



FCLB 92nd Annual Educational Congress

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Attorney Panel

Emerging Regulatory Issues in Arizona

Mona Baskin, Assistant Attorney General

State of Arizona

Executive Orders 2017-02 & 2018-02

Internal Review of Administrative Rules: Moratorium to Promote Job Creation & Customer-Service Oriented Agencies

State Agency “shall not conduct any rulemaking.” Agency shall obtain Governor’s approval & establish justification pursuant to Executive Order.



Promote jobs & reduce regulatory burden.



Executive Orders 2017-02 & 2018-02

Executive Orders require Agencies to report to the Governor

- ➔ • 2017 – Evaluate for “over burdensome” rules which are not necessary to protect consumers, public health or safety
- ➔ • 2018 – Evaluate rules “to identify opportunities for veterans” & to recognize skills & training during military service “in place of some or all training requirements for a specific license.”
- ➔ • 2018 – Evaluate rules related to license “reciprocity” to decrease burdens for qualified professionals who relocate to Arizona



Pathways to Licensure

Focus of Recent Executive Orders is to evaluate Board Processes for efficiency and to promote the influx of economic growth through licensure

- ➔ **< 30 days** – from receipt of completed application to Board review & approval
- ➔ Traditional Examination A.R.S.§32-922
- ➔ Endorsement A.R.S.§32-922.03



Pathways to Licensure

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Reciprocity A.R.S.§32-922.01

**Alaska, Colorado, Louisiana, Massachusetts,
Missouri, Minnesota & Ohio**



Out-of-state applicants; Military Spouse A.R.S.§32-4302



Scope of Practice, Board Certifications, & Percutaneous Therapy

- **Acupuncture certificate**
- **Physical medicine modalities & therapeutic procedures (PMMTP) certificate**
- **Percutaneous Therapy as applied to Chiropractic (Registration)**
 - ♦ **A.A.C. R4-7-602 (effective January 1, 2018)**
 - ♦ **Sets educational standards & qualifications**



Transparency in Board Function

Board Website Postings

A.R.S. 32-3214 (B)

- All Disciplinary Actions
- Non-disciplinary Orders (5 years)

A.R.S. 32-3222

- Health regulatory Boards shall digitally record open meetings
- Maintain the recordings for 3 years
- Post the recording on the website or notice of the availability of the recording



Transparency in Board Function

Board Meeting Minutes

House Bill 2065 (Signed by AZ Governor Ducey 4-17-18)

Meeting minutes shall include:

- **“a record of how each member voted”**
- **Member who propose each motion**
- **Names of persons, as given, who make statements or present material to the Board**



Transparency in Board Function

What constitutes a Meeting?

House Bill 2065 (Signed by AZ Governor Ducey 4-17-18)

A meeting includes:

- **One-way electronic communication by one member of a public body that is sent to a quorum of the members & that proposes legal action**
- **Electronic communications by a quorum of the Board that involves a discussion, deliberation or the taking of a legal action by the Board on a matter likely to come before the Board for action**



Statute of Limitation

Statute of Limitation in Health Board Administrative cases

A.R.S. 32-3224

(Effective 2017)

4 Year Statute of limitation

Exceptions

- **Medical malpractice settlements**
- **Allegations of sexual misconduct**
- **Diversions of controlled substances**
- **Impairment on duty**
- **Failure to disclose conduct or a violation**





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Mona.Baskin@AZAG.GOV

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