

**NOTICE OF EXEMPT RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 16. ARIZONA MEDICAL BOARD**

PREAMBLE

- 1. Articles, Parts, and Sections Affected** **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:**

The amendments in this rulemaking will be effective thirty (30) days from the posting date of December 11, 2015 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 to include the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

None

- 5. The agency's contact person who can answer questions about the rulemaking:**

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- 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 An agency's justification and reason why a rule should be made, amended, repealed , or renumbered, to include an explanation about the rulemaking:**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 Board implemented amendments to Article 2 after completing the rulemaking process on October 16, 2015 pursuant to a statutory rulemaking exemption. This amended rulemaking makes grammatical and typographical corrections to provide clarity to the statutory requirements. In

addition, after the rules were in effect for several weeks the Agency became aware that there was need to make a modification to the rule requiring a notarized copy of the applicant's birth certificate or passport. The originally proposed notarization form was not accepted by several states and therefore, an alternative notarization process became necessary. An exemption from Executive Order 2015-01 was provided to the Board by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated July 17, 2015.

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:

Not applicable

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments, if applicable:

Not applicable

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.

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 licenses, permits, and registrations listed in Table 1 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

ARTICLE 2. LICENSURE

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

- C. In addition to the application form required under subsection (B), an applicant for licensure to practice medicine by endorsement, Step 3 of the USMLE, or endorsement with the SPEX shall submit the following:
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;~~
- 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. ~~the Board shall find that the applicant is able to engage safely in the practice of medicine.~~
 2. If the applicant obtains a passing score on a SPEX examination, this criteria is considered met. ~~If an applicant 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. As specifically authorized under A.R.S. § 32-1436(A), the Board establishes and shall collect the following fees, which are nonrefundable unless A.R.S. § 41-1077 applies:
4. Application to reactivate an inactive license ~~Reactivation of an inactive license, \$500;~~
~~prorated from date of reactivation to date of license renewal;~~