

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

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ARTICLE 1. GENERAL

R4-38-101. Definitions

In addition to the definitions at A.R.S. § 32-2901, in this Chapter:

1. "Beneficial clinical usage" means that usage results of a therapy modality or treatment are documented by:
 - a. Clinical reports from national or international organizations;
 - b. Professionally recognized publications of clinical indications and contraindications;
 - c. National or international instructional courses providing training in the use of the therapy modality, or treatment; or
 - d. Professional peer review presentations of physicians' usage results with the therapy modality or treatment at local, county, state, national or international meetings.
2. "Classical homeopathy" means a system of medical practice expounded by Samuel Hahnemann in the Organon of Medicine that treats a disease by the administration of minute doses of a remedy that would in healthy persons produce symptoms of the disease treated.
3. "Complex homeopathy" means a system of medical practice that combines one or more homeopathic remedies that are not described in the Organon of Medicine.
4. "EAV" means electric acupuncture according to Reinhard Voll.
5. "Fifth Pathway program" means an academic program created by the Council on Medical Education of the American Medical Association specifically for American medical students studying abroad.
6. "Generally accepted experimental criteria in homeopathy" means:
 - a. A protocol in which a therapy modality or treatment is administered in the smallest amount necessary to stimulate a healing response with a minimum of clinical aggravation of symptoms or side effects;
 - b. A process of recording the clinical efficacy of a therapy modality or treatment reflected by measurements of symptom aggravation or improvement, laboratory testing, and changes in physiologic functioning; or
 - c. A process by which innovative diagnostic procedures and devices are analyzed and evaluated according to their ability to assist a physician in assessing the degree of electrical resistance or conduction disturbance in the totality of a patient's presenting signs, symptoms, and physiologic responses and predict or monitor the totality of the patient's responses to a therapy modality or treatment.
7. "Homeopathic indication" means a recognized standard of practice of homeopathic practitioners that describes a sign, symptom, and physical finding that leads to the recommendation of a particular substance or therapeutic procedure.
8. "Metal poisoning" means a level of toxic metals present in a patient that in the professional judgment of a licensee is inconsistent with the patient's ability to achieve optimal health.

9. "Proving method of administration" means testing a homeopathic drug on healthy volunteers by recording, compiling, and organizing symptoms that are developed into a repertory.
10. "Repertory" means a compilation, usually in book form, of information categorized by the different systems of the body and providing an index of symptoms and a listing of corresponding homeopathic remedies.
11. "Rubric" means a guiding symptom leading to a homeopathic remedy.

R4-38-102. Additional Requirements for Applicants Graduated from an Unapproved School of Medicine

In addition to the requirements for a license prescribed in A.R.S. § 32-2912, an applicant who has not graduated from an approved school of medicine shall meet the following:

1. Hold a standard certificate issued by the Educational Council for Foreign Medical Graduates; or
2. Complete a Fifth Pathway program of one academic year of supervised clinical training under the direction of an approved school of medicine in the United States and upon completion of the Fifth Pathway program complete a 24-month internship, residency, or clinical fellowship program accredited by the Accreditation Council on Graduate Medical Education (ACGME).

R4-38-103. Postgraduate Requirements for Licensure

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

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

R4-38-104. Approved Postgraduate Coursework

A. An applicant who seeks licensure based on successful completion of formal postgraduate courses shall:

1. Complete at least 300 hours of formal postgraduate courses in one or more of the treatment modalities specified in subsections (C)(1) through (6);
2. Ensure that at least 40 of the 300 required hours are in a course of classical homeopathy; and
3. Submit with the application required under R4-38-108 a statement from the sponsor of the formal postgraduate course that includes:
 - a. The applicant's name,
 - b. The name of the course sponsor,
 - c. The dates on which the course was taken,
 - d. A brief description of the course content,
 - e. The number of hours completed, and

f. Whether the applicant successfully completed the course.

B. The Board shall approve a formal postgraduate course if the Board determines that:

1. Except as provided in subsection (B)(4), the course content provides training in one or more of the treatment modalities specified in subsections (C)(1) through (6).
2. There is evidence that the course instructor is qualified in the subject matter of the course; and
3. The course sponsor is recognized within the homeopathic, osteopathic, or allopathic medical profession as a provider of postgraduate training and continuing education; or
4. An applicant who has completed postgraduate coursework in treatment modalities not specified in subsections (C)(1) through (6) shall submit evidence of the postgraduate coursework with the application sufficient to enable the Board to determine whether the postgraduate coursework is related to the practice of homeopathic medicine as defined in statute.

C. An applicant who wishes to practice a specific treatment modality listed in subsections (C)(1) through (6) shall demonstrate proficiency in the modality by completing the indicated number of postgraduate course hours or certification by the indicated credentialing authority.

1. Acupuncture:

a. Classical acupuncture:

- i. Certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or
- ii. Completing at least 220 hours of postgraduate courses recognized by the American Academy of Medical Acupuncture or other sponsor approved by the Board that provides equivalent training.

b. Electro-diagnosis: Completing at least 50 hours of postgraduate courses in electro-diagnosis that are approved by the Board.

2. Chelation therapy: Completing at least 16 hours of postgraduate courses offered by the American Board of Clinical Metal Toxicology, American College of Alternative Medicine, International College of Integrative Medicine, or the American Academy of Environmental Medicine or other sponsor approved by the Board that provides equivalent training.

3. Classical homeopathy: Completing at least 90 hours of formal postgraduate courses in classical homeopathy approved by the Board, or whose sponsor is recognized by the Council on Homeopathic Education, the American Institute of Homeopathy, the American Board of Homeotherapeutics, the Homeopathic Association of Naturopathic Physicians or the Council for Homeopathic Certification.

4. Complex homeopathy and electro-therapeutics, EAV and related: Completing at least 90 hours of formal postgraduate courses in complex homeopathy approved by the Board, or whose sponsor is recognized by the Council on Homeopathic Education, the American Institute of Homeopathy, the American Board of Homeotherapeutics, the Homeopathic Association of Naturopathic Physicians, or the Council for Homeopathic Certification.

5. Neuromuscular integration:
 - a. Completing a residency or fellowship in physical medicine or graduation from an osteopathic medical school; or
 - b. Completing at least 220 hours of formal postgraduate courses in neuromuscular integration therapies that are approved by the Board.
6. Orthomolecular therapy and nutrition: completing at least 300 hours of postgraduate courses in orthomolecular therapy and nutrition approved by the Board.

R4-38-105. Approval of Preceptorship

- A.** An applicant who seeks licensure based on successful completion of a Preceptorship shall obtain the Board's approval of the Preceptorship by submitting the following with the application required under R4-38-108:
1. A notarized affidavit from each preceptor on the preceptor's letterhead attesting to:
 - a. The educational qualifications of the preceptor,
 - b. The number of years the preceptor has been conducting preceptorships;
 - c. The dates of the preceptorship,
 - d. An outline of the training conducted,
 - e. Which of the treatment modalities listed in A.R.S. § 32-2901(22) were involved in the training,
 - f. The number of hours of didactic and clinical training in each treatment modality, and
 - g. The general nature of the services performed during the training; and
 2. A summary from the applicant of each preceptorship including:
 - a. The name of each preceptor,
 - b. The treatment modalities included in each preceptorship, and
 - c. The total number of hours claimed instead of formal postgraduate courses.
- B.** The Board shall approve a preceptorship under this Section if the Board determines that:
1. The preceptorship provides training in one or more of the treatment modalities specified in R4-38-104;
 2. The preceptorship involves a balance of didactic and clinical training;
 3. The preceptor has been in full-time clinical practice for a least three years and meets the educational requirements of R4-38-302(C) in the treatment modality being precepted; and
 4. If the preceptorship involves training in classical homeopathy, the preceptorship includes case-taking, repertory use, materia medica, philosophy and history of homeopathy, acute remedies, constitutional prescribing, posology, homeopathy prescription policy, and remedy handling policy.

R4-38-106. Fees

The Board shall charge the following fees according to A.R.S. §§ 32-2914 and 32-2916:

1. Application for license: \$ 550.00
2. Issuance of initial license: \$ 250.00

3. Annual renewal of license: \$ 975.00
4. Late renewal penalty: \$ 350.00
5. Application for dispensing permit: \$ 200.00
6. Annual renewal of dispensing permit: \$ 200.00
7. Locum tenens registration application: \$ 200.00
8. Locum tenens registration issuance: \$ 100.00
9. Application for registration to conduct a practical education course for supervised medical assistants: \$ 150.00
10. Annual renewal of registration to conduct a practical education course: \$ 50.00
11. Initial application for supervision of medical assistant: \$ 200.00
12. Annual renewal for registration of medical assistant: \$ 200.00
13. Annual directory: \$ 25.00
14. Copies, per page: \$ 0.25
15. Copies, per audio tape \$ 35.00
16. Copies, per 1.44 M computer disk: \$ 100.00
17. Mailing lists - non-commercial (per name) \$ 0.05
18. Mailing lists - commercial (per name) \$ 0.25
19. Mailing list labels (per name) \$ 0.30
20. Copy of statutes or rules, each \$ 5.00

R4-38-107. Examination

- A. The examination for a license consists of two parts:
 1. A timed written examination that includes questions addressing the treatment modalities listed in A.R.S. § 32-2901(22). To pass the written examination, an applicant shall obtain a score of at least 70 percent; and
 2. A personal interview with the Board to examine an applicant's personal and professional history as it applies to homeopathic medicine. The Board may ask questions to clarify issues regarding the applicant's competence to engage in the practice of medicine safely, unprofessional conduct in the applicant's professional record, and whether the scope of the applicant's practice falls within the scope of homeopathic medicine as defined at A.R.S. § 32-2901(22).
- B. An applicant may use a copy of Kent's Repertory as a reference during the written examination. An applicant shall not use a computer or other written material during the written examination.

R4-38-108. Application for Licensure

- A. To apply for licensure, an applicant shall submit the following directly to the Board:
 1. An application form that contains the following information about the applicant:

- a. Name as the applicant wants the name to appear on a license;
- b. Social Security number, as required under A.R.S. §§ 25-320(P) and 25-502(K);
- c. Date and place of birth;
- d. Personal identifying characteristics including gender, weight, height, eye and hair colors, and any identifying marks;
- e. Business name and address;
- f. Residential address;
- g. Business telephone and fax numbers;
- h. E-mail address;
- i. Date on which the applicant expects to take the written examination required under A.R.S. § 32-2913;
- j. Name of the approved medical school from which the applicant obtained an allopathic or osteopathic medical degree and the date of the degree;
- k. Name of the hospital program at which the applicant served as an intern and the years of the internship;
- l. Names and addresses of three physicians who will send the Board letters of recommendation for the applicant;
- m. List of the states or other jurisdictions in which the applicant is or ever has been licensed to practice medicine;
- n. List of specialty colleges of which the applicant is a member;
- o. List of specialty boards by which the applicant is certified;
- p. List of the places where the applicant has practiced medicine and the dates of practice;
- q. Statement indicating whether the applicant:
 - i. Has, within the last 10 years, had a medical malpractice judgment entered against an applicant or settled a malpractice claim against the applicant;
 - ii. Has ever been convicted of or pled guilty or nolo contendere to a criminal charge in an adult court of record;
 - iii. Has been charged with a crime that is pending adjudication in an adult court of record;
 - iv. Has had a state or other jurisdiction refuse or deny the applicant a license to practice medicine or has allowed the applicant to withdraw a license application instead of being refused or denied a license to practice medicine;
 - v. Has had a state or other jurisdiction take disciplinary action against the applicant's license to practice medicine including placing the license on probation, suspending the license, limiting or restricting the license, revoking the license, or accepting surrender of the license;

- vi. Has had a state or other jurisdiction, including a federal agency, suspend, limit, restrict, revoke, deny, or accept surrender in lieu of action of the applicant's registration to possess, dispense, or prescribe controlled substances;
 - vii. Has or had, within the last 10 years, a mental illness or psychological condition that impaired the applicant's ability to practice medicine or function as a medical student;
 - viii. Is now or has been within the last 10 years dependent upon alcohol or drugs; and
 - ix. Has had a specialty board or college suspend, revoke, or deny certification to the applicant.
- r. Notarized signature and attestation that the information provided is true, correct, and complete;
2. A summary listing the course title, sponsor, dates attended, and credit hours and evidence of completing the 300 hours of postgraduate coursework required under R4-38-104 or the preceptorship required under R4-38-105;
 3. If the answer to any item in subsections (A)(1)(q)(i) through (ix) is yes, detailed information regarding the nature, date, and location of the incident, or the nature of the condition, and the identity of the agency, court, or organization involved, action taken, and current status;
 4. An Arizona Statement of Citizenship and documentary evidence of U.S. citizenship or qualified alien status;
 5. A list of the homeopathic modalities the applicant intends to make available under the applicant's supervision if the applicant is licensed;
 6. If the applicant intends to use an experimental form of diagnosis or treatment in the applicant's homeopathic medical practice, a copy of the written informed consent materials that a patient will sign before examination or treatment;
 7. Two photographs of the applicant's face taken within the last 60 days;
 8. A copy of the membership card provided by a specialty college of which the applicant is a member;
 9. A copy of the certification card provided by a specialty board by which the applicant is certified;
 10. A completed and signed form authorizing individuals, organizations, previous employers, and schools to release to the Board information regarding the applicant;
 11. A current curriculum vitae that includes all professional activity from medical school to the present; and
 12. The license application fee specified in R4-38-106.
- B.** An applicant for licensure shall ensure that the following information is submitted directly to the Board:
1. Verification of graduation provided by the allopathic or osteopathic medical college from which the applicant graduated;
 2. Letters of recommendation, on professional letterhead and notarized, from three licensed physicians; and
 3. Verification of licensure from every jurisdiction in which the applicant is or ever has been licensed to practice medicine.

R4-38-109. License Renewal

- A.** The Board shall provide a licensee with at least 30 days' notice of the need to renew the licensee's license. It is the responsibility of the licensee to renew timely. Failure to receive notice of the need to renew does not excuse failure to renew timely.
- B.** Under A.R.S. § 32-2915(G), a licensee who wishes to continue practicing homeopathic medicine shall submit the license renewal materials described in subsection (E) annually on or before the last day of the month in which the license was initially issued.
- C.** A licensee who fails to comply with subsection (E) by the date specified in subsection (B) may apply for license renewal within 60 days after the date specified in subsection (B) by:
 - 1. Submitting to the Board the license renewal materials described in subsection (E), and
 - 2. Paying the late renewal penalty prescribed in R4-38-106.
- D.** If a licensee fails to comply with either subsection (B) or (C), the licensee's license expires and the licensee shall immediately cease practicing homeopathic medicine. A licensee whose license expires may obtain licensure only by complying again with R4-38-108 and taking the examination specified in R4-38-107.
- E.** To renew a license issued by the Board, a licensee shall submit the following directly to the Board:
 - 1. A license renewal application that contains the following information about the applicant:
 - a. Name;
 - b. License number;
 - c. Business name and address;
 - d. Residential address;
 - e. Business telephone number;
 - f. E-mail address;
 - g. Address and telephone numbers of each location at which the licensee practices;
 - h. Number of the active M.D. or D.O. license held by the licensee and name of the state that issued the license; and
 - i. A statement indicating whether during the last 12 months:
 - i. A licensing authority of another jurisdiction denied the licensee a license to practice allopathic, homeopathic, or osteopathic medicine and if so, the name of the jurisdiction, date of the denial, and an explanation of the circumstances;
 - ii. A licensing authority of another jurisdiction revoked, suspended, limited, restricted, or took other action regarding a license of the licensee and if so, the name of the jurisdiction taking action, nature and date of the action taken, and an explanation of the circumstances;
 - iii. The licensee has been convicted of or pled guilty or nolo contendere to a criminal charge, including driving under the influence of drugs or alcohol, and if so, the name of the jurisdiction in which convicted, nature of the crime, date of conviction, and current status;

- iv. A lawsuit was filed or settlement entered into or judgment entered against the licensee alleging professional malpractice or negligence in the practice of homeopathic, allopathic, or osteopathic medicine and if so, the case number, date of action, the matters alleged, and whether the lawsuit is still pending or the manner in which the settlement or judgment was resolved; and
 - v. The licensee has or had a mental illness or psychological condition that may impair the licensee's ability to practice homeopathic medicine safely and skillfully and if so, the nature of the condition and any accommodations necessary;
 - vi. The licensee has been charged with or arrested for any felony or misdemeanor involving conduct that may affect patient safety or a felony as required under A.R.S. § 32-3208.
2. A list of the treatment modalities the licensee makes available under the licensee's supervision;
 3. If the licensee uses an experimental form of diagnosis or treatment in the licensee's practice of medicine, a copy of the written informed consent materials that a patient signs before examination or treatment;
 4. A list of any specialty certifications held by the licensee, the certifying entity, and the date the certification expires;
 5. If the licensee dispenses drugs or devices as part of the licensee's practice of homeopathic medicine:
 - a. The licensee's DEA registration number;
 - b. A statement of whether a complaint has been filed or legal action has been taken against the licensee by a court or federal or state agency for dispensing a device, drug, or substance and if so, the name and address of the court or federal or state agency and documentation of the action taken; and
 - c. A list of the items dispensed;
 6. An Arizona Statement of Citizenship and documentary evidence of U.S. citizenship or qualified alien status;
 7. An affirmation that the licensee has completed the continuing education required under A.R.S. § 32-2915;
 8. An affirmation that the licensee is in compliance with A.R.S. § 32-3211 regarding medical records;
 9. The license renewal fee prescribed under R4-38-106; and
 10. The licensee's dated signature affirming that the information provided is true, correct, and complete.

R4-38-110. Notification of Change in Contact Information

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

R4-38-111. Experimental Forms of Diagnosis and Treatment

A. The Board neither approves nor advocates specific experimental therapies. The Board considers the standards in this Section in determining whether a licensee is in compliance with A.R.S. § 32-2933(27). The Board

considers a therapy that is in violation of applicable state or federal statutes, or state or federal rules or regulations regarding drugs and devices to be unprofessional conduct under A.R.S. § 32-2933(27).

B. Experimental forms of diagnosis or treatment, within the meaning of A.R.S. § 32-2933(27), include:

1. Administration of a pharmaceutical agent untested for safety in humans;
2. Use of a physical agent or electromagnetic current or field in a manner not supported by established clinical usage; and
3. Therapy modalities and diagnostic methods that are not included in the practice of homeopathic medicine as defined in A.R.S. § 32-2901(22) and do not meet the criteria of subsection (C).

C. The following are not an experimental form of diagnosis or treatment under A.R.S. § 32-2933(27):

1. A substance or therapy modality administered on a homeopathic indication that has been in beneficial clinical usage by professionally trained, legally qualified physicians for at least ten 10 years;
2. Homeopathic medications listed in the Homeopathic Pharmacopoeia of the United States;
3. Homeopathic medications that have been characterized by toxicity studies or by the "proving" method of administration on healthy volunteers to determine the medication's spectrum of action;
4. Administration of a pharmaceutical agent for a therapeutic indication supported by clinical usage if the agent is approved to be marketed publicly for other therapeutic indications by the appropriate regulatory agency; and
5. A procedure used for patient education, preventative medicine, or general health assessment or enhancement such as bio-terrain analysis, live blood analysis, soft laser, magnetic therapy, oxidative therapy, and micro-electric therapy, and other procedures considered by the Board to be in beneficial clinical usage.

R4-38-112. Peer Review

- A. A licensee using an experimental form of diagnosis and treatment such as vaccine therapy for cancer without affiliation with a recognized research institution, institutional review board, or peer review committee may request or the Board may require review of the procedure by the Board or a Board-appointed peer review committee.
- B. In conducting the review, the Board or Board-appointed peer review committee shall examine protocols, recordkeeping, analyses of results, and informed patient consent forms and procedures. Based on the review, the Board shall determine the licensee's compliance with generally accepted homeopathic experimental criteria under A.R.S. § 32-2933(27).
- C. As used in A.R.S. § 32-2933(27), "periodic review by a peer review committee" means peer review for compliance with any form of experimental medicine occurs at a minimum of five-year intervals through a recognized research institution, institutional review board, or a peer review committee. The chairperson of a Board-appointed peer review committee shall be appointed by the Board president and approved by the Board.

D. During a review of a licensee's use of experimental forms of diagnosis and treatment or at any other time the Board deems appropriate, the licensee shall submit informed patient consent forms and protocols and other records indicating the licensee's compliance with generally accepted experimental criteria designated in A.R.S. § 32-2933(27).

R4-38-113. Chelation Therapy Practice Requirements

- A. Before a licensee may practice chelation therapy for other than the treatment of metal poisoning, the licensee:
1. Shall document completion of the postgraduate education required in R4-38-104(C)(2); and
 2. Submit to and obtain approval from the Board of the informed patient consent form required by A.R.S. § 32-2933(27). As part of the documentation submitted with the informed patient consent form, the licensee shall include a copy of the chelation therapy protocol.
- B. A licensee shall ensure that detailed records and periodic analysis of results on patients consistent with the most recent informed consent and protocol on file with the Board are maintained consistent with A.R.S. § 32-2933(27) and available for periodic review by a peer review committee designated by the Board. The licensee shall ensure that retention of patient medical and treatment records conform to the requirements of A.R.S. § 32-2936.

R4-38-114. Rehearing or Review of Decision

- A. Except as provided in subsection (G), any party to an appealable agency action or a contested case before the Board who is aggrieved by a decision rendered in the case may file with the Board not later than 30 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds for the motion. A decision is served when personally delivered or five days after the date the decision is mailed to the party at the party's last known residence or place of business.
- B. A motion for rehearing may be amended at any time before a ruling by the Board. Any other party may file a response within 15 days after the motion or amended motion is filed. 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 the decision for any of the following reasons materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the Board or the hearing officer, or any order or abuse of discretion that results in the moving party being deprived of a fair hearing;
 2. Misconduct of the Board or the non-moving party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that with reasonable diligence could not 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; or

7. 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 to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing shall specify the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters.
- E. Not later than 30 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing 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 for a reason not stated in the motion. In either case, the order granting the rehearing shall specify the grounds for the rehearing.
- F. When a motion for rehearing is based upon an affidavit the party shall serve the affidavit with the motion. Within 10 days after service, an opposing party may serve an opposing affidavit. The Board may extend the period to serve an opposing affidavit for an additional 20 days for good cause shown or by written stipulation of the parties. The Board may permit a reply affidavit.
- G. If the Board makes specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the public peace, health, or safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision 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, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.
- H. The terms "contested case" and "party" as used in this Section are defined in A.R.S. § 41-1001. The term "appealable agency action" is defined in A.R.S. § 41-1092.

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

- A. The use of the abbreviation "M.D.(H.)" or "D.O.(H.)" (with or without periods), is equivalent to the written designation, "Doctor of Medicine (Homeopathic)" or "Doctor of Osteopathy (Homeopathic)".
- B. A homeopathic physician practicing in this state who is not licensed by the Arizona Board of Medical Examiners or the Arizona Board of Osteopathic Examiners in Medicine and Surgery shall not use any designation other than the initials M.D.(H.) or D.O.(H.) (with or without periods) to indicate a doctoral degree.
- C. A physician licensed by the Board and the Arizona Board of Medical Examiners or the Board and the Arizona Board of Osteopathic Examiners in Medicine and Surgery shall use M.D., M.D.(H.) or D.O., D.O.(H.) as appropriate (with or without periods).
- D. A licensee practicing in this state shall display the license issued by the Board or an official duplicate of the license in a conspicuous location in the reception area of each office facility.

R4-38-116. Continuing Education Requirement

- A.** Under A.R.S. § 32-2915(F), a licensee shall complete at least 20 hours of Board-approved continuing education in the twelve months before submitting the license renewal materials required under R4-38-109. If a licensee completes more than 20 hours of continuing education during a year, the licensee shall not report the extra hours in a subsequent year.
- B.** A licensee shall ensure that the licensee obtains and maintains for two years documentary evidence of complying with the continuing education requirement.
- C.** An hour of continuing education consists of 60 minutes of participation unless specified otherwise in subsection (D).
- D.** The following continuing education programs and activities are approved by the Board and do not require an application under R4-38-117:
1. Participating in an internship, residency, or fellowship at a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one credit hour of continuing education for each day of training in a full-time approved program, or for a less than full-time training on a pro-rata basis. For purposes of this subsection, teaching institutions define "full-time";
 2. Participating in an education program for an advanced degree in a medical or medically-related field in a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one credit hour of continuing education for each one day of full-time study or less than a full-time study on a pro rata basis. For purposes of this subsection, teaching institutions define "full-time";
 3. Participating in full-time research in a teaching institution approved by the American Medical Association, Association of American Medical Colleges, or American Osteopathic Association. A licensee may claim one credit hour of continuing education for each one day of full-time research, or less than full-time research on a pro rata basis. For purposes of this subsection, teaching institutions define "full-time";
 4. An educational program certified as Category 1 by an organization accredited by the Accreditation Council for Continuing Medical Education or the American Osteopathic Association;
 5. A medical education program designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of medicine and provided by an organization or institution accredited by the Accreditation Council for Continuing Medical Education or the American Osteopathic Association; and
 6. A homeopathic medical education course approved or offered by the Council on Homeopathic Education.
- E.** The following activities are approved by the Board as continuing education and do not require an application under R4-38-117 subject to the specified limitations:

1. Serving as an instructor of medical students, house staff, other physicians, or allied health professionals from a hospital or other health care institution if serving as an instructor provides the licensee with an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee who serves as an instructor:
 - a. May claim one hour of continuing education for each hour of instruction up to a maximum of 10 hours, and
 - b. If the licensee teaches substantially the same class more than once, may claim hours of continuing education only for the first time the class is taught;
 2. Publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee who publishes or presents a paper, report, or book:
 - a. May claim one hour of continuing education for each hour preparing, writing, and presenting up to a maximum of 10 hours; and
 - b. May claim hours of continuing education only after the date of publication or presentation; and
 3. Participating in the following activities if the participation provides the licensee with an understanding of current developments, skills, procedures, or treatments related to the practice of allopathic, osteopathic, or homeopathic medicine. A licensee may claim one hour of continuing education for each hour of participation in the following activities up to a maximum of six hours:
 - a. Completing a self-instructed medical education program through the use of videotape, audiotape, film, filmstrip, radio broadcast, or computer;
 - b. Reading scientific journals and books;
 - c. Preparing for and obtaining specialty board certification or recertification; and
 - d. Participating on a staff or quality of care committee or utilization review committee in a hospital, health care institution, or government agency.
- F.** The Board shall approve a program or activity note listed in subsection (D) or (E) as continuing education if the provider of the program or activity makes application under R4-38-117 and the Board determines that the program or activity:
1. Is designed to provide the participant with:
 - a. Understanding of current developments, procedures, or treatments related to the practice of homeopathic medicine as defined at A.R.S. § 32-2901(22);
 - b. Knowledge and skills used to practice homeopathic medicine safely and competently; or
 - c. Knowledge and skills related directly or indirectly to patient care including practice management, medical ethics, or language necessary to the patient population served;
 2. Includes a method by which the participant evaluates the:
 - a. Stated objectives of the program or activity,

- b. Instructor knowledge and teaching ability,
 - c. Effectiveness of the teaching methods used, and
 - d. Usefulness or applicability of the information provided; and
3. Provides the participant with a certificate of attendance that shows the:
- a. Name of the participant;
 - b. Name of the approved continuing education;
 - c. Name of the continuing education provider;
 - d. Date, time, and location of the continuing education; and
 - e. Hours of instruction provided.

G. Except as specified in subsection (H), a licensee who fails to comply with subsection (A) may submit to the Board a notice of 60-day extension. The licensee shall submit the notice of 60-day extension no later than the date indicated in R4-38-109(B). If a licensee who submits a notice of 60-day extension fails to comply with the continuing education requirement and submit the affirmation required by R4-38-109(E)(7) within the extension period, the licensee's license expires and the licensee shall immediately cease practicing homeopathic medicine. A licensee whose license expires may obtain licensure only by complying again with R4-38-108 and taking the examination specified in R4-38-107.

H. If a licensee fails to comply with subsection (A) because of disability, military service, absence from the U.S., or other circumstance beyond the control of the licensee, the licensee may submit to the Board a request for a temporary waiver of the continuing education requirement that includes the reason for noncompliance, the number of hours of continuing education completed, and the amount of time requested for the licensee to complete the continuing education requirement. The licensee shall submit the request for temporary waiver no later than the date specified in R4-38-109(B). The Board shall evaluate the request for temporary waiver and provide written notice to the licensee of the time within which the licensee shall comply with subsection (A).

R4-38-117. Application for Continuing Education Approval

A. To obtain Board approval of a continuing education under R4-38-116(F), the provider of the continuing education shall submit the following to the Board at least 10 days before the meeting at which the Board will consider the continuing education for approval:

- 1. An application for approval, using a form available from the Board, which contains the following information:
 - a. Title of the continuing education;
 - b. Name and address of the continuing education provider;
 - c. Name and telephone and fax numbers of the contact person for the continuing education provider;
 - d. Date, time, and place at which the continuing education will be taught, if known;
 - e. Subject matter of the continuing education;

- f. Objective of the continuing education;
- g. Method of instruction; and
- h. Number of continuing education hours requested; and

2. The following documents:

- a. Curriculum vitae of the continuing education instructor,
- b. Detailed outline of the continuing education,
- c. Agenda for the continuing education showing hours of instruction and subject matter taught in each hour,
- d. Method by which participants will evaluate the continuing education, and
- e. Certificate of attendance that meets the requirements of R4-38-116(F)(3).

B. A provider of continuing education shall not advertise that a continuing education is approved until the Board approves the application submitted under subsection (A).

C. The Board's approval of a continuing education is valid for one year or until there is a change in subject matter, instructor, or hours of instruction. At the end of one year or when there is a change in subject matter, instructor, or hours of instruction, the provider of the continuing education shall reapply for approval.

R4-38-118. **Audit of Compliance and Sanction for Noncompliance with Continuing Education Requirement**

A. When notice of the need to renew a license is provided under R4-38-109(A), the Board shall also provide notice of an audit of continuing education records to a random sample of licensees.

B. A licensee who is notified of a continuing education audit shall submit documentary evidence of compliance with the continuing education requirement at the same time that the licensee submits the renewal application required under R4-38-109(E).

C. If a licensee subject to a continuing education audit fails to submit the required evidence no later than the date specified in R4-38-109(C), the licensee is considered to have committed an act of unprofessional conduct and is subject to probation or license suspension or revocation.