

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

**ARTICLE 3. EDUCATION, SUPERVISION, AND DELEGATION STANDARDS FOR
REGISTRATION OF MEDICAL ASSISTANTS BY HOMEOPATHIC PHYSICIANS**

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**ARTICLE 3. EDUCATION, SUPERVISION, AND DELEGATION STANDARDS FOR
REGISTRATION OF MEDICAL ASSISTANTS BY HOMEOPATHIC PHYSICIANS**

R4-38-301. Definitions

The definitions in A.R.S. §§ 32-2901, 32-2933, and 32-2951 apply to this Article. Additionally, in this Article:

"Advertisement" means a written, oral, or electronic communication, including a business card or telephone directory listing, which is intended, directly or indirectly, to inform a person that a medical assistant provides a homeopathic procedure.

"Delegated procedure" means a technical homeopathic function that a medical assistant is qualified to perform and is specified in the medical assistant's Board-approved job description.

"Electrodermal testing device" means an instrument that is FDA-registered for the measurement of galvanic skin response.

"FDA" means the United States Food and Drug Administration.

"Homeopathic modality" means a method of diagnosis and treatment listed in the definition of the practice of homeopathic medicine at A.R.S. § 32-2901.

"Homeopathic repertorization" means to assess an individual's symptoms and use a reference to determine the appropriate homeopathic remedy for each symptom.

"Homeotherapeutic instruction" means education regarding the signs, symptoms, and physical findings that lead to the recommendation of a particular substance or therapeutic procedure.

"Hour" means 60 minutes.

"Kinesiology" means the scientific study of human movement.

"Patient record," as used in A.R.S. § 32-2936, means a medical record, as defined at A.R.S. § 12-2291.

R4-38-302. Requirements to Supervise a Medical Assistant; Standards for Supervision

- A.** Before a homeopathic physician applies to the Board to register a medical assistant under R4-38-306, the homeopathic physician shall be licensed by the Board.
- B.** When a homeopathic physician applies to the Board to register a medical assistant, the homeopathic physician shall submit evidence, as outlined in R4-38-103(C), that the homeopathic physician is qualified in the homeopathic modality of the procedure that will be delegated to the medical assistant.
- C.** The Board shall find that a homeopathic physician is qualified in the homeopathic modality of the procedure that will be delegated to a medical assistant if the homeopathic physician submits with the application to register the medical assistant certificates of attendance or other evidence that the homeopathic physician completed postgraduate coursework in the delegated homeopathic modality equal to or exceeding the number of hours specified in R4-38-103(C)(1) through (C)(6).
- D.** A homeopathic physician who supervises a registered medical assistant shall:
 - 1. Perform and document in the patient record the following for each patient for whom the medical assistant performs a delegated procedure:
 - a. Initial evaluation,
 - b. Treatment planning including any modification in the treatment plan, and
 - c. Re-evaluation of the patient's health status every fourth visit and at the time of discharge or termination of treatment;
 - 2. Respond within 15 minutes to a telephone call or other telecommunication from a medical assistant who performs a delegated procedure when the homeopathic physician is not physically present at the location at which the medical assistant is working;
 - 3. Ensure that a note is placed in the patient record every time the medical assistant seeks direction from the homeopathic physician regarding a delegated procedure performed for a patient;
 - 4. Ensure that the medical assistant performs only delegated procedures that are in the medical assistant's Board-approved job description;
 - 5. Provide a specific written order for any procedure delegated to and performed by the medical assistant for a patient;
 - 6. Ensure that the specific written order required under subsection (D)(5) is placed in the patient record on the day that the medical assistant performs the delegated procedure;

7. Ensure that the medical assistant makes a contemporaneous note in the patient record of any procedure performed by the medical assistant for the patient;
8. Review, initial, and date the medical assistant notes placed in patient records within one week after each note is made and initial and date each note; and
9. Review with the medical assistant a patient's response to treatments performed by the medical assistant:
 - a. Within three months of the initial visit,
 - b. After any significant change in the initial treatment plan, and
 - c. After an adverse reaction.

R4-38-303. Board Standards for a Formal Education Program

A. The Board establishes the following minimum standards for a formal education program in the subject area specified:

1. Neuromuscular integration therapy procedures. A formal education program in neuromuscular integration therapy procedures shall:
 - a. Be provided at an educational institution and designed to qualify a graduate as a physical therapist assistant in a U. S. jurisdiction; or
 - b. Consist of 750 hours of educational training and 250 hours of supervised clinical experience in Feldenkrais, Rolfing, Hellerwork, Trager, Orthobionomy, Shiatsu, Reiki, Polarity, Jin Shin Jyutsu, or a similar therapy;
2. Homeopathic repertorization procedures. A formal education program in homeopathic repertorization procedures shall:
 - a. Be provided at an educational institution ;
 - b. Be designed to train a graduate in classical homeopathy; and
 - c. Consist of the following:
 - i. 200 hours of education training; and
 - ii. 100 hours of supervised clinical experience; and
3. Nutrition counseling and orthomolecular therapy procedures. A formal education program in nutrition counseling and orthomolecular therapy procedures shall:
 - a. Be provided at an educational institution; and
 - b. Consist of the following:
 - i. 500 hours of education training; and

- ii. 175 hours of supervised clinical internship; or
 - c. Result in certification by the Clinical Nutrition Certification Board.
- B. If a homeopathic physician applies to register as a medical assistant an individual who completed a formal education program in a homeopathic modality other than those listed in subsection (A), the homeopathic physician shall submit to the Board evidence that the program consists of educational training and clinical supervision that is substantially equivalent to the requirements specified in R4-38-103(C).

R4-38-304. Approved Practical Education Program; Renewal

- A. A homeopathic physician who wishes to provide on-the-job practical education to an unregistered individual shall apply for and obtain Board approval of a practical education program specifically designed for the unregistered individual before providing the practical education program.
- B. The Board's approval of a practical education program is specific to the unregistered individual being trained. A homeopathic physician who wishes to provide on-the-job practical education to more than one unregistered individual shall apply for and obtain Board approval of a practical education program for each unregistered individual.
- C. The Board shall approve a practical education program only if the program meets one of the following minimum standards:
 - 1. Neuromuscular integration therapy procedures. For each therapy listed in R4-38-303(A)(1)(b) in which practical education is provided, 375 hours of instruction and 125 hours of supervised clinical experience;
 - 2. Homeopathic repertorization procedures.
 - a. If performed with an electrodermal testing device or kinesiology, 180 hours of homeotherapeutic instruction including at least 45 hours of supervised clinical experience;
 - b. If performed without an electrodermal testing device or kinesiology, 200 hours of homeotherapeutic instruction and 100 hours of supervised clinical experience;
 - 3. Nutrition counseling and orthomolecular therapy procedures. 500 hours of instruction and 170 hours of supervised clinical experience; and
 - 4. Other homeopathic procedure. Hours of instruction and supervised clinical experience that the Board determines is sufficient to enable the unregistered individual being trained to perform as a medical assistant in a safe and competent manner.
- D. To obtain the Board's approval of a practical education program, the homeopathic physician who will provide the training shall:

1. Provide the following information on a form obtained from the Board:
 - a. Name of the unregistered individual for whom the practical education program is designed;
 - b. Residential address and telephone number of the unregistered individual;
 - c. Social Security number of the unregistered individual;
 - d. A training protocol that identifies the:
 - i. Homeopathic procedure in which the unregistered individual will be trained,
 - ii. Subject matter on which instruction will be provided and the hours devoted to each subject, and
 - iii. Manner in which supervised clinical experience will be provided;
 - e. Address at which the practical education program will be conducted;
 - f. Name of the homeopathic physician who will provide the practical education; and
 - g. License number of the homeopathic physician who will provide the practical education;
2. Attach the following to the form required under subsection (D)(1):
 - a. Documentation of any previous on-the-job training or formal education, as described in R4-38-303, completed by the unregistered individual for whom the practical education program is designed;
 - b. Documentation that the homeopathic physician is qualified in the procedure in which training will be provided. For the procedures in which training may be provided, the Board shall accept certificates of attendance or other evidence that the homeopathic physician completed postgraduate course work in the homeopathic procedure to be taught equal to or exceeding the number of hours specified in R4-38-103(C)(1) through (C)(6).
3. Sign the application form affirming that the homeopathic physician shall:
 - a. Ensure that the unregistered individual being trained is not held out or represented to be a medical assistant;
 - b. Ensure that the unregistered individual is supervised at all times;
 - c. Ensure that the unregistered individual is assigned only tasks that the unregistered individual can perform safely and competently;
 - d. Ensure that the unregistered individual is not registered by the Board as a medical assistant before completing the practical education program; and
 - e. Provide the unregistered individual with a certificate or other evidence of completion when the unregistered individual completes the Board-approved practical education

program. The homeopathic physician shall include the following information on the certificate or other evidence of completion:

- i. Name of the unregistered individual completing the practical education program;
- ii. Name and license number of the homeopathic physician who provided the practical education program;
- iii. Date on which Board approval was obtained for the practical education program;
- iv. Dated signature of the homeopathic physician affirming that the practical education program completed met the standards established by the Board.

E. The Board's approval of a practical education program is valid for one year. If the homeopathic physician who obtained approval of the practical education program does not complete providing the program within one year, the homeopathic physician may renew the program by submitting to the Board a letter affirming continued compliance with this Section and paying the fee listed in R4-38-105.

R4-38-305. Minimum Requirements for Registration of a Homeopathic Medical Assistant

A. The Board shall approve the registration of an individual as a homeopathic medical assistant only if the homeopathic physician who will supervise the individual submits evidence that the individual:

1. Completed a formal education program that meets the standards at R4-38-303; or
2. Completed a practical education program that is approved by the Board under R4-38-304.

B. The Board shall approve the registration of an individual as a homeopathic medical assistant only if the individual is employed and supervised by a homeopathic physician who submits the evidence required under R4-38-302(C) showing that the homeopathic physician is qualified in the homeopathic modality in which the individual will work.

R4-38-306. Application to Register a Medical-Assistant

A. If a homeopathic physician intends that an individual who meets one of the minimum requirements listed in R4-38-305(A) work as a medical assistant, the homeopathic physician shall submit to the Board an application to register the individual within two weeks—after employing the individual.

- B.** To register an individual who meets one of the standards at R4-38-305(A) as a medical assistant, a homeopathic physician shall submit to the Board the following information on a form obtained from the Board:
1. About the individual being registered.
 - a. Name;
 - b. Residential address;
 - c. Residential and mobile telephone numbers;
 - d. E-mail address;
 - e. Social Security number;
 - f. Address of the practice location at which the individual will perform delegated procedures;
 - g. Telephone and fax numbers of the clinic at which the individual will perform delegated procedures;
 - h. Statement of whether the individual completed a formal education program that meets the standards at R4-38-303 or a practical education program approved by the Board under R4-38-304;
 - i. Statement of whether the individual is or ever has been licensed as a health care practitioner in a U.S. jurisdiction in a profession subject to regulation by licensure in Arizona and if so:
 - i. A list of all jurisdictions in which the individual is or ever has been licensed as a health care professional, and
 - ii. A list of the health care professions in which the individual is or ever has been licensed;
and
 - iii. A statement whether the individual has ever been subject to a disciplinary proceeding by a health care regulatory board in any jurisdiction and if so, the jurisdiction, health care profession, date, and cause and result of the disciplinary proceeding;
 - j. Statement of whether the individual has ever been charged with or convicted of any criminal act and if so, the nature of the criminal act, date, jurisdiction, and current status;
 - k. Statement of whether the individual is a U.S. citizen and if not, whether the individual is an alien qualified to work in the U.S.; and

- I. Dated signature of the individual being registered affirming that the information provided under subsections (B)(1)(a) through (B)(1)(k) is true, correct, and complete;
 2. Description of the homeopathic procedures and other duties that will be delegated to the individual being registered; and
 3. About the homeopathic physician:
 - a. Name,
 - b. License number, and
 - c. Dated signature of the homeopathic physician affirming that:
 - i. All information provided, including the materials listed in subsection (C), is true, correct, and complete; and
 - ii. The homeopathic physician has reviewed the standards for supervision listed at R4-38-302 and agrees to comply with the standards.
- C.** In addition to the form required under subsection (B), a licensed homeopathic physician applying to register an individual as a medical assistant shall attach the following materials to the form:
1. A curriculum vitae or resume of the individual being registered;
 2. If the individual being registered completed a formal education program that meets the standards at R4-38-303, an official transcript from the school, college, or technical institution that provided the program;
 3. If the individual being registered completed a practical education program approved by the Board under R4-38-304, a copy of the certificate or other evidence of completion required under R4-38-304;
 4. If the individual being registered has ever been charged with or convicted of any criminal act, a certified copy of the original charging document and a copy of all court documents relating to the individual's current status;
 5. If the individual being registered is not a U.S. citizen, a copy of the document that shows the individual is qualified to work in the U.S.;
 6. The evidence required under R4-38-302(C) showing that the homeopathic physician is qualified in the homeopathic modality to be delegated; and
 7. The fee required under R4-38-105.
- D.** Multiple homeopathic physicians who work in the same medical practice may apply jointly to register one individual as a medical assistant. If multiple homeopathic physicians apply jointly to register one individual as a medical assistant, each shall:
1. Provide the information and affirmation required under subsection (B)(3); and

2. Provide the evidence required under subsection (C)(6).
- E.** A homeopathic physician who has registered a medical assistant may amend the medical assistant's job description provided under subsection (B)(2). To amend the job description of a registered medical assistant, the homeopathic physician shall submit to the Board:
1. A new job description that identifies the homeopathic procedures and other duties that will be delegated to the registered medical assistant;
 2. The documentation required under subsection (C)(2) or (C)(3) showing that the registered medical assistant is qualified to perform the procedures and other duties to be delegated; and
 3. The evidence required under subsection (C)(6) showing that the homeopathic physician is qualified in the homeopathic modality to be delegated.

R4-38-307. Additional Requirements to Register a Previously Licensed Health Care Practitioner

- A.** An individual who is or ever has been licensed as a health care practitioner subject to regulation by licensure in this state shall not attempt to practice the health care profession outside of this state's regulatory authority by obtaining registration as a medical assistant under this Chapter.
- B.** A homeopathic physician may register as a medical assistant an individual previously licensed or subject to professional regulation as a health care practitioner in a U.S. jurisdiction, only if the individual meets one of the standards in R4-38-305(A). To register as a medical assistant an individual previously licensed or subject to professional regulation as a health care practitioner in a U.S. jurisdiction, a homeopathic physician shall submit to the Board the application form and materials required under R4-38-306(B) and (C).
- C.** In addition to complying with subsection (B), a homeopathic physician applying to register as a medical assistant an individual previously licensed or subject to professional regulation as a health care professional in a U.S. jurisdiction shall submit to the Board an affidavit from the individual being registered stating the reason for which the individual seeks employment as a homeopathic medical assistant rather than as a licensed Arizona health care practitioner in accordance with the individual's professional training.
- D.** The Board shall conduct an investigation of the individual's health care professional practice in all jurisdictions in which the individual is or ever has been licensed. The Board shall ensure that the investigation is sufficient to determine whether the individual ever engaged

in unprofessional conduct, was deemed incompetent, or was physically or mentally unable to provide health care services safely.

- E. The Board shall conduct a personal interview with the homeopathic physician and the individual being registered to determine whether:
 - 1. The description of homeopathic procedures and delegated duties provided under subsection (B) is accurate,
 - 2. The supervisory relationship between the homeopathic physician and individual will not constitute a violation of A.R.S. § 32-2933(11),
 - 3. The homeopathic physician understands the supervisory responsibilities, and
 - 4. The individual being registered understands the limitations under this Article and applicable statutes.

R4-38-308. Renewal of Medical Assistant Registration

- A. The registration of a medical assistant expires:
 - 1. When the medical assistant ceases to be employed by the homeopathic physician who registered the medical assistant; or
 - 2. When the supervising homeopathic physician fails to comply with subsection (B) by December 31.
- B. To renew the registration of a medical assistant, on or before December 31 of each year, the supervising homeopathic physician shall submit to the Board:
 - 1. A renewal application form, which is available from the Board, and provide the following information:
 - a. About the homeopathic physician.
 - i. Name;
 - ii. Name of medical facility at which the homeopathic physician is employed;
 - iii. Address of the medical facility;
 - iv. Telephone and fax numbers of the medical facility;
 - v. E-mail address of the homeopathic physician; and
 - vi. Dated signature of the homeopathic physician affirming that the information provided is true, correct, and complete;
 - b. About the medical assistant.
 - i. Name;
 - ii. Residential address;
 - iii. Residential telephone number;

- iv. Homeopathic procedures delegated to the medical assistant;
 - v. Practice locations at which the medical assistant works;
 - vi. Statement of whether the medical assistant has been arrested or charged with a criminal act during the last year; and if so, the nature of the criminal act, date, jurisdiction, and current status; and
 - vii. Dated signature of the medical assistant affirming that the information provided is true, correct, and complete; and
2. The fee specified in R4-38-105 for annual renewal of a medical assistant registration.
- C.** When a medical assistant's registration expires, the supervising homeopathic physician may register the medical assistant again by complying with R4-38-306.

R4-38-309. Restrictions on Delegated Procedures

A homeopathic physician shall not delegate the following procedures to a registered medical assistant:

- 1. Psycho-therapeutic procedures, including individual or group psychotherapy, clinical hypnosis, or other behavioral health interventions subject to independent regulation in this state; or
- 2. Dispensing drugs, homeopathic agents, herbal products, natural products, or therapy devices if the supervising homeopathic physician has not obtained from the Board a dispensing permit.

R4-38-310. Registration not Transferable; Multiple Employers

- A.** The registration and job description of a medical assistant are not transferable from one employing homeopathic physician to another or from one medical assistant to another.
- 1. If a medical assistant changes from one employing homeopathic physician to another, the new employing homeopathic physician shall apply to the Board to register the medical assistant;
 - 2. If a homeopathic physician employs a new medical assistant, the homeopathic physician shall apply to the Board to register the new medical assistant.
- B.** A medical assistant may be employed by more than one homeopathic physician.
- 1. If the multiple homeopathic physicians by whom a medical assistant is employed are part of the same medical practice, they shall apply jointly under R4-38-306(D) to register the medical assistant;

2. If the multiple homeopathic physicians by whom a medical assistant is employed are not part of the same medical practice, each shall apply under R4-38-306 to register the medical assistant.

R4-38-311. Responsibilities of a Registered Medical Assistant

After approval by the Board, a registered medical assistant shall:

1. Perform only the homeopathic procedures and duties specified under R4-38-306(B)(2);
2. Wear a clearly labeled name tag stating the designation "medical assistant" and the specific homeopathic modality in which the registered medical assistant is approved to work; and
3. Ensure that any advertisement includes:
 - a. The designation "medical assistant,"
 - b. The name of the supervising physician, and
 - c. A clear indication of the supervised nature of the delegated procedures provided.

R4-38-312. Unprofessional Conduct

The following conduct by a homeopathic physician who supervises a medical assistant is unprofessional conduct because the conduct does or might constitute a danger to the health, welfare, or safety of the patient or the public:

1. Obtaining board approval for a practical education program or supervision of the medical assistant under false pretenses;
2. Failing to adhere to a standard for supervision listed in R4-38-302(D);
3. Failing to register and maintain registration for the medical assistant as required by this Article;
4. Allowing the medical assistant to perform a procedure not specified in the medical assistant's Board-approved job description;
5. Delegating a procedure to an individual who is not registered with the Board or for whom the homeopathic physician has not obtained approval of a practical education program;
6. Holding out or representing that an unregistered individual for whom the homeopathic physician is providing an approved practical education program is a medical assistant; and

7. Failing to ensure that the medical assistant complies with A.R.S. § 32-2933 and this Article.