Attached is the final report of the sunset review of the Arizona Board of Chiropractic Examiners which was conducted by the Senate Health and Human Services and House Health and Human Services Committees of Reference.

This report has been distributed to the following individuals and agencies:

**Governor of the State of Arizona**
The Honorable Douglas A. Ducey

**President of the Senate**
Senator Karen Fann

**Speaker of the House of Representatives**
Representative Russell Bowers

**Senate Members**
Senator Nancy Barto, Co-Chair
Senator Tyler Pace
Senator Rosanna Gabaldon
Senator Sally Ann Gonzales
Senator Wendy Rogers
Senator Thomas Shope
Senator Raquel Terán
Senator Kelly Townsend

**House Members**
Representative Joanne Osborne, Co-Chair
Representative Steve Kaiser
Representative Kelli Butler
Representative Joseph Chaplik
Representative Alma Hernandez
Representative Beverly Pingerelli
Representative Pamela Powers Hannley
Representative Amish Shah
Representative Justin Wilmeth

**Arizona Board of Chiropractic Examiners**

**Arizona State Library, Archives & Public Records**

**House Republican Staff**

**House Democratic Staff**

**House Research Staff**

**Senate Resource Center**

**Senate Republican Staff**

**Senate Democratic Staff**

**Senate Research Staff**

**Office of the Auditor General**
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Report 2022

Background
Pursuant to A.R.S. § 41-2953, the Joint Legislative Audit Committee assigned the sunset review of the Arizona Board of Chiropractic Examiners (Board) to the Senate Health and Human Services and House of Representatives Health and Human Services Committees of Reference for review.

Established in 1921, the Board was created to protect the health, welfare and safety of the public through the enforcement of the laws governing the practice of chiropractic. The Board accomplishes this by investigating complaints, administering disciplinary actions and establishing education and training standards for the profession (A.R.S. §§ 32-904, 32-921, 32-922 and 32-931).

The Board is composed of five members, including three licensed chiropractors and two consumer members appointed by the Governor for five-year terms (A.R.S. § 32-901).

The Board terminates on July 1, 2022, unless legislation is enacted for its continuation (A.R.S. § 41-3022.03).

Summary of Committee Activity
The Senate Health and Human Services and House Health and Human Services Committees of Reference met on January 13, 2022, to evaluate the Board's response to the sunset factors and receive public testimony.

Committee Recommendation
The Senate Health and Human Services and House Health and Human Services Committees of Reference recommended that the Board be continued for eight years until July 1, 2030.
Appendix A:

January 13, 2022, Senate Health and Human Services and House Health and Human Services Committees of Reference
Minutes and Reference Materials
ARIZONA STATE LEGISLATURE

INTERIM JOINT MEETING NOTICE
OPEN TO THE PUBLIC

HOUSE HEALTH & HUMAN SERVICES COMMITTEE OF REFERENCE
AND
SENATE HEALTH & HUMAN SERVICES COMMITTEE OF REFERENCE

Date: Thursday, January 13, 2022
Time: 9:30 A.M. or Upon Adjournment of Floor
Place: HHR 1

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022011007

AGENDA

1. Call to Order
2. Roll Call
3. Sunset Review of the Arizona Acupuncture Board of Examiners
   Presentation by the Arizona Acupuncture Board of Examiners
   Public Testimony
   Discussion and Recommendation

4. Sunset Review of the Arizona Board of Chiropractic Examiners
   Presentation by the Arizona Board of Chiropractic Examiners
   Public Testimony
   Discussion and Recommendation

5. Sunset Review of the Arizona State Board of Dispensing Opticians
   Presentation by the Arizona Office of the Auditor General
   Response by the Arizona State Board of Dispensing Opticians
   Public Testimony
   Discussion and Recommendation

6. Sunset Review of the Arizona State Board of Nursing
   Presentation by the Arizona Office of the Auditor General
   Response by the Arizona State Board of Nursing
   Public Testimony
   Discussion and Recommendation
7. Sunset Review of the Arizona State Board of Pharmacy
   Presentation by the Arizona Office of the Auditor General
   Response by the Arizona State Board of Pharmacy
   Public Testimony
   Discussion and Recommendation

8. Adjourn

Members:

Senator Nancy Barto, Co-Chair            Representative Joanne Osborne, Co-Chair
Senator Rosanna Gabaldon                Representative Steve Kaiser
Senator Sally Ann Gonzales              Representative Kelli Butler
Senator Tyler Pace                      Representative Joseph Chaplik
Senator Wendy Rogers                    Representative Alma Hernandez
Senator T.J. Shope                      Representative Beverly Pingerelli
Senator Raquel Terán                    Representative Pamela Powers Hannley
Senator Kelly Townsend                  Representative Amish Shah
                                          Representative Justin Wilmeth

01/05/2022
01/06/2022
ra

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.
ARIZONA STATE LEGISLATURE

HOUSE HEALTH & HUMAN SERVICES COMMITTEE OF REFERENCE
AND
SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE

Minutes of the Meeting
January 13, 2022
9:30 A.M., HHR1

Members of the public may access a livestream of the meeting here: https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022011007

Members Present:
- Senator Barto, Co-Chair
- Senator Gabaldon
- Senator Gonzales
- Senator Rogers
- Senator Shope
- Senator Terán
- Senator Townsend
- Representative Osborne, Co-Chair
- Representative Steve Kaiser
- Representative Butler
- Representative Chaplik
- Representative Hernandez
- Representative Pingerelli
- Representative Powers Hannley
- Representative Wilmeth

Members Excused:
- Senator Tyler Pace

Members Absent:
- Representative Shah

Staff:
- Michael Madden, Health and Human Services Committee Analyst
- Maelinn Chow, Health and Huamn Services Assistant Analyst
- Ahjahna Graham, House Research Analyst
- Jeremy Bassham, House Research Assistant Analyst
- Bethany Graham, House Research Intern

Co-Chair Osborne called the meeting to order at 10:00 a.m. and attendance was noted by the committee secretary.

SUNSET REVIEW OF THE ARIZONA ACUPUNCTURE BOARD OF EXAMINERS

Presentation by the Arizona Acupuncture Board of Examiners
David Geriminsky, Agency Director, AZ Acupuncture Board, explained the Board, the Board's response to the Audit General's Audit and answered questions posed by the Committee.

Public Testimony

Shannon Whiteaker, Asian Medicine Acupuncturists of Arizona, testified in favor on the continuation for the Arizona Acupuncture Board of Examiners.

Marilyn Allen, Vice-President, American Acupuncture Association, testified in favor on the continuation for the Arizona Acupuncture Board of Examiners.

Discussion and Recommendation

Representative Butler asked questions regarding the Board.

Ms. Allen answered questions posed by the Committee.

Representative Osborne requested a motion on the recommendation.

Senator Barto moved that the House Health and Human Services Committee of Reference and Senate Health and Human Services Committee of Reference recommends that the Arizona Acupuncture Board of Examiners be continued for 8 years until July 2, 2030. The motion CARRIED with a roll call vote of 15-0-2 (Attachment 1).

SUNSET REVIEW OF THE ARIZONA BOARD OF CHIROPRACTIC EXAMINERS

Presentation by the Arizona Board of Chiropractic Examiners

Dr. Babak M. Nayeri, Executive Director, AZ Board of Chiropractic Examiners, distributed and explained, a PowerPoint presentation, entitled "Sunset Review" (Attachment A) and gave an overview of the Board.

The Committee discussed and offered comments for the presentation mentioned above.

Public Testimony

Dr. Richard Gaurino, Chair, Board of Chiropractic Examiners, testified in favor on the continuation of the Arizona Board of Chiropractic Examiners.

Discussion and Recommendation

Representative Osborne requested a motion on the recommendation.
Senator Barto moved that the House Health and Human Services Committee of Reference and Senate Health and Human Services Committee of Reference recommends that the Arizona Board of Chiropractic Examiners be continued for 8 years until July 1, 2030.

Senator Gabaldon made a substitution motion that the Joint Health and Human Services COR recommends that the Arizona Board of Chiropractic Examiners be continued for 4 years until July 1, 2026.

Senator Gabaldon explained her motion.

Representative Butler seconded the motion.

Senator Barto offered comments on her opposition to the substitute motion.

Representative Osborne called for the vote on the substitute motion.

The substitute motion FAILED with a roll call vote of 6-9-2 (Attachment 2).

Representative Osborne called for the vote on the motion made by Senator Barto.

The motion CARRIED with a roll call vote of 10-5-2 (Attachment 3).

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF DISPENSING OPTICIANS

Presentation by the Arizona Office of the Auditor General

Dale Chapman, Office of the Auditor General, distributed and explained a PowerPoint presentation entitled "Arizona State Board of Dispensing Opticians" (Attachment B).

Response by the Arizona State Board of Dispensing Opticians

Megan Darian, Executive Director, State Board of Dispensing Opticians, gave an update regarding the Board's response to the Auditor General's Performance Audit and Sunset Review.

Public Testimony

No public testimony took place.

Discussion and Recommendation

Representative Osborne requested a motion on the recommendation.
Senator Barto moved that the House Health and Human Services Committee of Reference and Senate Health and Human Services Committee of Reference recommends that the Arizona State Board of Dispensing Opticians be continued for 8 years until July 1, 2030. The motion CARRIED with a roll call vote of 13-0-4 (Attachment 4).

RECESS

At 11:09 a.m. the Chairman recessed the meeting to the sound of the gavel.

RECONVENE

At 11:18 a.m. the Chairman called the meeting to order.

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF NURSING

Presentation by the Arizona Office of the Auditor General

Dale Chapman, Office of the Auditor General, distributed and explained a PowerPoint presentation entitled "Arizona State Board of Nursing" (Attachment C).

Response by the Arizona State Board of Nursing

Joey Ridenour, Executive Director, Arizona State Board of Nursing, distributed and explained a handout entitled "Summary of Audit Recommendation (Attachment D) and gave overview of the Board and the work the Board has done.

The Committee discussed and offered comments on the response from Ms. Ridenour.

Public Testimony

Kathryn Busby, Arizona Nurses Association, testified in favor on the continuation and voiced her concerns.

The Committee discussed and asked questions regarding Ms. Busby’s testimony.

Carol Schaeffer, Nursing Advocate, testified regarding the poor treatment that has been received from the Nursing Board and testified against the continuation of the Board.

Alice Minch, representing herself, testified regarding the poor treatment that has been received from the Board.

Discussion and Recommendation

The Committee discussed and commented on Ms. Minch’s testimony.
Representative Osborne requested a motion on the recommendation.

Senator Barto moved that the House Health and Human Services Committee of Reference and Senate Health and Human Services Committee of Reference recommends that the Arizona State Board of Nursing be continued for 8 years until July 1, 2030. The motion CARRIED with a roll call vote of 14-0-3 (Attachment 5).

Senators Gabaldon, Gonzales, Townsend, Representatives Butler, Powers Hannley, Senator Barto and Representative Osborne explained their vote.

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PHARMACY

Presentation by the Arizona Office of the Auditor General

Tanner Weigel, Office of the Auditor General, distributed and explained a PowerPoint presentation entitled "Arizona State Board of Pharmacy" (Attachment E).

Response by the Arizona State Board of Pharmacy

The Committee discussed and offered comments on the presentation mentioned above.

Kamlesh Gandhi, Executive Director, Arizona State Board of Pharmacy, gave an overview of the Board and its purpose.

Mr. Gandhi answered questions posed by the Committee.

Public Testimony

Mark Boesen, representing himself, testified in support on the continuation of the Board but encouraged continued work with the stakeholders. Mr. Boesen answered questions posed by the Committee.

Discussion and Recommendation

The Committee discussed and commented on Mr. Boesen's testimony.

Representative Osborne requested a motion on the recommendation.

Senator Barto moved that the House Health and Human Services Committee of Reference and Senate Health and Human Services Committee of Reference recommends that the Arizona State Board of Pharmacy be continued for 8 years until July 1, 2030.
Representative Butler made a substitute motion that the Joint Health and Human Services COR recommends that the Arizona State Board of Pharmacy be continued for 4 years until July 1, 2026.

Senator Gonzales seconded the motion.

Senator Barto offered comments against the four year substitute motion.

Representative Powers Hannley offered comments in support of the four year substitute motion.

Representative Osborne called for the vote on the substitute motion.

The substitute motion CARRIED with a roll call vote of 9-6-2 (Attachment 6).

Senators Gabaldon and Rogers, Representatives Butler, Chaplik and Osborne explained their vote.

Attached is a list noting the individuals who registered their position on the agenda items (Attachment F).

Attached are forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment G).

There being no further business, the meeting was adjourned at 1:48 p.m.

Respectfully submitted,

Brisa Roman
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate’s Office/Resource Center, Room 115. Audio archives are available at http://www.azleg.gov)
Sunset Review
January 13, 2022

Chiropractic Board of Examiners
hereafter referred to as
“the Board”

Dr. Babak M. Nayeri, FABFM, DABMP
Executive Director
Disclaimer

• The information presented are the sole opinion of the Board’s Director and in no way represent those of the Board members and/or the Governor’s Office of Boards and Commissions

• The views presented are based on individual knowledge and experience of the Director

• There are no financial and/or conflicts of interest to disclose
Chiropractic Board of Examiners (ABCE)

- The Board was formed by House Bill No. 14 in 1921 (2021 marked our 100th year anniversary)
- The Board Staff duties are to investigate and present information to the board members
- The Board members conduct their proceedings in a manner it considers appropriate and in accordance with the Arizona Revised Statutes
Mission

• To protect the public's health, safety and welfare.

• In the State of Arizona, statute provides for the Board to oversee the licensing and regulation for the chiropractic profession.
Board Members

• **Richard Guarino, D.C.**
  Chairperson
  Term: June 30, 2023

• **Wayne Bennett, D.C.**
  Vice-Chair
  Term: July 1, 2024

• **Steven Knauf, D.C.**
  Professional Member
  Term: June 30, 2022

• **Angela M. Powell**
  Public Member
  Term: June 30, 2025

• **Mitchell L. Turbenson**
  Public Member
  Term Expires: July 1, 2026
Board Staff

• Dr. B. Michael Nayeri, FABFM, DABMP
  Executive Director

• A. Vander Veen
  Deputy Director

• Jackie Kennell
  Investigator

• Ryan Dominick
  Licensing Manager

• Diane Bilducia
  Administrative Assistant
Our Responsibilities

• To investigate complaints.
• To oversee the general application of the laws governing the practice of chiropractic.
• To update and develop regulations.
• To address scope of practice and to better define both appropriate conduct by professionals and consumer expectations.
• To continually review required credentials for doctors to practice safely, effectively and ethically.
• To apply appropriate disciplinary action to doctors of chiropractic who may have broken the public trust through a violation of law.
• To function in the global regulatory community to assist other professions or jurisdictions affected by chiropractic.
National Recognition

Member of the Federation of Chiropractic Licensing Council (FCLB)

Member of the National Council on Licensure Enforcement & Regulation (CLEAR)
Licensing Process

Application

• NBCE
• AZ Jurisprudence
• Criminal Background Check
• National Data Report
• Fingerprinting

Fees:

– Application $250
– Initial License $100
– Renewal $185
– Exam Fees (NBCE)
– Fingerprinting $22
Optional Certifications

Physical Medicine Modalities and Therapeutic Procedures (PMTPP)

Acupuncture
Continued Education

• **Required Hours Per Year:**
  12 hours

• **Distance Hours Allowed Per Year:**
  12 50-minute hours

• **Required Subjects:**
  Record Keeping 2 hours every other year
How We Serve

- The practice authority of BCE helps access to safe and professional care.

- The regulation has no deleterious economic impact on practitioners, the public or the state business.

- Economic Factors that must be considered:
  - Transparency
  - Protective of public interest
  - Protecting stakeholders
Factors to Consider

• The Board ensures standardized competence

• Monitoring provisions tailored for public protection and safe & quality care

• Importance of self-evaluation in providing indicators for system efficiencies

• Comprehensive provisions to operate in an effective and efficient manner
Board Meetings

• The ABCE Board meets 8 out of 12 months.
• Each Board meeting lasts 4 to 5 hours.

UPCOMING MEETINGS
January 12, 2022 - 9:00am
March 04, 2022 - 9:00am
April 19, 2022 - 9:00am
June 01, 2022 - 9:00am
Value Added

Small and efficient agency

Focused on protecting Arizonans by ensuring qualified practitioners delivering safe quality care

The Board performs its operations, programs and statutory duties efficiently, effectively and expeditiously.

Provides accurate, timely and comprehensive information to the public about the qualifications and practice history of the licensed professional
Valued Added (continued)

Protects consumers against incompetent, negligent, fraudulent, or other illegal acts by licensed Chiropractic Physicians

The education, experience and testing requirements to ensure minimum competence, or whether they place undue burdens on those who want to enter the profession from within or outside the state

Continued Public Protection by the Board is necessary
• If you would like more detailed information about the Arizona Board of Chiropractic Examiners (ABCE), please visit our website at:

• [https://chiroboard.az.gov/](https://chiroboard.az.gov/)
June 21, 2021

Deputy Director Jaime Shapiro
State of Arizona Board of Chiropractic Examiners
1740 W. Adams Street Suite 2430
Phoenix, Arizona 85007

Dear Deputy Director Shapiro:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference. On completion of the sunset review, the committees of reference recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee has assigned the sunset review of the State of Arizona Board of Chiropractic Examiners to committees of reference comprised of members of the House of Representatives Committee on Health and Human Services and the Senate Committee on Health and Human Services.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. Please provide your agency’s response to the factors listed below:

1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.

2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.

3. The extent to which the agency serves the entire state rather than specific interests.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction and the ability of the agency to timely investigate and resolve complaints within its jurisdiction.

7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

8. The extent to which agencies have addressed deficiencies in their enabling statutes that prevent them from fulfilling their statutory mandate.
9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in A.R.S. § 41-2954.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

Additionally, please provide written responses to the following:

1. Identify the problem or the needs that the agency is intended to address.

2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.

3. Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

4. Assess the consequences of eliminating the agency or of consolidating it with another agency.

Finally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an occupational regulation, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An occupational regulation does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual's personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws 2021, Chapter 176.

2. The extent to which the failure to regulate a profession or occupation will result in:
   a. the loss of insurance.
   b. an impact to the ability to practice in other states or as required by federal law.
   c. an impact to the required licensure or registration with the federal government.
   d. the loss of constitutionally afforded practices.
Your response should be received by September 1, so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Emily Bonner  
Arizona House of Representatives  
1700 West Washington  
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at (602) 926-3204 or Emily Bonner, the House Health and Human Services Committee Research Analyst, at (602) 926-5725.

Sincerely,

[Signature]
Representative Osborne  
House Committee on Health and Human Services, Chair

cc: Senator Barto, Senate Committee on Health and Human Services, Chair  
Cherie Stone, Senate Committee on Health and Human Services, Analyst
October 21, 2021

The Honorable Joanne Osborne  
Chairwoman of the Health and Human Services Committee  
josborne@azleg.gov  
House of Representatives  
1700 W Washington St  
Phoenix, AZ 85007

RE: Sunset Review Report

Dear Chairwoman Osborne:
The Board of Chiropractic Examiners is pleased to share its sunset review summary report with you to consider.

Thank you for your time, consideration and support. If you have any questions, please do not hesitate to contact me via email at mnayeri@chiroboard.az.gov or via telephone (602) 542-9109 direct.

Respectfully submitted,

B. Michael Nayeri  
Executive Director

Enclosure: 01  
Cc: file.
1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.

The Arizona Board of Chiropractic Examiners handles the licensing and regulations for the chiropractic profession within the state. In the State of Arizona, the statute provides for the Board of Chiropractic Examiners to manage the licensing and regulation for the chiropractic profession. In the US, all 50 states require Chiropractors to obtain a license to practice. In the state of Arizona, we accept multiple application types for licensure.

The objective of the agency is to protect the public's health, safety, and welfare by regulating the profession, in accordance with State statute. To accomplish this, the agency conducts the following operations:

- Investigates complaints against Chiropractic Physicians
- Oversees the general application of the laws governing the practice of chiropractic
- Carries out the legislature’s mandate by enforcing existing regulation that is the least burdensome upon the profession as possible
- Address scope of practice issues and better define both appropriate conduct by professionals and consumer expectations
- Continually review required credentials for doctors to practice safely, effectively, and ethically
- Apply appropriate disciplinary and remediation actions to chiropractors that break the public trust through a violation of law
- Function in the national regulatory community to assist other professions or jurisdictions affected by chiropractic.

Additionally, the agency establishes and oversees education and training standards for Arizona Chiropractors to ensure the health, safety, and welfare of patients.

2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.

Over the last ten years, the Arizona Board of Chiropractic Examiners has met its objectives and exceeded overall efficiency.

The Agency continues to reduce licensing time-frames by increasing and generating new pathways to licensure. The agency has implemented the following processes:
Ms. Emily Bonner  
Arizona House of Representatives  
1700 West Washington  
Phoenix, AZ 85007

- In 2015, the Agency added a third licensing pathway of Endorsement, which allows qualified and licensed professionals in other states that had not taken the later parts of the national exam to apply for licensure in Arizona.
- The Agency also worked to secure Reciprocity agreements with other states to increase options for licensure.
- In 2019, the Agency implemented the Universal Licensing pathway, which requires that the applicant hold a license to practice Chiropractic in another State for a minimum of one year and be in good standing in that state. Universal Recognition also requires that the applicant be a resident of the State of Arizona.

The Agency has worked to reduce pending complaints and adequately adjudicate complaints in a reasonable and timely manner.

The Agency has continued to do more with less, especially following the economic downturn in 2009. More online services are now available, including but not limited to:

- Licensing renewals
- Complaint intake process
- Online credit card payments

During the COVID-19 pandemic, the Agency began hosting meetings virtually, expanded access, and provided a new avenue for the public to interact with the Agency.

3. The extent to which the agency serves the entire state rather than specific interests.

The Arizona Board of Chiropractic Examiners serves the entire state rather than specific interests by fulfilling its mission to protect the Arizona public through the enforcement of laws governing the practice of Chiropractic. This is evident in the manner that the Agency accepts and investigates complaints against licensed and unlicensed individuals.

The agency continues to facilitate licensing for qualified Chiropractic Physicians to ensure that all Arizona’s citizens have access to competent providers in all corners of the state.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

The Arizona Board of Chiropractic Examiners maintains high standards as it relates to adopting legislative mandates. In the recent past, the following rules were reviewed and adopted:

- GRRC approved the Agency's 2015 5 year rule review. The Agency adopted the council's recommendations in 2017 when the Agency conducted a rule-making process.
Ms. Emily Bonner  
Arizona House of Representatives  
1700 West Washington  
Phoenix, AZ 85007

- The 2015 5-year rule review with GRRC and the Agency received a favorable response at the review's conclusion. The Agency is currently undergoing another 5-year review due to be completed in October.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Possible rule changes are always discussed in open meetings and in calls to the public. The virtual Board meetings, which began in 2020, provide a more efficient way for public input to be presented.

Specifically in 2015, the Arizona Board of Chiropractic Examiners invited the Arizona Association of Chiropractic to participate in discussions about rules changes. The Agency posts all proposed rules on the official website (www.chiroboard.az.gov), which is available for member and public viewing.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction and the ability of the agency to timely investigate and resolve complaints within its jurisdiction.

The Arizona Board of Chiropractic Examiners diligently addresses complaints in an effective and timely manner.

Complaints are thoroughly investigated with proper jurisdiction providing an avenue for patients to resolve potential care disputes with their Chiropractor directly to the Agency.

Based on the specified measure that were in place from 2010 to 2015, the percentage by which the complaints were resolved within 180 days, averaged at 54%. Complaints were administratively resolved in an average of 3.5 months. Additionally, as reflected on (table A), over 119 investigations were conducted for the reporting period of 2010 to 2015 of which about 20% resulted in disciplinary action.
Complaints Data (Table A)

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<th>NUMBER OF COMPLAINTS FILED</th>
<th>% OF COMPLAINTS RESOLVED WITHIN 180 DAYS WITH NO HEARING REQUIRED</th>
<th>AVG. # OF MONTHS TO RESOLVE COMPLAINT BY ADMINISTRATIVE HEARING</th>
<th>INVESTIGATIONS CONDUCTED</th>
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7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

ARS § 32-928 provides the Arizona Board of Chiropractic Examiners, the Arizona attorney general, or the county attorney with injunctive relief to act if a person engages in chiropractic practice without first obtaining a license.

8. The extent to which agencies have addressed deficiencies in their enabling statutes that prevent them from fulfilling their statutory mandate.

The Arizona Board of Chiropractic Examiners conducts continuous reviews of the enabling statute, ensuring that the Agency fulfills the statutory mandate.

In an effort to further verify the accuracy of the statutory mandate, in 2015, the Agency conducted a large-scale legislative review of the Agencies statute, which allowed for updating and clarifying the law.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in A.R.S. § 41-2954.

As it pertains to A.R.S. § 41-2954, the Arizona Board of Chiropractic Examiners operates with the least burdensome and most stringent regulations and statutes possible. At this time, the Agency does not believe that substantive changes are necessary.

As we look ahead at ways to improve, the Agency may look into Animal Chiropractic and consider adding a specialty like Nutrition, Occupational Health, Radiology and Sports Medicine.
Furthermore, the agency is exploring the possibility of adding the ability to accept Fingerprint Clearance Cards in place of the background check.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

The termination of the Arizona Board of Chiropractic Examiners would cause an immediate and severe detriment to the health, safety, and welfare of the public in Arizona.

The termination of the Agency would remove the only avenue available in which the public can be assured providers are licensed and working within the industry-standard as set by the Agency. Without the services provided by the Agency, the public is not protected by a trustworthy authority that ensures the Chiropractic Physicians are:

- Appropriately trained
- Adequately supervised
- Required to provide safe and competent services

Additionally, there would be no means to report grievances, injuries, or concerns about a chiropractor other than costly civil and criminal litigation.

11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

The Arizona Board of Chiropractic Examiners regularly works to maintain the highest standard of regulations. In doing so, we monitor and communicate with Chiropractic agencies in other states to compare our level of regulations and protocols to exercise best practices in Arizona.

The Agency believes that it continues to operate with the least burdensome and most stringent regulations and statutes as possible.

In 2015, the Agency reviewed the national average cost per license for Chiropractic Physicians; The Arizona Board of Chiropractic Examiners was below the national average for licensing fees.

12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

The Arizona Board of Chiropractic Examiners has used experts for case reviews during investigations, when necessary. The Agency has found that the majority of work can successfully be managed internally and that the use of private contractors is costly and could ultimately result in licensing fee increases to address the increased cost of investigations. Seeking outside consultants proved to be cost prohibitive, and the Agency began seeking industry experts that were willing to volunteer to aid us in keep Agency expenses at the reduced cost.
The Agency has kept the licensing fees low to impose the least financial burden upon the licensees for the regulation and protection of the public.

In 2015, the Agency reviewed the national average cost per license for Chiropractic Physicians; The Arizona Board of Chiropractic Examiners was below the national average for licensing fees.

13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

The Agency has kept the licensing fees low to impose the least financial burden upon our licensees for the regulation and protection of the public.

The cost of regulation from licensing fees is minimal and is not an undue burden for the licensees. Additionally, any cost or negative consequences created by the Agency are significantly outweighed by the benefits to the protection of the public's health, safety, and welfare.

Additionally, please provide written responses to the following:

1. Identify the problem or the needs that the agency is intended to address.

Regulations exist to protect the public's health, safety, and welfare. The Arizona Board of Chiropractic Examiners oversees the licensing and regulations for the Chiropractic Profession. We achieve this by utilizing subject matter experts and through self-regulation by the Chiropractic Profession. The Agency obtains member involvement and is the governing authority over which we regulate the profession.

2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.

The objective of the Arizona Board of Chiropractic Examiners is to license incoming qualified Chiropractic professionals within 120 days. The agency meets this objective 100% of the time. The agency is also responsible for investigating complaints against Chiropractic Physicians. The agency works quickly and efficiently to adjudicate claims 180 days from the date filed.

3. Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.
The Arizona Board of Chiropractic Examiners is the sole Agency for licensing and regulating Chiropractic professionals in Arizona. No other state holds judication for Chiropractic professionals in the state of Arizona. No Federal agency exists for the licensing of Chiropractic professionals.

4. Assess the consequences of eliminating the agency or of consolidating it with another agency.

In 2017, DHS conducted an evaluation review of the Arizona Board of Chiropractic Examiners. The objective was to identify possible efficiencies the Agency could undergo to improve overall organization structure and budget modifications to most efficiently and economically serve the people of Arizona.

Due to the already efficient structure of the Agency and its day-to-day operations, the final report indicated that the Arizona Board of Chiropractic Examiners is engaged in the cost-effective operating strategy.

The report recommended that cost savings would be achieved by creating a shared work environment. As a result of this recommendation, the Agency transitioned to a new location in December of 2017. This location is shared with 28 other state agencies and helped reduce overhead and administrative costs to the Agency.

Finally, Laws 2021, Chapter 176 requires the committees of reference to consider certain factors for each agency that administers an occupational regulation, which is defined as: 1) a statute, rule, practice, policy or other state law that allows an individual to use an occupational title or work in a lawful occupation; and 2) a government registration, government certification and occupational or professional license. An occupational regulation does not include a business license, facility license, building permit or zoning and land use regulation, except to the extent those state laws regulate an individual’s personal qualification to perform a lawful occupation. If your agency falls under this category, please provide written responses to the following:

1. The extent to which the occupational regulation meets the requirements of A.R.S. § 41-3502, as amended, transferred and renumbered by Laws. 2021, Chapter 176.

The regulation of the Chiropractic profession is imperative to protect the health, safety, and welfare of the public. Without regulation, the public would be at serious risk to unregulated individuals practicing in a manner that can cause patient injuries and potentially patient deaths. The Agency operates by establishing the least burdensome of regulation as practicable. The Agency’s secondary goal is to increase the number of licensed chiropractic physicians in the state to allow increased access by patients to qualified and necessary care. The Agency has continually worked to create pathways to licensure here in Arizona for qualified Chiropractic Physicians, most recently implementing pathways like Licensure by Endorsement, Universal Recognition, and Telehealth Registration.
2. The extent to which the failure to regulate a profession or occupation will result in:
   a. the loss of insurance. If unlicensed, practitioners would not be eligible to obtain malpractice insurance for practice in the State of Arizona.

   b. an impact to the ability to practice in other states or as required by federal law. Any licensees that have current licenses but do not necessarily meet current testing standards as all parts the examination were not created prior to their licensure would not be eligible for licensing in other states. This would affect a large number of chiropractors who were licensed before the early 1980s. Additionally, Chiropractic is licensed in all 50 states and the Board has reciprocal agreements for licensure with 8 states as well as licensure by Endorsement to accept applications from qualified practitioners from all 50 states, and the territories of Canada, Australia and New Zealand. Licensees without Arizona licenses would not be able to practice in other states without meeting requirements for licensure in each state. Many states do require a state of principal licensure to move or obtain licensure in new states.

   c. an impact to the required licensure or registration with the federal government. Currently, there is no federal license or registration for Chiropractic. Licensees without Arizona licenses would not be able to practice in other states without meeting requirements for licensure in each state. Many states do require a state of principal licensure to move or obtain licensure in new states.

   d. the loss of constitutionally afforded practices.

Unregulated Chiropractic Physicians are not eligible to receive malpractice insurance and cannot go to other states to apply for a license. Additionally, the Federal Government does not offer licensing services. If unregulated, Chiropractic Physicians would not be recognized by insurance and therefore would not qualify to accept patient insurance or receive insurance payments.

The public would be at risk of malpractice as they could be receiving treatment from unqualified Chiropractic Professionals. Unregulated could lead to Chiropractic Professionals working in a way that poses a danger to the public's health, safety, and welfare.

If the Arizona Board of Chiropractic Examiners disbanded, the public would have no avenue to seek protection or adjudication of their complaints. The court cannot opine on the treatment and care appropriate by a Chiropractic Physician. The courts rely on the Agency as the industry expert for care and treatment in the Chiropractic Profession and defer to the Agency to inform them of the industry standard. The industry standard is established and maintained by the Agency through regulations.