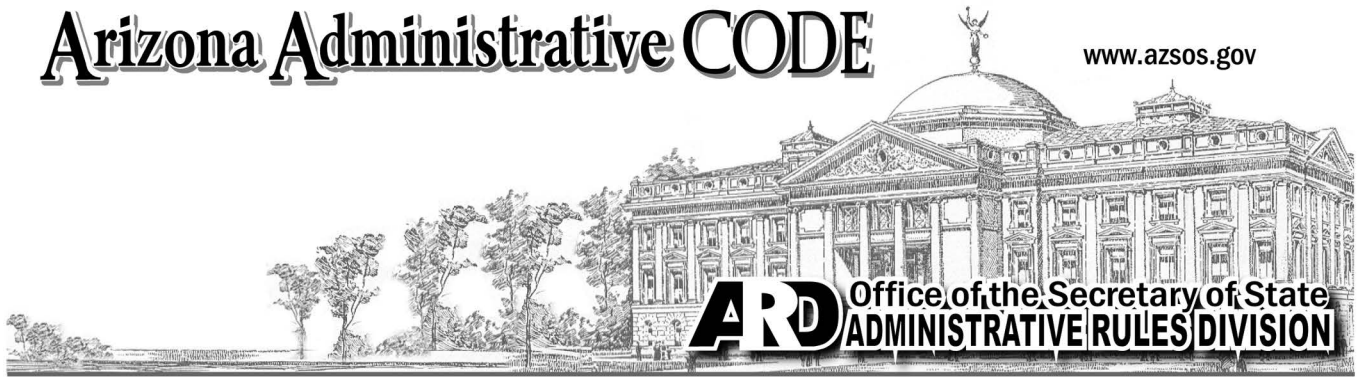




4 A.A.C. 25

Supp. 24-1

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 25. BOARD OF PODIATRY EXAMINERS

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
January 1, 2024 through March 31, 2024

[R4-25-103.](#) [Fees](#) [2](#)

Questions about these rules? Contact:

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The release of this Chapter in Supp. 24-1 replaces Supp. 23-2, 1-8 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

<i>Arizona Administrative Code</i> <u>Publisher</u> Department of State Office of the Secretary of State Administrative Rules Division	Published electronically under the authority of A.R.S. § 41-1012. Authentication authorized under Arizona Revised Statutes, Chapter 54, Uniform Electronic Legal Material Act.	Mailing Address: Administrative Rules Division Office of the Secretary of State 1700 W. Washington Street, Fl. 7 Phoenix, AZ 85007
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Administrative Rules Division

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TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 25. BOARD OF PODIATRY EXAMINERS**

Authority: A.R.S. § 32-801 et seq.

Supp. 24-1**CHAPTER TABLE OF CONTENTS**

Chapter 25, consisting of Sections R4-25-101 through R4-25-103, R4-25-201 through R4-25-203, R4-25-301 through R4-25-304, R4-25-401, and R4-25-501 through R4-25-506, renumbered and amended, and new rules adopted effective November 18, 1986.

Former Chapter 25, consisting of Sections R4-25-01 through R4-25-04, R4-25-20, R4-25-30 through R4-25-33, R4-25-40, and R4-25-50 through R4-25-53, renumbered and amended effective November 18, 1986.

ARTICLE 1. GENERAL PROVISIONS

Section	
R4-25-101.	Definitions 2
R4-25-102.	Postdoctoral, or Residency Program Approval 2
R4-25-103.	Fees 2
R4-25-104.	Time-frames for Approvals 3
R4-25-105.	Repealed 3
R4-25-106.	Renumbered 3
R4-25-107.	Repealed 3
Table 1.	Time-frames (in days) 4

ARTICLE 2. EXAMINATIONS

Section	
R4-25-201.	Examination of Applicants 4
R4-25-202.	Repealed 4
R4-25-203.	Repealed 4

ARTICLE 3. LICENSES

Section	
R4-25-301.	Application for a Regular Podiatry License 4
R4-25-302.	Application for a Podiatrist's License by Comity 4
R4-25-303.	Expired 5
R4-25-304.	Repealed 5
R4-25-305.	Expired 5
R4-25-306.	License Renewal 5

ARTICLE 4. REHEARING OR REVIEW

Section

R4-25-401.	Rehearing or Review 5
------------	-----------------------------

ARTICLE 5. CONTINUING EDUCATION

Section	
R4-25-501.	Continuing Education Hours Required 6
R4-25-502.	Approval of Continuing Education 6
R4-25-503.	Documentation 6
R4-25-504.	Repealed 6
R4-25-505.	Waiver of Continuing Education 6

ARTICLE 6. DISPENSING DRUGS AND DEVICES

Section	
R4-25-601.	Reserved 7
R4-25-602.	Registration Requirements 7
R4-25-603.	Prescribing and Dispensing Requirements 7
R4-25-604.	Recordkeeping and Reporting Shortages 7
R4-25-605.	Registration Renewal 8

ARTICLE 7. PODIATRIC MEDICAL ASSISTANTS

New Article 7, consisting of Sections R4-25-701 and R4-25-702, made by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

Section	
R4-25-701.	Approval of Podiatric Medical Assistant Clinical Certification and Radiology Certification 8
R4-25-702.	Podiatric Medical Assistants – Authorized Procedures 8

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

R4-25-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Administer" has the same meaning as in A.R.S. § 32-1901.
2. "Comity" means the procedure for granting an Arizona license to an applicant who is licensed as a podiatrist in another state of the United States.
3. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
4. "Council" means the Council of Podiatric Medical Education, an organization approved by the American Podiatric Medical Association to govern podiatric education.
5. "Credit hour" means 60 minutes of participation in continuing education.
6. "Day" means calendar day.
7. "DEA" means The Drug Enforcement Administration in the Department of Justice
8. "DEA Registration" means the DEA Controlled Substance Registration required and permitted by 21 U.S.C. 823 of the Controlled Substances Act.
9. "Device" has the same meaning as in A.R.S. § 32-1901 and includes a prescription-only device defined in A.R.S. § 32-1901.
10. "Directly supervise" has the same meaning as "direct supervision" in A.R.S. § 32-871(D).
11. "Dispense" has the same meaning as in A.R.S. § 32-871(F).
12. "Distributor" has the same meaning as in A.R.S. § 32-1901.
13. "Drug" has the same meaning as in A.R.S. § 32-1901 and includes a controlled substance, a narcotic drug defined in A.R.S. § 32-1901, a prescription medication, and a prescription-only drug.
14. "Informed consent" means a document signed by a patient or patient's representative that authorizes treatment to the patient after the treating podiatrist informs the patient or the patient's representative of the following:
 - a. A description of the treatment;
 - b. A description of the expected benefits of the treatment;
 - c. Alternatives to the treatment;
 - d. Associated risks of the treatment, including potential side effects and complications; and
 - e. The patient's right to withdraw authorization for the treatment at any time.
15. "Party" has the same meaning as in A.R.S. § 41-1001.
16. "Patient" means an individual receiving treatment from a podiatrist.
17. "Prescription medication" has the same meaning as in A.R.S. § 32-1901.
18. "Prescription-only device" has the same meaning as in A.R.S. § 32-1901.
19. "Prescription-only drug" has the same meaning as in A.R.S. § 32-1901.
20. "Prescription order" has the same meaning as in A.R.S. § 32-1901.
21. "Regular podiatry license" means a license issued pursuant to the provisions of A.R.S. § 32-826(A).
22. "Representative" means a legal guardian, an individual acting on behalf of another individual under written authorization from the individual, or a surrogate according to A.R.S. § 36-3201.

23. "Treatment" means podiatric medical, surgical, mechanical, manipulative, or electrical treatment according to A.R.S. § 32-801.

Historical Note

Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-01 renumbered and amended as Section R4-25-101 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

R4-25-102. Postdoctoral, or Residency Program Approval

- A. For purposes of satisfying the requirements of A.R.S. § 32-826(A), a postdoctoral or residency program approved by the Council is approved by the Board.
- B. A postdoctoral or residency program provisionally approved or placed on probation by the Council is approved by the Board until the Council makes a final adverse determination of the status of the postdoctoral or residency program.

Historical Note

Adopted effective March 16, 1981 (Supp. 81-2). Former Section R4-25-02 renumbered and amended as Section R4-25-102 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-103. Fees

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for license according to A.R.S. §§ 32-822(A) and 32-825, \$450.00.
2. Application for license according to A.R.S. § 32-827, \$450.00.
3. License issuance, \$225.00.
4. Annual renewal, \$325.00.
5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
6. Certification of a licensee to authorities of another state or country, \$10.00.
7. For initial registration to dispense drugs and devices, \$200.00.
8. For annual renewal of registration to dispense drugs and devices, \$100.00.
9. Application for temporary license and issuance of license, \$100.00
10. Application for telehealth registration and issuance of registration, \$50.00.

Historical Note

Former Rule 3; Repealed effective August 30, 1978 (Supp. 78-4). Adopted as an emergency effective December 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-6). Former emergency adoption now adopted effective April 9, 1981 (Supp. 81-2). Former Section R4-25-03 repealed, new Section R4-25-03 adopted effective April 18, 1984 (Supp. 84-2). Former

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

Section R4-25-03 renumbered without change as Section R4-25-103 effective November 18, 1986 (Supp. 86-6). Amended effective May 7, 1990 (Supp. 90-2). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 12 A.A.R. 479, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2). Fee in subsection (10) as published in the *Register* and in the proposed rulemaking corrected to \$50 as submitted in final rulemaking in file R23-116.

Amended by final rulemaking at 30 A.A.R. 382 (March 1, 2024), effective April 8, 2024 (Supp. 24-1).

R4-25-104. Time-frames for Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1.
 1. The administrative completeness review time-frame begins:
 - a. For approval of a podiatry license, when the Board receives the application packet required in R4-25-303;
 - b. For approval of a registration to dispense drugs, when the Board receives the application packet required in R4-25-602;
 - c. For approval of an application for renewal of a license or dispensing registration, when a licensee submits an application packet to the Board; or
 - d. For approval of continuing education, when the Board receives a request for approval.
 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional

information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.

2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
- D. The Board shall consider an application withdrawn if, within 365 days from the application submission date, the applicant fails to supply the missing information under subsection (B)(2) or (C)(1).
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 365 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

Historical Note

Former Rule 4; Repealed effective August 30, 1978 (Supp. 78-4). Adopted effective March 13, 1986 (Supp. 86-2). Former Section R4-25-04 renumbered without change as Section R4-25-104 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-105. Repealed

Historical Note

Former Rule 5; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-05 renumbered without change as Section R4-25-105 effective November 18, 1986 (Supp. 86-6).

R4-25-106. Renumbered

Historical Note

Former Rule 6; Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Former Section R4-25-06 renumbered without change as Section R4-25-106 effective November 18, 1986 (Supp. 86-6).

R4-25-107. Repealed

Historical Note

Former Rule 7; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-07 renumbered without change as Section R4-25-107 effective November 18, 1986 (Supp. 86-6).

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Regular Podiatry License (R4-25-301)	A.R.S. § 32-826	60	30	30
License by Comity (R4-25-302)	A.R.S. § 32-827	60	30	30
Dispensing Registration (R4-25-602)	A.R.S. § 32-871	60	30	30
License Renewal (R4-25-306)	A.R.S. § 32-829	60	15	45
Registration Renewal (R4-25-605)	A.R.S. § 32-871	60	30	30
Continuing Education Approval (R4-25-502)	A.R.S. § 32-829	60	15	45

Historical Note

New Table 1 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

ARTICLE 2. EXAMINATIONS**R4-25-201. Examination of Applicants**

- A.** An applicant who does not meet the requirements in A.R.S. § 32-827 for licensure by comity shall pass the National Board Written Examinations with a grade of 75% or more.
- B.** An applicant licensed to practice podiatry in a state other than Arizona who is applying to the Board for a license by comity and who passed The National Board Written Examinations in a state other than Arizona with a score of 75% or more within five years of the application submission date meets the examination requirements of A.R.S. § 32-823.

Historical Note

Adopted as an emergency effective April 21, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-2). Adopted effective August 30, 1978 (Supp. 78-4).

Amended subsection (A) effective March 16, 1981 (Supp. 81-2). Former Section R4-25-20 renumbered and amended as Section R4-25-201 effective November 18, 1986 (Supp. 86-6). Section repealed, new Section adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-202. Repealed**Historical Note**

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-203. Repealed**Historical Note**

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Repealed by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

ARTICLE 3. LICENSES**R4-25-301. Application for a Regular Podiatry License**

- A.** An applicant for a regular license shall submit:
1. An application form approved by the Board, signed and dated by the applicant that contains questions approved by the Board.
 2. Two passport-type photographs of the applicant taken not more than six months before the date of application;
 3. A photocopy of the diploma issued to the applicant upon completion of podiatric school;
 4. A photocopy of the residency certificate issued to the applicant upon completion of residency; and
 5. The fee required in R4-25-103.
- B.** An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-30 renumbered without change as Section R4-25-301 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

R4-25-302. Application for a Podiatrist's License by Comity

- A.** Under A.R.S. § 32-827, an applicant for a podiatrist's license by comity shall submit to the Board, an application form approved by the Board, signed and dated by the applicant that contains questions approved by the Board and the following:
1. A photocopy of a current podiatric license in good standing issued in another state or jurisdiction;
 2. Written documentation of having been engaged in the practice of podiatric medicine for five of seven years immediately preceding the application;
 3. Two passport-type photographs of the applicant taken not more than six months before the date of application;
 4. The fee required in R4-25-103.
- B.** An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

to the Board office by the professional examination service preparing the examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-31 renumbered and amended as Section R4-25-302 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

R4-25-303. Expired

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Former Section R4-25-32 renumbered and amended as Section R4-25-303 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). former Section R4-25-303 renumbered to R4-25-305, new Section R4-25-303 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 727, effective November 28, 2013 (Supp. 14-1).

R4-25-304. Repealed

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-33 renumbered without change as Section R4-25-304 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-305. Expired

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Section R4-25-305 renumbered from R4-25-303 by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Section expired under A.R.S. § 41-1056(J) at 20 A.A.R. 727, effective November 28, 2013 (Supp. 14-1).

R4-25-306. License Renewal

On or before June 30 of each year, a licensee shall submit the renewal fee required in R4-25-103, and

1. A renewal application approved by the Board that contains questions approved by the Board.
2. The written report required in R4-25-503 for continuing education, including an attestation of attendance signed by the licensee.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

ARTICLE 4. REHEARING OR REVIEW

R4-25-401. Rehearing or Review

- A. Except as provided in subsection (G), a party who is aggrieved by a decision issued by the Board may file with the Board no later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known home or business address or five days after the decision is mailed by certified mail to the party or the party's attorney.
- B. A party filing a motion for rehearing or review may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion or amended motion by any other party for rehearing or review is filed. The Board may require a party to file a supplemental memorandum explaining the issues raised in the motion or response and may permit 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 Board's administrative proceedings or an abuse of discretion that deprived the party of a fair hearing,
 2. Misconduct of the Board or the prevailing party,
 3. Accident or surprise that could not have been prevented by ordinary prudence,
 4. Newly discovered material evidence that could not with reasonable diligence 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. That the decision is not supported by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the ground for the rehearing or review.
- E. No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reason in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- F. When a motion for rehearing or review is based upon affidavits, a party shall serve the affidavits with the motion. An opposing party may, within 10 days after service, serve opposing affidavits. The Board may extend the time for serving opposing affidavits for no more than 20 days for good cause or by written stipulation of the parties. The Board may permit reply affidavits.
- G. If the Board makes specific findings that the immediate effectiveness of a decision is necessary to preserve the public health and safety and determines 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 rehearing or review. If a decision is issued as a final decision without an opportunity for a rehearing or review, an aggrieved party that makes an application for judicial review of the decision shall make the application within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 12-904.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-40 renumbered and amended as Section

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

R4-25-401 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 5. CONTINUING EDUCATION

R4-25-501. Continuing Education Hours Required

- A. Unless a licensee obtains a waiver according to R4-25-505, the licensee shall complete 25 hours or more of continuing education credit hours every fiscal year.
- B. A licensee who has been licensed for less than 12 months before license renewal shall complete two continuing education credit hours for each month of licensure.
- C. For a licensee authorized to prescribe schedule II controlled substances and who has a valid DEA registration, at least three hours of the 25 hours required in subsection (A) shall be obtained in the area of opioid-related, substance use disorder-related or addiction-related continuing education.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-50 renumbered and amended as Section R4-25-501 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-502. Approval of Continuing Education

- A. A licensee may submit a written request to the Board for approval of continuing education before submission of a renewal application.
- B. A request under subsection (A) shall contain:
 1. A brief summary of the continuing education;
 2. The educational objectives of the continuing education;
 3. The date, time, and place of the provision of the continuing education;
 4. The name of the individual providing the continuing education, if available; and
 5. The name of the organization providing the continuing education, if applicable.
- C. In determining whether to approve continuing education, the Board shall consider whether the continuing education:
 1. Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;
 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 3. Contributes directly to the professional competence of a licensee.
- D. The Board may accept a maximum of 10 continuing education credit hours or less for the following:
 1. Teaching a graduate level course approved by the American Podiatry Medical Association,
 2. Self-study which can include the following:
 - a. Reading educational literature that relates to the practice of podiatry.
 - b. A work or study group that relates to the practice of podiatry.
 - c. Having authored or co-authored a book, book chapter, or article in a peer-reviewed journal that was published within the last year and that relates to the practice of podiatry.
 3. Serving as a Board member or Complaint consultant for the Board.

- E. The Board shall approve or deny a request for approval according to the time-frames set forth in R4-25-104 and Table 1.
- F. According to A.R.S. § 32-829(E), if approval of a continuing education request is denied, a licensee has 60 days from the date of the denial to meet the continuing education requirements.
- G. Any opioid-related course that is approved by the Arizona State Board of Podiatry Examiners, Arizona State Board of Pharmacy, Arizona Board of Osteopathic Examiners, Arizona Medical Board or the Arizona State Board of Nursing is approved by the Board.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-51 renumbered and amended as Section R4-25-502 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-503. Documentation

- A. A licensee shall submit a written report of completed continuing education with a renewal application that includes:
 1. The name of the licensee,
 2. The title of each continuing education,
 3. A description of the continuing education's content and educational objectives,
 4. The date of completion of each continuing education,
 5. The number of credit hours of each continuing education, and
 6. A statement signed by the licensee verifying the information in the report.
- B. The Board may audit continuing education reports every 12 months for conformance with A.R.S. § 32-829 and this Article:
 1. Randomly; or
 2. Selectively for licensees who previously submitted reports that did not conform with the requirements in A.R.S. § 32-829 or this Article.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-52 renumbered and amended as Section R4-25-503 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-504. Repealed

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-53 renumbered and amended as Section R4-25-504 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-505. Waiver of Continuing Education

- A. A licensee who is unable to complete 25 hours of continuing education for any of the reasons in A.R.S. § 32-829(C) may submit a written request for a waiver to the Board by August 31 that contains:
 1. The name, address, and telephone number of the licensee;
 2. The report required in R4-25-503;

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

3. An explanation of why the licensee was unable to meet the Board's continuing education requirements that includes one of the reasons in A.R.S. § 32-829(C); and
 4. The signature of the licensee.
- B.** The Board shall send written notice of approval or denial of the request for waiver within seven days of receipt of the request.
- C.** If the Board denies a request for a waiver, a licensee has 60 days from the date of the denial to meet the requirements for continuing education.

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6).
Amended effective July 27, 1995 (Supp. 95-3). Amended
by final rulemaking at 9 A.A.R. 1846, effective July 19,
2003 (Supp. 03-2).

ARTICLE 6. DISPENSING DRUGS AND DEVICES

R4-25-601. Reserved

R4-25-602. Registration Requirements

An individual currently licensed as a podiatrist in this state who wishes to dispense drugs and devices shall register with the Board by submitting all of the following:

1. The podiatrist's current Drug Enforcement Administration Certificate of Registration issued by the Department of Justice under 21 U.S.C. 801 et seq.;
2. The fee required in R4-25-103; and
3. An application form provided by the Board, signed and dated by the podiatrist, that contains questions approved by the Board.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended
by final rulemaking at 5 A.A.R. 1000, effective March
16, 1999 (Supp. 99-1). Amended by final rulemaking at 9
A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).
Amended by final rulemaking at 29 A.A.R. 1551 (July
14, 2023), effective August 18, 2023 (Supp. 23-2).

R4-25-603. Prescribing and Dispensing Requirements

A podiatrist shall:

1. Not dispense schedule II controlled substances that are opioids.
2. Not dispense a drug unless the drug is obtained from a manufacturer or distributor licensed in any state or jurisdiction;
3. Ensure that a drug or device is dispensed only to a patient being treated by the podiatrist;
4. Before dispensing a drug, provide a patient with a written prescription order that:
 - a. Contains the following statement in bold type: "This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice," and
 - b. Is signed by the podiatrist;
5. Directly supervise each individual involved in preparing a drug that is dispensed;
6. Ensure that a drug is:
 - a. Dispensed in a prepackaged container or in a light resistant container with a consumer safety cap; and
 - b. Labeled with the following information:
 - i. The podiatrist's name, address, and telephone number;
 - ii. The date the drug is dispensed;
 - iii. The patient's name; and

- iv. The name, strength of the drug, and directions for the drug's use;
7. Ensure that the original prescription order for a drug is countersigned and dated by the individual who prepared the drug for dispensing;
 8. Before a drug or device is dispensed to a patient:
 - a. Review the drug or device to ensure compliance with the prescription order;
 - b. Ensure the patient is informed of the following:
 - i. The name of the drug or device,
 - ii. Directions for taking the drug or using the device,
 - iii. Precautions for the drug or device, and
 - iv. Directions for storing the drug or device;
 9. Document in the medical record the following for each patient:
 - a. Name of the drug or device dispensed,
 - b. Strength of the drug dispensed,
 - c. Date the drug or device is dispensed, and
 - d. Therapeutic reasons for dispensing the drug or device;
 10. Maintain an inventory record for each drug that contains:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Date the drug was received by the podiatrist,
 - d. Amount of the drug received by the podiatrist,
 - e. Name of the manufacturer and distributor of the drug, and
 - f. A unique identifying number provided by the manufacturer or distributor of the drug;
 11. Store a drug in a locked cabinet or room and:
 - a. Establish a written policy for access to the locked cabinet or room, and
 - b. Make the written policy available to the Board or its authorized agent within 72 hours of a Board request;
 12. Ensure that a drug is stored at temperatures recommended by the manufacturer of the drug; and
 13. Maintain a dispensing log, separate from the inventory record for each drug dispensed that includes the:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Amount of the drug,
 - d. Patient's name,
 - e. Date the drug was dispensed, and
 - f. The name and signature of the podiatrist who dispensed the drug.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended
by final rulemaking at 9 A.A.R. 1846, effective July 19,
2003 (Supp. 03-2). Amended by final rulemaking at 26
A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-604. Recordkeeping and Reporting Shortages

- A.** A prescription order written by a podiatrist for a drug shall:
1. Contain the:
 - a. Name of the patient,
 - b. Date the prescription order is written, and
 - c. Name and signature of the podiatrist;
 2. Be numbered consecutively; and
 3. Be maintained separately from a medical record.

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 25. BOARD OF PODIATRY EXAMINERS

- B. A podiatrist shall maintain an invoice of a drug purchased from a manufacturer or distributor for three years from the date purchased.
- C. A podiatrist shall maintain the inventory record in R4-25-603(9) and the dispensing log in R4-25-603(12) for seven years from the date of entry.
- D. A podiatrist who discovers that a drug identified in the podiatrist's inventory record cannot be accounted for shall:
 1. Within 48 hours of discovery or the next business day if a weekend or holiday, whichever is later, notify the appropriate law enforcement agency and the federal Drug Enforcement Administration; and
 2. Provide written notification to the Board within seven days from the date of the discovery, including the name of the law enforcement agency notified.
- E. A podiatrist shall report controlled substances dispensing as required per A.R.S. § 36-2608.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 26 A.A.R. 1501, effective September 6, 2020 (Supp. 20-3).

R4-25-605. Registration Renewal

- A. A podiatrist shall renew a registration no later than June 30 of each year by submitting to the Board:
 1. An application form provided by the Board, signed and dated by the podiatrist, that contains questions approved by the Board.
 2. The fee required in R4-25-103.
- B. If a podiatrist fails to submit the information required in subsection (A) and the registration renewal fee required in R4-25-103 by June 30, the podiatrist's registration expires. If a registration expires, the podiatrist shall:
 1. Immediately cease dispensing drugs or devices, and
 2. Register pursuant to R4-25-602 before dispensing drugs and devices.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2). Amended by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

ARTICLE 7. PODIATRIC MEDICAL ASSISTANTS

R4-25-701. Approval of Podiatric Medical Assistant Clinical

Certification and Radiology Certification

- A. For purposes of this Section, a Board-approved clinical certification program is a program accredited by the American Society of Podiatric Medical Assistants.
- B. For purposes of this Section, a Board-approved radiology certification program is a program accredited by the American Society of Podiatric Medical Assistants.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).

R4-25-702. Podiatric Medical Assistants – Authorized Procedures

- A. A podiatric medical assistant not working under the direct supervision of a licensed podiatric physician may:
 1. Order supplies, store supplies, stock treatment rooms;
 2. Clean treatment rooms;
 3. Answer phones;
 4. Schedule appointments;
 5. Check patients in.
- B. A podiatric medical assistant working under the direct supervision of a licensed podiatric physician may:
 1. Obtain medical history from a patient;
 2. Obtain and record vital signs of a patient;
 3. Explain treatment procedures to a patient;
 4. Take off a patient's shoes and put the patient's shoes back on;
 5. Clip toenails on a patient;
 6. Apply bandages to the feet of a patient;
 7. Prepare a patient for a procedure;
 8. Take x-rays if the podiatric medical assistant is certified in radiology as described in R4-25-701(B). A podiatric medical assistant shall not take x-rays if the podiatric medical assistant does not meet the requirement of R4-25-701(B);
 9. The supervising licensed podiatric physician shall ensure that the podiatric medical assistant is properly trained and shall be responsible for all acts or missions of a podiatric medical assistant.

Historical Note

New Section made by final rulemaking at 29 A.A.R. 1551 (July 14, 2023), effective August 18, 2023 (Supp. 23-2).