

SECRETARY OF STATE

2024 FEB -1 PM 2:40

FILED

AGENCY RECEIPT

NOTICE OF FINAL RULEMAKING

1. State of Arizona Naturopathic Physicians Medical Board

2. TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS

R4-18-601

R4-18-602

R4-18-603

SECRETARY OF STATE

2024 FEB -1 PM 2:40

FILED

AGENCY CERTIFICATE
NOTICE OF FINAL RULEMAKING

1. **Agency name:** State of Arizona Naturopathic Physicians Medical Board
2. **Chapter heading:** Chapter 18. Naturopathic Physicians Medical Board
3. **Code citation for the Chapter:** Code Title 4. A.A.C. Code Chapter 18.
4. **The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order:**

R4-18-601	Amend
R4-18-602	Amend
R4-18-603	Amend
5. **The rules contained in this package are true and correct as made**

6. 
Signature of Agency Chief Executive Officer in ink

2/1/24
Date signed

Gail Anthony
Printed or typed name of signer

Executive Director
Title of signer



GOVERNOR'S REGULATORY REVIEW COUNCIL

CERTIFICATE OF APPROVAL OF FINAL RULES

1. Agency Name: Naturopathic Physicians Medical Board
2. Chapter Heading: NATUROPATHIC PHYSICIANS MEDICAL BOARD
3. Citation for the Chapter: 4 A.A.C. 18

Action: Subchapters, Articles, Parts and Sections

Amend R4-18-601, R4-18-602, R4-18-603

4. The rules described above are approved as final rules.

approved as submitted (R1-6-205(A))

approved in part, returned in part (A.R.S. § 41-1052(C))

approved with changes accepted by the agency (R1-6-205(B))

5. Effective date:

standard 60-day delayed effective date

immediate effective date

other [specify date:]

Nicole Sornsin
Council Chair

Nov 7, 2023

Date of Approval

NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

FILED

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R4-18-601	Amend
R4-18-602	Amend
R4-18-603	Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-1504(A)

Implementing statute: A.R.S. § 32-1559

3. The effective date of the rule:

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The Agency requests a general effective date.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

The Agency requests a general effective date.

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 29 A.A.R. 810, March 31, 2023

Notice of Proposed Rulemaking: 29 A.A.R. 991, May 5, 2023

5. The agency's contact person who can answer questions about the rulemaking:

Name: Gail Anthony, Executive Director

Address: State of Arizona Naturopathic Physicians Medical Board

1740 W. Adams, Ste. 3002

Phoenix, AZ 85007

Telephone: (602) 542-8242
E-mail: Gail.anthony@nd.az.gov
Web site: <https://nd.az.gov>

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Board currently certifies 18 naturopathic medical assistants. Arizona Revised Statutes (A.R.S.) § 32-1559 was revised by Laws 2021, allowing the State of Arizona Naturopathic Physicians Medical Board to draft rules relating to Medical Assistant Training. A.R.S. § 32-1559 (D) states in part, the medical assistant training "may" be satisfied through a training program that meets all of the following: 1. Is designed and offered by a physician; 2. Meets or exceeds any of the approved training program requirements specified in rule; 3. Verifies the entry-level competencies of a naturopathic medical assistant as prescribed by rule; 4. Provides written verification to the individual of successful completion of the program. After seeking legal advice, the word "may" was interpreted to mean the Board had an option as to allow training to be offered by a physician. The Board's current medical assistant training requires the assistant provide proof of completion of an approved medical assistant program, provided by an accredited institution or organization recognized by the American Association of Naturopathic Physicians. A recent sunset review conducted by the Auditor General's office, made a recommendation that the Board move forward with rules outlining the ability for a medical assistant to satisfy training through a physician. Based on the Auditor General recommendation, the Board has chosen to move forward with drafting of rules. The Board will seek to promulgate rules related to this subject matter through regular rulemaking according to A.R.S. Title 41, Chapter 6.

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 or rely on any study for this rulemaking.

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. A summary of the economic, small business, and consumer impact:

Currently the Board regulates 18 naturopathic medical assistants. The number of naturopathic medical assistants certified by the Board has never increased above 25. The Board receives approximately one to two applications a year for naturopathic medical assistant certification. The current naturopathic medical assistant application fee is \$100.00, the maximum the Board can charge pursuant to A.R.S. § 32-1527(10). The certification requires a yearly renewal with a cost of \$150.00. A.R.S. § 32-1527(6) allows for a maximum amount of \$400.00 to be charged for the renewal application. There is no harm to the public resulting from the current rule. There is no estimated change in frequency of applications submitted to the Board due to the change in rule.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The amount of certified medical assistants has increased from 16 to 18 between the time of the proposed rulemaking and the GRRC submission.

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

The Notice of Proposed Rulemaking was filed with the Secretary of State on April 17, 2023. The notice appeared in the May 5, 2023 Arizona Administrative Register. The Board chose a 30-day comment period that closed June 5, 2023. No comments were received by the Board during the comment period.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

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:

The Board issues medical assistant certification to a qualified applicant to conduct identified activities as a naturopathic medical assistant. Use of a general permit allowing for specific activities is not applicable.

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

Not applicable.

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 as specified in A.R.S. § 41-1028 and its location in the rule:

This rule does not incorporate any referenced material into the rule as specified in A.R.S. § 41-1028.

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

This rule was not previously made, amended or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS

R4-18-601. Definitions

R4-18-602. Medical Assistant Qualification and Training Requirements

R4-18-603. Application for Medical Assistant Certification

ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS

R4-18-601. Definitions

In addition to the definitions in A.R.S. § 32-1501 and R4-18-101, the following definitions apply to this Article:

1. “Approved medical assistant training program” means a course of study for medical assistants that is provided:
 - a. At an institution that is accredited by:
 - i. The Commission on Accreditation of Allied Health Education Programs,
 - ii. The Commission for the Accrediting Bureau of Health Education Schools, or
 - iii. An accrediting agency recognized by the United States Department of Education or the Armed Forces of the United States, or
 - b. By an organization recognized by the American Association of Naturopathic Physicians.
2. “Employ” means to compensate by money or other consideration for work performed.
3. “Medical history” means an account of an individual’s past and present physical and mental health including the individual’s illness, injury, or disease.
4. “Medication” means a drug as defined in A.R.S. § 32-1501 or a natural substance as defined in A.R.S. § 32-1581.
5. “Naturopathic practice” means a place where the practice of naturopathic medicine as defined in A.R.S. § 32-1501 takes place.
6. “Training” means classroom and clinical instruction completed by an individual as part of an approved medical assistant training program, or training designed and offered by a licensed naturopathic physician, that meets or exceeds the standards of one of the approved medical assistant training programs listed in subsection (1)(a) through (b).
7. “Treatment” means any of the acts included in the practice of naturopathic medicine as defined in A.R.S. § 32-1501.

R4-18-602. Medical Assistant Qualification and Training Requirements

~~An individual shall complete an approved medical assistant program to qualify for certification as a medical assistant.~~

A licensed Naturopathic Physician who provides direct supervision to a medical assistant, shall ensure that the medical assistant satisfies one of the following training requirements before the medical assistant is employed:

1. Completes an approved medical assistant training program;
2. Completes a medical assistant training program designed and offered by a licensed Naturopathic Physician that meets the requirements outline in A.R.S. § 32-1559 (D)(1) through (4), and passes a medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists; or
3. Completes a medical services training program of The Armed Forces of the United States;
4. A licensed Naturopathic Physician must obtain approval of the medical assistant training program prior to providing the training, by submitting the required application to the Board.

R4-18-603. Application for Medical Assistant Certification

A. An applicant for a medical assistant certificate shall submit an application packet to the Board that contains the following:

1. An application form provided by the Board, signed and dated by the applicant that contains:
 - a. The applicant's legal name, mailing address, telephone number, and Social Security number;
 - b. The applicant's date and place of birth;
 - c. The applicant's height, weight, and eye and hair color;
 - d. The name, address, and telephone number of the applicant's employer, if applicable;
 - e. The name of the licensed naturopathic physician who will supervise the applicant;
 - f. The name and address of the institution where the applicant completed an approved medical assistant training program; or
 - g. If the training was completed in a program provided by a licensed naturopathic physician, the following must be submitted:
 - i. A letter outlining the training provided and signed by the naturopathic physician who provided the training.
 - ii. Proof of passing the required medical assistant examination administered by either The American

Association of Medical Assistants or The American Medical Technologists; or

iii. Proof of completion of a medical services training program of The Armed Forces of the United States.

2. A copy of a certificate of completion from an approved medical assistant training program or a letter of completion from an approved medical assistant training program signed by the person in charge of the approved medical assistant training program;
3. A completed and legible fingerprint card; and
4. The fees required by the Board under A.R.S. § 32-1527.

STATE OF ARIZONA
NATUROPATHIC PHYSICIANS MEDICAL BOARD
ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENT

FILED

TITLE 32, PROFESSIONS AND OCCUPUCANTION
CHAPTER 14, ARTICLE 6.

1. An identification of the proposed rulemaking.

The Board currently certifies 18 naturopathic medical assistants. Arizona Revised Statutes (A.R.S.) § 32-1559 was revised by Laws 2021 Chapter 259, allowing the State of Arizona Naturopathic Physicians Medical Board to draft rules relating to Medical Assistant Training. A.R.S. 32-1559 (D) states in part, the medical assistant training “may” be satisfied through a training program that meets all of the following: 1. Is designed and offered by a physician, 2. Meets or exceeds any of the approved training program requirements specified in rule, 3. Verifies the entry-level competencies of a naturopathic medical assistant as prescribed by rule, 4. Provides written verification to the individual of successful completion of the program. After seeking legal advice, the word “may” was interpreted to mean the board had an option as to allow for training to be offered by a physician. The Board’s current medical assistant training requires the assistant provide proof of completion of an approved medical assistant program provided by an accredited institution or organization recognized by the American Association of Naturopathic Physicians. A recent sunset review conducted by the Auditor General’s office, made a recommendation that the board move forward with rules outlining the ability for a medical assistant to satisfy training through a physician. Based on the Auditor General recommendation, the Board has chosen to move forward with drafting of rules. The Board will seek to promulgate rules related to this subject matter through regular rulemaking according to A.R.S. Title 41, Chapter 6.

2. An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rule making.

Persons affected:

The rulemaking affects naturopathic medical assistant applicants.

Cost Bearer:

There are no anticipated costs associated with any of the proposed amendments.

Beneficiaries:

Applicants for naturopathic medical assistant certification.

3. A cost benefit analysis of the following:

(a.) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rule making. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the EIS shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the Council.

There should be no economic impact to the agency. No new FTE’s are required to implement the proposed rule changes.

(b.) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

None apparent.

(c.) The probable costs and benefits to businesses directly affected by the proposed rule making, including any anticipated effect on the revenues or payroll expenditure of employers who are subject to the proposed rulemaking.

None apparent.

4. A general description of the probable impact on private and public employment in business, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

Any economic impact would be felt by entities currently providing approved medical assistant training. Loss of revenue would be seen in the event a naturopathic medical assistant chose to participate in unapproved training.

5. A statement of the probable impact of the rulemaking on small business.

(a.) An identification of the small business subject to the rulemaking.

None identified

(b.) Administrative/other costs required for compliance with the rulemaking.

None identified.

(c.) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses with reasons for the agency's decision to use or not to use each method.

None identified

(d.) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The only foreseeable benefit to this rule would be for the naturopathic medical assistant applicant who would not be required to pay for an approved medical assistant education.

6. A statement of the probable effect on the state revenues.

None apparent.

7. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

None apparent.

8. A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable.

For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

A.R.S. § 32-1504(A), A.R.S. § 32-1559.