

**STATE OF ARIZONA
NATUROPATHIC PHYSICIANS MEDICAL BOARD**

FIVE-YEAR-REVIEW REPORT

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD
ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS**

December 2015

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FIVE-YEAR-REVIEW SUMMARY

Statutory Authority

The Naturopathic Physicians Medical Board (Board) is statutorily vested with the duty to issue licenses and certificates to applicants who are qualified. A.R.S. § 32-1526. A.R.S. § 32-1504(A)(1) requires the Board to “adopt rules that are necessary or proper for the administration of this chapter.” A.R.S. § 32-1504(A)(2) requires the Board to administer and enforce A.R.S. § 32-1501 *et seq.* and rules adopted by the Board. A.R.S. § 32-1504(A)(3) requires the Board to “adopt rules regarding the qualifications of medical assistants who assist doctors of naturopathic medicine”. A.R.S. § 32-1559 sets out basic procedures a naturopathic medical assistant is authorized to perform under the supervision of a licensed naturopathic medical doctor in the State of Arizona. Statute also allows the Board to prescribe by rule, medical treatments and procedures a naturopathic medical assistant may perform, under the direct supervision of the naturopathic doctor. The application requirements for a naturopathic medical assistant are found in A.R.S. § 32-1524. A naturopathic medical assistant is required to renew a certificate each year, according to A.R.S. § 32-1526(D). According to A.R.S. § 32-1526(G), a naturopathic medical assistant who fails to renew a certificate by the due date shall pay a late renewal fee as prescribed in A.R.S. §32-1527. Further, the certificate “automatically expires if not renewed within sixty days after the due date.” A.R.S. § 32-1559(E) states it is unlawful for a person to “use the title medical assistant or a related abbreviation unless that person is working as a naturopathic medical assistant pursuant to this section.” A.R.S. §32-1526 (H) states “the Board may reinstate a license or certificate on payment of all renewal and penalty fees.

The Rules

This report analyzes the five rules in Article 6 for naturopathic medical assistants that became effective on June 4, 2005. The rules in Article 6 contain provisions for definitions, qualifications, initial and renewal applications, and authorized procedures for medical assistants.

After review of the rules, the Board determined the following changes should be made in order to achieve consistency with state and federal statute and rules.

INFORMATION THAT IS IDENTICAL FOR ALL THE RULES

1. **Authorization of the rule by existing statute**

All of the rules have general statutory authority in A.R.S. § 32-1504(A)(1) and A.R.S. § 32-1504(A)(2). Specific statutory authority is as stated in each rule.

3. **Analysis of effectiveness in achieving the objective**

All of the rules are effective in achieving the objective.

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

Most of the rules are consistent with state and federal statutes and rules, with the following exception. R4-18-605(A)(7), allows for a naturopathic medical assistant certified by the board, to perform physiotherapy; including (e) "massage therapy".

The State of Arizona Massage Therapy Board, issues massage therapy licensure to qualified applicants. Pursuant to A.R.S. § 32-4222(B), an applicant for licensure as a massage therapists shall either: "1. Have successfully completed a course of study of massage therapy or bodywork therapy consisting of a minimum of five hundred classroom and clinical hours of supervised instruction at a board recognized school in this state that is accredited by an agency recognized by the secretary of the United States department of education. 2. Have done both of the following: (a) Successfully completed a course of study in massage therapy or bodywork therapy consisting of a minimum of five hundred classroom and clinical hours of supervised instruction at a school in this state that is licensed by the state board for private postsecondary education or at a school outside of this state that is recognized by the board pursuant to section 32-4228. (b) Successfully passed an examination administered by a national board accredited by the certifying agency that has been approved by the national commission on competency assurance and that is in good standing with that agency or have successfully passed an examination that is administered or approved by the board."

Pursuant to A.R.S. § 32-4201(5), "Massage therapy" means the following that are undertaken to increase wellness, relaxation, stress reduction, pain relief and postural improvement or provide general or specific therapeutic benefits:

(a) The manual application of compression, stretch, vibration or mobilization of the organs and tissues beneath the dermis, including the components of the musculoskeletal system, peripheral vessels of the circulatory system and fascia, when applied primarily to parts of the body other than the hands, feet and head. (b) The manual application of compression, stretch, vibration or mobilization using the forearms, elbows, knees or feet or handheld mechanical or electrical devices. (c) Any combination of range of motion, directed, assisted or passive movements of the

joints. (d) Hydrotherapy, including the therapeutic applications of water, heat, cold, wraps, essential oils, skin brushing, salt glows and similar applications of products to the skin.

A.R.S. §32-4201(6) defines the "Practice of massage therapy" as the application of massage therapy to

any person for a fee or other consideration. Practice of massage therapy does not include the diagnosis of illness or disease, medical procedures, naturopathic manipulative medicine, osteopathic manipulative medicine, chiropractic adjustive procedures, homeopathic neuromuscular integration, electrical stimulation, ultrasound, prescription of medicines or the use of modalities for which a license to practice medicine, chiropractic, nursing, occupational therapy, athletic training, physical therapy, acupuncture or podiatry is required by law.

The education requirements to become a licensed Massage Therapist in the State of Arizona are beyond the scope of training provided in an approved medical assistant program. Massage therapy should be removed from the list of approved naturopathic medical assistant procedures.

In order to be consistent, the Board would like to make changes to R4-18-603(1), by striking "signed and dated", inserting "verified", and adding, (g) the ability to collect public benefits statement.

5. **Status of enforcement of the rules**

The Board currently enforces all of the rules.

6. **Analysis of clarity, conciseness, and understandability**

All of the rules are clear, concise, and understandable.

7. **Summary of the written criticisms of the rule received within the last 5 years**

The Board has not received any written criticism of the rules within 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.

The Board made rules in Articles 6 that became effective on June 4, 2005. The Board has attached the economic impact statement (EIS) related to the rulemaking that was approved by GRRC at the time of the rulemaking, and have not changed since that time.

As anticipated by the Board upon promulgation of the rules, the rules have had minimal to moderate economic impact on the Board, physicians, and consumers of naturopathic services.

In 2005 the Board certified 23 naturopathic medical assistants. That number decreased in 2010 to 13, and now in 2015 has risen to 19 naturopathic medical assistants. The Board certified 11 medical assistants in 2011, 13 in 2012, 13 in 2013 and 15 in 2015. The cost for an applicant to

obtain a certificate or certificate holder to renew a certificate is minimal. The Board charges an initial application fee of \$100.00, and does not charge for issuance of the certificate. The Board does charge a renewal fee according to R4-18-107(C)(3) per A.R.S. 32-1527(A)(6). The current renewal fee for the certificate is \$150.00 due by July 1st of each year. If a naturopathic medical assistant renews the certificate within 60 days after the due date, a late fee of \$75.00 is required. There have been no disciplinary actions taken against a medical assistant.

As a requirement to obtain certification as a naturopathic medical assistant, an applicant must graduate from an approved medical assistant program. The Board considers the medical assistant program approved if the course of study is provided at an institution accredited by the Commission on Accreditation of Allied Health Education Programs, the Commission for the Accrediting Bureau of Health Education Schools, or an accrediting agency recognized by the United States Department of Education or the Armed Forces of the United States or by an organization recognized by the American Association of Naturopathic Physicians. The cost of a medical assistant program ranges from minimal to moderate.

Businesses, including small businesses that hire naturopathic medical assistants, benefit from rules that state the minimum competencies a naturopathic medical assistant must meet and the tasks that may be performed by them.

Consumers benefit from the services provided by a naturopathic medical assistant because naturopathic physicians are able to spend more time with patients.

9. Summary of business competitiveness analyses of the rules

No analysis has been submitted.

10. Status of the completion of action indicated in the previous five-year-review report

No course of action was identified in the 2010 Report.

11. A determination that the probable benefits of the rule outweigh within this state 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

Notwithstanding any costs imposed by statutes or caused by the rules of other agencies, the rules impose the least burden and costs to persons regulated by the rules, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

12. Analysis of stringency compared to federal laws

The rules are not related to federal laws.

13. For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with section 41-1037.

The rules were made prior to July 29, 2010.

14. Proposed course of action

Under R4-18-605(A)(7)(e), ; the removal of "Massage Therapy".

Under R4-18-603(1), striking "signed and dated" inserting "verified", and adding (g) the ability to collect public benefits statement, as required pursuant to A.R.S. § 41-1080.

The Board has not identified any other changes that need to be made to the rules in Article 6.

INFORMATION FOR INDIVIDUAL RULES

R4-18-601. Definitions

2. Objective of the rule

The objective of the rule is to define the meaning of terms used in the rules to make them understandable to the reader and afford their consistent interpretation and application.

R4-18-602. Medical Assistant Qualification

1. Authorization of the rule by existing statute

Specific authority for the rule is in A.R.S. § 32-1504(A)(3).

2. Objective of the rule

The objective of the rule is to state that an individual must complete an approved medical assistant program to qualify for certification as a medical assistant.

R4-18-603. Application for Medical Assistant Certification

1. Authorization of the rule by existing statute

Specific authority for the rule is A.R.S. § 32-1524 and A.R.S. § 32-1527.

2. Objective of the rule

The objective of the rule is to state the information and documents that must be submitted to the Board when applying for a certificate.

R4-18-604. Renewal of Medical Assistant Certificate

1. Authorization of the rule by existing statute

Specific authority for the rule is A.R.S. § 32-1526.

2. Objective of the rule

The objective of the rule is to state the information and fee that must be submitted to the Board for renewal of a certificate.

R4-18-605. Authorized Procedures for Medical Assistants

1. Authorization of the rule by existing statute

Specific authority for the rule is A.R.S. § 32-1559.

2. Objective of the rule

The objective of the rule is to state the procedures that a medical assistant is allowed to perform.