

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 8. ACUPUNCTURE BOARD OF EXAMINERS**

Title 4, Chapter 8 adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R4-8-101 through R4-8-106, adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

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Former Article 4, consisting of Sections R4-8-401 through R4-8-403, recodified to Article 5 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

Article 4, consisting of Sections R4-8-401 through R4-8-403, adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

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R4-8-412.	Expired

ARTICLE 5. SUPERVISION; RECORDKEEPING

Article 5, consisting of Sections R4-8-501 through R4-8-503, recodified from Article 4 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

Former Article 5, consisting of Sections R4-8-501 through R4-8-506, recodified to Article 7 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

Article 5, consisting of Sections R4-8-501 through R4-8-506, adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2).

Section	
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R4-8-506.	Recodified

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Section

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ARTICLE 1. GENERAL PROVISIONS

R4-8-101. Definitions

The definitions in A.R.S. § 32-3901 apply to this Chapter. Additionally, in this Chapter:

“ACAOM” means the Accreditation Commission for Acupuncture and Oriental Medicine.

“Acupuncture program” means a Board-approved training designed to prepare a student for the NCCAOM examination and licensure.

“Acupuncture student” means an individual enrolled in an acupuncture, auricular acupuncture, or preceptorship training program.

“Acupuncturist” means an individual licensed or certified by the Board to practice acupuncture in this state.

“Administrative completeness review” means the Board’s process for determining whether an applicant provided a complete application packet.

“Applicant” means an individual who applies to the Board for an initial or renewal license or certificate.

“Application packet” means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on an applicant’s behalf.

“Approved continuing education” means a planned educational experience that the Board determines meets the criteria in R4-8-408.

“Auricular acupuncture” means a therapy in which the five-needle protocol is used to treat alcoholism, substance abuse, or chemical dependency.

“Clean needle technique” means a manner of needle sterilization and use that avoids the spread of disease and infection, protects the public and the patient, and complies with state and federal law.

“Clinical hours” means actual clock hours that a student spends providing patient care under the supervision of an individual licensed under R4-8-203 or R4-8-208.

“Course” means a systematic learning experience that assists a participant to acquire knowledge, skills, and information relevant to the practice of acupuncture.

“Day” means calendar day.

“Five-needle protocol” means a therapy, developed by NADA to treat alcoholism, substance abuse, or chemical dependency, which involves inserting five needles into specific points on the outer ear.

“Hour” means at least 50 minutes of course participation.

“Letter of concern” means an alternative sanction that informs a licensee or certificate holder that, while the evidence does not warrant disciplinary action, the Board believes the licensee or certificate holder should change certain practices and failure to change the practices may result in disciplinary action. A letter of concern is a public document that may be used in future disciplinary proceedings.

“NADA” means the National Acupuncture Detoxification Association.

“NCCAOM” means the National Commission for the Certification of Acupuncture and Oriental Medicine.

“Preceptorship training” means a program in which a student studies under a Board-approved supervisor who assumes responsibility for the didactic and clinical training of the student.

“Respondent” means an individual accused of violating A.R.S. Title 32, Chapter 39 or this Chapter.

“Successful completion of a clean needle technique course” means a course participant:

Attended the course, and

Received a passing score on an examination or other confirmation from the course provider that evidences that the participant mastered the course content.

“Supervisor” means an acupuncturist licensed by the Board who is responsible for the oversight and direction of an acupuncture student or a certificate holder.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-102. Authentication of Documentation; Translation; Verification

- A. An applicant shall ensure that a document submitted to the Board by or on behalf of the applicant has an official or government seal or written verification authenticating the document. If the Board determines that an applicant cannot obtain the seal or verification through the exercise of due diligence, the Board shall waive this requirement.
- B. An applicant shall ensure that an official copy of any diploma, transcript, license, certificate, examination score, or other document required for application is forwarded directly to the Board by the issuing entity.
- C. An applicant shall ensure that a document submitted in a language other than English is accompanied by an original English translation, performed by a qualified translator who is not the applicant. The applicant shall ensure that the translation is accompanied by an Affidavit of Accuracy in which the translator who performed or verified the translation affirms, under oath and penalty of perjury, that the entire document has been translated, nothing has been omitted or added, and the translation is true and correct. The Board shall return an original translation to the applicant only if the applicant provides a photocopy of the entire translation, including the Affidavit of Accuracy.
- D. The following persons are regarded as qualified translators:
 1. An officer or employee of an official translation bureau or governmental agency;
 2. A professor or instructor who teaches the translated language at an accredited college or university in the United States. The professor or instructor shall ensure that the Affidavit of Accuracy includes the name of the course taught, is on official letterhead of the college or university, and is notarized;
 3. An American consul in the country where the translated document was issued. If a private translator translated the document, the American consul shall verify the translation as required under subsection (C) and the identity of the translator; and

4. A consul general or diplomatic representative accredited in the United States, or other representative of a foreign government agency. If a private translator translated the document, the representative shall verify the translation as required under subsection (C) and the identity of the translator.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-103. Change of Mailing Address, E-mail Address, or Telephone Numbers

The Board shall communicate with a licensee, certificate holder, or a person holding an approval from the Board using the contact information provided to the Board. To ensure timely communication from the Board, a licensee, certificate holder, or person holding an approval from the Board shall notify the Board, in writing, within 30 days of any change of mailing address (giving both the old and the new address), e-mail address, or residential, business, or mobile telephone number.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-104. Expired

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(E) at 16 A.A.R. 2451, effective December 7, 2010 (Supp. 10-4).

R4-8-105. Time-frames for Licensure, Certification, and Approval

- A. For the purpose of A.R.S. § 41-1073, the Board establishes the time-frames listed in Table 1. An applicant or a person requesting an approval from the Board and the Executive Director of the Board may agree in writing to extend the substantive review and overall time-frames by no more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame begins when the Board receives an application packet or a request for approval. During the administrative completeness review time-frame, the Board shall notify the applicant or person requesting approval that the application packet or request for approval is either complete or incomplete. If the application packet or request for approval is incomplete, the Board shall specify in the notice what information is missing.
- C. An applicant or person requesting approval whose application packet or request for approval is incomplete, shall submit the missing information to the Board within the time to complete listed in Table 1. Both the administrative completeness review and overall time-frames are suspended from the date of the

Board's notice under subsection (B) until the Board receives all of the missing information.

- D. Upon receipt of all missing information, the Board shall notify the applicant or person requesting approval that the application packet or request for approval is complete. The Board shall not send a separate notice of completeness if the Board grants or denies a license, certificate, or approval within the administrative completeness time-frame listed in Table 1.
- E. The substantive review time-frame listed in Table 1 begins on the date of the Board's notice of administrative completeness.
- F. If the Board determines during the substantive review that additional information is needed, the Board shall send the applicant or person requesting approval a comprehensive written request for additional information.
- G. An applicant or person requesting approval who receives a request under subsection (F), shall submit the additional information to the Board within the time for response listed in Table 1. Both the substantive review and overall time-frames are suspended from the date of the Board's request until the Board receives the additional information.
- H. An applicant or person requesting approval may receive a 30-day extension of the time provided under subsection (C) or (G) by providing written notice to the Board before the time expires. If an applicant or person requesting approval fails to submit to the Board the missing or additional information within the time provided under Table 1 or the time as extended, the Board shall close the applicant's or person's file. To receive further consideration, an applicant or person requesting approval whose file is closed shall re-apply.
- I. Within the overall time-frame listed in Table 1, the Board shall:
1. Grant a license, certificate, or approval if the Board determines that the applicant or person requesting approval meets all criteria required by statute and this Chapter; or
 2. Deny a license, certificate, or approval if the Board determines that the applicant or person requesting approval does not meet all criteria required by statute and this Chapter.
- J. If the Board denies a license, certificate, or approval, the Board shall send the applicant or person requesting approval a written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;
 2. The applicant's or person's right to appeal the denial by filing an appeal under A.R.S. Title 41, Chapter 6, Article 10;
 3. The time for appealing the denial; and
 4. The applicant's or person's right to request an informal settlement conference.
- K. If a time-frame's last day falls on a Saturday, Sunday, or official state holiday, the next business day is the time-frame's last day.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

Table 1. Time-frames (in days)

Type of license, certificate, or approval	Authority	Administrative Completeness Time-frame	Time to Complete	Substantive Review Time-frame	Time to Respond	Overall Time-frame
Acupuncture License	A.R.S. § 32-3924; R4-8-203	20	30	40	30	60
Visiting Professor Certificate	A.R.S. § 32-3926; R4-8-208	20	30	40	30	60
Auricular Acupuncture Certificate	A.R.S. § 32-3922; R4-8-301	20	30	40	30	60
Auricular Acupuncture Training Program	A.R.S. § 32-3922; R4-8-401	20	30	40	30	60
Acupuncture Program	A.R.S. § 32-3924(2); R4-8-403	20	30	40	30	60
Clinical Training Program	A.R.S. § 32-3924(2); R4-8-403	20	30	40	30	60
Clean Needle Technique Course	A.R.S. § 32-3924; R4-8-402	20	30	40	30	60
Preceptorship Training Program	A.R.S. § 32-3903; R4-8-411	20	30	40	30	60
Preceptorship Training Program Supervisor	A.R.S. § 32-3903; R4-8-412	20	30	40	30	60
Continuing Education Approval	A.R.S. § 32-3925; R4-8-409	20	30	40	30	60
Renewal of License or Certificate	A.R.S. § 32-3925; R4-8-204 or R4-8-303	20	30	40	30	60
Extension of Visiting Professor Certificate	A.R.S. § 32-3926(C); R4-8-208	20	30	40	30	60
Reinstatement of License	A.R.S. § 32-3925(D); R4-8-205	20	30	40	30	60

Historical Note

New Table adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Table 1 amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Table 1 amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8 106. Fees

- A. Under the authority provided at A.R.S. § 32-3927, the Board establishes and shall collect the following fees:
 1. Application for an acupuncture license: \$150;
 2. Issuance of an initial acupuncture license: \$275;
 3. Renewal of an acupuncture license: \$275;
 4. Additional fee for late renewal of an acupuncture license: \$100;
 5. Application for an auricular acupuncture certificate: \$75;
 6. Issuance of an initial auricular acupuncture certificate: \$75;
 7. Renewal of an auricular acupuncture certificate: \$75;
 8. Visiting professor certificate: \$600;
 9. Extension of a visiting professor certificate: \$600; and
 10. Duplicate license or certificate: \$50.
- B. Except as provided in subsections (B)(1) through (B)(3) or as required under A.R.S. § 41-1077, all fees are nonrefundable. The Board shall refund the fee paid under subsection (A)(2) or (A)(6) if:
 1. The Board denies a license or certificate to an applicant,
 2. The Board closes the file of an applicant under R4-8-105, or

- 3. An applicant withdraws an application.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-107. Materials Incorporated by Reference

- A. The Board incorporates the following material by reference:
 1. “NADA Registered Trainer Resource Manual,” 1999, published by the National Acupuncture Detoxification Association, 3220 N Street NW #275, Washington, D.C. 20007;
 2. “Clean Needle Technique Manual for Acupuncturists,” 5th edition, 2004, published by the National Acupuncture Foundation, P.O. Box 137, Chaplin, CT 06235; and
 3. “Accreditation Handbook,” Part One, 2005, published by the Accreditation Commission for Acupuncture and Oriental Medicine, Maryland Trade Center #3, 7501 Greenway Center Drive, Suite 260, Greenbelt, MD 20770.

- B. The materials incorporated by reference under subsection (A) contain no later editions or amendments and are on file with the Board.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

ARTICLE 2. ACUPUNCTURE LICENSING; VISITING PROFESSOR CERTIFICATE

R4-8-201. Renumbered

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former Section R4-8-201 renumbered to R4-8-301 by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-202. Renumbered

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former Section R4-8-202 renumbered to R4-8-302 by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-203. Application for Acupuncture License

- A. To be licensed to practice acupuncture, an applicant shall submit an application packet to the Board that includes:
1. An application, on a form provided by the Board, that provides the following information about the applicant:
 - a. Name;
 - b. Other names by which the applicant has been known;
 - c. Date of birth;
 - d. Social Security number;
 - e. Home, business, and e-mail addresses;
 - f. Home, business, and mobile telephone numbers;
 - g. A statement of whether the applicant has ever been permitted by law to practice acupuncture in another state, territory, or district of the United States, or another country or subdivision of another country, and if so:
 - i. A list of the jurisdictions in which the applicant has been permitted by law to practice acupuncture;
 - ii. The number of each license;
 - iii. The date each license was issued;
 - iv. The date each license expired or expires;
 - v. Limitations, if any, for each license;
 - vi. Current status of each license; and
 - vii. Whether each license was granted by endorsement, examination, or another means;
 - h. A statement of whether the applicant is certified by the NCCAOM, and if so, whether the certification is active and current, and the dates of issuance and expiration;
 - i. A statement of whether the applicant is certified by another certifying body, and if so, the name and address of the certifying body, and the dates of issuance and expiration of the certification;
 - j. A statement of whether the applicant has passed a certifying or licensing examination in acupuncture, and if so, the name and address of the organization administering the examination;
 - k. A statement of whether the applicant has completed an acupuncture program accredited within the

United States or another country or subdivision of another country, and if so, the date of program completion;

- l. A statement of whether the applicant has ever had a licensing authority of another state, district, or territory of the United States, or another country or subdivision of another country, deny the applicant a license or certificate to practice acupuncture, and if so, the name of the jurisdiction denying a license or certificate, date of the denial, and an explanation of the circumstances;
 - m. A statement of whether the applicant has ever had a licensing authority of another state, district, or territory of the United States, or another country or subdivision of another country, revoke, suspend, limit, restrict, or take any other action regarding the applicant's license or certificate to practice acupuncture, and if so, the name of the jurisdiction taking the action, the action taken, date of the action, and an explanation of the circumstances;
 - n. A statement of whether the applicant has ever been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, the name of the jurisdiction in which convicted, the nature of the crime, date of the conviction, and current status;
 - o. A statement of whether the applicant has ever had a claim for malpractice or a lawsuit filed against the applicant alleging professional malpractice or negligence in the practice of acupuncture, and if so, the claim or case number, date of the claim or lawsuit, the matters alleged, and whether the claim or lawsuit is still pending or the manner in which it was resolved;
 - p. A statement of whether the applicant has any condition that may impair the applicant's ability to practice acupuncture safely and skillfully, and if so, the nature of the condition and any accommodations necessary;
 - q. A statement of whether the applicant has ever resigned, voluntarily or involuntarily, from a health-care facility while under investigation, and if so, the name of the health-care facility, the date of the resignation, and an explanation of the circumstances; and
 - r. A statement of whether the applicant has ever had a health-care facility terminate, restrict, or take any other action regarding the applicant's employment, professional training, or privileges, and if so, the name of the health-care facility, the date of the action, and an explanation of the circumstances;
2. An official record or document that relates to the applicant's explanation of an item under subsections (1)(l) through (1)(r);
 3. Documentation of one of the following:
 - a. Certification from the NCCAOM or its successor;
 - b. Certification by another certifying body recognized by the Board;
 - c. Certification as a result of passing a licensing or certifying examination in acupuncture; or
 - d. Authorization by law to practice acupuncture in another state, district, or territory of the United States, or another country or subdivision of another country with licensing standards substantially similar to those in this Chapter that has not been revoked;

4. Documentation of successfully completing a Board-approved clean needle technique course. A copy of the certificate of completion showing the name of the course and the date on and location at which the course was completed is acceptable documentation;
 5. A 2" X 2" photograph, taken within the last year, that shows the front of the applicant's face and that the applicant signs on the back or the white frame around the photograph;
 6. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board; and
 7. The application and initial licensing fees prescribed by the Board under R4-8-106(A)(1) and (A)(2).
- B.** In addition to the materials required under subsection (A), an applicant shall provide evidence that the applicant completed at least 1,850 hours of training in acupuncture, including at least 800 clinical hours, by having submitted directly to the Board:
1. An official transcript from each school at which the applicant attended a Board-approved acupuncture program showing:
 - a. The name and address of the school,
 - b. The dates on which the applicant attended the school,
 - c. The courses and clinical training completed by the applicant,
 - d. The number of hours in each course or clinical training,
 - e. The grade or score obtained by the applicant in each course or clinical training, and
 - f. Whether the applicant received a diploma or degree from the school, and
 2. An official record from any Board-approved preceptorship training program attended by the applicant showing:
 - a. The name and address of the preceptorship training program,
 - b. The name of the Board-approved supervising preceptor,
 - c. The dates on which the applicant attended the preceptorship training program,
 - d. The subject matter of all didactic and clinical training,
 - e. The number of hours spent on each subject,
 - f. The grade or score obtained by the applicant in each subject, and
 - g. Whether the applicant received a certificate of completion from the preceptorship training program.
- C.** In addition to complying with subsections (A) and (B), an applicant shall sign, date, and have notarized an affidavit that indicates all information provided in the application packet, including any accompanying documents submitted by or on behalf of the applicant, are true, complete, and correct.
- Historical Note**
- New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).
- R4-8-204. Renewal of an Acupuncture License**
- A.** An acupuncture license expires 12 months after the date issued.
 - B.** The Board shall provide a licensee with 60-days notice of the need to renew. It is the responsibility of the licensee to renew timely. Failure to receive notice of the need to renew does not excuse failure to renew timely.
 - C.** If a licensee fails to submit a renewal application packet as described in subsection (D) on or before the expiration date, the licensee shall cease the practice of acupuncture.
 - D.** To renew an acupuncture license, a licensee shall submit to the Board:
 1. A renewal application that provides the following information about the licensee:
 - a. Name;
 - b. License number;
 - c. Business name;
 - d. Home, business, and e-mail addresses;
 - e. Home, business, and mobile telephone numbers;
 - f. A statement of whether during the last 12 months a licensing authority of another state, district, or territory of the United States or another country or subdivision of another country denied the licensee a license or certificate to practice acupuncture and if so, the name of the jurisdiction denying a license or certificate, date of the denial, and an explanation of the circumstances;
 - g. A statement of whether during the last 12 months a licensing authority of another state, district, or territory of the United States or another country or subdivision of another country revoked, suspended, limited, restricted, or took other action regarding the license of the licensee and if so, the name of the jurisdiction taking action against the license, the action taken, date of the action, and an explanation of the circumstances;
 - h. A statement of whether during the last 12 months the licensee has been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, the name of the jurisdiction in which convicted, the nature of the crime, date of the conviction, and current status;
 - i. A statement of whether during the last 12 months a claim for malpractice or a lawsuit was filed against the licensee alleging professional malpractice or negligence in the practice of acupuncture, and if so, the claim or case number, date of the claim or lawsuit, the matters alleged, and whether the claim or lawsuit is still pending or the manner in which it was resolved;
 - j. A statement of whether during the last 12 months the licensee has any condition that may impair the licensee's ability to practice acupuncture safely and skillfully, and if so, the nature of the condition and any accommodations necessary;
 - k. A statement of whether during the last 12 months the licensee resigned, voluntarily or involuntarily, from a health-care facility while under investigation, and if so, the name of the health-care facility, the date of the resignation, and an explanation of the circumstances; and
 - l. A statement of whether during the last 12 months the licensee had a health-care facility terminate, restrict, or take any other action regarding the licensee's employment, professional training, or privileges, and if so, the name of the health-care facility, the date of the action, and an explanation of the circumstances;
 2. An affirmation that the licensee completed the continuing education required under R4-8-206;
 3. An affirmation that the licensee is in compliance with the requirements at A.R.S. § 32-3211;

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4. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board;
5. The renewal fee required under R4-8-106(A)(3); and
6. The licensee's dated signature affirming that the information provided is accurate, true, and complete.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-205. Reinstatement of an Acupuncture License

- A. An individual whose acupuncture license expires because of failure to renew timely under R4-8-204(D) may apply to the Board for reinstatement of the acupuncture license by submitting, within 60 days after expiration of the license:
 1. The application packet described under R4-8-204(D);
 2. A sworn affidavit that the individual has not practiced acupuncture since the license expired; and
 3. The fee prescribed under R4-8-106(A)(4) for late renewal of an acupuncture license.
- B. The Board shall not reinstate an acupuncture license that expires more than 60 days before the former licensee complies with subsection (A). If an acupuncture license is expired for more than 60 days, the former licensee may apply for licensure by complying with R4-8-203.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-205 renumbered to R4-8-206; new R4-8-205 renumbered from R4-8-206 and amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-206. Continuing Education Requirement

- A. A licensee shall complete at least 15 hours of approved continuing education per year.
- B. The Board shall award hours in an approved continuing education as follows:
 1. Seminar or workshop: One hour of continuing education for each contact hour;
 2. Course at an accredited educational institution: 15 hours of continuing education for each semester hour;
 3. Self-study, online, or correspondence course: Hours of continuing education determined by the course provider;
 4. Teaching an approved continuing education: One hour of continuing education for each hour taught;
 5. Having an article on the practice of acupuncture or traditional East-Asian medicine published in a peer-reviewed professional journal or in a text book: 15 hours of continuing education;
 6. Attending a Board meeting: One hour for attending one meeting during a year; and
 7. Having a text book published relating to the practice of acupuncture or traditional East-Asian medicine: 15 hours of continuing education.
- C. The Board shall limit the number of hours of approved continuing education awarded as follows:
 1. No more than 30 percent of the required hours may be obtained from teaching an approved continuing education. Hours may be obtained from teaching a particular approved continuing education only once during each year. No hours may be obtained from participating as a member of a panel at an approved continuing education; and

2. Hours that exceed the maximum required during a year may not be carried over to a subsequent year.

- D. A licensee shall obtain a certificate or other evidence of attendance from the provider of each approved continuing education attended that includes the following:
 1. Name of the licensee;
 2. License number of the licensee;
 3. Name of the approved continuing education;
 4. Name of the continuing education provider;
 5. Name of the entity that approved the continuing education;
 6. Date, time, and location of the approved continuing education; and
 7. Number of hours of approved continuing education.
- E. A licensee shall maintain the evidence of attendance described in subsection (D) for two years and make the evidence available to the Board under R4-8-207 and as otherwise required under this Chapter.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-206 renumbered to R4-8-205; new R4-8-206 renumbered from R4-8-205 and amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-207. Audit of Compliance and Sanction for Noncompliance with Continuing Education Requirement

When notice of the need to renew a license is provided, the Board shall also provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit the documentation required under R4-8-206(D) at the same time that the licensee submits the renewal application packet required under R4-8-204(D). If a licensee fails to submit the required documentation with the renewal application packet before the date of expiration, the license expires.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-208. Application for Visiting Professor Certificate; Extension of Visiting Professor Certificate

- A. To obtain a visiting professor certificate, an applicant shall submit to the Board:
 1. The application form required under R4-8-203(A) and a signed verification that the information provided is accurate, true, and complete;
 2. The fee required under R4-8-106(A)(8);
 3. Documentation of at least five years of experience in the practice of acupuncture;
 4. Evidence of skill and training in the subject that the applicant will be teaching, including one of the following:
 - a. Documentation from a college or university of experience, education, or other training in the subject the applicant will be teaching;
 - b. Documentation of experience in teaching the same or similar subject matter content within the two years before the application; or
 - c. Documentation of one year of experience within the last two years in the specialized area in which the applicant is teaching; and
 5. A detailed plan outlining the duties of the visiting professor.
- B. A visiting professor certificate is valid for one year from the date issued. To extend a visiting professor certificate for

another year, the certificate holder shall, at least 30 days before the certificate expires, submit to the Board an application for extension. An application for extension includes:

1. The renewal application form described in R4-8-204(D)(1) including a signed verification that the information provided is accurate, true, and complete;
2. A letter on official letterhead from an official of the school of acupuncture at which the visiting professor will be teaching requesting that the extension be granted; and
3. The fee required under R4-8-106(A)(9).

C. The Board shall not extend a visiting professor certificate more than twice.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-209. Repealed

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section automatically repealed on January 31, 2001 (Supp. 02-3).

R4-8-210. Repealed

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section automatically repealed on January 31, 2001 (Supp. 02-3).

ARTICLE 3. AURICULAR ACUPUNCTURE CERTIFICATION

R4-8-301. Application for Auricular Acupuncture Certificate

To be certified as an auricular acupuncturist to provide auricular acupuncture services in a Board-approved alcoholism, substance abuse, or chemical dependency program, an applicant shall submit an application packet to the Board that includes:

1. An application, on a form provided by the Board, that provides the following information about the applicant:
 - a. Name;
 - b. Other names by which the applicant has been known;
 - c. Date of birth;
 - d. Social Security number;
 - e. Home, business, and e-mail addresses;
 - f. Home, business, and mobile telephone numbers;
 - g. A statement of whether the applicant has ever been permitted by law to practice auricular acupuncture in another state, territory, or district of the United States, or another country or subdivision of another country, and if so:
 - i. A list of the jurisdictions in which the applicant has been permitted by law to practice auricular acupuncture;
 - ii. The number of each license or certificate;
 - iii. The date each license or certificate was issued;
 - iv. The date each license or certificate expired or expires;
 - v. Limitations, if any, for each license or certificate;
 - vi. Current status of each license or certificate; and
 - vii. Whether each license or certificate was granted by endorsement, examination, or another means;

- h. A statement of whether the applicant has ever had a licensing authority of another state, district, or territory of the United States, or another country or subdivision of another country, deny the applicant a license or certificate to practice auricular acupuncture, and if so, the name of the jurisdiction denying a license or certificate, date of the denial, and an explanation of the circumstances;
 - i. A statement of whether the applicant has ever had a licensing authority of another state, district, or territory of the United States, or another country or subdivision of another country, revoke, suspend, limit, restrict, or take any other action regarding the applicant's license or certificate to practice auricular acupuncture, and if so, the name of the jurisdiction taking the action, the action taken, date of the action, and an explanation of the circumstances;
 - j. A statement of whether the applicant has ever been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, the name of the jurisdiction in which convicted, the nature of the crime, date of the conviction, and current status;
 - k. A statement of whether the applicant has ever had a claim for malpractice or a lawsuit filed against the applicant alleging professional malpractice or negligence in the practice of auricular acupuncture, and if so, the claim or case number, date of the claim or lawsuit, the matters alleged, and whether the claim or lawsuit is still pending or the manner in which it was resolved;
 - l. A statement of whether the applicant has any condition that may impair the applicant's ability to practice auricular acupuncture safely and skillfully, and if so, the nature of the condition and any accommodations necessary;
 - m. A statement of whether the applicant has ever resigned, voluntarily or involuntarily, from a health-care facility while under investigation, and if so, the name of the health-care facility, the date of the resignation, and an explanation of the circumstances; and
 - n. A statement of whether the applicant has ever had a health-care facility terminate, restrict, or take any other action regarding the applicant's employment, professional training, or privileges, and if so, the name of the health-care facility, the date of the action, and an explanation of the circumstances;
2. An official record or document that relates to the applicant's explanation of an item under subsections (1)(h) through (1)(n);
 3. The application and initial certification fees prescribed by the Board under R4-8-106(A)(5) and (A)(6);
 4. Documentation of successfully completing a Board-approved:
 - a. Training program in auricular acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency. A copy of the certificate of completion showing the name, date, and location of the course is acceptable documentation; and
 - b. Clean needle technique course. A copy of the certificate of completion showing the name, date, and location of the course is acceptable documentation;
 5. The name, license number, and telephone number of the Arizona licensed acupuncturist who will supervise the applicant if the applicant is certified;

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6. A 2" X 2" photograph, taken within the last year, that shows the front of the applicant's face and that the applicant signs on the back or the white frame around the photograph;
7. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board; and
8. The applicant's dated and notarized signature affirming that the information provided in the application, including any accompanying documents submitted by or on behalf of the applicant, are true and complete.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-301 recodified to R4-8-401 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). New R4-8-301 renumbered from R4-8-201 and amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-302. Requirements for the Practice of Auricular Acupuncture

- A. A holder of an auricular acupuncture certificate shall provide auricular acupuncture services only in an alcoholism, substance abuse, or chemical dependency program approved by the Board or the state or federal government.
- B. A holder of an auricular acupuncture certificate shall provide auricular acupuncture services only under the supervision of an individual licensed under A.R.S. § 32-3924 and R4-8-203.
- C. The Board approves an alcoholism, substance abuse, or chemical dependency program that provides services and is licensed by the Arizona Department of Health Services as a behavioral health agency under A.R.S. Title 36, Chapter 4.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-302 recodified to R4-8-402 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). New R4-8-302 renumbered from R4-8-202 and amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-303. Renewal of an Auricular Acupuncture Certificate

- A. An auricular acupuncture certificate expires 12 months after the date issued.
- B. The Board shall provide a certificate holder with 60-days notice of the need to renew. It is the responsibility of the certificate holder to renew timely. Failure to receive notice of the need to renew does not excuse failure to renew timely.
- C. If a certificate holder fails to submit a renewal application packet as described in subsection (D) on or before the expiration date, the certificate holder shall cease the practice of auricular acupuncture.
- D. To renew an auricular acupuncture certificate, a certificate holder shall submit to the Board:
 1. A renewal application that provides the following information listed about the certificate holder:
 - a. Name;
 - b. Certificate number;
 - c. Renewal date;
 - d. The name, address, and telephone number of the alcoholism, substance abuse, or chemical dependency facility at which the certificate holder works;
 - e. Residential and e-mail addresses;
 - f. Residential and mobile telephone numbers;
 - g. A statement of whether during the last 12 months a licensing authority of another state, district, or terri-

tory of the United States or another country or subdivision of another country denied the certificate holder a license or certificate to practice auricular acupuncture and if so, the name of the jurisdiction denying a license or certificate, date of the denial, and an explanation of the circumstances;

- h. A statement of whether during the last 12 months a licensing authority of another state, district, or territory of the United States or another country or subdivision of another country revoked, suspended, limited, restricted, or took other action regarding the license or certificate of the certificate holder and if so, the name of the jurisdiction taking action, the action taken, date of the action, and an explanation of the circumstances;
 - i. A statement of whether during the last 12 months the certificate holder has been convicted of a crime, including driving under the influence of drugs or alcohol, other than a minor traffic offense, and if so, the name of the jurisdiction in which convicted, the nature of the crime, date of the conviction, and current status;
 - j. A statement of whether during the last 12 months a claim for malpractice or a lawsuit was filed against the certificate holder alleging professional malpractice or negligence in the practice of auricular acupuncture, and if so, the claim or case number, date of the claim or lawsuit, the matters alleged, and whether the claim or lawsuit is still pending or the manner in which it was resolved;
 - k. A statement of whether during the last 12 months the certificate holder has any condition that may impair the certificate holder's ability to practice auricular acupuncture safely and skillfully, and if so, the nature of the condition and any accommodations necessary;
 - l. A statement of whether during the last 12 months the certificate holder resigned, voluntarily or involuntarily, from a health-care facility while under investigation, and if so, the name of the health-care facility, the date of the resignation, and an explanation of the circumstances;
 - m. A statement of whether during the last 12 months the certificate holder had a health-care facility terminate, restrict, or take any other action regarding the certificate holder's employment, professional training, or privileges, and if so, the name of the health-care facility, the date of the action, and an explanation of the circumstances; and
 - n. The name, license number, and telephone number of the licensed acupuncturist who supervises the certificate holder;
2. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board;
 3. The renewal fee required under R4-8-106(A)(7); and
 4. The certificate holder's dated signature affirming that the information provided is accurate, true, and complete.
- E. The Board does not have authority to reinstate an expired auricular acupuncture certificate. An individual whose auricular acupuncture certificate expires because of failure to renew timely under subsection (D) may apply for certification by complying with R4-8-301.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by

final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Section R4-8-303 recodified to R4-8-403 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). New Section made by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-304. Notice of Change in Supervisor

- A.** A certificate holder shall provide written notice to the Board within 10 days after one of the following occurs:
1. The certificate holder changes employment from one approved alcoholism, substance abuse, and chemical dependency program to another;
 2. The certificate holder ceases to practice as an auricular acupuncturist; or
 3. The licensed acupuncturist supervising the certificate holder changes.
- B.** A certificate holder required to provide notice under subsection (A), shall include the following information in the notice:
1. Name and certificate number of the certificate holder;
 2. Name and address of the approved alcoholism, substance abuse, and chemical dependency program at which the certificate holder is employed; and
 3. Name, license number, and telephone number of the licensed acupuncturist supervising the certificate holder; or
 4. A statement that the certificate holder is not practicing as an auricular acupuncturist.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Section R4-8-304 recodified to R4-8-404 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). New Section made by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-305. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-305 recodified to R4-8-405 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-306. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-306 recodified to R4-8-406 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-307. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Section R4-8-307 recodified to R4-8-407 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-308. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-308 recodified to R4-8-408 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-309. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-309 recodified to R4-8-409 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-310. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section R4-8-310 recodified to R4-8-410 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-311. Recodified**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Section R4-8-311 recodified to R4-8-411 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-312. Recodified**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Section R4-8-312 recodified to R4-8-412 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

ARTICLE 4. TRAINING PROGRAMS AND CONTINUING EDUCATION**R4-8-401. Auricular Acupuncture Training Program Approval**

- A.** The Board approves an auricular acupuncture training program that is recognized by NADA.
- B.** To obtain Board approval of an auricular acupuncture training program that is not approved under subsection (A), the provider of the training program shall submit to the Board evidence that the program is:
1. Conducted in accordance with the "NADA Registered Trainer Resource Manual," which is incorporated by reference in R4-8-107; and
 2. Approved by another board-approved certifying entity for acupuncture.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Former R4-8-401 recodified to R4-8-501; new Section recodified from R4-8-301 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-402. Clean Needle Technique Course Approval

To be approved by the Board, a person that proposes to conduct a clean needle technique course shall submit to the Board evidence that the course is conducted in accordance with "Clean Needle Technique Manual for Acupuncturists," which is incorporated by reference in R4-8-107.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2435, effective August 6, 2005 (Supp. 05-2). Former R4-8-402 recodified to R4-8-502; new Section recodified from R4-8-302 at 13 A.A.R.

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482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-403. Approval of an Acupuncture, Clinical Training, or Preceptorship Training Program

- A.** To be approved by the Board, the provider of an acupuncture program shall submit to the Board either:
1. Documentation that the acupuncture program is a candidate for accreditation or has accreditation through the ACAOM and provides at least 1,850 hours of training, including at least 800 hours of clinical training; or
 2. Documentation that the acupuncture program meets the standards at R4-8-404(A).
- B.** To be approved by the Board, the provider of an acupuncture clinical training program shall submit to the Board either:
1. Documentation that the clinical training program is part of an acupuncture program that is a candidate for accreditation or has accreditation through the ACAOM, or is itself a candidate for accreditation or has accreditation through ACAOM; or
 2. Documentation that the clinical program meets the standards at R4-8-404(B).
- C.** To be approved by the Board, the provider of a preceptorship training program shall submit documentation of meeting the standards at R4-8-411.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-403 recodified to R4-8-503; new Section recodified from R4-8-303 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-404. Standards for an Acupuncture or Clinical Training Program

- A.** The Board shall approve an acupuncture program that does not meet the standard at R4-8-403(A)(1) only if the program:
1. Is for at least three years;
 2. Complies with the essential requirements and attendant criteria in Part One of the "Accreditation Handbook," which is incorporated by reference in R4-8-107; and
 3. Provides the following course content and minimum hours:
 - a. Traditional East-Asian medical theory, diagnosis, treatment techniques in acupuncture, and related studies: 690 hours;
 - b. Clinical training: 800 hours; and
 - c. Biomedical clinical sciences: 360 hours.
- B.** The Board shall approve an acupuncture clinical training program that does not meet the standard of R4-8-403(B)(1) only if the clinical training program:
1. Is operated by a person who owns and operates an acupuncture clinic,
 2. Provides at least 75% of clinical instruction in the acupuncture clinic, and
 3. Provides direct patient contact in the following:
 - a. Supervised observation of the clinical practice of acupuncture with case presentations and discussions;
 - b. Application of Eastern and Western diagnostic procedures in evaluating a patient; and
 - c. Clinical treatment of a patient with acupuncture techniques.

Historical Note

New Section recodified from R4-8-304 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-405. Documentation Required for Approval

To obtain Board approval of an acupuncture or clinical training program under R4-8-404, the provider of the program shall submit or have the custodian of program records submit to the Board documents and other evidence that demonstrates that the program meets the standards in R4-8-404. These documents and other evidence may include catalogues, course descriptions, curricula plans, and study bulletins.

Historical Note

New Section recodified from R4-8-305 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-406. Repealed

Historical Note

New Section recodified from R4-8-306 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Repealed by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-407. Program Monitoring; Records; Reporting

- A.** The provider of an approved acupuncture or clinical training program shall submit to the Board, within 60 days after the close of the program's fiscal year, a letter attesting that the acupuncture or clinical training program continues to meet the standards of R4-8-403 or R4-8-404, and a course catalog that includes:
1. A description of the courses in the next year's proposed curriculum;
 2. A list of members of the program faculty, administration, and governing body; and
 3. A description of the program facility.
- B.** The provider of an approved preceptorship training program shall submit to the Board annually a letter attesting that the preceptorship training program continues to meet the standards at R4-8-411.
- C.** A representative of the Board may conduct an onsite visit of an approved acupuncture, clinical training, or preceptorship training program to review and evaluate the status of the program. The provider of the approved program shall reimburse the Board for direct costs incurred in conducting this review and evaluation.
- D.** The provider of an approved acupuncture, clinical training, or preceptorship training program shall ensure that all student records are maintained in English.
- E.** The provider of an approved acupuncture, clinical training, or preceptorship training program shall, within 30 days, report to the Board any failure to meet the standards at R4-8-403, R4-8-404, or R4-8-411.

Historical Note

New Section recodified from R4-8-307 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-408. Approval of Continuing Education

- A.** The Board shall approve a continuing education only if the continuing education:
1. Is related to the knowledge or technical skills used to practice acupuncture safely and competently; or

2. Is related to direct or indirect acupuncture patient care, including practice management, medical ethics, or Chinese language; and
 3. Includes a method by which the continuing education participants evaluate:
 - a. The extent to which the continuing education met its stated objectives,
 - b. The adequacy of the instructor's knowledge of the subject taught,
 - c. The use of appropriate teaching methods, and
 - d. The applicability or usefulness of the information provided; and
 4. Provides continuing education participants with a certificate of attendance that meets the requirements at R4-8-206(D).
- B.** The Board shall approve a continuing education, without application under R4-8-409, if the continuing education is:
1. Approved by a licensing board of acupuncture in another state,
 2. Provided by the Continuing Education Council of NCCAOM, or
 3. Provided by a board-approved acupuncture or clinical training program.

Historical Note

New Section recodified from R4-8-308 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-409. Application for Continuing Education Approval

- A.** To obtain the Board's approval for a continuing education, the provider of the continuing education shall submit to the Board at least 45 days before teaching the continuing education:
1. A form, which is available from the Board, containing the following information:
 - a. Title of the continuing education;
 - b. Name and address of the continuing education provider;
 - c. Name, telephone and fax numbers of a contact person for the continuing education provider;
 - d. Date, time, and place at which the continuing education will be taught, if known;
 - e. Subject matter of the continuing education;
 - f. Method of instruction; and
 - g. Number of continuing education hours requested; and
 2. The following documents:
 - a. Curriculum vitae of the continuing education instructor,
 - b. Objective of the continuing education,
 - c. Detailed outline of the continuing education,
 - d. Agenda for the continuing education showing the hours of instruction and the subject matter taught during each hour,
 - e. Method by which participants evaluate the continuing education, and
 - f. Certificate of attendance that meets the requirements at R4-8-206(D).
- B.** The provider of a continuing education that is not approved under R4-8-408(B) shall not advertise that the continuing education is approved by the Board until the Board acts on an application submitted under subsection (A).
- C.** The Board's approval of a continuing education is valid for one year unless there is a change in subject matter, instructor, or hours of instruction. At the end of one year or when there is a change in subject matter, instructor, or hours of instruction,

the continuing education provider shall apply again for approval.

Historical Note

New Section recodified from R4-8-309 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-410. Repealed**Historical Note**

New Section recodified from R4-8-310 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Repealed by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-411. Expired**Historical Note**

New Section recodified from R4-8-311 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 14, effective October 30, 2015 (Supp. 15-4).

R4-8-412. Expired**Historical Note**

New Section recodified from R4-8-312 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 14, effective October 30, 2015 (Supp. 15-4).

ARTICLE 5. SUPERVISION; RECORDKEEPING**R4-8-501. Treatment of Patients by Acupuncture Students; Supervision**

- A.** Before a supervising acupuncturist allows an acupuncture student to treat a patient, the supervising acupuncturist shall:
1. Consult with the acupuncture student regarding the treatment to be provided;
 2. Ensure that the acupuncture student has the level of training required to provide the treatment safely and effectively;
 3. Ensure that written evidence of informed consent is obtained from the patient indicating that the patient knows a student will be treating the patient; and
 4. Ensure that the supervisor is physically present in the clinic during any patient treatment performed by the acupuncture student.
- B.** If an acupuncture student treats a patient, the supervising acupuncturist shall ensure that records of the treatment:
1. Are maintained as required under R4-8-502;
 2. Include the written evidence of informed consent required under subsection (A)(3), and
 3. Indicate the names of both the supervising acupuncturist and the acupuncture student.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 689, effective October 31, 2005 (Supp. 06-1). Former R4-8-501 recodified to R4-8-701; new R4-8-501 recodified from R4-8-401 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-502. Recordkeeping

- A.** An acupuncturist shall:
1. Make a complete, legible, and accurate record of each patient to whom an acupuncture treatment is given. The acupuncturist shall ensure that a patient record is in English and includes:
 - a. Name of the patient,
 - b. Patient history,
 - c. Dates of treatment,
 - d. Treatment given, and
 - e. Progress made during acupuncture treatments; and
 2. Maintain a patient record for six years after the last treatment of the patient or as prescribed at A.R.S. § 12-2297, whichever date occurs later.
- B.** The provider of an acupuncture, auricular acupuncture, clinical, or preceptorship training program shall:
1. Make accurate and complete records of:
 - a. Compliance with the program standards in Article 4, and
 - b. Students enrolled in the program. The provider shall ensure that a student record indicates:
 - i. Name of the student;
 - ii. Date enrolled;
 - iii. Courses taken;
 - iv. Grade obtained in each course;
 - v. Date on which the program was completed or the student ceased to participate; and
 - vi. Whether the student was awarded a diploma, degree, or certificate of completion.
 2. Maintain the records required under subsection (B)(1)(a) for six years, and
 3. Maintain the records required under subsection (B)(1)(b) for 25 years after the student completes or is last enrolled in the program or as required by A.R.S. § 32-3001 et seq. and the rules of the Board of Private Postsecondary Education, whichever is longer.
- C.** The provider of an approved continuing education shall:
1. Make accurate and complete records of:
 - a. The Board's approval of the continuing education;
 - b. The date, time, and location of each presentation of the continuing education; and
 - c. Participants at each presentation of the continuing education.
 2. Maintain the records required under subsection (C)(1) for two years.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-502 recodified to R4-8-702; new R4-8-502 recodified from R4-8-402 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-503. Supervision of an Auricular Acupuncturist

A licensed acupuncturist supervising an auricular acupuncture certificate holder shall:

1. Be available promptly to consult with the auricular acupuncture certificate holder in person, by telephone, or electronically during normal working hours; and
2. Ensure that the auricular acupuncture certificate holder performs auricular acupuncture safely and effectively and complies with the law regarding auricular acupuncture.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section

expired under A.R.S. § 41-1056(E) at 12 A.A.R. 689, effective October 31, 2005 (Supp. 06-1). Former R4-8-503 recodified to R4-8-703; new R4-8-503 recodified from R4-8-403 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-504. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-504 recodified to R4-8-704 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-505. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 689, effective October 31, 2005 (Supp. 06-1). Former R4-8-505 recodified to R4-8-705 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-506. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 2534, effective June 12, 2000 (Supp. 00-2). Former R4-8-506 recodified to R4-8-706 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

ARTICLE 6. COMPLAINTS; HEARING PROCEDURES; DISCIPLINE**R4-8-601. Making a Complaint**

- A.** Anyone, including the Board, may file a complaint that alleges a violation of A.R.S. Title 32, Chapter 39 or this Chapter.
- B.** A complaint may be filed against:
1. An individual licensed under A.R.S. § 32-3921 and R4-8-203;
 2. An individual certified under A.R.S. § 32-3922 and R4-8-301;
 3. An individual certified under A.R.S. § 32-3926 and R4-8-208; or
 4. An individual who is not exempt under A.R.S. § 32-3921(B) and believed to be practicing acupuncture without a license or certificate issued under A.R.S. Title 32, Chapter 39 and this Chapter.
- C.** To file a complaint, an individual shall provide the following information, either orally or in writing, to the Board:
1. Date;
 2. Name, address, and telephone number of the individual complained against;
 3. Name, address, and telephone number of the complainant;
 4. If the complaint is filed on behalf of a third party, the name and address of the third party;
 5. The date on which the complaint was last discussed with the individual complained against or a representative of an involved business:
 - a. A statement of whether the last discussion of the complaint was by telephone or in person, and
 - b. The name of the individual with whom the complaint was last discussed; and
 6. A detailed description, including dates, of the events alleged to constitute a violation of A.R.S. Title 32, Chapter 39 or this Chapter.

- D. A complainant shall file a complaint within 90 days of the events alleged to constitute a violation of A.R.S. Title 32, Chapter 39 or this Chapter.
- E. A complainant may withdraw a complaint at any time by providing notice to the Board.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690,
effective April 5, 2008 (Supp. 08-1).

R4-8-602. Complaint Procedures

- A. The Board shall review a complaint to determine whether it meets the requirements under R4-8-601. If a complaint does not meet the requirements under R4-8-601, the Board shall provide written notice to the complainant that the complaint is dismissed without further action.
- B. If the Board determines that a complaint meets the requirements under R4-8-601, the Board shall assess whether the complaint alleges a violation of A.R.S. Title 32, Chapter 39 or this Chapter and:
 1. Dismiss the complaint if the Board determines that the allegation, if true, does not amount to a violation of A.R.S. Title 32, Chapter 39 or this Chapter and provide written notice of the dismissal to the complainant; or
 2. Serve a copy of the complaint on the respondent if the Board determines that the allegation, if true, amounts to a violation of A.R.S. Title 32, Chapter 39 or this Chapter and provide the respondent with 20 days to submit:
 - a. A response in which the individual admits, denies, or further explains each allegation in the complaint; and
 - b. Records relevant to the complaint.
- C. If a respondent responds to a complaint, the Board shall send a copy of the response to the complainant and provide five days for the complainant to submit a rebuttal.
- D. When the times provided under subsections (B)(2) and (C) expire, the Board shall conduct an investigation and prepare a report that summarizes the complaint and results of the investigation. The Board shall:
 1. Provide a copy of the investigative report to the complainant and respondent; and
 2. Provide written notice to the complainant and respondent of the date, time, and location of the Board meeting at which the complaint will be considered.
- E. Both the complainant and respondent may be represented by an attorney at the Board meeting at which the complaint is considered.
- F. At the Board meeting at which a complaint is considered, the Board shall:
 1. Provide the complainant and respondent with an opportunity to address the Board, present evidence, and cross-examine witnesses; and
 2. Negotiate an equitable and just resolution of the matters asserted in the complaint; or
 3. Forward the complaint to a formal hearing.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690,
effective April 5, 2008 (Supp. 08-1).

R4-8-603. Hearing Procedures

The Board shall conduct any hearing required by law according to the procedures in A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690,
effective April 5, 2008 (Supp. 08-1).

R4-8-604. Rehearing or Review of Decision

- 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 a 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 all or some of the parties on all or some 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. Within 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. 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 is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Board for a maximum of 20 days for good cause as described in subsection (H) or by written stipulation of the parties. Reply affidavits may be permitted.
- H. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
 1. Further administrative convenience, expedition, or economy; or
 2. Avoid undue prejudice to any party.
- I. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a 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.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-605. Disciplinary Action

After a Board meeting at which a complaint is considered or after a hearing that results in a determination that a licensee or certificate holder violated A.R.S. Title 32, Chapter 39 or this Chapter, the Board shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 32-3951:

1. Prior conduct resulting in discipline;
2. Dishonest or self-serving motive;
3. Amount of experience as an acupuncturist;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct;
7. Degree of harm resulting from the conduct; and
8. Whether harm resulting from the conduct was cured.

Historical Note

New Section made by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

ARTICLE 7. PUBLIC PARTICIPATION PROCEDURES**R4-8-701. Expired****Historical Note**

New Section R4-8-701 recodified from R4-8-501 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-702. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to Rule Based Upon Economic, Small Business, or Consumer Impact

- A. A person may petition the Board under A.R.S. § 41-1033 for a:
 1. Rulemaking action relating to a Board rule, including making a new rule or amending or repealing an existing rule; or
 2. Review of an existing Board practice or substantive policy statement alleged to constitute a rule.
- B. A person may petition the Board under A.R.S. § 41-1056.01 objecting to all or part of a Board rule because the actual economic, small business, or consumer impact of the rule:
 1. Exceeds the estimated economic, small business, or consumer impact of the rule; or
 2. Was not estimated and imposes a significant burden on persons subject to the rule.
- C. To act under A.R.S. § 41-1033 or 41-1056.01 and this Section, a person shall submit to the Board a written petition including the following information:
 1. The name, home or business and e-mail addresses, and telephone and fax numbers of the petitioner;
 2. Name of any person represented by the petitioner;
 3. If requesting a rulemaking action:
 - a. Statement of the rulemaking action sought, including the A.A.C. citation to all existing rules, and the specific language of a new rule or rule amendment; and
 - b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;
 4. If requesting a review of an existing Board practice or substantive policy statement:
 - a. Subject matter of the existing practice or substantive policy statement; and

- b. Reasons why the existing practice or substantive policy statement constitutes a rule.
5. If objecting to a rule because of its economic, small business, and consumer impact statement:
 - a. The A.A.C. citation of the rule to which objection is made; and
 - b. A description of how the actual economic, small business, or consumer impact of the rule differs from that estimated; or
 - c. A description of the actual economic, small business, or consumer impact of the rule and an assessment of the burden on persons subject to the rule; and
6. Dated signature of the petitioner.
- D. A person may submit supporting information with a petition.

Historical Note

New Section R4-8-702 recodified from R4-8-502 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-703. Expired**Historical Note**

New Section R4-8-703 recodified from R4-8-503 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-704. Oral Proceedings

- A. A person requesting an oral proceeding, as prescribed in A.R.S. § 41-1023(C), shall:
 1. File the request with the Board;
 2. Include the name and current address of the person making the request; and
 3. Refer to the proposed rule and include, if known, the date and issue of the Arizona Administrative Register in which the notice of the proposed rule is published.
- B. The Board shall make a record of an oral proceeding. The Board shall make any material submitted during an oral proceeding part of the official rulemaking record.
- C. The presiding officer shall use the following guidelines to conduct an oral proceeding:
 1. Registration of attendees. Registration of attendees is voluntary;
 2. Registration of persons intending to speak. A person wishing to speak shall provide the following information on a form that is available from the Board:
 - a. Name,
 - b. Representative capacity, if applicable,
 - c. Whether the person supports or opposes the proposed rule, and
 - d. Approximate length of time the person wishes to speak;
 3. Opening of the record. The presiding officer shall open the proceeding by identifying the rule to be considered and the location, date, time, and purpose of the proceeding, and by presenting the agenda;
 4. A statement by Board representative. A Board representative shall explain the background and general content of the proposed rule;
 5. A public oral comment period. Any person may speak at an oral proceeding. A person who speaks shall address the proposed rule. A person who speaks may ask questions regarding the proposed rule and present oral argument, data, and views on the proposed rule. The presiding officer may limit the time allotted to each speaker and preclude undue repetition; and

- 6. Closing remarks. The presiding officer shall announce the location and last day for submitting written comments about the proposed rule.

Historical Note

New Section R4-8-704 recodified from R4-8-504 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).

R4-8-705. Expired

Historical Note

New Section R4-8-705 recodified from R4-8-505 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1).

R4-8-706. Written Criticism of Rule

- A. A person may file a written criticism of an existing rule with the Board.
- B. A person filing a written criticism of a rule shall identify the rule by its A.A.C. citation and specify why the rule is inadequate, unduly burdensome, unreasonable, or otherwise improper.
- C. The Board shall acknowledge receipt of any criticism within 15 days and place the criticism in the official record for review by the Board under A.R.S. § 41-1056.

Historical Note

New Section R4-8-706 recodified from R4-8-506 at 13 A.A.R. 482, effective January 24, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 690, effective April 5, 2008 (Supp. 08-1).