

D. On making application, the applicant shall pay to the executive director of the board a nonrefundable fee of two hundred fifty dollars. The board shall keep a register of all applicants and the result of each examination.

E. In order to determine an applicant's eligibility for examination and licensure, the board may require the applicant 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 section 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.

§32-922. Examinations

A. The examination for a license to practice chiropractic required of applicants shall be conducted at a time and place designated by the board at least semiannually. Each applicant to be examined shall first file a completed application found to be true and correct and shall be given at least twenty days' written notice of the time and place of the examination.

B. The examination shall be in English, practical in character and designed to include subjects that are necessary to ascertain the applicant's knowledge of and fitness to practice chiropractic safely and skillfully as authorized in this state. Examinations shall include material relating to chiropractors and Arizona jurisprudence and the following subjects as taught by accredited chiropractic colleges:

1. Anatomy.
2. Physiology.
3. Pathology.
4. Bacteriology.
5. Symptomatology.
6. Diagnosis, including physical, clinical, x-ray and laboratory subjects.
7. Chiropractic orthopedics.
8. Principles of chiropractic and adjusting.
9. Neurology.
10. Chemistry, including biochemistry and nutrition.
11. Public health and hygiene.
12. Chiropractic spinal analysis.

C. The board may waive examination in those subjects that the applicant passed previously with the percentage of correct answers prescribed in subsection D of this section in an examination conducted by the national board of chiropractic examiners.

D. The board shall grant a license to an applicant who meets all of the following requirements:

1. Correctly answers at least seventy-five per cent of all questions asked on the subjects identified in subsection b of this section or attains a board approved passing score on all questions asked on the subjects identified in subsection b of this section in an examination administered by a board approved testing facility.
2. Correctly answers at least seventy-five per cent of the questions on jurisprudence.
3. Meets all other licensing requirements of this chapter.
4. Pays the original license fee of one hundred dollars.

E. An applicant who fails the examination for the first time may retake the examination within one year if the applicant submits an updated application that meets the requirements of section 32-921.

F. An applicant shall reapply for licensure if the applicant does not pay the original license fee within one year after having been notified by the board that the applicant is eligible to receive a license.

§32-922.01. Reciprocity; requirements

A. The board shall issue a license to practice chiropractic under this section to an applicant who meets the following requirements:

1. Holds a current license to practice chiropractic issued after examination by a licensing board in another state or country in which, in the opinion of the board, the licensing requirements are at least substantially equivalent to those of this state and the other state or country grants similar reciprocal privileges to chiropractors licensed in this state.
2. Receives a grade of at least seventy-five per cent on the Arizona jurisprudence examination.
3. Pays the original license fee of one hundred dollars.

B. The applicant shall pay the application fee prescribed by section 32-921 and present proof satisfactory to the board that:

1. A license issued by any other state has not been sanctioned for any cause that is a basis of a sanction imposed by the board pursuant to this chapter, except for failure to pay fees.
2. The applicant has not previously failed to pass the examination in this state.

3. The applicant has been engaged in the practice of chiropractic continuously for not less than three of the five years immediately preceding the application.

§32-922.02. Specialties; certification; fees

A. In order to practice a chiropractic specialty a licensee shall be certified in that specialty by the board.

B. An applicant who wishes to be certified to perform acupuncture shall submit the following to the board:

1. Documentation of successful completion of a minimum of one hundred hours of study in acupuncture at an accredited chiropractic college or postgraduate study with an instructor on the active or postgraduate staff of an accredited chiropractic college.

2. A complete application as prescribed by the board.

3. Documentation of having passed a board approved acupuncture examination.

C. An applicant who wishes to be certified to perform physiotherapy shall submit the following to the board:

1. A complete application as prescribed by the board.

2. Documentation of successful completion of a minimum of one hundred twenty hours of study of in physiotherapy at an accredited chiropractic college or postgraduate study with an instructor on the active or postgraduate staff of an accredited chiropractic college.

3. Documentation of having passed an examination in physiotherapy that is approved by the board.

D. The board shall issue a certificate to any applicant who meets the requirements of this section, who correctly answers at least seventy-five per cent of all questions asked on the specialty examination and who pays a certificate fee of one hundred dollars.

E. On making application, the applicant shall pay to the executive director of the board a nonrefundable fee of one hundred dollars. The board shall keep a register of all applicants and the result of each examination.

§32-923. Change of address; annual renewal fee; failure to renew; waivers

A. Every person licensed pursuant to this chapter shall notify the board in writing of any change in residence or office address and telephone number within thirty days after that change. The board shall impose a penalty of fifty dollars on a licensee who does not notify the board as required by this subsection.

B. Every person licensed to practice chiropractic in this state shall annually make a renewal application to the board before January 1 after original issuance of a license and shall pay a renewal license fee prescribed by the board of not more than one hundred seventy dollars. The renewal application shall be made on a form and in a manner prescribed by the board. At least thirty days before the renewal application and renewal fee are due, the board shall send by first class mail a renewal application and notice requiring license renewal and payment of the renewal fee.

C. The board shall automatically suspend a license if the licensee does not submit a complete application for renewal and pay the renewal license fee as required by this section.

D. The board may reinstate a license if the person completes an application for reinstatement as prescribed by the board, complies with the continuing education requirements for each year that the license was suspended, pays the annual renewal license fee for each year that the license was suspended and pays an additional fee of one hundred dollars. An applicant who does not request reinstatement within two years of the date of suspension shall apply for a license as a new candidate pursuant to section 32-921 or 32-922.01.

E. The board may waive the annual renewal license fee if a licensee presents evidence satisfactory to the board that the licensee has permanently retired from the practice of chiropractic and has paid all fees required by this chapter before the waiver.

F. During the period of waiver the retired licensee shall not engage in the practice of chiropractic. A violation of this subsection subjects the retired licensee to the same penalties as are imposed in this chapter on a person who practices chiropractic without a license.

G. The board may reinstate a retired licensee to active practice on payment of the annual renewal license fee and presentation of evidence satisfactory to the board that the retired licensee is professionally able to engage in the practice of chiropractic and still possesses the professional knowledge required. After a hearing, the board may refuse to reinstate a retired licensee to active practice under this subsection on any of the grounds prescribed in section 32-924.

§32-924. Grounds for disciplinary action; hearing; civil penalty; definition

A. The following are grounds for disciplinary action, regardless of where they occur:

1. Employment of fraud or deception in securing a license.
2. Practicing chiropractic under a false or assumed name.
3. Impersonating another practitioner.
4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
6. Conviction of a misdemeanor involving moral turpitude or of a felony.

7. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.
8. Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not true.
9. Offering, undertaking or agreeing to cure or treat a condition by a secret means, method, device or instrumentality.
10. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a condition.
11. Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.
12. Acting or assuming to act as a member of the board if this is not true.
13. Advertising in a false, deceptive or misleading manner.
14. Refusal, revocation or suspension of a license by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct.
15. Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.
16. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.
17. Failing to sign the physician's name, wherever required, in any capacity as "chiropractic doctor", "chiropractic physician" or "doctor of chiropractic" or failing to use and affix the initials "D.C." after the physician's name.
18. Failing to place or cause to be placed the word or words "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic physician" in any sign or advertising media.
19. Using physiotherapy without passing an examination in that subject and without being certified in that specialty by the board.
20. Using acupuncture without passing an examination in that subject and without being certified in that specialty by the board.
21. Engaging in sexual intercourse or oral sexual contact with a patient in the course of treatment.
22. Billing or otherwise charging a patient or third party payor for services, appliances, tests, equipment, an x-ray examination or other procedures not actually provided.

23. Intentionally misrepresenting to or omitting a material fact from the patient or third party payor concerning charges, services, appliances, tests, equipment, an x-ray examination or other procedures offered or provided.
24. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures for a specified price without also specifying the services, procedures or items included in the advertised price.
25. Advertising chiropractic services, appliances, tests, equipment, x-ray examinations or other procedures as free without also disclosing what services or items are included in the advertised service or item.
26. Billing or charging a patient or third party payor a higher price than the advertised price in effect at the time the services, appliances, tests, equipment, x-ray examinations or other procedures were provided.
27. Advertising a specialty or procedure that requires a separate examination or certificate of specialty, unless the licensee has satisfied the applicable requirements of this chapter.
28. Solicitation by the licensee or by the licensee's compensated agent of any person who is not previously known by the licensee or the licensee's agent, and who at the time of the solicitation is vulnerable to undue influence, including any person known to have experienced any of the following within the last fifteen days:

- (a) Involvement in a motor vehicle accident.
- (b) Involvement in a work-related accident.
- (c) Injury by, or as the result of actions of, another person.

B. The board on its own motion or on receipt of a complaint may investigate any information that appears to show that a doctor of chiropractic is or may be in violation of this chapter or board rules or is or may be mentally or physically unable to safely engage in the practice of chiropractic. The board shall notify the licensee as to the content of the complaint as soon as is reasonable. Any person who reports or provides information to the board in good faith is not subject to civil damages as a result of that action.

C. The board may require a licensee under investigation pursuant to this section to be interviewed by the board or its representatives. The board may require a licensee who is under investigation pursuant to this section to undergo, at the licensee's expense, any combination of medical, physical or mental examinations that the board finds necessary to determine the licensee's competence.

D. If the board finds based on the information it receives under subsections b and c that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board may order a summary suspension of a license pending proceedings for revocation or other action. If the board takes this action it shall also serve the licensee with a written notice that states the charges and that the licensee is entitled to a formal hearing within sixty days.

E. If, after completing its investigation, the board finds that the information provided pursuant to this section is not of sufficient seriousness to merit disciplinary action against the licensee, it may take either of the following actions:

1. Dismiss the complaint if in the board's opinion the information is without merit or does not warrant sanction of the licensee.
2. Issue an advisory letter. An advisory letter is a nondisciplinary action and is a public document.

F. The board may request a formal interview with the licensee concerned. At a formal interview the board may receive and consider pertinent documents and sworn statements of persons who may be called as witnesses in a formal hearing. Legal counsel may be present and participate in the formal interview. If the licensee refuses the request or if the licensee accepts the request and the results of the interview indicate suspension or revocation of the license may be in order, the board shall issue a complaint and order that a hearing be held pursuant to title 41, chapter 6, article 10. If, after the formal interview, the board finds that the information provided pursuant to this section is true but is not of sufficient seriousness to merit suspension or revocation of the license, it may take any of the following actions:

1. Dismiss the complaint if in the board's opinion the information is without merit or does not warrant sanction of the licensee.
2. Issue an advisory letter. An advisory letter is a nondisciplinary action and is a public document.
3. Issue an order to cease and desist.
4. Issue a letter of concern.
5. Issue an order of censure. An order of censure is an official action against the licensee and may include a requirement for restitution of fees to a patient resulting from a violation of this chapter or board rules.
6. Fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. Any costs incidental to the terms of probation are at the licensee's own expense. Probation may include restrictions on the licensee's license to practice chiropractic.
7. Impose a civil penalty of not more than one thousand dollars for each violation of this chapter.
8. Refuse to renew a license.

G. If the board believes the charge is of such magnitude as to warrant suspension or revocation of the license, the board shall immediately initiate formal revocation or suspension proceedings pursuant to title 41, chapter 6, article 10. The board shall notify a licensee of a complaint and hearing by certified mail addressed to the licensee's last known address on record in the board's files. The notice of a complaint and hearing is effective on the date of its deposit in the mail. The board shall hold a formal hearing within one hundred eighty days after that date.

H. If the licensee wishes to be present at the formal hearing in person or by representation, or both, the licensee shall file with the board an answer to the charges in the complaint. The answer shall be in writing, verified under oath and filed within twenty days after service of the complaint.

I. Any licensee who, after a hearing, is found to be in violation of this chapter or board rules or is found to be mentally or physically unable to safely engage in the practice of chiropractic is subject to any combination of those disciplinary actions identified in subsection f or suspension or revocation of the license. In addition, the board may order the licensee to pay restitution or all costs incurred in the course of the investigation and formal hearing in the matter, or both.

J. The board shall report allegations of evidence of criminal wrongdoing to the appropriate criminal justice agency.

K. The board may accept the surrender of an active license from a licensee who admits in writing to having violated this chapter or board rules.

L. For purposes of this section, "solicitation" includes contact in person, by telephone, telegraph or telefacsimile or by other communication directed to a specific recipient and includes any written form of communication directed to a specific recipient.

§32-925. Practice of chiropractic; limitations

A. A doctor of chiropractic is a portal of entry health care provider who engages in the practice of health care that includes:

1. The diagnosis and correction of subluxations, functional vertebral or articular dysarthrosis or neuromuscular skeletal disorders for the restoration and maintenance of health.
2. Physical and clinical examinations, diagnostic x-rays and clinical laboratory procedures that are limited to urine collection, finger pricks or venipuncture in order to determine the propriety of a regimen of chiropractic care or to form a basis for referral of patients to other licensed health care professionals, or both.
3. Treatment by adjustment of the spine or bodily articulations and those procedures preparatory and complementary to the adjustment including physiotherapy related to the correction of subluxations or orthopedic supports of the spine and acupuncture.

B. A doctor of chiropractic licensed under this chapter shall not prescribe or administer medicine or drugs, perform surgery or practice obstetrics.

§32-926. Practice of chiropractic without license prohibited; exemptions

A. It is unlawful for a person to:

1. Practice chiropractic in this state without having first obtained a license as provided in this chapter.

2. Work as a chiropractic assistant except under the supervision of a doctor of chiropractic and pursuant to this chapter and rules adopted pursuant to this chapter.
3. Use the abbreviation "C.A." or the term "chiropractic assistant" unless the person is working under the supervision of a doctor of chiropractic pursuant to this chapter and rules adopted by the board.
4. Practice chiropractic in this state after the board places the person on inactive status pursuant to section 32-933.

B. This chapter does not prevent:

1. A person who is licensed by another state, territory or district from meeting within this state in consultation with a person licensed pursuant to this chapter if that person does not open an office or appoint a place of meeting to receive patients in this state.
2. Any person from acting at the direction and under the supervision of a doctor of chiropractic licensed pursuant to this chapter if that person is acting in an assistant or technical capacity, is not in violation of this chapter and does not claim to be licensed to practice chiropractic.
3. Any chiropractic student from participating in a preceptorship training program approved by the board.
4. A doctor of chiropractic who holds a restricted permit from practicing chiropractic pursuant to section 32-932.

§32-927. Violations; classification

A person is guilty of a class 6 felony who:

1. Practices chiropractic without a license.
2. Buys, sells or fraudulently obtains a diploma or license to practice chiropractic.
3. Uses the title chiropractor, D.C., or any other word or title to induce belief that he is engaged in the practice of chiropractic, without a license to practice chiropractic.

§32-928. Injunctive Relief

The board of chiropractic examiners, the attorney general or the county attorney of the county in which a person engages in the practice of chiropractic without having first obtained a license may, in accordance with the laws governing injunctions maintained in any of the states, commence an action in the county in which the offense is committed to enjoin such person from so engaging until a license is secured. A person so enjoined who violates the injunction shall be punished as for contempt of court. The injunction shall not relieve the person practicing chiropractic without a license from criminal prosecution, but shall be in addition to any remedy provided for the criminal prosecution of the offender.

§32-929. Right to examine and copy evidence; summoning witnesses and documents; taking testimony; right to counsel; court aid; process

A. In connection with an investigation by the board on its own motion, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents, reports, records or any other physical evidence of any person being investigated, or the reports, records and any other documents maintained by and in possession of any hospital, clinic, physician's office, laboratory, pharmacy or any other public or private agency, and any health care institution as defined in section 36-401, if such documents, reports, records or evidence relate to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic.

B. For the purpose of all investigations and proceedings conducted by the board:

1. The board on its own initiative, or upon application of any person involved in the investigation, may issue subpoenas compelling the attendance and testimony of witnesses, or demanding the production for examination or copying of documents or any other physical evidence if such evidence relates to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic. Within five days after the service of a subpoena on any person requiring the production of any evidence in his possession or under his control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to unlawful practices covered by this chapter, is not relevant to the charge which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the physical evidence whose production is required.

2. Any person appearing before the board may be represented by counsel.

3. The superior court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order either:

(a) Requiring such person to appear before the board or the duly authorized agent to produce evidence relating to the matter under investigation.

(b) Revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to unlawful practices covered by this chapter, is not relevant to the grounds for censure, suspension, revocation, fines or refusal to issue a license pursuant to section 32-924 which is the subject matter of the hearing or investigation, or does not describe with sufficient particularity the evidence whose production is required. Any failure to obey such order of the court may be punished by such court as contempt.

C. Patient records, including clinical records, medical reports, laboratory statements and reports, any file, film, any other report or oral statement relating to examinations, findings or treatment of patients, any information from which a patient or his family might be identified or

information received and records kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public.

D. Nothing in this section or any other provision of law making communications between a chiropractic physician and his patient a privileged communication applies to investigations or proceedings conducted pursuant to this chapter. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this chapter.

§32-930. Chiropractic assistant

Nothing in this chapter shall be construed to prevent a chiropractic assistant from assisting a doctor of chiropractic pursuant to rules adopted by the board except the chiropractic specialty of acupuncture by needle insertion.

§32-931. Continuing education; requirements

A. The board by rule may require each licensee to complete up to twelve hours of continuing education each calendar year as a condition of licensure renewal.

B. Continuing education shall cover topics listed in section 32-922, subsection B and section 32-922.02 and shall be taught by a faculty member of a college or university that is accredited by or has status with the council on chiropractic education or is accredited by an accrediting agency recognized by the United States department of education or the council on postsecondary accreditation or has the equivalent of these standards as determined by the board.

C. Compliance with this section shall be documented at the times and in the manner as prescribed by the board in rule.

D. Failure of a person holding a license to practice chiropractic to comply with this section without adequate cause being shown is grounds for probation or suspension of the person's license

§32-932. Restricted permits

A. The board may:

1. Issue restricted licenses to applicants who meet the requirements of this section and rules adopted to enforce this chapter, except the board shall not issue a restricted license to an applicant whose license has been suspended or revoked in this state or any other state.
2. By rule, determine the eligibility of applicants for restricted permits and issue restricted permits to applicants the board determines meet the requirements of this section and board rules.

3. Investigate charges of misconduct by persons who hold a restricted permit pursuant to this section.

4. Issue orders to cease and desist and orders of censure, fix the period and terms of probation and suspend or revoke a restricted permit for violations of this chapter.

B. A person who holds a restricted permit pursuant to this section may practice chiropractic only if that person has a contract with a recognized charitable clinic or organization as approved by the board.

C. Before being issued a restricted license the applicant shall file a copy of the applicant's contract with the board. The contract shall state that the applicant:

1. Understands and acknowledges that if the applicant's contract with the charitable clinic or organization is terminated before the expiration of the restricted permit, that the permit is automatically revoked and the applicant shall surrender the permit to the board.

2. Shall practice chiropractic at a clinic or organization operated only for charitable and nonprofit purposes.

3. That the applicant shall perform chiropractic services without compensation.

4. That the applicant is subject to the provisions of this chapter relating to the regulation of licensed doctors of chiropractic.

§32-933. Inactive license; restrictions; reinstatement to active license

A. On written request, the board shall place a licensee in good standing on inactive status. The request shall state that the licensee is not currently engaged in the practice of chiropractic in this state.

B. If an inactive licensee applies to the board for reinstatement to active licensure within twelve months after the date the board issues a notice of inactive status, the inactive licensee shall submit the full annual license renewal fee and prove to the board's satisfaction that the licensee has met the continuing education requirements of section 32-931 and board rules relating to continuing education.

C. In addition to meeting the requirements of subsection b of this section, a licensee who has been on inactive status and who has not been actively engaged in the practice of chiropractic for more than two years must pass the national board of chiropractic examiners spec examination before reinstatement to active licensure.

D. A licensee who is on inactive status shall meet all of the requirements of section 32-923.

E. The practice of chiropractic in this state during any time that a license is on inactive status is grounds for sanction of the licensee.

**ARIZONA ADMINISTRATIVE CODE
CHAPTER 8: Board of Chiropractic Examiners**

ARTICLE 1. BOARD OF CHIROPRACTIC EXAMINERS

R4-7-101. Definitions

In addition to the definitions in A.R.S. § 32-900, unless otherwise specified, the following terms have the following meanings:

1. "Business day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. except for state recognized holidays.
2. "C.A." means a chiropractic assistant under A.R.S. § 32-900.
3. "Certification" means approval to practice chiropractic specialties under A.R.S. § 32-922.02.
4. "Chiropractor" means doctor of chiropractic, chiropractic physician, or the abbreviation "D.C.."
5. "Diagnosis" means the physical, clinical, and laboratory examination of the patient and the use of x-ray for diagnostic purposes, as taught in accredited chiropractic colleges.
6. "Extern" means a student of a Board-approved chiropractic college who participates in the preceptorship training program.
7. "License" means a document issued by the Board to practice chiropractic
8. "Preceptor" means a supervising chiropractor approved by the Board to supervise a student in a Board approved preceptorship training program.
9. "Preceptorship training program" means a Board approved program by which a student may practice chiropractic under the supervision of a preceptor.
10. "Supervision" means a licensed chiropractor is present in the office, sees a patient, and assigns the work to be done. The chiropractor is available to check the work of the supervised individual as it progresses and approves the completed work.

R4-7-102. Repealed

R4-7-103. Renumbered

R4-7-104. Meetings

The Board shall hold its annual election of officers during its July meeting.

ARTICLE 2. COMMITTEES

R4-7-201. Formation

The Board may from time to time appoint such committees as it deems necessary or proper to assist it in carrying out its duties. Committees may be appointed for such periods of time as the Board designates.

R4-7-202. Powers and duties

Committees appointed by the Board shall make reports to the Board based on their findings or investigations and may make recommendations for further action by the Board.

R4-7-203. Renumbered

ARTICLE 3. HEARINGS

R4-7-301. Investigation of a Complaint

- A. The Board may investigate any complaint alleging violation of A.R.S. § 32-900 et seq. or these rules.
- B. The seal of the Board and the signature of any member of the Board or its Executive Director shall be attestation of a subpoena compelling the production of documentary evidence under A.R.S. § 32-929.
- C. If the Board finds probable cause that a licensee has violated A.R.S. § 32-900 et seq. or these rules, the Board shall notice the licensee of the time and place for public hearing under A.R.S. Title 41, Chapter 6, Article 10.

R4-7-302. Service

- A. Service shall be deemed to have been made for and on behalf of the Board of any decision, order, subpoena, notice, or other process when the document or a copy thereof is delivered to the licensee or his attorney of record or is deposited as certified mail in the U.S. Mail, addressed to the licensee at the address shown on the records of the Board.
- B. In addition to service upon the Board or any member of the Board of any pleading, a copy of such pleading shall also be served upon the Attorney General of the state of Arizona.

R4-7-303. Conduct of Hearing

A. All hearings shall be conducted before the Board or its hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 6.

1. Parties may stipulate to any facts that are not in dispute. Such stipulations may be made in writing or orally by reading the same into the record of the hearing and will be binding upon the parties unless the Board grants permission to withdraw from them. The Board may, where it considers such action proper, set aside any stipulation and proceed to ascertain the facts.
2. The Board may, of its own motion or at request of any party, call a conference of the parties at the opening of any hearing or at any subsequent time, for the purpose of clarifying the procedural steps to be followed in the proceeding, or the legal or factual issues involved.
3. By order of the Board, proceedings involving a common question of law or fact may be consolidated for hearing of any or all the matters of issue.

B. The failure of any licensee to appear when noticed at any proceeding before the Board shall leave the Board free to act upon the evidence and information at hand without further notice to the licensee.

R4-7-304. Repealed

R4-7-305. Rehearing; Review of Decision

A. Except as provided in subsection (G), any party in a contested case before the Board aggrieved by a decision may file with the Board a written motion for rehearing or review of the decision specifying the particular grounds not later than 30 days after service of the decision.

B. A party may amend a motion for rehearing or review at any time before the Board rules on the motion. A party may then respond within 15 days after service of a motion or amended motion. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.

C. The Board may grant a rehearing or review of a decision for any of the following causes materially affecting the moving party's rights:

1. Irregularity in the administrative proceedings of the Board, its hearing officer, or the prevailing party, or any order or abuse of discretion, that deprives the moving party of a fair hearing;
2. Misconduct of the Board, its hearing officer, or the prevailing party;

3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing;
7. That the Board's decision is a result of passion or prejudice; or
8. That the decision is not justified by the evidence or is contrary to law.

D. The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds for the order.

E. Not later than 10 days after the decision, the Board may, after serving each party notice and opportunity to be heard, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the order granting a rehearing or review shall specify the grounds on which it is granted.

F. When a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 10 days after service, serve an opposing affidavit. The Board may extend the period for serving an opposing affidavit for not more than 20 days for good cause shown or by written stipulation of the parties. A reply affidavit may be permitted.

G. If the Board makes a specific finding that the immediate effectiveness of a particular decision is necessary for the preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an application for judicial review of the decision may be made within the time limits permitted for applications for judicial review of the Board's final decisions.

ARTICLE 4. EXAMINATIONS

R4-7-401. Repealed

R4-7-402. Renumbered

R4-7-403. Repealed

R4-7-404. Investigations

The Board may require an applicant or other person making an affidavit in support of an application to appear and supply to the Board information or documents necessary to establish the qualifications of applicant.

R4-7-405. Refusal to Issue Licenses

If the Board, after investigation of an applicant either before or after the applicant has taken the examination, determines that an applicant is not qualified to be issued a license, the Board shall notify applicant immediately of its decision to refuse to issue a license and the reasons therefore.

R4-7-406. Repealed

ARTICLE 5. LICENSES

R4-7-501. Display of Licenses

A licensee shall, at all times, display the license issued to the licensee by the Board in a conspicuous place in the licensee's office. A licensee shall, upon request, produce for inspection the license renewal certificate for the current calendar year.

R4-7-502. Procedures for Processing Initial License Applications

A. An applicant may obtain a license application package at the Board Office on business days, or by requesting that the Board mail one to an address specified by the applicant. An applicant shall pay the Board a non-refundable \$10 fee for each license application package.

B. A completed license application package they have shall be submitted to the Board office on business days. The Board shall deem the license application package received on the date that the Board stamps on the package as the package is delivered to the Board office.

C. To complete a license application package, an applicant shall provide the following information and documentation:

1. Two identical photographs, measuring three inches by four inches, showing the applicant's full front face as the applicant will appear at the time of the examination and a description of identifying characteristics, if any;
2. The applicant's full current name and any former names;

3. The applicant's current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office address or addresses for the past five years;
4. The type of license and certification for which application is made;
5. All fees required by A.R.S. §§ 32-921(D) and (E) and 32-922.02(E);
6. A record of education requirements described in A.R.S. § 32-921(B) including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for Parts I, II, III, and IV of the examination conducted by the National Board of Chiropractic Examiners;
7. Any record of 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 within the last 12 months. The applicant shall submit any record of being refused a license to practice chiropractic or any other health care profession in this or any other state, and any record of a formal sanction taken against the applicant's license in this or any other state;
8. A completed fingerprint card;
9. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other health care profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions;
10. The name and professional designation of the owner or owners of the clinic or office at which the applicant will be employed;
11. The applicant's social security number;
12. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant;
13. A score of 60% or higher on the Arizona Jurisprudence Examination. The applicant may not sit for the Arizona Jurisprudence Examination until the application package is otherwise complete.

D. Within 25 business days of receiving a license 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 what information is missing. If the Board does not provide notice to the applicant, the license application package shall be deemed complete after the passage of 25 business days.

E. An applicant with an incomplete license application package shall supply the missing information within 60 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 60 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 60-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 60-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 60-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 license application package within the time permitted, the Board shall close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.

G. After receiving all missing information as specified in subsection (E), the Board shall notify the applicant that the license application package is complete.

H. The Board shall render a licensing decision no later than 120 business days after receiving a completed license application package. The Board shall deem a completed license application package received on the postmarked date of the notice advising the applicant that the package is complete.

I. An applicant seeking initial licensure by reciprocity under A.R.S. § 32-922.01 shall submit an application to the Board and shall comply with all provisions of R4-7-502 except that the applicant is not required to submit proof of obtaining a passing score on Part IV of the examination conducted by the National Board of Chiropractic Examiners.

J. For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial licenses:

1. Administrative completeness review time-frame: 25 business days.
2. Substantive review time-frame: 120 business days.
2. Overall time-frame: 145 business days.

R4-7-503. Renewal License: Issuance, Reinstate

A. At least 30 days before a renewal application and renewal fee are due, the Executive Director of the Board shall send by first class mail to a licensee at the licensee's address of record, a renewal application and notice.

B. The licensee renewal application shall be returned to the Board office on a business day. The date of receipt shall be the postmarked date or the date the licensee hand delivers the license renewal application.

C. To complete a license renewal application, a licensee shall provide the following information and documentation:

1. The licensee's full name;
2. The licensee's current home and office addresses, current home and all office phone numbers, and all current office fax numbers;
3. The name and professional designation of the owner or owners of the clinic or office at which the licensee is employed;
4. The licensee's social security number;
5. A record of any professional disciplinary investigation or sanction taken against the licensee by a licensing board since the licensee last applied for renewal of this license in this or any other state;
6. A record of any conviction or plea agreement for a misdemeanor or felony since the licensee last applied for renewal of this license;
7. The renewal fee required by A.R.S. § 32-923;
8. A list of required continuing education courses that have been completed;
9. The licensee's signature attesting to the truthfulness of the information provided by the licensee.

D. In accordance with A.R.S. § 32-923(C), the Board shall automatically suspend a license if the licensee does not submit a completed application for renewal before January 1 of each calendar year. The Board shall send written notice of the license suspension to the licensee on or before January 20.

E. The Board shall reinstate a suspended license if the licensee pays the annual license renewal fee, pays an additional fee of \$100 as required by A.R.S. § 32-923(D), and submits a completed license renewal application between January 1, and March 31 of the calendar year for which the license renewal is made.

F. On or after April 1 of the calendar year for which a license renewal application was to be made, an individual who wishes to have a suspended license reinstated shall apply for reinstatement in accordance with A.R.S. § 32-923(D).

G. An application for reinstatement of license may be obtained at the Board office on business days or by requesting that the Board mail one to an address specified by the applicant.