
2. The Board believes the proposed program will assist the impaired licensee ~~or certificate holder~~ to recover, and
3. The impaired licensee ~~or certificate holder~~ enters into the written agreement required under A.R.S. § 32-2050(3) and (4).

R4-24-311. Display of License; Disclosure

A. A licensee ~~or certificate holder~~ shall display a copy or provide documentation of the license ~~or certificate~~ and current renewal verification as specified in A.R.S. § 32-2051(G).

B. Upon request, a licensee ~~or certificate holder~~ shall inform a member of the public how to file a complaint by providing the address and telephone number of the Board office and a statement that a complaint against a licensee ~~or certificate holder~~ should be directed to the Board.

C. Before conducting an evaluation or initiating physical therapy, a ~~licensee~~ licensed physical therapist shall disclose to a patient when a referring practitioner is deriving direct or indirect compensation from the referral. The ~~licensee~~ licensed physical therapist shall ensure ~~that~~ the disclosure is in writing and states "Under A.R.S. § 32-2051(C), I am required by law to inform you in writing that your referring physician [or specify if different from a physician] derives either direct or indirect compensation related to your physical therapy."

R4-24-312. Mandatory Reporting Requirement

A. As required by A.R.S. § 32-3208, an applicant~~,~~ or licensee~~, or certificate holder~~ who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 working days after the charge is filed.

B. An applicant~~,~~ or licensee~~, or certificate holder~~ may request a list of reportable misdemeanors from the Board.

R4-24-313. Professional Standards of Care and Training and Education Qualifications for Delivery of Dry Needling Skilled Intervention

A. ~~Effective July 1, 2015 and in accordance with~~ Under A.R.S. § 32-2044(25), a physical therapist shall meet the qualifications established in subsection (C) before providing the skilled intervention "dry needling", as defined in A.R.S. § 32-2001(4).

B. A physical therapist offering to provide or providing "dry needling" intervention shall provide to the Board documented proof of compliance with the qualifications listed in subsection (C) ~~to the board~~ within 30 days ~~of completion of~~ after completing the course content in subsection (C) or within 30 days of initial licensure as a physical therapist in Arizona.

C. ~~Course content~~ The Board has determined that only a "dry needling" course that meets the following standards provides the training and education ~~qualifications for "dry needling" shall contain all of the following~~ necessary to qualify an individual to provide dry needling in Arizona:

1. The course ~~content shall be~~ is approved by one or more of the following entities ~~prior to~~ before the ~~course(s)~~ course or courses ~~being~~ is completed by the physical therapist.
   a. Commission ~~On~~ on Accreditation ~~In~~ in Physical Therapy Education,
   b. American Physical Therapy Association,
   c. State Chapters ~~Of The~~ of the American Physical Therapy Association,
   d. Specialty Groups ~~Of The~~ of the American Physical Therapy Association, or
   e. The Federation of State Boards ~~Of~~ of Physical Therapy.
2. The course ~~content shall include~~ includes the following components ~~of education and training~~:
   a. Sterile needle procedures ~~to include one of the following~~ consistent with the standards of one of the following:
      i. The U.S. Centers For Disease Control ~~And~~ and Prevention, or
      ii. The U.S. Occupational Safety ~~And~~ and Health Administration
   b. Anatomical ~~Review~~ review,
   c. ~~Blood Borne Pathogens~~ Blood-borne pathogens, and
   d. Contraindications and indications for "dry needling.";~~,~~
3. The course ~~content required in subsection (C) of this Section shall include, but is not limited to, passing of~~ requires participants to pass both a written ~~examination~~ and practical examination before ~~completion of~~ completing the course ~~content~~. ~~Practice application course content and examinations shall be done in person to meet the qualifications of subsection (C)~~.
4. The course ~~content required in subsection (C) of this subsection shall total a minimum of~~ requires at least 24 ~~contact~~ hours of education.
5. All practical aspects of the course, including the practical examination, are performed under supervision.

D. ~~The standard of care for the intervention "dry needling" includes, but is not limited to the following~~ A physical therapist who performs dry needling shall:

1. ~~"Dry needling" cannot be delegated~~ Not delegate performing dry needling to ~~any~~ assistive personnel.
2. ~~Consent~~ Obtain consent for treatment for the ~~intervention~~ "dry needling" intervention ~~is the same~~ as required under R4-24-301.
3. ~~Documentation of~~ Document the ~~intervention~~ "dry needling" intervention ~~shall be done~~ in accordance with R4-24-304.

ARTICLE 4. CONTINUING COMPETENCE

R4-24-401. Continuing Competence Requirements for Renewal

A. Except as provided in subsection (G), a licensed physical therapist shall earn 20 contact hours of continuing competence for each compliance period to be eligible for license renewal.

1. The ~~licensee~~ licensed physical therapist shall earn at least 10 contact hours from Category A continuing competence activities. No more than five of the required contact hours from Category A may be obtained from nonclinical course work.
2. No more than 10 contact hours may be earned by the ~~licensee~~ licensed physical therapist during any compliance period from Categories B and C continuing competence activities. No more than five contact hours from categories B and C may be obtained from nonclinical course work.
3. If the ~~licensee's~~ licensed physical therapist's initial license is for one year or less, the ~~licensee~~ licensed physical therapist shall earn 10 contact hours from Category A continuing competence activities during the initial compliance period. No more than five of the required contact hours from Category A may be obtained from nonclinical course work.

B. Except as provided in subsection (G), a ~~certified~~ licensed physical therapist assistant shall earn 10 contact hours of continuing competence for each compliance period to be eligible for ~~certificate~~ license renewal.

1. The ~~certificate holder~~ licensed physical therapist assistant shall earn at least six contact hours from Category A continuing competence activities. No more than three of the required contact hours from Category A may be obtained from nonclinical course work.
2. No more than four contact hours may be earned by the ~~certificate holder~~ licensed physical therapist assistant during any compliance period from Categories B and C continuing competence activities. No more than two contact hours from Categories B and C may be obtained from nonclinical course work.
3. If the ~~certificate holder's~~ licensed physical therapist assistant's initial ~~certificate~~ license is for one year or less, the ~~certificate holder~~ licensed physical therapist assistant shall earn six contact hours from Category A continuing competence activities during the initial compliance period. No more than three of the required contact hours from Category A may be obtained from nonclinical course work.

C. A licensee ~~or certificate holder~~ shall not receive contact hour credit for repetitions of the same activity.

D. The continuing competence compliance period for a licensee ~~or certificate holder~~ begins on September 1 following the issuance of an initial or renewal license ~~or certificate~~ and ends on August 31 of even-numbered years.

E. A licensee ~~or certificate holder~~ shall not carry over contact hours from one compliance period to another.

F. An applicant for renewal shall submit a signed statement to the Board with the renewal application stating whether continuing competence requirements have been fulfilled for the current compliance period.

G. The Board may, at its discretion, waive continuing competence requirements on an individual basis for reasons of extreme hardship such as illness, disability, active service in the military, or other extraordinary circumstance as determined by the Board. A licensee ~~or certificate holder~~ who seeks a waiver of the continuing competence requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and additional information the Board may request in support of the waiver.

H. A licensee ~~or certificate holder~~ is subject to Board auditing for continuing competence compliance.
1. Selection for audit shall be random and notice of audit sent within 60 calendar days following the renewal deadline.
2. Within 30 days of receipt of a notice of audit, a licensee ~~or certificate holder~~ shall submit evidence to the Board that shows compliance with the requirements of continuing competence. Documentation of a continuing competence activity shall include:
   a. The date, place, course title, sponsor, schedule, and presenter;
   b. The number of contact hours received for the activity; and
   c. Proof of completion, such as an abstract, certificate of attendance, sign-in log, or other certification of completion.

I. A licensee ~~or certificate holder~~ shall retain evidence of participation in a continuing competence activity for two compliance periods after participation.

J. The Board shall notify a licensee ~~or certificate holder~~ who has been audited whether the licensee ~~or certificate holder~~ is in compliance with continuing competence requirements. The Board shall provide the notice electronically or by certified mail within 30 working days following the determination by the Board.

K. The Board shall provide six months from the date of the notice under subsection (J) for a licensee ~~or certificate holder~~ found not in compliance with continuing competence requirements to satisfy the continuing competence requirements. A licensee ~~or certificate holder~~ may request a hearing to contest the Board's decision under A.R.S. Title 41, Chapter 6, Article 10.

L. Penalties for failure to comply with continuing competence requirements may be imposed by the Board under A.R.S § 32-2047 following a hearing conducted under A.R.S. Title 41, Chapter 6, Article 10.

R4-24-402. Continuing Competence Activities

A. Category A continuing competence activities shall be approved by:
1. An accredited medical, health care, or physical therapy program;
2. A state or national medical, health care, or physical therapy association, or a component of the association; or
3. A national medical, health care, or physical therapy specialty society.

B. Category A continuing competence activities include:
1. A physical therapy continuing education course designed to provide necessary understanding of current research, clinical skills, administration, or education related to the practice of physical therapy. Calculation of contact hours is determined by dividing the total minutes of instruction by 60. Breaks shall not be included as part of instructional time;
2. Coursework towards granting or renewal of a physical therapy clinical specialty certification approved by the Board. Each 60 minutes of instruction equals one contact hour;
3. Coursework in a physical therapy clinical residency program. Each 60 minutes of instruction equals one contact hour; and
4. Coursework in a postgraduate physical therapy education from an accredited college or university. Each 60 minutes of instruction equals one contact hour.

C. Category B continuing competence activities include:
1. Study group: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. A study group is a structured meeting designed for the study of a clinical physical therapy topic dealing with current research, clinical skills, procedures, or treatment related to the practice of physical therapy.
   b. No change
2. Self instruction: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Self instruction is a structured course of study relating to one clinical physical therapy topic dealing with current research, clinical skills, procedures, or treatment related to the practice of physical therapy. Self instruction may be directed by a correspondence course, video, internet, or satellite program.
   b. Each 60 minutes of self instruction equals one contact hour.
3. Inservice education: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Inservice education is attendance at a presentation pertaining to current research, clinical skills, procedures, or treatment related to the practice of physical therapy or relating to patient welfare or safety, including CPR certification.
   b. Each 60 minutes of inservice education equals one contact hour.

D. Category C modes of continuing competence include:

1. Physical therapy practice management coursework: Maximum of five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Physical therapy practice management course work is course work concerning physical therapy administration, professional responsibility, ethical obligations, or legal requirements applicable to physical therapy practice settings.
   b. If the course is graded, a licensee ~~or certificate holder~~ shall receive a "pass" in a pass/fail course or a minimum of a C in a graded course to receive credit.
   c. Each 60 minutes of practice management coursework equals one contact hour.
2. Teaching or lecturing: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Teaching or lecturing is the presentation of an original educational program dealing with current research, clinical skills, procedures, treatment, or practice management related to the practice of physical therapy principally for health care professionals. Credit may be earned for teaching when the presentation is accompanied by written materials prepared, augmented, or updated by the presenter including course objectives and program content.
   b. One 60 minute instructional period equals 2.5 contact hours.
   c. Credit shall be given only once for a presentation within a compliance period.
3. Publication: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Publication includes writing for professional publication, platform, or poster presentation abstracts that have direct application to the practice of physical therapy. Credit may be earned for publication of material that is a minimum of 1500 words in length and published by a recognized third-party publisher of physical therapy material.
   b. Each article published in a refereed journal, book chapter, or book equals five contact hours for physical therapists and two contact hours for physical therapist assistants. Articles published in non-refereed journals, magazines, newsletters, or periodicals equal two contact hours for physical therapists and one contact hour for physical therapist assistants.
4. Clinical instruction: Maximum five contact hours for physical therapists and two contact hours for physical therapist assistants.
   a. Clinical instruction involves assisting a student physical therapist or physical therapist assistant or a physical therapist resident or fellow acquire clinical skills required of a physical therapist or physical therapist assistant.
   b. An individual to whom clinical instruction is provided shall be enrolled in:
      i. A physical therapist or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education; or
      ii. A physical therapist residency or fellowship program approved by the American Physical Therapy Association.
   c. The program referenced under subsection (D)(4)(b) shall provide the enrolled individual with proof of completing the hours of clinical instruction.
   d. Each 120 hours of clinical instruction equals one contact hour.

R4-24-403. Activities Not Eligible for Continuing Competence Credit

A licensee ~~or certificate holder~~ shall not receive continuing competence credit for the following activities:

1. A regularly scheduled educational opportunity provided within an institution, such as rounds or case conferences;
2. A staff meeting;
3. A publication or presentation by the licensee ~~or certificate holder~~ to a lay or nonprofessional group; and
4. Routine teaching of personnel, students, or staff as part of a job requirement.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R25-161]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
April 21, 2025

2. Article, Part, or Section Affected (as applicable) **Rulemaking Action**
R4-26-207 Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 32-2063(A)(9)
Implementing statute: A.R.S. § 32-2074

4. The effective date of the rule:
August 30, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 278; Issue Date: January 17, 2025; Issue Number: 3; File Number: R24-308
Notice of Proposed Rulemaking: 31 A.A.R. 149; Issue Date: January 17, 2025; Issue Number: 3; File Number: R24-304

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

Name:	Heidi Herbst Paakkonen
Title:	Executive Director
Address:	1740 W. Adams St., Suite 2430 Phoenix, AZ 85007
Telephone:	(602) 542-8162
Fax:	(602) 542-8279
Email:	Heidi.Paakkonen@psychboard.az.us
Website:	psychboard.az.gov

7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Board is adding a continuing education requirement regarding completion of the Board's four-hour online jurisprudence education tool. The Board determined this requirement is necessary to ensure licensees practice in adherence to Arizona law and to assist licensees to avoid complaint allegations of unlawful or unethical practice and the associated consequences (e.g. legal expenses, risk management cost increases, denial of insurance credentials, cancellation of service contracts, loss of practice opportunities, etc.). The Executive Director of the Arizona Board of Behavioral Health examiners reports that a similar requirement for its licensees reduced certain types of complaints, and licensees have provided feedback that it effectively raises their compliance awareness. The Executive Director of the Missouri Board of Psychologist Examiners reports that a similar requirement for Missouri psychologists has reduced the number of complaints received by that Board.

The rule change does not increase the number of hours of continuing education required. Rather, it simply redirects four hours of currently required continuing education. The vendor with which the Board has contracted to prepare and administer the online jurisprudence educational tool charges $40 to each participant. This amounts to $10 per hour of continuing education credit awarded for its completion. By comparison, a continuing education course presenting similar content that is offered only once annually in Arizona by the Arizona Psychological Association costs $99 or $24.75 per hour of continuing education credit. For many Arizona psychologists, travel costs are incurred to attend this annual course and all participants in the annual course must take time away from patient care to attend.

The Board's online jurisprudence education tool, which has been developed but not yet made available, will be accessed on demand and completed at the convenience of the psychologist's schedule without the need to incur travel costs or take time from patient care, and at the lowest cost identified by the Board's research. Psychologists will be encouraged to complete the online jurisprudence education tool with peers and colleagues to benefit from professional engagement opportunities that research finds enhances professional competence. There is no examination required to complete the online jurisprudence education tool.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

9. 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

10. A summary of the economic, small business, and consumer impact:

The Board believes the economic impact of the rulemaking will be positive for licensees and the Board. Licensees will likely find the four-hour online jurisprudence education tool is less expensive than four hours of other continuing education and the online education tool is more convenient and avoids travel costs and time away from patient care. Licensees may also find that knowledge of Arizona jurisprudence helps them avoid complaint allegations of unlawful or unethical practice. Avoidance of complaint allegations is also beneficial to the Board.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

Not applicable

13. 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:

Not applicable

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:

Psychologists are required to be licensed and obtain continuing education during each license period. However, the rule

amended in this rulemaking does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
No federal law is directly applicable to the subject matter of this rulemaking.

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:
Not applicable

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:
Not applicable

16. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 2. LICENSURE

Section
R4-26-207. Continuing Education

ARTICLE 2. LICENSURE

R4-26-207. Continuing Education

A. A licensee shall complete at least 40 hours of continuing education during each license period. Unless specified otherwise, one clock hour of instruction, training, or making a presentation equals one hour of continuing education.

B. A licensee shall ensure the continuing education hours obtained include:
1. ~~at~~ At least four hours in professional ethics, and
2. Completion of the Board's four-hour online jurisprudence education tool.

C. During the license period in which an individual is initially licensed, the Board shall pro-rate the number of continuing education hours, including a pro-rated number of hours addressing ethics, that the new licensee must complete during the initial license period. To calculate the number of continuing education hours that a new licensee must obtain, the Board shall divide the 40 hours of continuing education required in a license period by 24 and multiply the quotient by the number of whole months from the date of initial licensure until the end of the license period. During the first license period, for every six months from the month of license issuance to the end of the license period, the Board shall require one hour of continuing education in ethics.

D. If the standards in subsection (F) are met, the Board shall accept the following for continuing education hours.
1. Post-doctoral study sponsored by a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1) and provides a graduate-level degree program;
2. A course, seminar, workshop, or home study for which a certificate of attendance or completion is provided;
3. A continuing education program offered by a national, international, regional, or state association, society, board, or continuing education provider;
4. Teaching a graduate-level course in applied psychology at a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1). A licensee who teaches a graduate-level course in applied psychology receives the same number of continuing education hours as number of classroom hours for those who take the graduate-level course;
5. Organizing and presenting a continuing education activity. A licensee who organizes and presents a continuing education activity receives the same number of continuing education hours as those who attend the continuing education activity;
6. Serving as a complaint consultant. During a license period, a licensee who serves as a Board complaint consultant to review Board complaints and provides written reports to the Board or provides expert testimony on behalf of the Board may receive continuing education hours equal to the actual number of hours served as a complaint consultant to a maximum of 20 hours. A licensee who is paid by the Board for services rendered shall not receive continuing education credit for the time or services for which payment was made;
7. The Board shall allow a maximum of 10 continuing education hours for each of the following during a license period:
   a. Attending a Board meeting or serving as a member of the Board. A licensee receives up to six continuing education hours in professional ethics for attending both morning and afternoon sessions of a Board meeting and three continuing education hours for attending either the morning or afternoon session or at least four hours of a Board meeting. A licensee shall complete documentation provided by the Board at the time the licensee attends a Board meeting;
   b. Having an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published. A licensee who has an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published receives 10 continuing education hours in the year of publication;
   c. Participating in a study group for professional growth and development as a psychologist. A licensee receives one hour of continuing education for each hour of participation to a maximum of 10 continuing education hours for participating in a study group. The Board shall allow continuing education hours for participating in a study group only if the licensee maintains the documentation required under subsection (G)(5);

d. Presenting a symposium or paper at a state, regional, national, or international psychology meeting. A licensee who presents a symposium or paper receives the same number of continuing education hours as hours of the session, as published in the agenda of the meeting, at which the symposium or paper is presented to a maximum of 10 continuing education hours;
e. Presenting a poster during a poster session at a state, regional, national, or international psychology meeting. A licensee who presents a poster receives an hour of continuing education for each hour the licensee is physically present with the poster during the poster session, as published in the agenda of the meeting, to a maximum of 10 continuing education hours; and
f. Serving as an elected officer of an international, national, regional, or state psychological association or society. A licensee who serves as an elected officer may receive continuing education hours equal to the actual number of hours served to a maximum of 10 continuing education hours.

E. The Board shall not allow continuing education credit more than once in a license period for:
1. Teaching the same graduate-level course,
2. Organizing and presenting a continuing education activity on the same topic or content area, or
3. Presenting the same symposium or paper at a state, regional, national, or international psychology meeting.

F. Standards for continuing education. To be acceptable for continuing education credit, an activity identified in subsections (D)(1) through (4) shall:
1. Focus on the practice of psychology, as defined at A.R.S. § 32-2061, for at least 75 percent of the program hours; and
2. Be taught by an instructor who is readily identifiable as competent in the subject of the continuing education by having an advanced degree, teaching experience, work history, published professional articles, or previously presented continuing education on the same subject.

G. The Board shall accept the following documents as evidence of completion of continuing education hours:
1. A certificate of attendance or completion;
2. Statement signed by the provider verifying participation in the activity;
3. Copy of transcript of course completed under subsection (D)(1);
4. Documents indicating a licensee's participation as an elected officer or appointed member as specified in subsection (D)(7)(f); or
5. An attestation signed by all participants of a study group under subsection (D)(7)(c) that includes a description of the activity, subject covered, dates, and number of hours.

H. A licensee shall maintain the documents listed in subsection (G) through the license period following the license period in which the documents were obtained.

I. The Board may audit a licensee's compliance with continuing education requirements. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding continuing education hours.

J. A licensee who cannot meet the continuing education requirement for good cause may seek an extension of time to complete the continuing education requirement by submitting a written request to the Board with the timely submission of the renewal application required under R4-26-205.
1. Good cause includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period.
2. The Board shall not grant an extension longer than one year.
3. A licensee who cannot complete the continuing education requirement within the extension may apply to the Board for inactive license status under A.R.S. § 32-2073 (G).

K. No continuing education hours may be carried over to the next licensing period.

L. The Board shall not accept for continuing education hours a course, workshop, seminar, or symposium designed to increase income or office efficiency.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION HIGHWAYS

[R25-162]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
April 16, 2025

2. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R17-3-601	Amend
R17-3-602	Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 28-366
Implementing statute: A.R.S. §§ 28-7384 and 28-7385

4. The effective date of the rule:
August 30, 2025

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 134; Issue Date: January 10, 2025; Issue Number: 2; File Number: R24-303
Notice of Proposed Rulemaking: 31 A.A.R. 124; Issue Date: January 10, 2025; Issue Number: 2; File Number: R24-299

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

Name:	Candace Olson
Title:	Senior Rules Analyst
Office:	Government Relations and Rules
Address:	Department of Transportation 206 S. 17th Ave., Mail Drop 180A Phoenix, AZ 85007
Telephone:	(480) 267-6610
Email:	COlson2@azdot.gov
Website:	https://azdot.gov/about/government-relations

7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Arizona Department of Transportation (ADOT) engages in this rulemaking to adopt the changes proposed in ADOT's one-year review report on 17 A.A.C. 3, Article 6, which was approved by the Governor's Regulatory Review Council on June 4, 2024. ADOT determined that these rules should be updated and improved to better reflect ADOT's process, to provide better clarity, and to remove unnecessary language. These changes include clarifying that the occupancy rate does not apply to a provider, wholly owned by a tribe, for longitudinal access on sovereign tribal lands; not using the State Milepost System as a means for measuring the distance; and clarifying that an encroachment permit will not be issued until the telecommunication use and occupancy agreement has been signed.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

ADOT did not review or rely on any study relevant to the rules.

9. 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

10. A summary of the economic, small business, and consumer impact:

In general, ADOT incurs substantial costs to implement and enforce the Broadband Program. ADOT incurs costs in administrative and operating costs, personnel, employee-related costs, inspections, reviews, and computer and other equipment costs. The broadband providers can incur a minimal to substantial cost depending on the distance of the longitudinal access of the right-of-way needed. Additionally, there are operational and incidental costs for the installation, maintenance, and operation of the telecommunication facilities.

ADOT anticipates that the economic impact of this rulemaking is minimal since it is removing unnecessary language and updating for better clarity. This rulemaking should not create an increase in costs for ADOT or the broadband providers. The broadband providers and ADOT should benefit from the clearer rules and the clarifications about the occupancy rate not applying to a provider, wholly owned by a tribe, for longitudinal access on sovereign tribal lands and about the encroachment permit. ADOT benefits from having clearer and updated rules that bring better understandability to its stakeholders and consistency with ADOT's process. The broadband providers may benefit from economic growth by being able to provide their services to more customers, which could also allow for an increase in revenue and a potential increase in job creation. Overall, assisting in the allowance for more providers allows for more services to the state and increases the capacity of telecommunications services being provided.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

ADOT did not receive any public or stakeholder comments regarding this rulemaking.

13. 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 statute applicable to ADOT or to any specific rule or class of rules.

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:

Pursuant to A.R.S. § 28-7384, R17-3-602 requires providers to enter into a telecommunication use and occupancy agreement and obtain an encroachment permit to be granted longitudinal access to the right-of-way of a highway for the new installation of a telecommunication facility. An encroachment permit allows for the construction of a fixed or temporary improvement within a state highway right-of-way, or for any activity requiring the temporary use of or intrusion upon a state highway right-of-way. While for the purpose of these rules, the issuance of the encroachment permit would be for an activity similar in nature, an encroachment permit, in general, can be issued for various types of activities with some of the requirements general to all and others are specific to a particular encroachment activity. Therefore, encroachment permits fall outside the criteria provided under A.R.S. § 41-1037 and are an exception to the general permit requirement.

ADOT's authorization of providers to have longitudinal access meets the requirements of a general permit since the activities and practices authorized by it are substantially similar in nature for all granted access for the purpose of installation of a telecommunication facility.

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:

These rules are not more stringent than the following applicable federal laws:

- The Telecommunications Act of 1996, PL 104-104, 110 Stat. 56, which includes provisions on compensation and state authority; and
- 23 CFR 645, Subparts B and C, which includes provisions for accommodating utility facilities and private lines on federally aided highway projects, use and occupancy agreements, and installation practices that minimize excavation when installing telecommunications infrastructure in highway rights-of-way.

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

No analysis was submitted to ADOT.

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

16. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION HIGHWAYS

ARTICLE 6. TELECOMMUNICATION FACILITIES

Section
R17-3-601. Definitions
R17-3-602. Telecommunication Use and Occupancy Agreement; Time-frames; Compensation for Longitudinal Access to the Right-of-Way

ARTICLE 6. TELECOMMUNICATION FACILITIES

R17-3-601. Definitions

In addition to the definitions provided under A.R.S. §28-7381, the following terms apply to this Article unless otherwise specified:

"At-grade" means roadways, intersections, or facilities at the same elevation or level.

"Clear zone" means a specific distance from the edge of a travel lane free of above ground obstacles as determined by the Department and in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide.

"Controlled access" has the same meaning as a controlled access highway as defined in A.R.S. § 28-601.

"Department" has the same meaning as defined in A.R.S. § 28-101.

"Dig Once" means reducing the number and scale of excavations when installing telecommunication facilities in highway rights-of-way.

"Encroachment permit" has the same meaning as defined in R17-3-501.

"Guideline for Accommodating Utilities on Highway Rights-of-Way" means the guidelines and procedures adopted by the Department for the accommodation of utilities on highway rights-of-way.

"Interstate System" has the same meaning as defined in A.R.S. § 28-7901.

~~"Lease agreement" means the written agreement between the Department and the provider, which authorizes the provider to utilize spare conduit and related facilities of the Department subject to the terms and conditions outlined in the agreement and this Article.~~

"New installation" means an initial installation on a highway right-of-way except in the event of a relocation required by the Department.

"Right-of-way" has the same meaning as defined in A.R.S. § 28-101.

"Right-of-way occupancy rate" means the compensation from a provider for longitudinal access to the right-of-way of a state highway for the purpose of installing telecommunication facilities as authorized under A.R.S. § 28-7385.

"State" means the state of Arizona.

"State highway" has the same meaning as defined in A.R.S. § 28-101.

~~"State Milepost System" means the markers placed on the highway at one-mile intervals that indicate the distance through the state.~~

"Uncontrolled access" means a highway to which owners or occupants of abutting lands and other persons have a legal right of access.

"Telecommunication use and occupancy agreement" means the written agreement between the Department and the provider allowing the provider longitudinal access of highway right-of-way for its telecommunication facilities or private line subject to the terms and conditions outlined in the agreement and this Article.

R17-3-602. Telecommunication Use and Occupancy Agreement; Time-frames; Compensation for Longitudinal Access to the Right-of-Way

A. A provider must enter into a telecommunication use and occupancy agreement with the Department and obtain an encroachment permit, as prescribed under Article 5 of this Chapter, before being granted longitudinal access for new installation of a telecommunication facility. This Section does not apply to a telecommunication facility with an encroachment permit approved before January 1, 2023.

B. A provider seeking to enter into a telecommunication use and occupancy agreement shall complete and provide the following information on a telecommunication use and occupancy agreement application provided by the Department ~~at www.azdot.gov~~:
1. Name of provider;
2. The point of contact's information, which includes name, telephone number, and email address;
3. A description of the proposed work or activity in the right-of-way or facilities; and
4. A map, drawing, or geographical description of the proposed telecommunication facility installation, including the starting and ending milepost to the nearest tenth of a mile, state highway number, the cardinal direction of the highway, the number and size of conduits, and accompanying telecommunication facility locations.

C. The Department shall, within five calendar days of receiving an application under subsection (B), provide written notice to the provider acknowledging receipt of the application:
1. If the application is complete, the notice shall acknowledge receipt of a complete application and indicate the date the Department received the complete application; or
2. If the application is incomplete, the notice shall indicate the current date and include an itemized list of all additional information the provider must provide to the Department before the application can be considered complete and subsequently processed.

D. A provider with an incomplete application shall respond to the notice provided by the Department under subsection (C)(2) within 15 calendar days after the date indicated on the notice or the Department may deny the application.

E. The Department shall render a decision on the application within 15 calendar days after the date on the notice the Department gave to the provider under subsection (C)(1) acknowledging receipt of a complete application.

F. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames:
1. Administrative completeness review time-frame: five calendar days.
2. Substantive review time-frame: 10 calendar days.
3. Overall time-frame: 15 calendar days.

G. A provider shall pay an annual right-of-way occupancy rate as compensation to the Department for longitudinal access to a highway right-of-way for new installations of telecommunication facilities, including overhead, surface, or underground, in accordance with A.R.S. § 28-7385. <u>This subsection does not apply to a provider, wholly owned by a tribe, for longitudinal access on sovereign tribal lands.</u>
1. The annual right-of-way occupancy rate schedule is as follows:
   a. Interstate System: $1.00 per linear foot of longitudinal access.
   b. Controlled Access Highways (non-interstate): $0.50 per linear foot of longitudinal access.
   c. Uncontrolled Access Highways: $0.25 per linear foot of longitudinal access.
2. At the beginning of each calendar year, starting January 1, 2024, the cost per linear foot as prescribed in subsection (G)(1), increases at a rate of 2% per calendar year. The new annual right-of-way occupancy rate applies to any new or renewed telecommunication use and occupancy agreements established within that given year.
3. The annual right-of-way occupancy rate, established at the time of signing the telecommunication use and occupancy agreement, shall be the rate for each year of a 20-year or 30-year agreement.
4. The distance is measured using the ~~State Milepost System~~ <u>information provided in subsection (B)(4)</u>, rounded to the nearest tenth of a mile and converted to a linear foot value.
5. The total amount of the annual right-of-way occupancy rate is determined by using the following calculation: cost per linear feet x distance = total annual right-of-way occupancy rate.
6. The Department shall receive monetary compensation in the form of an annual or lump sum payment, unless an in-kind compensation or combination of in-kind and monetary compensation is agreed upon by the Department and the provider.
   a. Annual monetary compensation. The provider shall pay the total annual right-of-way occupancy rate established at the time of signing the telecommunication and occupancy use agreement and at the time of signing any renewals.

b. Lump-sum monetary compensation. The provider shall pay in accordance with the following:
   i. The total annual right-of-way occupancy rate is multiplied by the number of years of the agreement.
   ii. A discounted rate of 10% is applied utilizing net present value calculation.
c. In-kind compensation.
   i. Telecommunication facilities shall be valued on a present value basis at the estimated, reasonable cost to the provider for procuring and installing such telecommunication facilities. The in-kind value shall be agreed upon, between the Department and provider, in the telecommunication use and occupancy agreement.
   ii. The Department shall provide the provider with a list of the specific telecommunication facilities and services for consideration as in-kind compensation. The value of such in-kind compensation shall be subtracted from the total amount of monetary compensation due for occupancy of the right-of-way and the remaining balance, if any, shall be remitted as monetary compensation.
   iii. Any telecommunication facilities acquired as in-kind compensation shall be used exclusively for the further development of telecommunications that serve state purposes and may not be sold or leased in competition with providers.
   iv. The provider maintains ownership and is responsible for maintenance of the in-kind compensation provided, however, the associated costs will be agreed upon in the telecommunication use and occupancy agreement.
d. Combination of monetary and in-kind compensation. The provider will pay the total annual right-of-way occupancy rate in accordance with subsections (G)(6)(a) through (c), as applicable, and as agreed upon by the Department and the provider.

7. The payment of the annual right-of-way occupancy rate will be made as follows:
   a. For monetary compensation, the provider shall pay the total annual right-of-way occupancy rate to the Department within 30 calendar days of signing the telecommunication use and occupancy agreement and any renewals.
   b. For in-kind compensation, the agreement shall set forth the timeline for the Department to receive agreed upon telecommunication facilities.

H. By signing a telecommunication use and occupancy agreement, a provider agrees to accept the following general obligations and responsibilities:
1. Complying with the encroachment permit rules in Article 5 of this Chapter;
2. Complying with the terms and conditions contained in the telecommunication use and occupancy agreement and encroachment permit documents for installation, operation, maintenance, and relocation of telecommunication facilities;
3. Not having exclusive access or rights to the right-of-way;
4. Having the term length of the telecommunication use and occupancy agreement to be for one year, 20 years, or 30 years with an option to renew the agreement at the current applicable starting rate for the first year of a new agreement or renewal; the rate will be increased annually if the renewal is for a one-year period, otherwise pursuant to the terms of a new 20-year or 30-year agreement; and
5. Terminating the telecommunication use and occupancy agreement due to removal of facilities from the right of way.
   a. For any monetary compensation, the provider shall receive a prorated refund based on the number of months remaining in the term agreement.
   b. For any in-kind compensation, the access to facilities or services provided will terminate at the time of the removal of the facilities.

I. The provider will not receive the applicable encroachment permit until the telecommunication use and occupancy agreement has been signed.

NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman under A.R.S. §§ 41-1006(A) and 41-1013(B)(13).

An ombudsman is an agency's point of contact who assists members of the public or regulated community seeking information or guidance from the agency.

NOTICE OF AGENCY OMBUDSMAN

DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

[M25-66]

1. The agency name:

Department of Forestry and Fire Management

2. The ombudsman's contact information:

Name:	Daniel Valenzuela
Title:	Deputy Director of Administration and Ombudsman
Address:	1110 W. Washington, Suite 500 Phoenix, AZ 85007
Telephone:	(602) 771-1400
Fax:	(602) 771-1421
Email:	dvalenzuela@dffm.az.gov

NOTICES OF PROPOSED DELEGATION AGREEMENT

SUMMARIES AND LOCATION OF AGREEMENTS

Some agencies have been given legislative authority to delegate functions, powers, or duties to political subdivisions in Arizona.

An agency that seeks to delegate functions, powers or duties shall file with the Office a summary of its proposed delegation agreement under A.R.S. § 41-1081(B).

Agencies shall provide, along with the summary, a contact to answer questions or accept comments on the notice.

The notice shall also state where interested persons may obtain, upon request, a copy of the proposed delegation agreement from the agency.

NOTICE OF PROPOSED DELEGATION AGREEMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M25-67]

1. Agency initiating the agreement:

Arizona Department of Environmental Quality

2. The political subdivision to which functions, powers, or duties are proposed to be delegated:

Cochise County Department of Health & Social Services

3. Contact information:

Name: Edwin Slade, Administrative Counsel

Telephone: (602) 771-2242

Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Email: oac@azdeq.gov

4. Summary of agreement including subjects and issues:

ADEQ delegates some of its functions and duties to Arizona counties and cities in order to effectively regulate when those local authorities and ADEQ have agreed that it is in the best interest of the State to do so. Functions and duties that are delegated by ADEQ to local authorities must continue to be regulated consistent with the authority ADEQ has to regulate. ADEQ will enter into individual delegation agreements with each local authority when there is any delegation of ADEQ authority. Each individual delegation agreement has tables that identify exactly which functions and duties are being delegated.

For Cochise County, ADEQ and Cochise County Department of Health & Social Services have agreed to delegate some solid waste functions and duties and some wastewater functions and duties.

5. An electronic copy of this agreement can be viewed at:

https://www.azdeq.gov/delegation-agreements

Or contact:

Name: Edwin Slade, Administrative Counsel

Telephone: (602) 771-2242

Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Email: oac@azdeq.gov

6. A paper copy of this agreement can be obtained at:

ADEQ Records Center
1110 W. Washington St.
Phoenix, AZ 85007

7. Schedule of public hearings:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the *Register* by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coor-

dinator at 520-628-6744 or marruffo.joaquin@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtitulado de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI al 520-628-6744 o marruffo.joaquin@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

NOTICE OF PROPOSED DELEGATION AGREEMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M25-68]

1. Agency initiating the agreement:

Arizona Department of Environmental Quality

2. The political subdivision to which functions, powers, or duties are proposed to be delegated:

Navajo County Planning and Development Services

3. Contact information:

Name: Edwin Slade, Administrative Counsel
Telephone: (602) 771-2242
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Email: oac@azdeq.gov

4. Summary of agreement including subjects and issues:

ADEQ delegates some of its functions and duties to Arizona counties and cities when those local authorities and ADEQ have agreed that doing so is in the best interest of the State. Functions and duties that are delegated by ADEQ to local authorities must continue to be regulated consistent with ADEQ's regulatory authority. When delegating authority, ADEQ enters into an individual delegation agreement with the local authority. Each individual delegation agreement has tables that identify exactly which functions and duties are delegated.

For Navajo County, ADEQ and Navajo County Planning and Development Services have agreed to delegate some solid waste functions and duties, and some wastewater functions and duties.

5. An electronic copy of this agreement can be viewed at:

https://www.azdeq.gov/delegation-agreements

Or contact:

Name: Edwin Slade, Administrative Counsel
Telephone: (602) 771-2242
Address: Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Email: oac@azdeq.gov

6. A paper copy of this agreement can be obtained at:

ADEQ Records Center
1110 W. Washington St.
Phoenix, AZ 85007

7. Schedule of public hearings:

Where there is sufficient public interest, ADEQ will hold a public hearing to receive public comments, in accordance with A.R.S. § 41-1081. The time, place, and location of the hearings will be provided in the corresponding Notice of Public Hearing pursuant to A.A.C. R18-1-401 and R18-1-402.

ADEQ accepts written statements, arguments, data, and views on the proposed delegation agreement that are received within 30 days after the date of the publication of this notice in the Register by 5:00 p.m. or postmarked not later than that date.

After the conclusion of the public comment period and hearing, if any, the agency shall prepare a written summary responding to the comments received, whether oral or written. The agency shall consider the comments received from the public in determining whether to enter into the proposed delegation agreement. The agency shall give written notice to those persons who submitted comments of the agency's decision on whether to enter into the proposed delegation agreement.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator at 520-628-6744 or marruffo.joaquin@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para

hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtitulado de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI al 520-628-6744 o marruffo.joaquin@azdeq.gov. Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.

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

2025 *Arizona Administrative Register*
Volume 31 Page Guide

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 28 OF VOLUME 31.

Health Services, Department of - Communicable Diseases and Infestations

R9-6-346. P#-7; F#-1317
R9-6-347. P#-7; F#-1317
R9-6-348. P#-7; PM-7; F#-1317; FM-1317
R9-6-349. P#-7; F#-1317
R9-6-350. P#-7; F#-1317
R9-6-351. P#-7; F#-1317
R9-6-352. P#-7; PM-7; F#-1317; FM-1317
R9-6-353. P#-7; F#-1317
R9-6-354. P#-7; PM-7; F#-1317; FM-1317
R9-6-355. P#-7; F#-1317
R9-6-356. P#-7; PM-7; F#-1317; FM-1317
R9-6-357. P#-7; F#-1317
R9-6-358. P#-7; F#-1317
R9-6-359. P#-7; F#-1317
R9-6-360. P#-7; PM-7; F#-1317; FM-1317
R9-6-361. P#-7; PM-7; F#-1317; FM-1317
R9-6-362. P#-7; PM-7; F#-1317; FM-1317
R9-6-363. P#-7; F#-1317
R9-6-364. P#-7; PN-7
R9-6-365. P#-7; PN-7; F#-1317; FN-1317
R9-6-366. P#-7; PM-7; F#-1317; FM-1317
R9-6-367. P#-7; PN-7; F#-1317; FN-1317
R9-6-368. P#-7; F#-1317
R9-6-369. P#-7; PM-7; F#-1317; FM-1317
R9-6-370. P#-7; PN-7; F#-1317; FN-1317
R9-6-371. P#-7; F#-1317
R9-6-372. P#-7; F#-1317
R9-6-373. P#-7; PM-7; F#-1317; FM-1317
R9-6-374. P#-7; PM-7; F#-1317; FM-1317
R9-6-375. P#-7; F#-1317
R9-6-376. P#-7; F#-1317
R9-6-377. P#-7; PM-7; F#-1317; FM-1317
R9-6-378. P#-7; F#-1317
R9-6-379. P#-7; F#-1317
R9-6-380. P#-7; PM-7; F#-1317; FM-1317
R9-6-381. P#-7; PM-7; F#-1317; FM-1317
R9-6-382. P#-7; PM-7; F#-1317; FM-1317
R9-6-383. P#-7; PN-7; F#-1317; FN-1317
R9-6-384. P#-7; PM-7; F#-1317; FM-1317
R9-6-385. P#-7; PM-7; F#-1317; FM-1317
R9-6-386. P#-7; PM-7; F#-1317; FM-1317
R9-6-387. P#-7; F#-1317
R9-6-388. P#-7; F#-1317
R9-6-389. P#-7; F#-1317
R9-6-390. P#-7; F#-1317
R9-6-391. P#-7; PM-7; F#-1317; FM-1317
R9-6-392. P#-7; F#-1317
R9-6-393. P#-7; F#-1317
R9-6-394. P#-7; F#-1317
R9-6-395. P#-7; F#-1317
R9-6-396. P#-7; PM-7; F#-1317; FM-1317
R9-6-397. P#-7; PM-7; F#-1317; FM-1317
R9-6-398. P#-7; F#-1317
R9-6-399. P#-7; F#-1317
R9-6-403. FEM-661
R9-6-404. FEM-661
R9-6-3100. P#-7; F#-1317
R9-6-3101. P#-7; PM-7; F#-1317; FM-1317
R9-6-3102. P#-7; F#-1317
R9-6-3103. P#-7; PM-7; F#-1317; FM-1317
R9-6-3104. P#-7; PM-7; F#-1317; FM-1317
R9-6-3105. P#-7; F#-1317
R9-6-3106. P#-7; PM-7; F#-1317; FM-1317
R9-6-3107. P#-7; PM-7; F#-1317; FM-1317
R9-6-3108. P#-7; PM-7; F#-1317; FM-1317
R9-6-1002. PM-7; FM-1317
R9-6-1005. PR-7; FR-1317
R9-6-1102. PM-7; FM-1317
R9-6-1103. PM-7; FM-1317

Health Services, Department of - Emergency Medical Services

R9-25-101. FM-332
R9-25-201. FM-332
R9-25-301. FM-332
R9-25-302. FM-332
R9-25-304. FM-332
R9-25-305. FM-332
R9-25-401. FM-332
R9-25-403. FM-332
R9-25-404. FM-332
R9-25-407. FM-332
R9-25-408. FM-332
R9-25-409. FM-332
R9-25-908. FEM-404

Health Services, Department of - Food, Recreational, and Institutional Sanitation

R9-8-101. FEM-666
R9-8-101.01. FEN-666; FEM-666
R9-8-102. FEN-666
R9-8-118. FE#-666
R9-8-901. PN-1630
R9-8-902. PN-1630
R9-8-903. PN-1630
R9-8-904. PN-1630
R9-8-905. PN-1630
R9-8-906. PN-1630
R9-8-907. PN-1630
R9-8-908. PN-1630
R9-8-909. PN-1630
R9-8-910. PN-1630
Table 9.1. PN-1630
R9-8-911. PN-1630
Table 9.2. PN-1630
Table 9.3. PN-1630
R9-8-912. PN-1630
R9-8-913. PN-1630

Health Services, Department of - Health Care Institutions: Licensing

R9-10-101. PM-152; PM-703; FM-2085
R9-10-102. PM-152; PM-703; FM-2085
R9-10-103. PM-152
R9-10-104. PM-152
R9-10-104.01. PM-152
R9-10-105. PM-152
R9-10-106. PM-703; FM-2085
R9-10-107. PM-152
R9-10-108. PM-152
Table 1.1. PM-152
R9-10-109. PM-152
R9-10-110. PM-152
R9-10-111. PM-703; FM-2085
R9-10-112. PM-152
R9-10-113. PM-152
R9-10-113. PM-152
R9-10-115. PM-246
R9-10-118. PM-152
R9-10-120. PM-152
R9-10-121. PM-152; PM-703; FM-2085
R9-10-122. PN-703; FN-2085
R9-10-123. PN-703; FN-2085
R9-10-124. PN-703; FN-2085
R9-10-125. PN-703; FN-2085
R9-10-126. PN-703; FN-2085
Table 1.2. PM-703; FN-2085
R9-10-201. PM-152
R9-10-202. PM-152
R9-10-203. PM-152
R9-10-209. PM-152
R9-10-212. PM-152
R9-10-215. PM-152
R9-10-218. PM-152
R9-10-234. PM-152
R9-10-303. PM-152
R9-10-307. PM-152
R9-10-320. PM-152
R9-10-321. PM-152
R9-10-402. PM-152
R9-10-403. PM-152
R9-10-406. PM-152
R9-10-410. PM-152
R9-10-411. PM-152
R9-10-413. PM-152
R9-10-414. PM-152
R9-10-421. PM-152
R9-10-423. PM-152
R9-10-426. PM-152
R9-10-501. PEM-384; FEM-1263
R9-10-503. PEM-384; FEM-1263
R9-10-506. PEM-384; FEM-1263
R9-10-507. PEM-384; FEM-1263
R9-10-508. PEM-384; FEM-1263
R9-10-509. PEM-384; FEM-1263
R9-10-510. PEM-384; FEM-1263
R9-10-511. PEM-384; FEM-1263
R9-10-512. PEM-384; FEM-1263
R9-10-514. PEM-384; FEM-1263
R9-10-515. PEM-384; FEM-1263
R9-10-516. PEM-384; FEM-1263
R9-10-518. PEM-384; FEM-1263
R9-10-520. PEM-384; FEM-1263
R9-10-522. PEM-384; FEM-1263
R9-10-525. PEM-384; FEM-1263
R9-10-606. PM-152
R9-10-613. PM-152
R9-10-701. PM-246
R9-10-702. PM-246
R9-10-703. PM-246
R9-10-706. PM-246
R9-10-707. PM-246
R9-10-709. PM-246
R9-10-710. PM-246
R9-10-712. PM-246
R9-10-713. PM-246
R9-10-715. PM-246
R9-10-716. PM-246
R9-10-717. PM-246
R9-10-718. PM-246
R9-10-719. PM-246
R9-10-720. PM-246
R9-10-722. PM-246
R9-10-801. PM-703; FM-2085
R9-10-802. PM-246
R9-10-803. PM-246; PM-703; FM-2085
R9-10-806. PM-246; PM-703; FM-2085
R9-10-807. PM-246
R9-10-808. PM-703; FM-2085
R9-10-809. PM-246
R9-10-810. PM-246
R9-10-811. PM-246; PM-703; FM-2085
R9-10-815. PM-703; FM-2085
R9-10-816. PM-246; PR-703; PN-703; FR-2085; FN-2085
R9-10-817. PM-246; PN-703; FN-2085
R9-10-818. P#-703; F#-2085
R9-10-819. P#-703; PM-703; F#-2085; FM-2085
R9-10-820. PM-246; P#-703; F#-2085
R9-10-821. P#-703; F#-2085
R9-10-901. PM-152
R9-10-902. PM-152
R9-10-905. PM-152
R9-10-911. PM-152

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 28 OF VOLUME 31.

Rulemaking Docket Opening, Notices of

Substantive Policy Statement, Notices of

2025 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	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

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

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the *Register* weekly. There is a three-week delay between the deadline date and the *Register* publication date. The weekly deadline dates (*first column*) and issue dates (*second column*) 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 Friday, 5:00 p.m. *(**early submission date due to holiday)*	***Register* Publication Date**	**Oral Proceeding may be scheduled on or after** *(*later date due to holiday)*
February 14, 2025	March 7, 2025	April 7, 2025
February 21, 2025	March 14, 2025	April 14, 2025
February 28, 2025	March 21, 2025	April 21, 2025
March 7, 2025	March 28, 2025	April 28, 2025
March 14, 2025	April 4, 2025	May 5, 2025
March 21, 2025	April 11, 2025	May 12, 2025
March 28, 2025	April 18, 2025	May 19, 2025
April 4, 2025	April 25, 2025	May 27, 2025
April 11, 2025	May 2, 2025	June 2, 2025
April 18, 2025	May 9, 2025	June 9, 2025
April 25, 2025	May 16, 2025	June 16, 2025
May 2, 2025	May 23, 2025	June 23, 2025
May 9, 2025	May 30, 2025	June 30, 2025
May 16, 2025	June 6, 2025	July 7, 2025
May 23, 2025	June 13, 2025	July 14, 2025
May 30, 2025	June 20, 2025	July 21, 2025
June 6, 2025	June 27, 2025	July 28, 2025
June 13, 2025	July 4, 2025	August 4, 2025
June 20, 2025	July 11, 2025	August 11, 2025
June 27, 2025	July 18, 2025	August 18, 2025
**July 3, 2025	July 25, 2025	August 25, 2025
July 11, 2025	August 1, 2025	*September 2, 2025
July 18, 2025	August 8, 2025	September 8, 2025
July 25, 2025	August 15, 2025	September 15, 2025
August 1, 2025	August 22, 2025	September 22, 2025
August 8, 2025	August 29, 2025	September 29, 2025
August 15, 2025	September 5, 2025	October 6, 2025
August 22, 2025	September 12, 2025	*October 14, 2025
August 29, 2025	September 19, 2025	October 20, 2025

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 https://grrc.az.gov.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2024/2025

(MEETING DATES ARE SUBJECT TO CHANGE)

[M24-54]

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

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday April 22, 2025	*Tuesday* May 20, 2025	***Wednesday*** May 28, 2025	*Tuesday* June 3, 2025
Tuesday May 20, 2025	*Tuesday* June 17, 2025	*Tuesday* June 24, 2025	*Tuesday* July 1, 2025
Tuesday June 17, 2025	*Tuesday* July 22, 2025	*Tuesday* July 29, 2025	*Tuesday* August 5, 2025
Tuesday July 22, 2025	*Tuesday* August 19, 2025	*Tuesday* August 26, 2025	***Wednesday*** September 3, 2025
Tuesday August 19, 2025	*Tuesday* September 23, 2025	*Tuesday* September 30, 2025	*Tuesday* October 7, 2025
Tuesday September 23, 2025	*Tuesday* October 21, 2025	*Tuesday* October 28, 2025	*Tuesday* November 4, 2025
Tuesday October 21, 2025	*Tuesday* November 18, 2025	*Tuesday* November 25, 2025	*Tuesday* December 2, 2025
Tuesday December 23, 2025	***Wednesday*** January 21, 2026	*Tuesday* January 27, 2026	*Tuesday* February 3, 2026