

FIVE-YEAR-REVIEW REPORT
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 15. BOARD OF MASSAGE THERAPY
ARTICLE 4. REGULATORY PROVISIONS

R4-15-401. Rehearing or Review of Board's Decision

1. Authorization of the rule by existing statute

The rule has statutory authority in A.R.S. §§ 32-4203(A)(7), 41-1092.09

2. Objective of the rule

The objective of the rule is provide a person with the means to appeal an action of the Board in the form of a rehearing or review by stating who may file a written motion, the grounds for the Board to grant a rehearing or review, and the process followed by the Board.

3. Analysis of effectiveness in achieving the objective

The rule is effective.

4. Analysis of consistency with state and federal statutes and rules

The rule is consistent with state and federal statutes and rules.

5. Status of enforcement of the rule

The Board enforces the rule.

6. Analysis of clarity, conciseness, and understandability

The rule is clear, concise, and understandable.

7. Written criticism of the rules received in the last five years

The Board has not received any written criticisms of the rule in the last five years.

8. Estimated economic, small business and consumer impact comparison

In this comparison, minimal means less than \$1,000, moderate means between \$1,000 and \$10,000, and substantial means greater than \$10,000.

R4-15-401 became effective September 9, 2006 along with other amendments made to the Board's rules. The economic impact statement (see attached) does not actually refer to the rule but the costs to the Board or a licensee have been minimal. The Board received and denied one motion for rehearing in 2012 and two motions in 2013. The Board received one motion for rehearing in 2014, which was denied due to untimely filing by the Respondent. The Board currently licenses 10,087 massage therapists.

9. Any analysis submitted to the Board by any person regarding the rule's impact on this state's business competitiveness as compared to the competitiveness of businesses in other states.

No such analysis was submitted.

10. How the Board completed the course of action in the Board's five-year-review report:

The last five year review report on this rule was approved by the Governor's Regulatory Review Council on January 5, 2010. The Board proposed no action on the rule.

11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule, and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

By providing a way to appeal and the process for an appeal of the Board decision via rehearing or review, the benefits of the rule outweigh the costs

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law:

Not applicable

13. For a rule adopted after July 29, 2010, that requires issuance of a regulatory permit, license or agency authorization, whether the rule complies with A.R.S. § 41-1037:

The rule was adopted before July 29, 2010, so this provision does not apply.

14. Proposed course of action

The Board will take no action on this rule.