



provide the document or information from the primary source due to no fault of the applicant. A.R.S. § 32-1422 requires the Board to provide the criteria that must be met in order for the Board to waive the documentation requirement. The Board is amending R4-16-201 to provide the criteria.

Laws 2014, Ch. 124, § 10 provides the Board with an exemption from the rulemaking requirements of Title 4, Chapter 6 for one year from the effective date of the act.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not review any study.

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact, if applicable:**

Not applicable

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

Not applicable

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

Not applicable.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Yes, the board is issuing a license, which falls within the definition of general permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, a citation to the statutory authority to exceed the requirements of federal law:**

Federal law is not applicable to the subject of the rules.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

The board did not receive such an analysis from any person.

**13. A list of any incorporated by reference material and its location in the rule:**

There are no incorporation by reference materials.

**14. Whether the rule was previously made, amended repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking package:**

Not Applicable

**15. The full text of the rule follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 16. ARIZONA MEDICAL BOARD**

R4-16-201. Application for Licensure

**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 16. ARIZONA MEDICAL BOARD**  
**ARTICLE 2. LICENSURE**

R4-16-201. Application for Licensure

**A.** No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

**B.** No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
21. No change
22. No change

- C.** No change
1. No change
  2. No change
  3. No change
  4. No change
  5. No change
- D.** In addition to the requirements of subsections (A) and (B), an applicant for licensure to practice medicine by endorsement, by Step 3 of the USMLE, or by endorsement with the SPEX shall have the following completed by persons other than the applicant and directly submitted to the Board, electronically or by hard copy, from the entity that is responsible for the initial issuance of the document, the federation credentials verification service, veridoc, or ECFMG:
- ~~1.~~ ~~The following forms must be included with the application and be completed by persons other than the applicant:~~
    1. The following certifications:
      - a. Medical College Certification,
      - b. Postgraduate Training Certification,
      - c. Clinical Instructor Certification, and
      - d. ECFMG certification if applicant is an international graduate;<sub>2</sub>
    - ~~e.~~2. Federation of State Medical Boards Disciplinary Search;<sub>2</sub>
    - ~~f.~~3. American Medical Association Physician Profile, ~~and~~<sub>2</sub>
    - ~~g.~~4. The following verifications:
      - ~~g.~~a. Verification of American Board of Medical Specialty Certification, if applicable;
      - ~~3.~~b. Verification of LMCC exam score, state written exam score, or national board exam score;
      - ~~4.~~c. Verification of licensure from every state in which the applicant has ever held a medical license; and
      - ~~5.~~d. Verification of all hospital affiliations and employment for the past five years;<sub>2</sub>  
This must be submitted by the verifying entity on its official letterhead;<sub>2</sub> and
    - ~~2.~~5. Examination and Board History Report scores for USMLE, FLEX, and SPEX;<sub>2</sub>
- E.** The Board may grant a waiver of any requirement set forth in subsection (D) under the following circumstances:
1. The applicant has filed a waiver request of one or more of the specific requirements under subsection (D) that were set forth in the deficiency notice required by R4-16-206(B)(1) that includes the following information:

- a. The applicant's name.
  - b. The date of the request.
  - c. The specific requirement for which a waiver is requested.
  - d. A detailed description of the efforts that the applicant has made to ensure that the document was provided to the board as required by subsection (D), and
  - e. The reasons the applicant is unable to comply with the specific requirement of subsection (D) due to no fault of the applicant.
2. The board shall consider a waiver request and any documents submitted pursuant to subsections (1) and (2) at:
- a. Its next regularly scheduled meeting if received at least 30 days before that meeting date, or
  - b. At any subsequent meeting following its next regularly scheduled meeting if the information is received less than 30 days before its next regularly scheduled meeting date.
3. In determining whether to grant or deny the waiver request, the board shall consider the following:
- a. Whether the applicant has made appropriate and sufficient efforts to satisfy the specific requirement of subsection (D); and
  - b. Whether the applicant has satisfactorily demonstrated that compliance with the specific requirement of subsection (D) is not possible because:
    - i. The entity responsible for issuance of issuing the required documentation no longer exists,
    - ii. The original of the required documentation was destroyed by accident or natural disaster,
    - iii. The entity responsible for issuing the required documentation is unable to provide it because armed conflict or internal political strife make it impossible for the entity to provide the required document, or
    - iv. Any other valid reason beyond the applicant's control that prevents compliance with the specific requirement of subsection (D).
4. In reviewing such a request, the board will consider whether it is possible for the board to directly obtain the required document from another valid source, such as another state's regulatory board, ECFMG, the federation credential verification service, or veridoc.

5. If, after considering the request, the board determines that additional information is necessary before it can determine whether to grant or deny the waiver request, it may require the applicant to obtain and provide additional information.
6. In order to obtain the waiver, the applicant must satisfy the board that the applicant is unable to comply with the requirements of subsection (D) despite the applicant's best efforts and for reasons beyond the applicant's control. The decision whether to grant the waiver lies within the sole discretion of the board and is not subject to review.
7. If the board grants the waiver, it shall notify the applicant in writing and include the written decision in its official record for that applicant.

**AGENCY RECEIPT**  
**NOTICE OF EXEMPT RULEMAKING**

1. **Agency name:** Arizona Medical Board
2. **The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:**

<b><u>Article, Part, and Section Affected</u></b>	<b><u>Action</u></b>
(in numerical order)	
R4-16-201	Amend

**AGENCY CERTIFICATE  
NOTICE OF EXEMPT RULEMAKING**

- 1. Agency name:** Arizona Medical Board
- 2. Chapter Heading:** Arizona 16. Arizona Medical Board
- 3. Code citation for the Chapter:** 4 A.A.C. 16
- 4. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order:**

<u>Article, Part, or Section Affected (as applicable)</u> (in numerical order)	<u>Rulemaking Action</u>
R4-16-201	Amend

- 5. The rules contained in this package are true and correct as made.**

**6.** C. Lloyd Vest II June 10, 2014  
**Signature of Chief Executive Officer** **Date of Signing**

C. Lloyd Vest II Executive Director  
Printed or typed name of signer Title of signer