



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

[R16-45]

PREAMBLE

1. **Articles, Parts, and Sections Affected (as applicable)** **Rulemaking Action**
 R4-16-201 Amend
 R4-16-205 Amend
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. §§ 32-1403(A)(8) and 32-1404(D)
 Implementing statute: A.R.S. §§ 32-1422, 32-1423, 32-1425, 32-1426, 32-1428, 32-1429, 32-1430, 32-1432, 32-1432.01, 32-1432.02, and 32-1432.03
 Statute or session law authorizing the exemption: Laws 2015, Chapter 251, Section 3
3. **The effective date for the rules and the reason the agency selected the effective date:**
 January 14, 2016, Under A.R.S. §§41-1032(A)(1) and (4), the rules in this rulemaking will be effective immediately because the rules are necessary to preserve public health and safety and because they provide a benefit to the public and no penalty is associated with the rules.
4. **Citation to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
 Notice of Final Rulemaking: 21A.A.R. 2678, November 6, 2015
5. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Patricia McSorley, Executive Director
 Address: Arizona Medical Board
 9545 E. Doubletree Ranch Road
 Scottsdale, AZ 85258
 Telephone: (480) 551-2700
 Fax: (480) 551-2704
 E-mail: patricia.mcsorley@azmd.gov
 Web site: www.azmd.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The initial rulemaking under this Title will appear in the 15-4 Administrative Code Supplement. The rules are being amended in this rulemaking to make them clearer and more concise based upon comments received from the regulated community.
7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 The Board neither reviewed nor relied on a study relevant to the rulemaking in its evaluation of or justification for any rule in this rulemaking.



8. **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
9. **A summary of the economic, small business, and consumer impact, if applicable:**
The Board, which currently licenses 22,670 individuals, believes the amendment to these rules will have no significant impact, as the amendments are clerical in nature.
10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking (if applicable):**
The Board published the final rulemaking in the 15-4 Administrative Code Supplement. After implementation, the Board became aware of typographical errors making it necessary to make the rulemaking clearer and more concise. The Board posted the recommended changes on its website and took public comment. After the posting, the Board changed the language in R4-16-201(C) which now provides applicant's submit a notarized copy of their birth certificate or passport; changed R4-16-201(F)(1)(2) to make clarifications to the acceptance of ABMS certification and the SPEX examination; and moved other criteria the Board may consider in granting licensure to R4-16-201(F)(3).
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments, if applicable:**
The Board published the final rulemaking in the 15-4 Administrative Code Supplement. Upon implementation, the Board became aware of confusion amongst the regulated community of physicians making it necessary to amend the rulemaking to make it clearer and more concise. The required amendments were made and the Board posted them to its website for 30 days. No additional comments were received.
12. **Other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
Laws 2015, Chapter 251, Section 3, requires the Board to provide public notice and an opportunity for public comment on the proposed rules at least 30 days before a rule is made or amended. The Board posted a draft of the proposed rule amendments on its website on December 14, 2015.
 - 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:**
Not applicable
 - 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:**
None of the rules is more stringent than federal law. There are numerous federal laws relating to the provision of health care but none is directly applicable to this rulemaking amendment.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted.
13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
Not applicable
14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
Not applicable
15. **The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

ARTICLE 2. LICENSURE

Section

- R4-16-201. Application for Licensure by Examination or Endorsement
R4-16-205. Fees and Charges

ARTICLE 2. LICENSURE

R4-16-201. Application for Licensure by Examination or Endorsement

- 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
- B.** No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 12. No change
- C.** No change
 1. A notarized copy of the applicant's birth certificate or passport. ~~with a notarized certificate of identification, which is a form available on request from the Board and on the Board's web site;~~
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
- D.** 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
- E.** No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change



2. No change
3. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
4. No change
 - a. No change
 - b. No change
5. No change
6. No change
- F. As provided under A.R.S. § 32-1426(B), the Board may require an applicant for licensure by endorsement who passed an examination specified in A.R.S. § 32-1426(A) more than ten years before the date of application to provide evidence the applicant is able to engage safely in the practice of medicine. The Board may consider one or more of the following to determine whether the applicant is able to engage safely in the practice of medicine:
 1. If an applicant is board certified by one of the specialties recognized by the ABMS, this criteria is considered met.
 2. If an applicant obtains a passing score on a SPEX examination, this criteria is considered met. ~~is not board certified by one of the specialties recognized by the ABMS, the Board may consider one or more of the following to determine whether the applicant is able to engage safely in the practice of medicine:~~
 - a. ~~The applicant's records;~~
 - b. ~~The applicant's practice history;~~
 - c. ~~The applicant's score on the SPEX; and~~
 - d. ~~A physical or psychological assessment of the applicant.~~
 3. The Board may also consider any combination of the following:
 - a. The applicant's records;
 - b. The applicant's practice history
 - c. A physical or psychological assessment of the applicant.

R4-16-205. Fees and Charges

- A. No change
 1. No change
 2. No change
 3. No change
 4. Application to reactivate an inactive license ~~Reactivation of an inactive license, \$500; which may be prorated from date of reactivation to date of license renewal;~~
 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