

NOTICES OF PROPOSED RULEMAKING

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

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

Editor's note: The following Notice of Proposed Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28 (page 569) and the Governor's Regulatory Review Plan memorandum, January 22, 2009 and the continuations issued April 30, June 29 and October 16, 2009 (15 A.A.R. 241, January 23, 2009; 15 A.A.R. 735, May 1, 2009; 15 A.A.R. 1130, July 3, 2009; and 15 A.A.R. 1759, October 23, 2009; respectively.) The Governor's Office authorized the notice to proceed through the rulemaking process on October 21, 2009.

[R10-38]

PREAMBLE

1. Sections Affected

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R4-38-103	Renumber
R4-38-103	New Section
R4-38-104	Renumber
R4-38-104	Amend
R4-38-105	Renumber
R4-38-105	Amend
R4-38-106	Renumber
R4-38-106	New Section
R4-38-107	Repeal
R4-38-107	Renumber
R4-38-107	Amend
R4-38-108	Renumber
R4-38-108	Amend
R4-38-109	Renumber
R4-38-109	New Section
R4-38-110	New Section
R4-38-111	Renumber
R4-38-111	Amend
R4-38-112	Repeal
R4-38-112	Renumber
R4-38-112	Amend
R4-38-113	Renumber
R4-38-113	Amend
R4-38-114	Renumber
R4-38-114	Amend
R4-38-115	Renumber
R4-38-115	Amend
R4-38-116	Renumber
R4-38-116	Amend
R4-38-117	New Section
R4-38-118	New Section
R4-38-119	New Section

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

Authorizing statute: A.R.S. § 32-2904(B)(1)

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Implementing statute: A.R.S. §§ 32-2912(F)(3), 32-2913(A), 32-2915(F) and (G)

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 16 A.A.R. 406, March 5, 2010

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

Name: Chris Springer, Executive Director
Address: Board of Homeopathic and Integrated Medicine Examiners
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: chris.springer@azhomeopathbd.az.gov

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

In response to a concern expressed by the Auditor General, the Board is amending R4-33-103 regarding postgraduate education to establish criteria an applicant must meet to establish that the applicant is proficient in one or more of the treatment modalities recognized as part of the practice of homeopathic medicine. The Board is amending R4-38-106 to delete the oral examination requirement. R4-38-107 is being repealed to conform to the 2007 amendment of A.R.S. § 32-2913, which requires all applicants to pass an examination prescribed by the Board. Before the statute was amended in 2007, an applicant could request a waiver of the examination. However, to ensure that licensees are competent, the legislature decided to require that all of them pass an examination. In 2007, the legislature also amended A.R.S. § 32-2915 to require that license renewal be done on a licensee's anniversary date rather than have all licensees renew at the end of each calendar year. The rules are being amended to provide necessary information regarding license renewal. The legislature also added a provision to A.R.S. § 32-2915 requiring a licensee to obtain 20 hours of approved continuing education annually. Sections are being added to provide guidance regarding the requirement.

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

None

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

Not applicable

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

The Board will incur costs associated with the rulemaking, informing applicants and licensees of the new requirements, and enforcing the rules. Much of this cost results from legislative action rather than the rulemaking.

Most of the economic impact on applicants and licensees results from legislative action rather than this rulemaking. The costs associated with obtaining 20 hours of Board-approved continuing education will be minimal because most licensees already participate in continuing education related to maintaining either their allopathic or osteopathic medical license. The Board does not intend to require separate educational hours in alternative medicine in addition to the hours a licensee may already complete for the other medical license given the current economic condition of the country, and the fact that alternative hours are available to some extent in the allopathic and osteopathic forums because of the recent recognition of complementary and alternative medicine as part of those practice models.

There may be economic cost associated with passing the written examination, especially if an applicant does not pass. However, there is no cost to the applicant for re-examination, but it is expected the applicant would expend monies on educational textbooks or formal postgraduate education courses that would prepare them to competently pass the written examination. The average cost of educational textbooks can be over \$100 and postgraduate education courses average \$100 to \$200 per class hour. This may be offset by recognizing that each applicant may already be well prepared to take the written examination and would only require refresher coursework in one of the modalities being tested. However, this is a necessary requirement to enable the Board to fulfill its obligation to protect public health and safety.

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:

Name: Chris Springer, Executive Director
Address: Board of Homeopathic and Integrated Medicine Examiners
1400 W. Washington St., Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095

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Fax: (602) 542-3093
E-mail: chris.springer@azhomeopathbd.az.gov

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

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

Date: May 11, 2010
Time: 11:30 a.m.
Location: 1400 W. Washington St., B-1
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on May 11, 2010.

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

None

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

None

13. The full text of the rules follows:

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CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

ARTICLE 1. GENERAL

Section

- ~~R4-38-103.~~ Postgraduate Requirements for Licensure
~~R4-38-103-R4-38-104.~~ Approval of Approved Postgraduate Coursework
~~R4-38-104-R4-38-105.~~ Approval of Preceptorship
~~R4-38-106.~~ Minimum Standards for Proficiency
~~R4-38-105-R4-38-107.~~ Fees
~~R4-38-106-R4-38-108.~~ Examinations
~~R4-38-107-R4-38-109.~~ Waiver of Written Examination Application for Licensure
~~R4-38-110.~~ License Renewal
~~R4-38-108-R4-38-111.~~ Notification of Address Changes Change in Contact Information
~~R4-38-112.~~ Registering Use of Experimental Forms of Diagnosis and Treatment
~~R4-38-109-R4-38-112.~~ Experimental Forms of Diagnosis and Treatment
~~R4-38-111-R4-38-113.~~ Peer Review
~~R4-38-113-R4-38-114.~~ Chelation Therapy Practice Requirements
~~R4-38-114-R4-38-115.~~ Rehearing or Review of Decision
~~R4-38-115-R4-38-116.~~ Use of Title and Abbreviation
~~R4-38-117.~~ Continuing Education Requirement
~~R4-38-118.~~ Application for Approval of a Continuing Education
~~R4-38-119.~~ Audit of Compliance and Sanction for Noncompliance with Continuing Education Requirement

ARTICLE 1. GENERAL

R4-38-103. Postgraduate Requirements for Licensure

Under A.R.S. § 32-2912(F)(3), an applicant for licensure shall:

1. Have a degree of doctor of medicine in homeopathy issued by a homeopathic college or other Board-approved educational institution, or
2. Have successfully completed:
 - a. Formal postgraduate courses approved under R4-38-104, or
 - b. A preceptorship approved under R4-38-105.

~~R4-38-103.~~ R4-38-104. Approval of Approved Postgraduate Coursework

A. An applicant for licensure who does not have a degree of doctor of medicine in homeopathy shall identify on a form supplied by the Board who seeks licensure based on successful completion of formal postgraduate courses shall: of

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1. ~~Complete at least 300 hours of formal postgraduate education courses~~ in one or more of the treatment modalities specified in subsections (C)(1) through (6) R4-38-106.
 2. ~~Ensure that with at least 40 hours of the 300-hour requirement required hours are~~ in a course of classical homeopathy. ~~To receive credit for formal postgraduate coursework, the applicant shall, and~~
 3. ~~submit the following~~ Submit with the application required under R4-38-109 a statement from the sponsor of the formal postgraduate course that includes:
 - a. The applicant's name.
 - b. The name of the course sponsor.
 - c. The dates on which the course was taken.
 - d. A brief description of the course content.
 - e. The number of hours completed, and
 - f. Whether the applicant was successful in the course.
 1. A statement showing completion of the coursework and a brief description of the content; and
 2. A certificate of attendance showing evidence of the number of hours successfully completed.
- B.** The Board shall approve a formal postgraduate course if the Board determines that:
1. ~~the~~ The course content provides training in one or more of the treatment modalities specified in subsections (C)(1) through (6); R4-38-106;
 2. ~~the educational qualifications of the instructors~~ There is evidence that the course instructor is qualified in demonstrate sufficient knowledge of the subject matter of the course;
 3. ~~and the~~ The course sponsor is recognized within the homeopathic, osteopathic, or allopathic medical profession as a provider of postgraduate training and continuing education. ~~The Board shall approve a course of classical homeopathy, if the course includes case-taking, repertory use, materia medica, philosophy and history of homeopathy, acute remedies, constitutional prescribing, posology, homeopathy prescription policy, and remedy handling policy.~~
- C.** An applicant that has completed postgraduate coursework in treatment modalities not otherwise specified in R4-38-106 shall submit evidence of the postgraduate education with the applicant's application sufficient for review by the Board on a case by case basis. The Board shall determine whether the postgraduate education subject matter is related to the practice of homeopathic medicine as defined in statute.
- C.** ~~An applicant who wishes to practice a specific treatment modality listed in subsections (C)(1) through (6) shall demonstrate proficiency in the modality by completing the indicated number of postgraduate course hours or certification by the indicated credentialing authority.~~
1. ~~Acupuncture:~~
 - a. ~~Classical acupuncture:~~
 - i. ~~Certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or~~
 - ii. ~~Completing at least 220 hours of postgraduate courses recognized by the American Academy of Medical Acupuncture or other sponsor approved by the Board that provides equivalent training.~~
 - b. ~~Electro-diagnosis: Completing at least 50 hours of postgraduate courses in electro-diagnosis that are approved by the Board.~~
 2. ~~Chelation therapy: Completing at least 16 hours of postgraduate courses offered by the American Board of Clinical Metal Toxicology, American College of Alternative Medicine, International College of Integrative Medicine, or the American Academy of Environmental Medicine or other sponsor approved by the Board that provides equivalent training.~~
 3. ~~Classical homeopathy: Completing at least 90 hours of formal postgraduate courses in classical homeopathy approved by the Board, or whose sponsor is recognized by the Council on Homeopathic Education, the American Institute of Homeopathy, the American Board of Homeotherapeutics, the Homeopathic Association of Naturopathic Physicians or the Council for Homeopathic Certification.~~
 4. ~~Complex homeopathy and electro-therapeutics, EAV and related: Completing at least 90 hours of formal postgraduate courses in complex homeopathy approved by the Board, or whose sponsor is recognized by the Council on Homeopathic Education, the American Institute of Homeopathy, the American Board of Homeotherapeutics, the Homeopathic Association of Naturopathic Physicians, or the Council for Homeopathic Certification.~~
 5. ~~Neuromuscular integration:~~
 - a. ~~Completing a residency or fellowship in physical medicine or graduation from an osteopathic medical school; or~~
 - b. ~~Completing at least 220 hours of formal postgraduate courses in neuromuscular integration therapies that are approved by the Board.~~
 6. ~~Orthomolecular therapy and nutrition: completing at least 300 hours of postgraduate courses in orthomolecular therapy and nutrition approved by the Board.~~

~~R4-38-104, R4-38-105, Approval of Preceptorship~~

- A.** ~~Instead of evidence of formal postgraduate courses, an~~ An applicant may qualify for who seeks licensure based on suc-

~~successful~~ completion of a preceptorship ~~shall obtain the Board's approval of the preceptorship conducted by a preceptor qualified to provide instruction in one or more of the treatment modalities listed in A.R.S. § 32-2901(22) by submitting the following with the application the following required under R4-38-109:~~

1. A notarized affidavit from each preceptor on the preceptor's letterhead attesting to:
 - a. ~~The educational qualifications of the preceptor to include the number of years the preceptor has been conducting preceptorships;~~
 - b. ~~The number of years the preceptor has been conducting preceptorships.~~
 - ~~b-c.~~ The dates of the preceptorship;
 - ~~e-d.~~ An outline of the training conducted;
 - e. ~~and each~~ Which of the treatment modality modalities listed in A.R.S. § 32-2901(22) were involved in the training;
 - ~~d-f.~~ The number of hours of didactic and clinical training in each treatment modality;
 - ~~e-g.~~ The general nature of the services performed during the training; and
2. A summary from the applicant of each preceptorship including:
 - a. The name of each preceptor;
 - b. The treatment modalities included in each preceptorship; and
 - c. The total number of hours claimed instead of formal postgraduate courses.

B. The Board shall approve a preceptorship under this Section if the Board determines that:

1. The preceptorship provides training in one or more of the treatment modalities specified in R4-38-106;
2. The preceptorship involves a balance of didactic and clinical training;
3. The preceptor has been in full time clinical practice for a least three of the previous five years and meets the educational requirements of R4-38-302(C) in the treatment modality being precepted; and
4. If the preceptorship involves training in classical homeopathy, the preceptorship includes case-taking, repertory use, materia medica, philosophy and history of homeopathy, acute remedies, constitutional prescribing, posology, homeopathy prescription policy, and remedy handling policy.

R4-38-106. Minimum Standards for Proficiency

A. A licensee may practice any of the treatment modalities listed in A.R.S. § 32-2901(22) as part of the practice of homeopathic medicine.

B. A licensee or applicant who wishes to demonstrate proficiency in a particular treatment modality shall submit evidence of meeting the minimum standard specified in subsection (C) for the particular treatment modality. The licensee or applicant shall submit the evidence at the time an application is submitted under R4-38-109 or a renewal application is submitted under R4-38-110.

C. The Board establishes the following standards as the minimum to demonstrate proficiency in a particular treatment modality:

1. Acupuncture.
 - a. Classical acupuncture.
 - i. Being certified by the National Commission for Certification of Acupuncture and Oriental Medicine, or
 - ii. Completing of at least 220 hours of formal postgraduate courses recognized by the American Academy of Medical Acupuncture or other Board-approved sponsor that provides equivalent training.
 - b. Electro-diagnosis. Completing at least 50 hours of formal postgraduate courses in electro-diagnosis approved by the Board under the standards at R4-38-104(B).
2. Chelation therapy. Completing at least 16 hours of postgraduate courses offered by the American Board of Clinical Metal Toxicology, American College for Advancement of Medicine, International College of Integrative Medicine, American Academy of Environmental Medicine, or other Board-approved sponsor that provides equivalent training.
3. Classical homeopathy.
 - a. Having Diplomate Specialty certification from the American Board of Homeotherapeutics or certification by the Council for Homeopathic Certification, or
 - b. Completing at least 750 hours of formal postgraduate courses provided by a sponsor recognized by the American Board of Homeotherapeutics or the Council for Homeopathic Certification or other Board-approved sponsor that provides equivalent training.
4. Complex homeopathy and electro-therapeutics, EAV, or related therapies. Completing at least 90 hours of postgraduate courses in complex homeopathy provided by a sponsor recognized by the American Board of Homeotherapeutics or the Council for Homeopathic Certification or other Board-approved sponsor that provides equivalent training.
5. Neuromuscular integration.
 - a. Graduating from an osteopathic medical school, or
 - b. Completing a residency or fellowship in physical medicine, or
 - c. Completing at least 220 hours of formal postgraduate courses in neuromuscular integration therapy approved by the Board under the standards at R4-38-104(B).

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- d. Neurotherapy.
 - i. Certification by the Biofeedback Certification Institute of America, or
 - ii. Completing training equivalent to that offered through the Biofeedback Certification Institute of America and approved by the Board under the standards at R4-38-104(B).
 - iii. In addition to subsection (a) or (b) proof of recertification by the Biofeedback Certification Institute of America or the equivalent agency every four years.
- 6. Orthomolecular therapy and nutrition. Completing at least 300 hours of formal postgraduate courses in orthomolecular therapy and nutrition approved by the Board under the standards at R4-38-104(B).

~~R4-38-105.~~**R4-38-107. Fees**

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change

~~R4-38-106.~~**R4-38-108. Examinations**

- A. The examination for a license consists of ~~three~~ two parts:
 - 1. A timed written examination ~~with a passing grade of 70% that includes questions the Board deems appropriate for the category of addressing the treatment modality for which the applicant provides evidence under R4-38-103 that are similar to those expected to be included in an examination in an approved postgraduate course in the treatment modality under R4-38-103 modalities listed in A.R.S. § 32-2901(22). To pass the written examination, an applicant shall obtain a score of at least 70 percent;~~
 - 2. ~~An oral examination on one or more of the treatment modalities in R4-38-103 based on an actual clinical case history. The applicant shall present to the Board a summary of the clinical management of the sample case; and~~
 - 3-2. A personal interview with the Board to examine ~~the~~ an applicant's personal and professional history as it applies to homeopathic medicine. The Board may ask questions to clarify issues regarding the applicant's competence to engage in the practice of medicine safely, unprofessional conduct in the applicant's professional record, and whether the scope of the applicant's practice falls within the definition of homeopathic medicine.
- B. An applicant ~~who applies for licensure and provides evidence of postgraduate education under R4-38-103(C)~~ may use a copy of Kent's Repertory ~~or other repertory with clinically updated rubrics~~ as a reference during the written examination. An applicant shall not use a computer or other written material during the written examination.

~~R4-38-107.~~**R4-38-109. Waiver of Written Examination Application for Licensure**

- A. The following applies to an applicant requesting waiver under A.R.S. § 32-2913(A).
 - 1. ~~The Board shall not issue a license based on a waiver of the written examination without completion of an oral examination and a personal interview.~~
 - 2. ~~At the Board's discretion, an oral examination and personal interview may be conducted by a telephone conference call with a majority of the Board present.~~
- B. Based on the application, oral examination, and personal interview, the Board shall determine whether the applicant qualifies for a waiver.
- A. To apply for licensure, an applicant shall submit the following directly to the Board:
 - 1. An application form that contains the following information about the applicant:
 - a. Name as the applicant wants the name to appear on a license;

- b. Social Security number, as required under A.R.S. §§ 25-320(P) and 25-502(K);
 - c. Date and place of birth;
 - d. Personal identifying characteristics including gender, weight, height, eye and hair colors, and any identifying marks;
 - e. Business name and address;
 - f. Residential address;
 - g. Business telephone and fax numbers;
 - h. E-mail address;
 - i. Date on which the applicant expects to take the written examination required under A.R.S. § 32-2913;
 - j. Name of the approved medical school from which the applicant obtained an allopathic or osteopathic medical degree and the date of the degree;
 - k. Name of the hospital program at which the applicant served as an intern and the years of the internship;
 - l. Names and addresses of three physicians who will send the Board letters of recommendation for the applicant;
 - m. List of the states or other jurisdictions in which the applicant is or ever has been licensed to practice medicine;
 - n. List of specialty colleges of which the applicant is a member;
 - o. List of specialty boards by which the applicant is certified;
 - p. List of the places and dates that the applicant has practiced medicine;
 - q. Statement indicating whether the applicant:
 - i. Has, within the last 10 years, had a medical malpractice claim filed against the applicant including any claim for which no corresponding lawsuit was filed;
 - ii. Has ever been convicted of or pled guilty or nolo contendere to a criminal charge requiring adjudication in an adult court of record;
 - iii. Has been charged with a crime that is pending adjudication in an adult court of record;
 - iv. Has had a state or other jurisdiction refuse or deny the applicant a license to practice medicine or has allowed the applicant to withdraw a license application in lieu of being refused or denied a license to practice medicine;
 - v. Has had a state or other jurisdiction take disciplinary action towards the applicant's license to practice medicine including placing the license on probation, suspending the license, limiting or restricting the license, revoking the license, or accepting surrender of the license while other disciplinary measures are considered;
 - vi. Has had a state or other jurisdiction, including a federal agency, suspend, limit, restrict, revoke, deny, or accept surrender of the applicant's privilege to possess, dispense, or prescribe controlled substances;
 - vii. Has, within the last 10 years, had a mental illness or psychological condition that impaired the applicant's ability to practice medicine or function as a medical student;
 - viii. Is now or has been with the last 10 years dependent upon alcohol or drugs;
 - ix. Has had a specialty board or college suspend, revoke, or deny certification to the applicant; and
 - x. Is a citizen of the U.S. and if not, holds qualified alien status; and
 - r. Notarized signature and attestation that the information provided is true, correct, and complete;
2. A summary and evidence of completing the 300 hours of postgraduate coursework required under R4-38-104 or the preceptorship required under R4-38-105;
 3. If the answer to any item in subsections (A)(1)(q)(i) through (ix) is yes, detailed information regarding the nature, date, and location of the incident, identity of the agency, court, or organization involved, action taken, and current status;
 4. An Arizona Statement of Citizenship and documentary evidence of U.S. citizenship or qualified alien status;
 5. A list of the homeopathic modalities the applicant intends to make available under the applicant's supervision if the applicant is licensed;
 6. If the applicant intends to use an experimental form of diagnosis or treatment in the applicant's homeopathic medical practice, a copy of the written informed consent materials that a patient will sign before examination or treatment;
 7. Two photographs of the applicant's face taken within the last 60 days;
 8. If the applicant wishes to demonstrate proficiency in a particular treatment modality, evidence of meeting the minimum standard outlined in R4-38-106 for the treatment modality;
 9. A copy of the membership card provided by a specialty college of which the applicant is a member;
 10. A copy of the certification card provided by a specialty board by which the applicant is certified;
 11. A completed and signed form authorizing entities to release to the Board information regarding the applicant;
 12. A current curriculum vitae that includes all professional activity from medical school to the present; and
 13. The license application fee specified in R4-38-107.
- B.** An applicant for licensure shall ensure that the following information is submitted directly to the Board:
1. Verification of graduation provided by the allopathic or osteopathic medical college from which the applicant graduated;
 2. Letters of recommendation, on professional letterhead and notarized, from three licensed physicians; and

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3. Verification of licensure from every jurisdiction in which the applicant is or ever has been licensed to practice medicine.

R4-38-110. License Renewal

- A.** The Board shall provide a licensee with at least 30-days' notice of the need to renew the licensee's license. 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.
- B.** Under A.R.S. § 32-2915(G), a licensee who wishes to continue practicing homeopathic medicine shall submit the license renewal materials described in subsection (E) annually on or before the last day of the month in which the license was initially issued.
- C.** A licensee who fails to comply with subsection (E) by the date specified in subsection (B) may apply for license renewal within 60 days after the date specified in subsection (B) by:
 1. Submitting to the Board the license renewal materials described in subsection (E), and
 2. Paying the late renewal penalty prescribed in R4-38-107.
- D.** If a licensee fails to comply with either subsection (B) or (C), the licensee's license expires and the licensee shall immediately cease practicing homeopathic medicine. A licensee whose license expires may obtain licensure only by complying again with R4-38-109 and taking the examinations specified in R4-38-108.
- E.** To renew a license issued by the Board, a licensee shall submit the following directly to the Board:
 1. A license renewal application that contains the following information about the applicant:
 - a. Name;
 - b. License number;
 - c. Business name and address;
 - d. Residential address;
 - e. Business telephone number;
 - f. E-mail address;
 - g. Address and telephone numbers of each location at which the licensee practices;
 - h. Number of the active M.D. or D.O. license held by the licensee and name of the state that issued the license; and
 - i. A statement indicating whether during the last 12 months:
 - i. A licensing authority of another jurisdiction denied the licensee a license to practice allopathic or osteopathic medicine and if so, the name of the jurisdiction, date of the denial, and an explanation of the circumstances;
 - ii. A licensing authority of another jurisdiction revoked, suspended, limited, restricted, or took other action regarding a license of the licensee and if so, the name of the jurisdiction taking action, nature and date of the action taken, and an explanation of the circumstances;
 - iii. The licensee has been convicted of a crime other than a minor traffic offense, including driving under the influence of drugs or alcohol, and if so, the name of the jurisdiction in which convicted, nature of the crime, date of conviction, and current status;
 - iv. A claim was made or a lawsuit was filed against the licensee alleging professional malpractice or negligence in the practice of homeopathic, allopathic, or osteopathic medicine 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; and
 - v. The licensee has any condition that may impair the licensee's ability to practice homeopathic medicine safely and skillfully and if so, the nature of the condition and any accommodations necessary;
 - vi. The licensee has been charged or arrested with any felony or misdemeanor involving moral turpitude as required under A.R.S. § 32-3208.
 2. If the licensee wishes to demonstrate proficiency in a treatment modality for which proficiency has not been previously demonstrated, evidence of meeting the minimum standard outlined in R4-38-106 for the treatment modality;
 3. A list of the treatment modalities the licensee makes available under the licensee's supervision and an indication of whether the licensee has previously demonstrated proficiency in the treatment modalities;
 4. If the licensee uses an experimental form of diagnosis or treatment in the licensee's practice of medicine, a copy of the written informed consent materials that a patient signs before examination or treatment;
 5. A list of any specialty certifications held by the licensee, the certifying entity, and the date the certification expires;
 6. If the licensee dispenses drugs or devices as part of the licensee's practice of homeopathic medicine:
 - a. The licensee's DEA registration number;
 - b. A statement whether a complaint or legal action has been taken against the licensee by a court or federal or state agency for dispensing a device, drug, or substance and if so, the name and address of the court or federal or state agency and documentation of the action taken; and
 - c. A list of the items dispensed;
 7. An Arizona Statement of Citizenship and documentary evidence of U.S. citizenship or qualified alien status;

8. An affirmation that the licensee has completed the continuing education required under A.R.S. § 32-2915;
9. An affirmation that the licensee is in compliance with A.R.S. § 32-3211 regarding medical records;
10. The license renewal fee prescribed under R4-38-107; and
11. The licensee's dated signature affirming that the information provided is true, correct, and complete.

~~R4-38-108.~~ **R4-38-111. Notification of Address Changes Change in Contact Information**

The Board shall communicate with a licensee using the most recent contact information provided to the Board. To ensure timely communication from the Board, ~~A~~ a licensee shall advise the Board in writing within 45 days of opening an additional office address; or a change in name, office or residential address, ~~change in home address;~~ or ~~change in~~ telephone number.

~~4-38-112.~~ **Registering Use of Experimental Forms of Diagnosis and Treatment**

~~As part of an initial licensing application and subsequent annual renewal application, an applicant shall designate on a form provided by the Board the modalities of treatment used in the applicant's practice and forms of diagnosis and treatment used by the applicant that are defined as experimental by R4-38-109.~~

~~R4-38-109.~~ **4-38-112. Experimental Forms of Diagnosis and Treatment**

- A. No change
- B. No change
 1. No change
 2. No change
 3. No change
- C. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change

~~R4-38-111.~~ **R4-38-113. Peer Review**

- A. No change
- B. No change
- C. No change
- D. No change

~~R4-38-113.~~ **R4-38-114. Chelation Therapy Practice Requirements**

- A. Before a licensee may practice chelation therapy for other than the treatment of metal poisoning, the licensee:
 1. ~~Shall document completion of the postgraduate education required in R4-38-103(C)(2)~~ establish proficiency in chelation therapy under the minimum standards at R4-38-106; and
 2. ~~File a sample~~ Submit to and obtain approval from the Board of the informed patient consent form ~~and obtain approval of written disclosure from the Board as required by A.R.S. § 32-2933(27).~~ As part of the documentation submitted with the informed patient consent form, the licensee shall include a copy of the chelation therapy protocol.
- B. ~~If the Board approves the written disclosure under A.R.S. § 32-2933(27), the licensee may practice chelation therapy. The~~ A licensee shall ensure that detailed records and periodic analysis of results on patients consistent with the most recent informed consent and protocol on file with the Board are maintained consistent with A.R.S. § 32-2933(27) and available for periodic review by a peer review committee designated by the Board. ~~Retention~~ The licensee shall ensure that retention of patient medical and treatment records ~~shall also conform with~~ to the requirements of A.R.S. § ~~32-2936~~ 32-2936.

~~R4-38-114.~~ **R4-38-115. Rehearing or Review of Decision**

- A. No change
- B. No change
- C. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
- D. No change
- E. No change
- F. No change

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- G. No change
- H. No change

R4-38-115, R4-38-116. Use of Title and Abbreviation

- A. The use of the abbreviation “M.D.(H.)” or “D.O.(H.)” (with or without periods), is equivalent to the written designation, “Doctor of Medicine (Homeopathic)” or “Doctor of Osteopathy (Homeopathic).”
- B. A ~~Homeopathic~~ homeopathic physician practicing in this state who is not licensed by the Arizona Board of Medical Examiners or the Arizona Board of Osteopathic Examiners in Medicine and Surgery shall not use any designation other than the initials MD(H) or DO(H) to indicate a doctoral degree, ~~which shall be followed by the full, written designation, “Homeopathic Physician.”~~
- C. A physician licensed by the Board and ~~any state~~ the Arizona Board of Medical Examiners or the Board and ~~any state~~ the Arizona Board of Osteopathic Examiners in Medicine and Surgery shall use ~~one of the following designations, M.D., M.D.(H.) or D.O., D.O.(H.)~~ as appropriate (with or without periods):
 - 1. ~~“MD, MD(H)” or “DO, MD(H);”~~
 - 2. ~~“MD, Homeopathic Physician” or “DO, Doctor of Medicine (Homeopathic).”~~
 - 3. ~~“MD, Doctor of Medicine (Homeopathic)” or “DO, Doctor of Medicine (Homeopathic).”~~
- D. A licensee practicing in this state shall display the license issued by the Board or an official duplicate of the license in a conspicuous location in the reception area of each office facility.

R4-38-117. Continuing Education Requirement

- A. Under A.R.S. § 32-2915(F), a licensee shall complete at least 20 hours of Board-approved continuing education in the 12 months before submitting the license renewal materials required under R4-38-110. If a licensee completes more than 20 hours of continuing education during a year, the licensee shall not report the extra hours in a subsequent year.
- B. A licensee shall ensure that the licensee obtains and maintains for two years documentary evidence of complying with the continuing education requirement.
- C. A hour of continuing education consists of 60 minutes of participation unless specified otherwise in subsection (D).
- D. The Board approves the following continuing education without application under R4-38-119:
 - 1. An internship, residency, or fellowship at a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one hour of continuing education for each day of participation in a full-time approved internship, residency, or fellowship and a pro-rata amount of continuing education for each day of participation in an internship, residency, or fellowship that is not full-time. For the purpose of this subsection, the teaching institution at which the approved internship, residency, or fellowship is offered defines “full-time”;
 - 2. An educational program leading to an advanced degree in a medical or medically-related field at a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one hour of continuing education for each day of participation in a full-time approved educational program and a pro-rata amount of continuing education for each day of participation in an approved educational program that is not full-time. For the purpose of this subsection, the teaching institution at which the approved educational program is offered defines “full-time”;
 - 3. Participating in research at a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one hour of continuing education for each day of full-time research and a pro-rata amount of continuing education for each day of research that is not full-time. For the purpose of this subsection, the teaching institution at which the research is conducted defines “full-time”;
 - 4. An educational program certified as Category 1 by an organization accredited by the Accreditation Council for Continuing Medical Education or the American Osteopathic Association;
 - 5. A medical education program designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of medicine and provided by an organization or institution accredited by the Accreditation Council for Continuing Medical Education or the American Osteopathic Association; and
 - 6. A homeopathic medical education course approved or offered by the Council on Homeopathic Education.
- E. The Board approves the following activities as continuing education without application under R4-38-119 subject to the specified limitations:
 - 1. Serving as an instructor of medical students, house staff, other physicians, or allied health professionals from a hospital or other health care institution if serving as an instructor provides the licensee with an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee who serves as an instructor:
 - a. May claim one hour of continuing education for each hour of instruction to a maximum of 10, and
 - b. If the licensee teaches substantially the same class more than once, may claim hours of continuing education only for the first time the class is taught;

2. Publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee who publishes or presents a paper, report, or book:
 - a. May claim one hour of continuing education for each hour preparing, writing, and presenting to a maximum of 10; and
 - b. May claim hours of continuing education only after the date of publication or presentation; and
 3. Participating in the following activities if the participation provides the licensee with an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee may claim one hour continuing education for each hour of participation in the following activities to a maximum of six:
 - a. Completing a self-instructed medical education program through the use of videotape, audiotape, film, filmstrip, radio broadcast, or computer;
 - b. Reading scientific journals and books;
 - c. Preparing for and obtaining specialty board certification or recertification; and
 - d. Participating on a staff or quality of care committee or utilization review committee in a hospital, health care institution, or government agency.
- F.** The Board shall approve another program or activity as continuing education if the provider of the program or activity makes application under R4-38-119 and the Board determines that the program or activity:
1. Is designed to provide the participant with:
 - a. Understanding of current developments, procedures, or treatments related to the practice of homeopathic medicine as defined at A.R.S. § 32-2901(22);
 - b. Knowledge and skills used to practice homeopathic medicine safely and competently; or
 - c. Knowledge and skills related directly or indirectly to patient care including practice management, medical ethics, or language necessary to the patient population served;
 2. Includes a method by which the participant evaluates the:
 - a. Stated objectives of the program or activity;
 - b. Instructor knowledge and teaching ability;
 - c. Effectiveness of the teaching methods used, and
 - d. Usefulness or applicability of the information provided, and
 3. Provides the participant with a certificate of attendance that shows the:
 - a. Name of the participant;
 - b. Name of the approved continuing education;
 - c. Name of the continuing education provider;
 - d. Date, time, and location of the continuing education; and
 - e. Hours of instruction provided.
- G.** Except as specified in subsection (H), a licensee who fails to comply with subsection (A) may submit to the Board a notice of 60-day extension. The licensee shall submit the notice of 60-day extension no later than the date specified in R4-38-110(B). If a licensee who submits a notice of 60-day extension fails to comply with the continuing education requirement within the extension period, the licensee's license expires and the licensee shall immediately cease practicing homeopathic medicine. A licensee whose license expires may obtain licensure only by complying again with R4-38-109 and taking the examinations specified in R4-38-108.
- H.** If a licensee fails to comply with subsection (A) because of disability, military service, absence from the U.S., or other circumstance beyond the control of the licensee, the licensee may submit to the Board a request for a waiver of the continuing education requirement that includes the reason for noncompliance, the number of hours of continuing education completed, and the time requested to become compliant. The licensee shall submit the request for waiver no later than the date specified in R4-38-110(B). The Board shall evaluate the request for waiver and provide written notice to the licensee of the time within which the licensee shall comply with subsection (A).

R4-38-118. Application for Approval of a Continuing Education

- A.** To obtain Board approval of a continuing education under R4-38-117(F), the provider of the continuing education shall submit the following to the Board at least 20 days before the meeting at which the Board will consider the continuing education for approval:
1. An application for approval, using a form available from the Board, which contains the following information:
 - a. Title of the continuing education;
 - b. Name and address of the continuing education provider;
 - c. Name and telephone and fax numbers of the 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. Objective of the continuing education;

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- g. Method of instruction; and
- h. Number of continuing education hours requested; and
- 2. The following documents:
 - a. Curriculum vitae of the continuing education instructor.
 - b. Detailed outline of the continuing education.
 - c. Agenda for the continuing education showing hours of instruction and subject matter taught in each hour.
 - d. Method by which participants will evaluate the continuing education, and
 - e. Certificate of attendance that meets the requirements at R4-38-117(F)(3).
- B.** A provider of continuing education shall not advertise that a continuing education is approved until the Board acts on the application submitted under subsection (A).
- C.** The Board's approval of a continuing education is valid for one year or until 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 provider of the continuing education shall reapply for approval.

R4-38-119. Audit of Compliance and Sanction for Noncompliance with Continuing Education Requirement

- A.** When notice of the need to renew a license is provided under R4-38-110(A), the Board shall also provide notice of an audit of continuing education records to a random sample of licensees.
- B.** A licensee subject to a continuing education audit shall submit documentary evidence of compliance with the continuing education requirement at the same time that the licensee submits the renewal application required under R4-38-110(E).
- C.** If a licensee subject to a continuing education audit fails to submit the required evidence no later than the date specified in R4-38-110(C), the licensee is considered to have committed an act of unprofessional conduct and is subject to probation or license suspension or revocation.