

## 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 7. BOARD OF CHIROPRACTIC EXAMINERS

*Editor's Note: The following two Notices of Proposed Rulemaking are exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 791).*

[R13-44]

#### PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| Article 14   | New Article              |
| R4-7-1401  | New Section              |
| R4-7-1402  | New Section              |
| R4-7-1403  | New Section              |
| R4-7-1404  | New Section              |
| R4-7-1405  | New Section              |
| R4-7-1406  | New Section              |
| R4-7-1407  | New Section              |
| R4-7-1408  | New Section              |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 32-904(B)(2)  
Implementing statute: A.R.S. § 32-934
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 19 A.A.R. 154, February 1, 2013
- 4. The agency's contact person who can answer questions about the rulemaking:**  
Name: Patrice A. Pritzl, Executive Director  
Address: 5060 N. 19th Ave., Suite 416  
Phoenix, AZ 85015  
Telephone: (602) 864-5088  
Fax: (602) 864-5099  
E-mail: generalinfo@azchiroboard.us  
Web site: azchiroboard.us
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
The legislature has established the Board's authority to regulate business entities that employ the services of a chiropractic physician but that are not owned and operated by a health care professional. This rulemaking is necessary in order to implement the regulation established by statute. The statute was established to protect both consumers and the chiropractic profession from business entities that engage in practices that violate the chiropractic practice act. Prior to the establishment of Article 14, the Board had no means to prevent business entities from engaging in practices that threaten the health, safety and welfare of the public through services provided by a doctor of chiropractic.

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The Board's only option was to discipline the doctor of chiropractic. When that chiropractor left the business entity, it would hire another doctor of chiropractic and the violations would continue. Under the new law, the Board can impose any discipline on a business entity that it can impose on a doctor of chiropractic.

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

The agency did not review or rely on any study relevant to the rule.

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

Not applicable.

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

The Board's research indicates that there are currently 25 businesses that will fall under this law. Each business entity benefits financially from the chiropractic services offered at any of its facilities. The rule offers those business entities the opportunity to continue profiting financially from the chiropractic services with the additional benefit of the credibility that regulation endows by increasing public trust. The Board has no means to determine the level of revenues that business entities may generate at this time. The business entities will support the cost of the regulation through fees, which is true of any regulated profession or business. The proposed fees include the following: a \$30 fee for the application package, a \$200 application fee, a \$200 registration issuance fee, a \$200 annual renewal fee, a \$200 late fee, a \$25 fee for each duplicate registration, and a finger printing fee that will be transferred to the Department of Public Safety. A business entity could also incur a fine of \$100 to \$150 if it fails to timely file a change of address, owners or officers, or change of chiropractic provider with the Board. However, the late fee and the fines indicated in this paragraph are only incurred if the business entity chooses not to renew a registration timely or fails to comply with reporting requirements.

The Board will incur the cost of developing and maintaining a database for business entity registration and renewal, development of forms and applications, ongoing costs for general postage and certified mail, office supplies related to publications, staff time to process applications, investigate complaints, monitor compliance with Board orders, and Board review of complaint investigations. The Board may also incur the costs related to Formal Interviews and Formal Administrative Hearings. The fees paid by the business entity are anticipated to cover the costs incurred by the Board.

The public will benefit through the protection the regulation will offer against practices that incur physical or financial harm.

Arizona chiropractic licensees will benefit in two ways. Business entities that engage in unprofessional practice do so through the employment of services provided by a doctor of chiropractic. This leaves the doctor open to disciplinary action due to the action or omissions of the business entity. In addition, a business entity that is not held to the same standard as a licensed doctor or chiropractor may have an unfair advantage in competition with licensee owned businesses.

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

Name: Patrice A. Pritzl, Executive Director  
Address: 5060 N. 19th Ave., Suite 416  
Phoenix, AZ 85015  
Telephone: (602) 864-5088  
Fax: (602) 864-5099  
E-mail: generalinfo@azchiroboard.us  
Web site: azchiroboard.us

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and 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 business days between the hours of 8:00 a.m. and 5:00 p.m. until 5:00 p.m. on May 20, 2013. An oral proceeding is not scheduled but may be requested.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

A.R.S. § 32-934 requires any business entity that offers chiropractic services and is not owned and operated by a licensed health care professional to be registered with the Board and requires the Board to adopt rules to that effect. This rule making does not establish the requirements that the business entity be registered with the Board, but does define the registration requirements.

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

No, federal law is not applicable to the subject of the rule.

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

No.

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

None.

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 14. BUSINESS ENTITIES**

Section

<u>R4-7-1401.</u>	<u>Application for Business Entity: Qualification of Applicant; Fee; Background Investigations</u>
<u>R4-7-1402.</u>	<u>Display of Registration</u>
<u>R4-7-1403.</u>	<u>Procedures for Processing Initial Registration Applications</u>
<u>R4-7-1404.</u>	<u>Business Entity Registration Renewal: Issuance, Reinstatement</u>
<u>R4-7-1405.</u>	<u>Business Entity Registration: Denial</u>
<u>R4-7-1406.</u>	<u>Reporting; Civil Penalty</u>
<u>R4-7-1407.</u>	<u>Licensed Doctors of Chiropractic and Business Entities, Unprofessional Conduct</u>
<u>R4-7-1408.</u>	<u>Exemptions</u>

**ARTICLE 14. BUSINESS ENTITIES**

**R4-7-1401. Application for Business Entity: Qualification of Applicant; Fee; Background Investigations**

- A.** A business entity that wishes to operate a clinic, franchise, business, club, or any other entity which uses the services of a licensed doctor of chiropractic to provide a service, supervise the provision of services, act as clinical director or otherwise perform any function under a person's chiropractic license (doctor of chiropractic) shall submit a complete application to the Board at least 60 days prior to the intended implementation of engaging the services of a licensed doctor of chiropractic. A business entity that uses the services of a doctor of chiropractic as defined in this subsection prior to the effective date of these rules shall submit a complete application to the Board no later than 10 days from the effective date of these rules. A business entity shall not engage the services of a doctor of chiropractic as noted in this section until the Board has approved and issued the registration. The registration shall serve as a license for the purpose of compliance with this Chapter.
- B.** Owner, officer or director means any person with a fiscal or an administrative interest in the business entity, regardless of whether the business has a for-profit or non-profit affiliation.
- C.** To be eligible for business entity registration, the applicant owners, officers or directors shall:
1. Be of good character and reputation; and
  2. Have obtained a license or a permit to conduct a business under applicable law and jurisdiction.
- D.** The Board may deny registration to a business entity if:
1. The business entity fails to qualify for registration;
  2. An owner, an officer or a director has had a license to practice any profession refused, revoked, suspended or restricted by a regulatory entity in this or any other jurisdiction for any act that constitutes unprofessional conduct pursuant to this Chapter;
  3. An owner, an officer or a director is currently under investigation by a regulatory entity in this or any other jurisdiction for an act that may constitute unprofessional conduct pursuant to this Chapter;
  4. An owner, an officer or a director has surrendered a license for an act that constitutes unprofessional conduct pursuant to this Chapter in this or any other jurisdiction;
  5. An owner, an officer or a director has been convicted of criminal conduct that constitutes grounds for disciplinary action pursuant to this Chapter;

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6. The business entity allows or has allowed any person to practice chiropractic without a license or fails or failed to confirm that a person that practices chiropractic is properly licensed;
7. The business entity allows or has allowed a person who is not a licensed doctor of chiropractic and who is not a chiropractic assistant to provide patient services as per this Chapter.
- E.** The applicant shall pay to the Board a nonrefundable application fee of \$200.
- F.** In order to determine an applicant business entity's (applicant) eligibility for approval, the Board may require the business entity's owners, officers or directors to submit a full set of fingerprints to the Board. The Board shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. § 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The Board shall charge each applicant a fee that is necessary to cover the cost of the Investigation. The Board shall forward this fee to the department of public safety.

**R4-7-1402. Display of Registration**

A business entity shall, at all times, display the registration issued to the business entity by the Board in a conspicuous place at all locations where a doctor of chiropractic is employed, contracted or otherwise functions in any capacity under a chiropractic license, including mobile practices. The business entity shall, upon request of any person, immediately produce for inspection the annual renewal certificate for the current registration period and shall keep a renewal certificate issued by the Board present at all locations.

**R4-7-1403. Procedures for Processing Initial Registration Applications**

- A.** An applicant may obtain an application package at the Board Office on a business day, or by requesting that the Board send the application to an address specified by the applicant. An applicant shall pay the Board a non-refundable fee of \$30 for each registration application package.
- B.** A completed business entity registration application package shall be submitted to the Board office on a business day. The Board shall deem the business entity application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office.
- C.** To complete a business entity application package, an applicant shall provide the following information and documentation:
  1. The full current name and any former names and title of any and all owners, officers or directors;
  2. The current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office addresses for the past five years for each owner, officer or director;
  3. The business name and the current addresses, phone numbers and fax numbers for each office, clinic or other setting where any service is performed, supervised or directed by a licensed doctor of chiropractic as per R4-7-1401(A) and this Chapter;
  4. The non-refundable application fee of \$200;
  5. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity as per R4-7-1401(A) and this Chapter;
  6. A completed fingerprint card for each owner, officer or director;
  7. Copies of any and all contracts or any other agreement between the business entity and the doctor of chiropractic, to include employment or franchise contracts, agreements or equivalent;
  8. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or charge that has not been concluded;
  9. Any record of an owner, officer or director being refused a license to practice chiropractic or any other profession in this or any other jurisdiction, and any record of a disciplinary action taken against an owner, officer or director's license in this or any other jurisdiction;
  10. The social security number for each owner, officer, or director;
  11. A government issued photo identification confirming U.S. citizenship or legal presence in the United States for each owner, officer or director, or if those individuals reside outside of the United States, confirmation of legal authority to operate a business in the United States;
  12. A copy of the written protocol required by A.R.S. § 32-934(G);
  13. The name, phone number and address for a contact person; and
  14. A notarized signature for each owner, officer or director attesting to the truthfulness of the information provided by the applicants. A stamped signature will not be accepted for the purposes of completing the application.
- D.** Within 25 business days of receiving a business entity registration application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing.
- E.** An applicant with an incomplete business entity registration application package shall supply the missing information within 30 calendar days from the date of the notice. An applicant who is unable to supply the missing information within

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30 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 30-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 30-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 30-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.

- F.** If an applicant fails to submit a complete business entity registration application package within the time permitted, the Board shall close the applicant's file and send a notice to the applicant by U.S. Mail that the application file has been closed. An applicant whose file has been closed and who later wishes to become registered shall reapply under R4-7-1401 and R4-7-1403.
- G.** After timely receipt of all missing information as specified in subsection (E), the Board shall notify the applicant that the application package is complete.
- H.** The Board shall render a decision no later than 120 business days after receiving a completed registration application package. The Board shall deem a registration application package to be complete on the postmarked date of the notice advising the applicant that the package is complete.
- I.** The Board shall approve the registration for a business entity that meets all of the following requirements:
  - 1. Timely submits a complete application.
  - 2. The Board does not find grounds to deny the application under subsection (D).
  - 3. Pays the original business entity registration fee of \$200 plus \$25 for each duplicate license issued by the Board for the purpose of compliance with R4-7-1402.
- J.** An applicant shall reapply for registration if the applicant does not pay the original registration issuance fee within three months after having been notified by the Board that the applicant is eligible to receive an approved registration.
- K.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial registration:
  - 1. Administrative completeness review time-frame: 25 business days.
  - 2. Substantive review time-frame: 120 business days.
  - 3. Overall time-frame: 145 business days.

**R4-7-1404. Business Entity Registration Renewal: Issuance, Reinstatement**

- A.** A business entity registration expires on May 31 of each year.
- B.** At least 30 days before a renewal application and renewal fee are due; the executive director of the Board shall send a business entity a renewal application and notice by first class mail to its address of record for the business entity contact person.
- C.** The business entity registration renewal application shall be returned to the Board office on a business day. The Board shall deem the business entity registration renewal application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office;
- D.** To complete a registration renewal application, a business entity shall provide the following information and documentation:
  - 1. The name of the business entity;
  - 2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter;
  - 3. Notice of any change of owners, officers or directors, to include any additions and/or deletions with the date of the change for each individual, and notice of any change in home address, office address and phone numbers for owners, officers or directors with the date of the change for each individual;
  - 4. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity as per subsection R4-7-1401(A), to include any affiliation through a franchise;
  - 5. A record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction;
  - 6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment within the last 12 months, to include new owners, operators or directors;
  - 7. A statement attesting that the contract or any other form of agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of any new or amended contract or agreement;
  - 8. Report any change in the status of the business entity's license or permit to own and operate a business in the State of Arizona;
  - 9. The renewal fee of \$200 plus a \$25 fee for each duplicate Board issued renewal certificate for the purpose of compliance with R4-7-1402. A business entity applying for renewal for the first time shall pay a prorated fee as per A.R.S. § 32-934(C);
  - 10. The name, address, phone number, fax number and email for a contact person; and

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11. The original signature of the delegated contact person attesting to the truthfulness of the information provided by the business entity. All owners, officers or directors also remain responsible for the accuracy and truthfulness of the application. A stamped signature will not be accepted for the purpose of a complete application.
- E.** A business entity registration shall automatically expire if the business entity does not submit a completed application for renewal, the renewal fee and the fee for duplicate renewal certificates for the purpose of complying with R4-7-1402 before June 1 of each registration period. The Board shall send written notice to the business entity that its registration has expired on or before June 20. A business entity shall not use the services of a licensed doctor of chiropractic as per R4-7-1401(A) if the business entity's registration has expired.
- F.** The Board shall reinstate an expired business entity registration if the business entity pays the annual renewal fee, the additional fee for duplicate certificates for the purpose of compliance with R4-7-1402, pays an additional non-refundable fee of \$200 as required by A.R.S. § 32-934(C), and submits a completed renewal application between June 1, and June 30 of the registration period for which the business entity registration renewal is made.
- G.** On or after July 1 of the registration period for which a renewal application was to be made, a business entity that wishes to have an expired registration reinstated shall apply in accordance with subsection (L).
- H.** If the business entity fails to timely submit a complete business entity reinstatement application within six months of the date the registration expired, the business entity's registration shall lapse. "Lapse" means that the business entity is no longer registered and cannot offer services per this Chapter.
- I.** A business entity that has had a registration lapse and that later wishes to become registered must apply as a new candidate under R4-7-1401 and R4-7-1403.
- J.** An application for reinstatement of business entity registration may be obtained from the Board office on business days or by requesting that the Board send one to an address specified by the applicant.
- K.** A completed application for reinstatement of a business entity registration shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of a business entity registration received on the date that the Board stamps on the application as the date it is delivered to the Board office.
- L.** To complete an application for reinstatement of a registration, a business entity shall provide the following information and documentation:
  1. The business entity's name and expired registration number;
  2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter;
  3. The names, home addresses, office addresses and phone numbers for each owner, officer or director;
  4. The name and license number of each doctor of chiropractic employed with, contracted with or otherwise affiliated with the business entity as per R4-7-1401(A) and this Chapter, to include franchises;
  5. The record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction;
  6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment, or charge within the last 12 months, to include new owners, operators or directors not previously reported to the Board;
  7. A statement attesting that the contract or other agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of the new or amended contract or agreement;
  8. Report any change in the status of the business entity's license or other permit to own and operate a business in the State of Arizona;
  9. The non-refundable renewal fee of \$200 and a \$25 fee for each Board issued duplicate renewal certificate for the purpose of compliance with R4-7-1402;
  10. The non-refundable late fee of \$200;
  11. The name, phone number, fax number and email for a contact person; and
  12. The original signature of the delegated contact attesting to the truthfulness of the information provided by the business entity. All owners, officers or directors' also remain responsible for the accuracy and truthfulness of on application. A stamped signature will not be accepted for the purpose of completing an application.
- M.** The Board shall process a business entity registration reinstatement application in accordance with R4-7-1403(D) through (G).
- N.** The Board shall reinstate or renew a business entity registration if:
  1. The business entity has timely submitted a complete application and paid all fees.
  2. The business entity has complied with the requirements of this Chapter and A.R.S. § 32-900 et seq.
  3. The Board does not find grounds to deny the application under subsection (D).
  4. The business holds a current business license or other permit to own and operate the business in the State of Arizona.
- O.** If the provisions of subsection (N) are satisfied, the Board shall issue a business registration renewal certificate. The renewal certificate shall serve as notice that the renewal application is complete and approved.
- P.** The Board shall make a decision no later than 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the docu-

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mentation as the date the documentation is delivered to the Board's office.

**O.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for registration renewal or reinstatement of registration:

1. Administrative completeness review time-frame: 25 business days.
2. Substantive review time-frame: 70 business days.
3. Overall time-frame: 95 business days.

**R4-7-1405. Business Entity Registration: Denial**

If the Board denies a business entity registration, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial;
3. The time periods for appealing the denial; and,
4. The right to request a settlement conference with the Board's authorized agent.

**R4-7-1406. Reporting: Civil Penalty**

A business entity that fails to comply with A.R.S. § 32-934(D) shall pay to the Board a non-refundable civil penalty of \$100 for each violation. If the business entity fails to pay the civil penalty within 30 days, the business entity shall pay an increased civil penalty of \$150 for each violation.

**R4-7-1407. Licensed Doctors of Chiropractic and Business Entities, Unprofessional Conduct**

- A.** Nothing in this Section shall be construed to exempt a licensed doctor of chiropractic from complying with this Chapter.
- B.** The following are grounds for disciplinary action under A.R.S. § 32-924(A) and R4-7-902 for a licensed doctor of chiropractic who:
1. Performs any service as per R4-7-1401(A) for a business entity in the State of Arizona that is not registered per this Chapter, and/or;
  2. Enters into an agreement of any nature with a business entity to engage in any activity that violates A.R.S. § 32-924(A), R4-7-901 or R4-7-902 or any provision of this Chapter, and/or;
  3. Fails to report in writing to the Board any knowledge of a business entity that fails to register with this Board under this Chapter or a business entity that violates any provisions of this Chapter.

**R4-7-1408. Exemptions**

A chiropractic assistant does not hold a license and is not exempt from A.R.S. § 32-934 or this Section.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 23. BOARD OF PHARMACY**

[R13-50]

**PREAMBLE**

- | <b><u>1. Article, Part, and Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|--|---------------------------------|
| R4-23-201  | Amend                           |
| R4-23-202  | Amend                           |
| R4-23-203  | Amend                           |
| R4-23-301  | Amend                           |
| R4-23-304  | Amend                           |
| R4-23-1102   | Amend                           |
| R4-23-1103   | Amend                           |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. §§ 32-1904(A)(1) and (5) and 32-1904(B)(7), (9), and (10).  
Implementing statute: A.R.S. §§ 32-1922, 32-1923, 32-1923.01, 32-1924, 32-1925, 32-1926, 32-1933 and 32-1935.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 19 A.A.R. 524, March 15, 2013
- 4. The agency's contact person who can answer questions about the rulemaking:**  
Name: Sandra Sutcliffe, Compliance Officer

Notices of Proposed Rulemaking

Address: Board of Pharmacy  
1616 W. Adams  
Phoenix, AZ 85007

Telephone: (623) 518-0336

Fax: (602) 771-2749

E-mail: [ssutcliffe@azpharmacy.gov](mailto:ssutcliffe@azpharmacy.gov)

Web site: [www.azpharmacy.gov](http://www.azpharmacy.gov)

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

In recent years the Board has added an online licensing link that allows for electronic application submission for pharmacists, interns, technicians, and technician trainees. The NABP has also changed to an online-only registration process for pharmacist licensure testing and jurisprudence testing. The Board has determined that several sections of the rules need to be amended to reflect changes in the application, registration, and licensure processes.

In addition, the preliminary results from the 2013 auditor's review recommended a change in the time-frames established for the licensure process. As a result, the Board has determined the time-frames for administrative and substantive review of license applications need to be amended to more accurately reflect the current process.

The rulemaking will amend R4-23-201 General by adding the requirement that a pharmacy permittee or pharmacist-in-charge verify a person has a current pharmacist license issued by the Board before that person practices as a pharmacist. Those references are in R4-23-201(E).

The rulemaking will amend R4-23-202 Licensure by Examination by adding the electronic application process, and removing the manual registration language from the sections on the NABP. The rulemaking will add the requirement that the Board will deem a passing score on the NAPLEX or MPJE invalid after 24 months from the applicant's examination date for those applicant's that do not complete the licensure process within the 24 month period. Those references are in R4-23-202(B) and (C). The rulemaking will add the requirement a licensee maintains the certificate of licensure in the practice site as specified in A.R.S. 32-1933. Those references are in R4-23-202(E). The rulemaking will amend the time-frame requirements for the administrative and substantive reviews. Those references are in R4-23-202(F). The rulemaking will add a new section for license renewals as specified in A.R.S. 32-1925. Those references are in R4-23-202(G).

The rulemaking will amend R4-23-203 Licensure by Reciprocity by adding the electronic application process, and removing the manual registration form language from the sections on the NABP. The rulemaking will add the requirement that the Board will deem a passing score on the MPJE invalid after 24 months from the applicant's examination date for those applicant's that do not complete the licensure process within the 24 month period. Those references are in R4-23-203(B) and (C). The rulemaking will add the requirement a licensee maintain their certificate of licensure in the practice site as specified in A.R.S. § 32-1933. Those references are in R4-23-203(D).

The rulemaking will amend R4-23-301 Intern Licensure by adding the electronic application process. Those references are in R4-23-301(H). The rulemaking will add to the licensure section the "open" and "pending" status information found on the license verification site. The rulemaking will add the requirement that a licensee maintains the certificate of licensure in the practice site as specified in A.R.S. 32-1933. Those references are in R4-23-301(I). The rulemaking will change the time-frames for licensure to those specified in R4-23-202(F). Those references are in R4-23-301(J).

The rulemaking will amend R4-23-304 Reports by removing the requirement the Board provide written acknowledgement of receipt of reports and notification of the remaining intern hours needed for licensure. Those references are in R4-23-304(B)(1).

The rulemaking will amend R4-23-1102 Pharmacy Technician Licensure by adding the electronic application process. Those references are in R4-23-1101(B). The rulemaking will add to the licensure section a reference to the "open" and "pending" status information found on the license verification site. The rulemaking will add the requirement that a licensee maintains the certificate of licensure or renewal certificate of licensure in the practice site as specified in A.R.S. 32-1933. Those references are in R4-23-1102(C) and (D). The rulemaking will change the time-frames for licensure to those specified in R4-23-202(F). Those references are in R4-23-1102(E). The rulemaking will add the requirement that a pharmacy permittee or pharmacist-in-charge verify a person has a current pharmacy technician license issued by the Board before that person practices as a pharmacy technician. Those references are in R4-23-1101(F).

The rulemaking will amend R4-23-1103 Pharmacy Technician Trainee Licensure by adding the electronic application process. Those references are in R4-23-1103(B). The rulemaking will add to the licensure section a reference to the "open" and "pending" status information found on the license verification site. The rulemaking will add the requirement that a licensee maintains the certificate of licensure in the practice site as specified in A.R.S. 32-1933. Those references are in R4-23-1103(C). The rulemaking will change the time-frames for licensure to those specified in R4-



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23-202(F). Those references are in R4-23-1103(E). The rulemaking will add the requirement that a pharmacy permittee or pharmacist-in-charge verify a person has a current pharmacy technician trainee license issued by the Board before that person practices as a pharmacy technician trainee. Those references are in R4-23-1103(F).

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

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

The agency did not review or rely on any study relevant to the rule.

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

Not applicable

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

The proposed rules will impact the Board, pharmacies, pharmacists, interns, pharmacy technicians and pharmacy technician trainees. The proposed rules' impact on the Board will be the usual rulemaking-related costs, which are minimal.

The Board estimates the proposed rules will have minimal economic impact on pharmacies, pharmacists, interns, pharmacy technicians, and pharmacy technician trainees. The rulemaking reflects current application, registration, and licensing processes already in place with the Board and the NABP. Applicants that do not complete the licensure process within the time-frames set out in rule will have to submit a new form and fee to continue with the licensure process, and may have additional registration fees with the NABP.

For license verification, the Board maintains a license verification link on the website, and verbal or written verification of license status is available by contacting Board office personnel.

The Board believes that approval of the rules benefits the public, pharmacies, pharmacists, interns, pharmacy technicians, and pharmacy technician trainees by clearly establishing standards for application and licensure processes for pharmacists, interns, pharmacy technicians, and pharmacy technician trainees.

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

Name: Sandra Sutcliffe, Compliance Officer  
Address: Board of Pharmacy  
1616 W. Adams  
Phoenix, AZ 85007  
Telephone: (623) 518-0336  
Fax: (602) 771-2749  
E-mail: [ssutcliffe@azpharmacy.gov](mailto:ssutcliffe@azpharmacy.gov)  
Website: [www.azpharmacy.gov](http://www.azpharmacy.gov)

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Comments may be written or presented orally. Written comments must be received by 5 p.m., Tuesday, May 28, 2013. An oral proceeding is scheduled for:

Date: May 28, 2013  
Time: 10:00 a.m.  
Location: 1616 W. Adams, 1st Floor Board Room  
Phoenix, AZ 85007

A person may request information about the oral proceeding by contacting the person listed above.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rule itself does not require a permit. However, the licenses required by statute arguably fall within the definition of general permit in A.R.S. 41-1001.

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

No.

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

No.

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

None.

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 23. BOARD OF PHARMACY**

**ARTICLE 2. PHARMACIST LICENSURE**

Section

- R4-23-201. General
- R4-23-202. Licensure by Examination
- R4-23-203. Licensure by Reciprocity
- R4-23-301. Intern Licensure
- R4-23-304. Reports
- R4-23-1102. Pharmacy Technician Licensure
- R4-23-1103. Pharmacy Technician Trainee Licensure

**ARTICLE 2. PHARMACIST LICENSURE**

**R4-23-201. General**

- A.** License required. Before practicing as a pharmacist in Arizona, a person shall possess a valid pharmacist license issued by the Board. There is no temporary licensure.
- B.** Methods of licensure. Licensure as a pharmacist shall be either:
  - 1. By practical examination, using paper and pencil written testing, computer adaptive testing, or other Board-approved testing method; or
  - 2. By reciprocity.
- C.** Practicing pharmacist holding a delinquent license. Before the Board reinstates an Arizona pharmacist license, a pharmacist, whose Arizona pharmacist license is delinquent for five or more years and who is practicing pharmacy outside the Board's jurisdiction with a pharmacist license issued by another jurisdiction, shall:
  - 1. Pass the MPJE or other Board-approved jurisprudence examination,
  - 2. Pay all delinquent annual renewal fees, and
  - 3. Pay penalty fees.
- D.** Non-practicing pharmacist holding a delinquent license. Before the Board reinstates an Arizona pharmacist license, a pharmacist, whose Arizona pharmacist license is delinquent for five or more years and who did not practice pharmacy within the last 12 months before seeking reinstatement, shall:
  - 1. Complete the requirements in subsection (C), and
  - 2. Appear before the Board to furnish satisfactory proof of fitness to be licensed as a pharmacist.
- E.** Verification of license. A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacist until the pharmacy permittee or pharmacist-in-charge verifies that the person is currently licensed by the Board as a pharmacist.

**R4-23-202. Licensure by Examination**

- A.** Eligibility. To be eligible for licensure as a pharmacist by examination, a person shall:
  - 1. Have ~~an undergraduate~~ a degree in pharmacy from a school or college of pharmacy approved by the Board as specified in A.R.S. § 32-1935, and whose professional degree program, at the time the person graduates, is accredited by the ~~American Council on Pharmaceutical Education~~ Accreditation Council for Pharmacy Education; or
  - 2. Qualify under the requirements of A.R.S. § 32-1922(D); and
  - 3. Complete not less than 1500 hours of intern training as specified in R4-23-303.
- B.** Application.
  - 1. An applicant for licensure by examination shall ~~file with the Board office:~~

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- a. ~~A Submit a completed application for licensure by examination form, electronically or manually on a form furnished by the Board, and~~
  - b. ~~A completed NAPLEX registration form or ensure receipt of an official NABP score transfer report through the Board office online computer link with NABP indicating the applicant's score on the NAPLEX taken in another jurisdiction, and Submit with the application form:~~
    - i. ~~The documents specified in the application form, and~~
    - ii. ~~The application fee specified in R4-23-205(C).~~
  - e. ~~A completed MPJE registration form.~~
  2. ~~The Board office shall deem an application or registration form received on the date that the Board office stamps on the form when the Board office receives the form form received on the date the Board office electronically or manually date-stamps the form. The Board office shall deem a score transfer received on the date that the NABP transmits the applicant's official NABP score transfer report through the online computer link to the Board office.~~
  3. ~~An applicant for licensure by examination shall:~~
    - a. ~~Make application on a form furnished by the Board, and~~
    - b. ~~Submit with the application for licensure by examination form:~~
      - i. ~~The documents specified in the application form, and~~
      - ii. ~~The application fee specified in R4-23-205(C) made payable to the Arizona State Board of Pharmacy by money order or certified or personal check.~~
  - 4.3. ~~An applicant for licensure by examination shall:~~
    - a. ~~Register register for NAPLEX and MPJE on forms furnished by the Board or NABP; and through NABP's registration process.~~
    - b. ~~Submit with the registration forms:~~
      - i. ~~The documents specified in the registration forms, and~~
      - ii. ~~The application fee specified by and made payable to NABP by money order, certified check, or bank draft.~~
  - 5.4. ~~The Board shall deem an application for licensure by examination or a NAPLEX or MPJE registration to be invalid after 12 months from the date the Board office determines an application or registration form is complete application is received. An applicant whose application or registration form is invalid and who wishes to continue licensure procedures, shall submit a new application or registration form and fee as specified in R4-23-205(C).~~
- C. Passing grade; notification; re-examination.
1. To pass the required examinations, an applicant shall obtain a score of at least 75 on both the NAPLEX and MPJE.
  2. The Board office shall:
    - a. Retrieve an applicant's NAPLEX and MPJE score from the NABP ~~online~~ database no later than two weeks after the applicant's examination date~~s~~, and
    - b. ~~Mail an applicant's NAPLEX and MPJE score to the applicant~~ Provide written notice by mail to an applicant who fails the NAPLEX or MPJE no later than seven days after the Board office ~~receives~~ retrieves the applicant's score from NABP.
  3. An applicant who fails the NAPLEX or MPJE may apply register with the NABP to retake the examination within the 12-month period defined in subsection (B)(5)(4). ~~An applicant applying to retake an examination shall submit to the Board office a completed NAPLEX or MPJE registration form and pay the examination fee specified by and made payable to NABP by money order, certified check, or bank draft.~~ An applicant who fails the NAPLEX or MPJE three times shall petition the Board for ~~permission~~ as specified in R4-23-401 for Board approval before retaking the examination.
  4. For the purpose of licensure by examination, the Board office shall deem a passing score on the NAPLEX or MPJE invalid after 24 months from the applicant's examination date. An applicant who fails to complete the licensure process within the 24-month period, and who wishes to continue licensure procedures, shall retake the examination(s).
- D. NAPLEX score transfer.
1. The Board office shall deem a score transfer received on the date the NABP transmits the applicant's official score transfer report to the Board office.
  - 1-2. ~~An applicant who receives a passing score on the NAPLEX taken in another jurisdiction shall, within 12 months from the date the Board office receives the applicant's official NABP score transfer report from the NABP, make application for licensure according to subsection (B). After 12 months, an applicant may reapply for licensure in this state under the provisions of subsection (B) or R4-23-203(B).~~
  - 2-3. ~~An applicant who takes the NAPLEX in another jurisdiction and fails the examination may apply for licensure in this state under the provisions of subsection (B).~~
- E. Licensure. ~~The Board office shall issue a certificate of licensure to a successful applicant upon receipt of the licensure fee specified in R4-23-205(A)(1)(a). The Board office shall:~~
1. ~~Provide a receipt for payment of the licensure fee to an applicant who delivers a payment in person, or~~ The Board office shall issue a certificate of licensure and a wall license to a successful applicant upon receipt of:
    - a. The initial licensure fee specified in R4-23-205(A)(1)(a), and

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- b. The wall license fee specified in R4-23-205(E)(1)(a).
  2. Mail a receipt for payment of the licensure fee to an applicant within one working day of receiving the payment by mail or other delivery service. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
- F. Time-frames for licensure by examination.**
1. The Board office shall complete an administrative completeness review within ~~20~~ 60 days from the date of receipt of an application or registration form the application form is received.
    - a. The Board office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the application ~~or registration~~ form.
    - b. If the application ~~or registration~~ form is incomplete, the Board office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The ~~20~~ 60-day time-frame for the Board office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board office with all missing information.
    - c. If the Board office does not provide the applicant with written notice regarding administrative completeness, the application ~~or registration~~ form shall be deemed complete ~~20~~ 60 days after receipt by the Board office.
  2. An applicant with an incomplete application ~~or registration~~ form shall submit all of the missing information within ~~30~~ 90 days of service of the notice of incompleteness.
    - a. If an applicant cannot submit all missing information within ~~30~~ 90 days of service of the notice of incompleteness, the applicant may send a written request for an extension to the Board office postmarked or delivered no later than ~~30~~ 90 days from service of the notice of incompleteness.
    - b. The written request for an extension shall document the reasons the applicant is unable to meet the ~~30~~ 90-day deadline.
    - c. The Board office shall review the request for an extension of the ~~30~~ 90-day deadline and grant the request if the Board office determines that an extension of the deadline will enable the applicant to assemble and submit the missing information. An extension shall be for no more than 30 days. The Board office shall notify the applicant in writing of its decision to grant or deny the request for an extension. ~~An applicant who requires an additional extension shall submit an additional written request according to this subsection.~~
  3. If an applicant fails to submit a complete application ~~or registration~~ form within the time allowed, the Board office shall close the applicant's file. An applicant whose file is closed and who later wishes to obtain a license shall apply again according to subsection (B).
  4. The Board office shall complete a substantive review of the applicant's qualifications in no more than ~~20~~ 120 days from the date on which the administrative completeness review of an application or registration form is complete.
    - a. If an applicant is found to be ineligible for licensure by examination, the Board office shall issue a written notice of denial to the applicant.
    - b. If an applicant is found to be eligible to take the NAPLEX, the Board office shall ~~issue a written notice of eligibility to the applicant and the NABP~~ notify the NABP that the applicant is eligible to test. The NABP shall issue the applicant an authorization to test letter.
    - c. If an applicant is found to be eligible to take the MPJE, the Board office shall ~~issue a written notice of eligibility to the applicant and the NABP~~ notify the NABP that the applicant is eligible to test. The NABP shall issue the applicant an authorization to test letter.
    - d. The Board office shall deem an applicant's eligibility to test invalid after 12 months from the date the application for licensure by examination is received.
    - ~~d.e.~~ If the Board office finds deficiencies during the substantive review of an application ~~or registration~~ form, the Board office shall issue a written request to the applicant for additional documentation.
    - ~~e.f.~~ The ~~20~~ 120-day time-frame for a substantive review of eligibility to take the NAPLEX or MPJE is suspended from the date of a written request for additional documentation until the date that all documentation is received. The applicant shall submit the additional documentation according to subsection (F)(2).
    - ~~f.g.~~ If the applicant and the Board office mutually agree in writing, the ~~20~~ 120-day substantive review time-frame may be extended once for no more than ~~40~~ 45 days.
  5. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for licensure by examination.
    - a. Administrative completeness review time-frame: ~~20~~ 60 days.
    - b. Substantive review time-frame: ~~20~~ 120 days.
    - c. Overall time-frame: ~~40~~ 180 days.
- G. License renewal.**
1. To renew a license, a pharmacist shall submit a completed license renewal application electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205(A)(1)(b).
  2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1925, the pharmacist license is suspended and the licensee shall not practice as a pharmacist. The licensee shall pay a penalty as pro-

vided in A.R.S. § 32-1925 and R4-23-205(G)(1) to vacate the suspension.

3. A licensee shall maintain the renewal certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
4. Time-frames for license renewals. The Board office shall follow the time-frames established in subsection (F).

**R4-23-203. Licensure by Reciprocity**

**A. Eligibility.** A person is eligible for licensure by reciprocity who:

1. Is licensed as a pharmacist in a jurisdiction that provides reciprocity to Arizona licensees;
2. Has passed the NABPLEX or NAPLEX with a score of 75 or better or was licensed by examination in another jurisdiction having essentially the same standards for licensure as this state at the time the pharmacist was licensed;
3. Provides evidence to the Board of having completed the required secondary and professional education and training specified in R4-23-202(A);
4. Has engaged in the practice of pharmacy for at least one year or has met the internship requirements of Article 3 within the year immediately before the date of application; and
5. Has actively practiced as a pharmacist for 400 or more hours within the last calendar year or has an Arizona graduate intern license and has completed 400 hours of internship training in a Board-approved internship training site.

**B. Application.**

1. An applicant for licensure by reciprocity shall ~~file with the Board office:~~
  - a. ~~A Submit a completed application for licensure by reciprocity form; electronically or manually on a form furnished by the Board, and~~
  - b. ~~A completed MPJE registration form. Submit with the application form:~~
    - i. ~~The documents specified in the application form, and~~
    - ii. ~~The reciprocity fee specified in R4-23-205(B).~~
2. The Board office shall deem an application ~~or registration form received on the date that the Board office stamps on the application or registration form when the Board office receives the form~~ form received on the date the Board office electronically or manually date-stamps the form.
3. ~~An applicant for licensure by reciprocity shall:~~
  - a. ~~Make application on a form furnished by the Board, and~~
  - b. ~~Submit with the application for licensure by reciprocity form:~~
    - i. ~~The documents specified in the application form, and~~
    - ii. ~~The reciprocity and specified in application fee R4-23-205(B) and (C) and made payable to the Arizona State Board of Pharmacy by money order or certified or personal check.~~
- 4.3. ~~An applicant for licensure by reciprocity shall:~~
  - a. ~~Register register for MPJE on a form furnished by the Board or NABP; and through NABP's registration process.~~
  - b. ~~Submit with the registration form:~~
    - i. ~~The documents specified in the registration form; and~~
    - ii. ~~The application fee specified by and made payable to NABP by money order, certified check, or bank draft.~~
- 5.4. ~~The Board office shall deem an application for licensure by reciprocity form or MPJE registration invalid after 12 months from the date the Board office determines an application or registration form is complete~~ application is received. An applicant whose application ~~or registration form is invalid and who wishes to continue licensure procedures, shall submit a new application or registration form and fee as specified in R4-23-205(B).~~

**C. Passing grade; notification; re-examination.**

1. To pass the required examination, an applicant shall obtain a score of at least 75 on the MPJE.
2. The Board office shall:
  - a. Retrieve an applicant's MPJE score from the NABP ~~online~~ database no later than two weeks after the applicant's examination date; and
  - b. ~~Mail an applicant's MPJE score to the applicant~~ Provide written notice by mail to an applicant who fails the MPJE no later than seven days after the Board office ~~receives~~ retrieves the applicant's score from NABP.
3. An applicant who fails the MPJE may apply register with the NABP to retake the examination within the 12-month period specified in subsection (B)(5)(4). ~~An applicant applying to retake an examination shall submit to the Board office a completed MPJE registration form and pay the examination fee specified by and made payable to NABP by money order, certified check, or bank draft. An applicant who fails the MPJE three times shall petition the Board for permission as specified in R4-23-401 for Board approval before retaking the examination.~~
4. For the purpose of licensure by reciprocity, the Board office shall deem a passing score on the MPJE invalid after 24 months from the applicant's examination date. An applicant who fails to complete the licensure process within the 24-month period, and who wishes to continue licensure procedures, shall retake the examination.

**D. Licensure.** ~~The Board office shall issue a certificate of licensure to a successful applicant upon receipt of the licensure fee specified in R4-23-205(A)(1)(a). The Board office shall:~~

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1. ~~Provide a receipt for payment of the licensure fee to an applicant who delivers a payment in person; or The Board office shall issue a certificate of licensure and a wall license to a successful applicant upon receipt of:~~
    - a. The initial licensure fee specified in R4-23-205(A)(1)(a), and
    - b. The wall license fee specified in R4-23-205(E)(1)(a).
  2. ~~Mail a receipt for payment of the licensure fee to an applicant within one working day of receiving the payment by mail or other delivery service. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.~~
- E. Time-frames for licensure by reciprocity. The Board office shall follow the time-frames established for licensure by examination in R4-23-202(F).
- F. License renewal. License renewal shall be the same as specified in R4-23-202(G).

**ARTICLE 3. INTERN TRAINING AND PHARMACY INTERN PRECEPTORS**

**R4-23-301. Intern Licensure**

- A. Licensure as a pharmacy intern or graduate intern is for the purpose of complementing the individual's academic or experiential education in preparation for licensure as a pharmacist. An applicant may request a waiver of intern licensure requirements by submitting a written request as specified in R4-23-401 and appearing in person at a Board meeting.
- B. The prerequisites for licensure as a pharmacy intern are:
1. Current enrollment, in good standing, in a Board-approved college or school of pharmacy; or
  2. Graduation from a college or school of pharmacy that is not approved by the Board; and
  3. Proof that the applicant is certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC); or
  4. By order of the Board if the Board determines the applicant needs intern training.
- C. If a pharmacy intern licensee stops attending pharmacy school classes before completing the pharmacy school's requirements for graduation, the licensee shall immediately stop practicing as a pharmacy intern and surrender the pharmacy intern license to the Board or the Board's designee no later than 30 days after the date of the last attended class, unless the licensee ~~requests and is granted permission by the Board~~ petitions the Board as specified in R4-23-401 and receives Board approval to continue working as a pharmacy intern. A student re-entering a pharmacy program who wishes to continue internship training shall reapply for pharmacy intern licensure.
- D. The prerequisites for licensure as a graduate intern are:
1. ~~Graduate~~ Graduation from a Board-approved college or school of pharmacy, and
  2. ~~Apply~~ Application for licensure as a pharmacist by examination or reciprocity, or
  3. By order of the Board if the Board determines that the applicant needs intern training.
- E. Experiential training. Intern training shall include the activities and services encompassed by the term "practice of pharmacy" as defined in A.R.S. § 32-1901.
- F. Out-of-state experiential training. An intern shall receive credit for intern training received outside this state if the Board determines that the intern training requirements of the jurisdiction in which the training was received are equal to the minimum requirements for intern training in this state. An applicant seeking credit for intern training received outside this state shall furnish a certified copy of the records of intern training from:
1. The Board of Pharmacy or the intern licensing agency of the other jurisdiction where the training was received; or
  2. In a jurisdiction without an intern licensing agency, the director of the applicant's Board-approved college or school of pharmacy's experiential training program.
- G. ~~Management required to verify intern's qualifications. Verification of license. An owner, manager, A pharmacy permittee or pharmacist-in-charge shall not permit a person to~~ practice as a pharmacy or graduate intern until the ~~owner, manager, pharmacy permittee or pharmacist-in-charge~~ verifies that the person is currently licensed by the Board as a pharmacy or graduate intern.
- H. Intern application. ~~An applicant for licensure as a pharmacy intern or graduate intern shall:~~
1. ~~Ensure that the applicant's college or school of pharmacy provides documentation to the Board of the applicant's current enrollment or graduation; and An applicant for licensure as a pharmacy intern or graduate intern shall:~~
    - a. Submit a completed application electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form:
      - i. The documents specified in the application form.
      - ii. The initial licensure fee specified in R4-23-205(A)(2), and
      - iii. The wall license fee specified in R4-23-205(E)(1)(b).
  2. ~~File an application on a form furnished by the Board, that includes: The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.~~
    - a. Applicant's name, address, mailing address, if different, telephone number, and social security number;
    - b. Name and address of college or school of pharmacy attending or attended, degree anticipated or received, and anticipated date or date of graduation;
    - e. ~~Whether the applicant has ever been convicted of an offense involving moral turpitude, a felony offense, or any~~

drug-related offense or has any currently pending felony or drug-related charges, and if so, indicate charge, conviction date, jurisdiction, and location;

- d. Whether the applicant has ever had an intern license revoked, suspended, or denied in this state or any other jurisdiction, and if so, indicate where and when;
- e. If the applicant graduated from an unapproved college or school of pharmacy, a notarized copy of the applicant's Foreign Pharmacy Graduate Examination Committee (FPGEC) certification document;
- f. Date signed and applicant's verified signature; and
- g. The initial licensure fee specified in R4-23-205.

**I.** Licensure. Within seven business days of receipt of a completed application, fees, and other information specified in subsection (H), the Board office shall determine whether an application is complete. If the application is complete, the Board office shall issue a license number and mail a current renewal receipt to an applicant. An applicant who is issued a license number may begin practice as a pharmacy intern or graduate intern. The initial licensure fee shall include the issuance of a wall certificate. The Board office shall mail the application is incomplete, the Board office shall issue a notice of incompleteness. An applicant with an incomplete application shall comply with the requirements of R4-23-202(F)(2) and (3).

1. If an applicant is found to be ineligible for intern licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
2. If an applicant is found to be eligible for intern licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a pharmacy intern or graduate intern prior to receiving the certificate of licensure.
3. An applicant who is assigned a license number and who has a "pending" status on the Board's license verification site shall not practice as a pharmacy intern or graduate intern until the Board office issues a certificate of licensure as specified in subsection (2).
4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.

**J.** Time-frames for intern licensure. The Board office shall follow the time-frames established in R4-23-202(F).

**J.K.** License renewal. A pharmacy intern whose license expires before the intern completes the education or training required for licensure as a pharmacist but less than six years after the issuance of the initial pharmacy intern license may renew the intern license for a period equal to the difference between the expiration date of the initial intern license and six years from the issue date of the initial intern license by payment of a prorated renewal fee based on the initial license fee specified in R4-23-205. If a pharmacy intern fails to graduate from a Board-approved college or school of pharmacy within six years from the date the Board issues the initial intern license, the intern is not eligible for relicensure as an intern unless the intern obtains Board approval as specified in A.R.S. § 32-1923(E). To remain in good standing, an intern who receives Board approval for relicensure shall pay a prorated renewal fee for the number of months of licensure approved by the Board based on the initial license fee specified in R4-23-205 before the license expiration date. If an intern receives Board approval for relicensure and does not pay the renewal fee specified in this subsection before the license expiration date, the intern license is suspended and the intern shall pay a penalty as provided in A.R.S. § 32-1925 to vacate the suspension.

1. A pharmacy intern whose license expires before the intern completes the education or training required for licensure as a pharmacist but less than six years after the issuance of the initial pharmacy intern license may renew the intern license for a period equal to the difference between the expiration date of the initial intern license and six years from the issue date of the initial intern license by payment of a prorated renewal fee based on the initial license fee specified in R4-23-205(A)(2).
2. If a pharmacy intern fails to graduate from a Board-approved college or school of pharmacy within six years from the date the Board issues the initial intern license, the intern is not eligible for relicensure as an intern unless the intern obtains Board approval as specified in A.R.S. § 32-1923(E) and R4-23-401. To remain in good standing, an intern who receives Board approval for relicensure shall pay a prorated renewal fee for the number of months of licensure approved by the Board based on the initial license fee specified in R4-23-205(A)(2) before the license expiration date.
3. If an intern receives Board approval for relicensure and does not pay the renewal fee specified in subsection (2) before the license expiration date, the intern license is suspended and the licensee shall not practice as an intern. The licensee shall pay a penalty as provided in A.R.S. § 32-1925 and R4-23-205(G)(1) to vacate the suspension.

**K.L.** Notification of training.

1. A pharmacy intern who is employed as an intern outside the experiential training program of a Board-approved college or school of pharmacy or a graduate intern shall notify the Board within ten days of starting or terminating training, or changing training site.
2. The director of a Board-approved college or school of pharmacy's experiential training program shall provide the Board an intern training report as specified in R4-23-304(B)(3).

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**R4-23-304. Reports**

- A. Change of employment or mailing address. A pharmacy intern or graduate intern shall notify the Board within ~~10~~ ten days of change of employment or mailing address.
- B. Annual reports.
  - 1. A pharmacy intern who is a graduate of a college or school of pharmacy that is not approved by the Board or is a graduate intern shall provide the Board annual intern training reports for the duration of training. The pharmacy intern shall file an annual intern training report on a report form provided by the Board by calendar year. An annual intern training report shall be received at the Board's office no later than 30 days after the end of the calendar year. ~~The Board shall write the intern to acknowledge receipt of the reports and notify the intern of the remaining hours of training necessary for licensure.~~ Any intern training hours reported to the Board office more than 30 days after the end of the calendar year in which the training hours were performed shall not be credited toward the total intern training hours required for licensure.
  - 2. After graduation and before sitting for the NAPLEX or MPJE, a pharmacy intern who is a graduate of a Board-approved college or school of pharmacy shall ensure that the director of the Board-approved college or school of pharmacy's experiential training program provides the Board an intern training report that includes:
    - a. The dates and number of training hours experienced, by training site and total; and
    - b. The date signed and experiential training program director's signature verifying that the pharmacy intern successfully completed the experiential training program.

**ARTICLE 11. PHARMACY TECHNICIANS**

**R4-23-1102. Pharmacy Technician Licensure**

- A. ~~Application~~ Eligibility. An applicant for licensure as a pharmacy technician shall:
  - ~~1. Provide~~ provide the Board proof that the applicant is eligible under R4-23-1101(B)(2), including documentation that the applicant:
    - ~~a.1. Completed a pharmacy technician training program that meets the standards prescribed in R4-23-1105(B)(2); and~~
    - ~~b.2. Passed the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination; or~~
    - ~~e.3. Meets the requirements of R4-23-1105(D)(1) or (2);~~
  - ~~2. File an application on a form furnished by the Board, that includes:-~~
    - ~~a. Applicant's name, address, mailing address, if different, telephone number, and social security number;~~
    - ~~b. Whether the applicant has ever been convicted of an offense involving moral turpitude, a felony offense, or any drug-related offense or has any currently pending felony or drug-related charge, and if so, indicate charge, charge date, conviction date, and jurisdiction;~~
    - ~~c. Whether the applicant has ever had a pharmacy technician license revoked, suspended, or has a pending revocation or suspension action, or denied in this state or any other jurisdiction, and if so, indicate where and when;~~
    - ~~d. Pharmacy name and address where the pharmacy technician will practice;~~
    - ~~e. Date signed and applicant's verified signature; and~~
    - ~~f. The wall license and initial licensure fees specified in R4-23-205.~~
- B. Application.
  - 1. An applicant for licensure as a pharmacy technician shall:
    - a. Submit a completed application electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form:
      - i. The documents specified in the application form,
      - ii. The initial licensure fee specified in R4-23-205(A)(3)(a), and
      - iii. The wall license fee specified in R4-23-205(E)(1)(c).
  - 2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
- ~~B.C.~~ Licensure. Within seven business days of receipt of a completed application, fees, and other information specified in subsection (A), the Board office shall determine whether the application is complete. If the application is complete, the Board shall assess whether the applicant is qualified under statute and rule. If the applicant is qualified, the Board office shall issue a license number and mail a license to the applicant. An applicant who is issued a license number may begin practice as a pharmacy technician. The Board office shall mail a wall license to the licensee within 14 days of issuing the license number.
  - 1. If an applicant is found to be ineligible for pharmacy technician licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
  - 2. If an applicant is found to be eligible for pharmacy technician licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a pharmacy technician prior to



- receiving the certificate of licensure.
3. An applicant who is assigned a license number and who has a “pending” status on the Board’s license verification site shall not practice as a pharmacy technician until the Board office issues a certificate of licensure as specified in subsection (2).
  4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
- C-D.** License renewal. To renew a license, a pharmacy technician shall submit a license renewal form supplied by the Board with the biennial renewal fee specified in R4-23-205. The Board office will process the application for renewal in the same manner described in subsection (B):
1. To renew a license, a pharmacy technician shall submit a completed license renewal application electronically or manually on a form furnished by the Board with the biennial renewal fee specified in R4-23-205(A)(3)(b).
  2. If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1925, the pharmacy technician license is suspended and the licensee shall not practice as a pharmacy technician. The licensee shall pay a penalty as provided in A.R.S. § 32-1925 and R4-23-205(G)(1) to vacate the suspension.
  3. A licensee shall maintain the renewal certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
- D.** If the biennial renewal fee is not paid by November 1 of the renewal year specified in A.R.S. § 32-1925, the pharmacy technician license is suspended and the licensee shall pay a penalty as provided in A.R.S. § 32-1925 and R4-23-205 to vacate the suspension.
- E.** Time-frames for pharmacy technician licensure and license renewal. The Board office shall follow the time-frames established in R4-23-202(F).
- F.** Verification of license. A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacy technician until the pharmacy permittee or pharmacist-in-charge verifies that the person is currently licensed by the Board as a pharmacy technician.

#### **R4-23-1103. Pharmacy Technician Trainee Licensure**

- A.** Application Eligibility. An applicant for licensure as a pharmacy technician trainee shall:
1. Provide provide the Board proof that the applicant is eligible under R4-23-1101(B)(1); and,
  2. File an application on a form furnished by the Board, that includes:
    - a. Applicant's name, address, mailing address, if different, telephone number, and social security number;
    - b. Whether the applicant has ever been convicted of an offense involving moral turpitude, a felony offense, or any drug-related offense or has any currently pending felony or drug-related charge, and if so, indicate charge, charge date, conviction date, and jurisdiction;
    - c. Whether the applicant has ever had a pharmacy technician or pharmacy technician trainee license revoked, suspended, or has a pending revocation or suspension action, or denied in this state or any other jurisdiction, and if so, indicate where and when;
    - d. Pharmacy name and address where the pharmacy technician trainee will complete the pharmacy technician training program;
    - e. Date signed and applicant's verified signature; and
    - f. The wall license and initial licensure fees specified in R4-23-205.
- B.** Application.
1. An applicant for licensure as a pharmacy technician trainee shall:
    - a. Submit a completed application electronically or manually on a form furnished by the Board, and
    - b. Submit with the application form:
      - i. The documents specified in the application form,
      - ii. The licensure fee specified in R4-23-205(A)(4), and
      - iii. The wall license fee specified in R4-23-205(E)(1)(d).
  2. The Board office shall deem an application form received on the date the Board office electronically or manually date-stamps the form.
- B-C.** Licensure.
1. Within seven business days of receipt of a completed application, fees, and other information specified in subsection (A), the Board office shall determine whether the application is complete. If the application is complete, the Board shall assess whether the applicant is qualified under statute and rule. If the applicant is qualified, the Board office shall issue a license number and mail a license to the applicant. An applicant who is issued a license number may begin practice as a pharmacy technician trainee. The Board office shall mail a wall license to the licensee within 14 days of issuing the license number. A pharmacy technician trainee license is valid for 24 months from the date issued.
  2. A pharmacy technician trainee who does not complete the prescribed training program and pass the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination before the pharmacy technician trainee's license expires is not eligible for licensure as a pharmacy technician and shall not

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practice as a pharmacy technician or pharmacy technician trainee.

1. If an applicant is found to be ineligible for pharmacy technician trainee licensure under statute and rule, the Board office shall issue a written notice of denial to the applicant.
2. If an applicant is found to be eligible for pharmacy technician trainee licensure under statute and rule, the Board office shall issue a certificate of licensure and a wall license. An applicant who is assigned a license number and who has been granted "open" status on the Board's license verification site may begin practice as a pharmacy technician trainee prior to receiving the certificate of licensure.
3. An applicant who is assigned a license number and who has a "pending" status on the Board's license verification site shall not practice as a pharmacy technician trainee until the Board office issues a certificate of licensure as specified in subsection (2).
4. A licensee shall maintain the certificate of licensure in the practice site for inspection by the Board or its designee or review by the public.
5. A pharmacy technician trainee license is valid for 24 months from the date issued. A pharmacy technician trainee who does not complete the prescribed training program and pass the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination before the pharmacy technician trainee's license expires is not eligible for licensure as a pharmacy technician and shall not practice as a pharmacy technician or pharmacy technician trainee.

**D.** Re-application for licensure.

1. The Board may allow a pharmacy technician trainee whose license expires before the pharmacy technician trainee completes the prescribed training program and passes the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination to reapply for licensure not more than one time. A pharmacy technician trainee whose license has expired may make a special request to the Board under R4-23-401 for approval to reapply for licensure.
- ~~2.~~ The Board shall base its decision to grant or deny a special request to reapply for licensure on an assessment of:
  - ~~1-a.~~ The reasons the pharmacy technician trainee did not complete a pharmacy technician training program and the likelihood that the pharmacy technician trainee will complete a pharmacy technician training program within the next 24 months,
  - ~~2-b.~~ The reasons the pharmacy technician trainee failed the pharmacy technician examination and the likelihood that the pharmacy technician trainee will pass the pharmacy technician examination within the next 24 months, and
  - ~~3-c.~~ Other extenuating circumstances.
3. A pharmacy technician trainee that receives Board approval to reapply for licensure shall submit a completed application manually on a form furnished by the Board and pay the licensure fee specified in R4-23-205(A)(4).

**E.** Time-frames for pharmacy technician trainee licensure. The Board office shall follow the time-frames established in R4-23-202(F).

**F.** Verification of license. A pharmacy permittee or pharmacist-in-charge shall not permit a person to practice as a pharmacy technician trainee until the pharmacy permittee or pharmacist-in-charge verifies that the person is currently licensed by the Board as a pharmacy technician trainee.