

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD CHIROPRACTIC EXAMINERS

PREAMBLE

1. Sections Affected

R4-7-1201
R4-7-1202
R4-7-1203
R4-7-1204

Rulemaking Action

New Section
New Section
New Section
New Section

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

Authorizing statute: A.R.S. § 32-904(B)(2)

Implementing statute: A.R.S. § 32-932

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 5 A.A.R. 1318, May 7, 1999

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

Name: Patrice A. Pritzl
Executive Director

Address: 5060 North 19th Avenue, Suite 416
Phoenix, AZ 85015-3210

Telephone: (602) 255-1444

Fax: (602) 255-4289

5. An explanation of the rule, including the Agency's reasons for initiating the rule:

The proposed rule will define the requirements to be met in order for an otherwise unlicensed doctor of chiropractic to provide charitable services under a restricted permit.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The economic impact is minor. All services rendered under a restricted permit will be uncompensated as volunteered by the holder of the restricted permit.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement.

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

Written comment will be accepted at the Board office, 5060 N. 19th Ave., #416, Phoenix, AZ 85015 on a business day between the hours of 8:00 a.m. and 5:00 p.m., until 5:00 p.m., on February 20, 2001. An oral proceeding is not scheduled but may be requested.

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

Not applicable

12. Incorporation by reference and their location in the rules:

Not applicable

13. The full text of the rules as follows:

TITLE 4. COMMERCE, PROFESSIONS AND OCCUPATIONS

CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS

ARTICLE 12. RESTRICTED PERMITS

R4-7-1201. Eligibility for a restricted permit
R4-7-1202. Application for restricted permits
R4-7-1203. Issuance of a restricted permit
R4-7-1204. Regulation

ARTICLE 12. RESTRICTED PERMITS

R4-7-1201. Eligibility for a restricted permit

A. An applicant for a restricted permit to practice chiropractic in this state shall submit a complete application to the Board no later than 45 days before the next scheduled Arizona jurisprudence examination.

B. A restricted permit applicant shall:

1. Meet all requirements under A.R.S. § 32-921 (B)(1) through (B)(3) and 5:
2. Have a Certificate of Attainment for Part I and Part II of the examination conducted by the National Board of Chiropractic Examiners.(NBCE):and
3. Take and pass the Arizona jurisprudence examination with a score of at least 75%.

R4-7-1202. Application for restricted permits

A. An applicant for a restricted permit shall submit a complete application package to the Board.

B. An applicant may obtain a restricted permit application package at the Board Office on any business day, or may request a package be mailed to the applicant. The applicant shall pay a non-refundable \$10 fee for each application package.

C. A completed restricted permit application package shall be submitted to the Board office on any business day. The Board shall consider the date of application to be the date of receipt stamped by the Board office.

D. A completed restricted permit application package shall contain the following:

1. 2 current identical color 2" x 2" photographs showing the applicant's full front face and a description of any identifying characteristics.
2. The applicant's full legal name and former names or aliases.

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3. The applicant's current home and all office addresses, current home and all office phone numbers, all current office facsimile numbers, and any previous home or office address(s) for the past 5 years from the date of application.
 4. A record of educational requirements described in A.R.S. § 32-921 (B)(2), including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for Parts I and II of the NBCE examination.
 5. The applicant's social security number.
 6. Any record of convictions, guilty pleas or nolo contendere pleas to a misdemeanor or felony, even if the conviction or plea was sealed, expunged, set aside, or forgiven, and any record of an arrest, indictment, or civil or criminal charge. The applicant also shall submit any denial of license to practice chiropractic or any other health care profession in this or any other state or country, and any record of a formal sanction taken against the applicant's license in this or any other state.
 7. A completed fingerprint card and the \$25 processing fee.
 8. A list of all other states or jurisdictions where the applicant is or has been licensed to practice chiropractic or licensed to practice any other health care profession, with a verification of good standing for each current license.
 9. Verification that the applicant has actively practiced as a chiropractic physician for the 5 years immediately preceding application, submitted directly by the licensing agency of the other state or jurisdiction.
 10. A copy of the employment contract with a charitable clinic or organization that identifies the name and location of the organization, provides documentation that the organization is a 501 (C) (3) corporation and that the organization meets the requirements under A.R.S. § 32-932.
 11. A copy of the charitable organizations bylaws.
 12. A score of 75% or higher on the Arizona jurisprudence examination. The applicant may not sit for the Arizona jurisprudence examination until the application package is otherwise complete.
 13. The applicant's notarized signature attesting to the truthfulness of the information provided by the applicant.
- E.** The Board shall process a restricted permit application in accordance with R4-7-502 (D) through (J).

R4-7-1203. Issuance of a restricted permit

- A.** A restricted permit may be issued by the Board without payment of fee for a period not to exceed 1 year or until December 31, whichever is lesser, and shall expire at that time. The Board may renew the restricted permit for a period not to exceed 1 year upon submission to the Board of a complete permit renewal application.
- B.** A restricted permit holder shall provide the following information:
1. The restricted permit holder's full name.
 2. The restricted permit holder's current home and all office addresses, current home and all office phone numbers, and all current office facsimile numbers.
 3. A copy of the employment contract with a charitable clinic or organization that identifies the name and location of the organization, provides documentation that the organization is a 501 (C) (3) corporation and that the organization meets the requirements under A.R.S. § 32-932.
 4. The licensee's social security number.
 5. A record of any professional disciplinary investigation or sanction taken against the restricted permit holder by a licensing board since the restricted permit holder last applied for a restricted permit in this or any other state.
 6. A record of any conviction or plea agreement for a misdemeanor or a felony since the restricted permit holder last applied for renewal of the permit.
 7. A list of required continuing education courses that the restricted permit holder has completed.
 8. The restricted permit holder's signature attesting to the truthfulness of the information provided by the restricted permit holder.
- C.** The Board shall not renew a restricted permit if the restricted permit holder:
1. Has been the subject of disciplinary sanction or convicted of a felony or a misdemeanor involving moral turpitude.
 2. Is currently under investigation for a licensing violation, or charged with a felony or misdemeanor involving moral turpitude.
 3. Has 2 or more complaints filed against the restricted permit holder within the past year.
 4. Fails to meet the requirements of A.R.S. § 32-932.
 5. Fails to submit a complete restricted permit renewal application before January 1 of the calendar year for which application is made.
- D.** The Board shall process a restricted permit renewal in accordance with R4-7-503(Q) and R4-7-504.
- E.** Before the issuance of a restricted permit, the Board shall approve the charitable clinic or organization by whom the applicant will be employed. In determining whether to approve such charitable clinic or organization, the Board shall investigate and make findings on the professional and statutory qualifications of such clinic or organization. In order for the Board to recognize and approve a clinic or organization as qualifying under A.R.S. § 32-932 as a charitable clinic or organization permitted to employ a chiropractor not licensed in Arizona who holds a restricted permit, the clinic or organization shall:

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1. Be licensed and in good standing as per A.R.S. § 36-407.
2. Offer professional medical services.
3. Offer chiropractic services without compensation to the clinic, organization or permit holder.
4. Operate in all other respects in accordance with state and federal law.

R4-7-1204. Regulation

- A.** A restricted permit holder shall comply with A.R.S. § 32-900 et. seq. and this Article.
- B.** The Board or its designee may conduct periodic and random audits of the permit holder's patient records.
- C.** The Board may sanction a permit holder as per A.R.S. § 32-924.A. for any violation of A.R.S. § 32-924.B., R4-7-902 or this Article.