

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1374

AN ACT

AMENDING SECTIONS 32-3251, 32-3252 AND 32-3253, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3255; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, TO "ACADEMIC REVIEW COMMITTEES"; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 32-3261 AND 32-3262, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-3261; AMENDING SECTIONS 32-3272, 32-3273, 32-3274, 32-3275, 32-3281, 32-3282, 32-3284, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311 AND 32-3321, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3013.11, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3017.14; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3251, Arizona Revised Statutes, is amended to
3 read:

4 32-3251. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the board of behavioral health examiners.

7 2. "Client" means a patient who receives behavioral health services
8 from a person licensed pursuant to this chapter.

9 ~~3. "Credentialing committee" means a committee established pursuant to
10 this chapter.~~

11 3. "DIRECT CLIENT CONTACT" MEANS, BEGINNING NOVEMBER 1, 2015, THE
12 PERFORMANCE OF THERAPEUTIC OR CLINICAL FUNCTIONS RELATED TO THE APPLICANT'S
13 PROFESSIONAL PRACTICE LEVEL OF PSYCHOTHERAPY THAT INCLUDES DIAGNOSIS,
14 ASSESSMENT AND TREATMENT AND THAT MAY INCLUDE PSYCHOEDUCATION FOR MENTAL,
15 EMOTIONAL AND BEHAVIORAL DISORDERS BASED PRIMARILY ON VERBAL OR NONVERBAL
16 COMMUNICATIONS AND INTERVENTION WITH, AND IN THE PRESENCE OF, ONE OR MORE
17 CLIENTS.

18 4. "EQUIVALENT" MEANS COMPARABLE IN CONTENT AND QUALITY BUT NOT
19 IDENTICAL.

20 5. "INDIRECT CLIENT SERVICE" MEANS, BEGINNING NOVEMBER 1, 2015,
21 TRAINING FOR, AND THE PERFORMANCE OF, FUNCTIONS OF AN APPLICANT'S
22 PROFESSIONAL PRACTICE LEVEL IN PREPARATION FOR OR ON BEHALF OF A CLIENT FOR
23 WHOM DIRECT CLIENT CONTACT FUNCTIONS ARE ALSO PERFORMED, INCLUDING CASE
24 CONSULTATION AND RECEIPT OF CLINICAL SUPERVISION. INDIRECT CLIENT SERVICE
25 DOES NOT INCLUDE THE PROVISION OF PSYCHOEDUCATION.

26 ~~4.~~ 6. "Letter of concern" means a nondisciplinary written document
27 sent by the board to notify a licensee that, while there is insufficient
28 evidence to support disciplinary action, the board believes that continuation
29 of the activities that led to the investigation may result in further board
30 action against the licensee.

31 ~~5.~~ 7. "Licensee" means a person WHO IS licensed pursuant to this
32 chapter.

33 ~~6.~~ 8. "Practice of behavioral health" means the practice of marriage
34 and family therapy, professional counseling, social work and substance abuse
35 counseling pursuant to this chapter.

36 ~~7.~~ 9. "Practice of marriage and family therapy" means the
37 professional application of family systems theories, principles and
38 techniques to treat interpersonal relationship issues and nervous, mental and
39 emotional disorders that are cognitive, affective or behavioral. The
40 practice of marriage and family therapy includes:

41 (a) Assessment, appraisal and diagnosis.

42 (b) The use of psychotherapy for the purpose of evaluation, diagnosis
43 and treatment of individuals, couples, families and groups.

1 ~~8-~~ 10. "Practice of professional counseling" means the professional
2 application of mental health, psychological and human development theories,
3 principles and techniques to:

4 (a) Facilitate human development and adjustment throughout the human
5 life span.

6 (b) Assess and facilitate career development.

7 (c) Treat interpersonal relationship issues and nervous, mental and
8 emotional disorders that are cognitive, affective or behavioral.

9 (d) Manage symptoms of mental illness.

10 (e) Assess, appraise, evaluate, diagnose and treat individuals,
11 couples, families and groups through the use of psychotherapy.

12 ~~9-~~ 11. "Practice of social work" means the professional application
13 of social work ~~theory~~ THEORIES, principles, methods and techniques to:

14 (a) Treat mental, BEHAVIORAL and emotional disorders.

15 (b) Assist individuals, families, groups and communities to enhance or
16 restore the ability to function physically, socially, emotionally, mentally
17 and economically.

18 (c) Assess, appraise, diagnose, evaluate and treat individuals,
19 couples, families and groups through the use of psychotherapy.

20 ~~10-~~ 12. "Practice of substance abuse counseling" means the
21 professional application of general counseling theories, principles and
22 techniques as specifically adapted, based on research and clinical
23 experience, to the specialized needs and characteristics of persons who are
24 experiencing substance abuse, chemical dependency and related problems and to
25 the families of those persons. The practice of substance abuse counseling
26 includes the following as they relate to substance abuse and chemical
27 dependency issues:

28 (a) Assessment, appraisal and diagnosis.

29 (b) The use of psychotherapy for the purpose of evaluation, diagnosis
30 and treatment of individuals, couples, families and groups.

31 13. "PSYCHOEDUCATION" MEANS THE EDUCATION OF A CLIENT AS PART OF A
32 TREATMENT PROCESS THAT PROVIDES THE CLIENT WITH INFORMATION REGARDING MENTAL
33 HEALTH, EMOTIONAL DISORDERS OR BEHAVIORAL HEALTH.

34 ~~11-~~ 14. "Psychotherapy" means a variety of treatment methods
35 developing out of generally accepted theories about human behavior and
36 development.

37 ~~12-~~ 15. "Unprofessional conduct" includes the following, whether
38 occurring in this state or elsewhere:

39 (a) Conviction of a felony. Conviction by a court of competent
40 jurisdiction or a plea of no contest is conclusive evidence of the
41 conviction.

42 (b) Use of fraud or deceit in connection with rendering services as a
43 licensee or in establishing qualifications pursuant to this chapter.

44 (c) Any oral or written misrepresentation of a fact by an applicant or
45 licensee:

- 1 (i) To secure or attempt to secure the issuance or renewal of a
2 license.
- 3 (ii) In any statements provided during an investigation or
4 disciplinary proceeding by the board.
- 5 (iii) Regarding the licensee's skills or the value of any treatment
6 provided or to be provided.
- 7 (d) Any false, fraudulent or deceptive statement connected with the
8 practice of behavioral health, including false or misleading advertising by
9 the licensee or the licensee's staff or a representative compensated by the
10 licensee.
- 11 (e) Securing or attempting to secure the issuance or renewal of a
12 license by knowingly taking advantage of the mistake of another person or the
13 board.
- 14 (f) Active habitual intemperance in the use of alcohol or active
15 habitual substance abuse.
- 16 (g) Using a controlled substance that is not prescribed for use during
17 a prescribed course of treatment.
- 18 (h) Obtaining a fee by fraud, deceit or misrepresentation.
- 19 (i) Aiding or abetting a person who is not licensed pursuant to this
20 chapter to purport to be a licensed behavioral health professional in this
21 state.
- 22 (j) Conduct that the board determines is gross negligence or repeated
23 negligence in the licensee's profession.
- 24 (k) Any conduct or practice that is contrary to recognized standards
25 of ethics in the behavioral health profession or that constitutes a danger to
26 the health, welfare or safety of a client.
- 27 (l) Any conduct, practice or condition that impairs the ability of the
28 licensee to safely and competently practice the licensee's profession.
- 29 (m) Engaging or offering to engage as a licensee in activities that
30 are not congruent with the licensee's professional education, training or
31 experience.
- 32 (n) Failing to comply with or violating, attempting to violate or
33 assisting in or abetting the violation of any provision of this chapter, any
34 rule adopted pursuant to this chapter, any lawful order of the board, or any
35 formal order, consent agreement, term of probation or stipulated agreement
36 issued under this chapter.
- 37 (o) Failing to furnish information within a specified time to the
38 board or its investigators or representatives if legally requested by the
39 board.
- 40 (p) Failing to conform to minimum practice standards as developed by
41 the board.
- 42 (q) Failing or refusing to maintain adequate records of behavioral
43 health services provided to a client.

1 (r) Providing behavioral health services that are clinically
2 unjustified or unsafe or otherwise engaging in activities as a licensee that
3 are unprofessional by current standards of practice.

4 (s) Terminating behavioral health services to a client without making
5 an appropriate referral for continuation of care for the client if continuing
6 behavioral health services are indicated.

7 (t) Disclosing a professional confidence or privileged communication
8 except as may otherwise be required by law or permitted by a valid written
9 release.

10 (u) Failing to allow the board or its investigators on demand to
11 examine and have access to documents, reports and records in any format
12 maintained by the licensee that relate to the licensee's practice of
13 behavioral health.

14 (v) Any sexual conduct between a licensee and a client or former
15 client.

16 (w) Providing behavioral health services to any person with whom the
17 licensee has had sexual contact.

18 (x) Exploiting a client, former client or supervisee. For the
19 purposes of this subdivision, "exploiting" means taking advantage of a
20 professional relationship with a client, former client or supervisee for the
21 benefit or profit of the licensee.

22 (y) Engaging in a dual relationship with a client that could impair
23 the licensee's objectivity or professional judgment or create a risk of harm
24 to the client. For the purposes of this subdivision, "dual relationship"
25 means a licensee simultaneously engages in both a professional and
26 nonprofessional relationship with a client that is avoidable and not
27 incidental.

28 (z) Engaging in physical contact between a licensee and a client if
29 there is a reasonable possibility of physical or psychological harm to the
30 client as a result of that contact.

31 (aa) Sexually harassing a client, former client, research subject,
32 supervisee or coworker. For the purposes of this subdivision, "sexually
33 harassing" includes sexual advances, sexual solicitation, requests for sexual
34 favors, unwelcome comments or gestures or any other verbal or physical
35 conduct of a sexual nature.

36 (bb) Harassing, exploiting or retaliating against a client, former
37 client, research subject, supervisee, coworker or witness or a complainant in
38 a disciplinary investigation or proceeding involving a licensee.

39 (cc) Failing to take reasonable steps to inform potential victims and
40 appropriate authorities if the licensee becomes aware during the course of
41 providing or supervising behavioral health services that a client's condition
42 indicates a clear and imminent danger to the client or others.

43 (dd) Failing to comply with the laws of the appropriate licensing or
44 credentialing authority to provide behavioral health services by electronic

1 means in all governmental jurisdictions where the client receiving these
2 services resides.

3 (ee) Giving or receiving a payment, kickback, rebate, bonus or other
4 remuneration for a referral.

5 (ff) Failing to report in writing to the board information that would
6 cause a reasonable licensee to believe that another licensee is guilty of
7 unprofessional conduct or is physically or mentally unable to provide
8 behavioral health services competently or safely. This duty does not extend
9 to information provided by a licensee that is protected by the behavioral
10 health professional-client privilege unless the information indicates a clear
11 and imminent danger to the client or others or is otherwise subject to
12 mandatory reporting requirements pursuant to state or federal law.

13 (gg) Failing to follow federal and state laws regarding the storage,
14 use and release of confidential information regarding a client's personal
15 identifiable information or care.

16 (hh) Failing to retain records pursuant to section 12-2297.

17 (ii) Violating any federal or state law, rule or regulation applicable
18 to the practice of behavioral health.

19 (jj) Failing to make client records in the licensee's possession
20 available in a timely manner to another health professional or licensee on
21 receipt of proper authorization to do so from the client, a minor client's
22 parent, the client's legal guardian or the client's authorized
23 representative.

24 (kk) Failing to make client records in the licensee's possession
25 promptly available to the client, a minor client's parent, the client's legal
26 guardian or the client's authorized representative on receipt of proper
27 authorization to do so from the client, a minor client's parent, the client's
28 legal guardian or the client's authorized representative.

29 (ll) Being the subject of the revocation, suspension, surrender or any
30 other disciplinary sanction of a professional license, certificate or
31 registration or other adverse action related to a professional license,
32 certificate or registration in another jurisdiction or country, including the
33 failure to report the adverse action to the board. The action taken may
34 include refusing, denying, revoking or suspending a license or certificate,
35 the surrendering of a license or certificate, otherwise limiting, restricting
36 or monitoring a licensee OR CERTIFICATE HOLDER or placing a licensee OR
37 CERTIFICATE HOLDER on probation.

38 (mm) Any CONDUCT THAT RESULTS IN A sanction imposed by an agency of
39 the federal government that involves restricting, suspending, limiting or
40 removing the licensee's ability to obtain financial remuneration for
41 behavioral health services.

42 (nn) Violating the security of any licensure examination materials.

43 (oo) The use of fraud or deceit in connection with taking or assisting
44 another person in taking a licensure examination.

1 Sec. 2. Section 32-3252, Arizona Revised Statutes, is amended to read:
2 32-3252. Board of behavioral health examiners; appointment;
3 qualifications; terms; compensation; immunity;
4 training program

5 A. The board of behavioral health examiners is established consisting
6 of ~~one professional member from each credentialing committee established~~
7 ~~pursuant to this chapter and four public members~~ THE FOLLOWING MEMBERS
8 appointed by the governor: ~~—~~

9 1. THE FOLLOWING PROFESSIONAL MEMBERS:

10 (a) TWO MEMBERS WHO ARE LICENSED IN SOCIAL WORK PURSUANT TO THIS
11 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED CLINICAL SOCIAL WORKER.

12 (b) TWO MEMBERS WHO ARE LICENSED IN COUNSELING PURSUANT TO THIS
13 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED PROFESSIONAL COUNSELOR.

14 (c) TWO MEMBERS WHO ARE LICENSED IN MARRIAGE AND FAMILY THERAPY
15 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED MARRIAGE AND
16 FAMILY THERAPIST.

17 (d) TWO MEMBERS WHO ARE LICENSED IN SUBSTANCE ABUSE COUNSELING
18 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED INDEPENDENT
19 SUBSTANCE ABUSE COUNSELOR.

20 2. FOUR PUBLIC MEMBERS.

21 B. Each professional board member shall:

22 1. Be a resident of this state for not less than one year before
23 appointment.

24 2. Be an active licensee in good standing.

25 3. Have at least five years of experience in an area of behavioral
26 health licensed pursuant to this chapter.

27 C. Each public member shall:

28 1. Be a resident of this state for not less than one year before
29 appointment.

30 2. Be at least twenty-one years of age.

31 ~~3. Not be or have ever been a behavioral health professional or the~~
32 ~~spouse of a behavioral health professional.~~

33 ~~4. Not have or have ever had any financial interest in the provision~~
34 ~~of behavioral health services.~~

35 ~~5. Not have engaged in any activity directly related to the practice~~
36 ~~of behavioral health.~~

37 3. NOT BE LICENSED OR ELIGIBLE FOR LICENSURE PURSUANT TO THIS CHAPTER
38 UNLESS THE PUBLIC MEMBER HAS BEEN RETIRED FROM ACTIVE PRACTICE FOR AT LEAST
39 FIVE YEARS.

40 4. NOT CURRENTLY HAVE A SUBSTANTIAL FINANCIAL INTEREST IN AN ENTITY
41 THAT DIRECTLY PROVIDES BEHAVIORAL HEALTH SERVICES.

42 5. NOT HAVE A HOUSEHOLD MEMBER WHO IS LICENSED OR ELIGIBLE FOR
43 LICENSURE PURSUANT TO THIS CHAPTER UNLESS THE HOUSEHOLD MEMBER HAS BEEN
44 RETIRED FROM ACTIVE PRACTICE FOR AT LEAST FIVE YEARS.

1 D. The term of office of board members is three years to begin and end
2 on the third Monday in January. A member shall not serve more than two full
3 consecutive terms.

4 E. The board shall annually elect a chairman and secretary-treasurer
5 from its membership.

6 F. Board members are eligible to receive compensation ~~as determined~~
7 ~~pursuant to section 38-611~~ OF NOT MORE THAN EIGHTY-FIVE DOLLARS for each day
8 actually and necessarily spent in the performance of their duties.

9 G. Board members and personnel are personally immune from suit with
10 respect to all acts done and actions taken in good faith and in furtherance
11 of the purposes of this chapter.

12 H. EACH BOARD MEMBER MUST COMPLETE A TWELVE-HOUR TRAINING PROGRAM THAT
13 EMPHASIZES RESPONSIBILITIES FOR ADMINISTRATIVE MANAGEMENT, LICENSURE,
14 JUDICIAL PROCESSES AND TEMPERAMENT WITHIN ONE YEAR AFTER APPOINTMENT TO THE
15 BOARD.

16 Sec. 3. Section 32-3253, Arizona Revised Statutes, is amended to read:
17 32-3253. Powers and duties

18 A. The board shall:

19 1. Adopt rules consistent with and necessary or proper to carry out
20 the purposes of this chapter.

21 2. Administer and enforce this chapter, rules adopted pursuant to this
22 chapter and orders of the board.

23 3. Issue a license by examination, ~~reciprocity~~ ENDORSEMENT or
24 temporary recognition to, and renew the license of, each person who is
25 qualified to be licensed pursuant to this chapter. The board must issue or
26 deny a license within one hundred eighty days after the applicant submits a
27 completed application.

28 4. Establish a licensure fee schedule annually, by a formal vote at a
29 regular board meeting.

30 5. Collect fees and spend monies.

31 6. Keep a record of all persons licensed pursuant to this chapter,
32 actions taken on all applications for licensure, actions involving renewal,
33 suspension, revocation or denial of a license or probation of licensees and
34 the receipt and disbursal of monies.

35 7. Adopt an official seal for attestation of licensure and other
36 official papers and documents.

37 ~~8. Subject to title 41, chapter 4, article 4, employ personnel as it~~
38 ~~deems necessary.~~

39 ~~9.~~ 8. Conduct investigations and determine on its own motion if a
40 licensee or an applicant has engaged in unprofessional conduct, is
41 incompetent or is mentally or physically unable to engage in the practice of
42 behavioral health.

43 ~~10.~~ 9. Conduct disciplinary actions pursuant to this chapter and board
44 rules.

1 ~~11.~~ 10. Establish and enforce standards or criteria of programs or
2 other mechanisms to ensure the continuing competence of licensees.

3 ~~12.~~ 11. Establish and enforce compliance with professional standards
4 and rules of conduct for licensees.

5 ~~13.~~ 12. Engage in a full exchange of information with the licensing
6 and disciplinary boards and professional associations for behavioral health
7 professionals in this state and other jurisdictions.

8 ~~14.~~ 13. Subject to section 35-149, accept, expend and account for
9 gifts, grants, devises and other contributions, money or property from any
10 public or private source, including the federal government. Monies received
11 under this paragraph shall be deposited, pursuant to sections 35-146 and
12 35-147, in special funds for the purpose specified, which are exempt from the
13 provisions of section 35-190 relating to lapsing of appropriations.

14 14. ADOPT RULES REGARDING THE APPLICATION FOR AND APPROVAL OF
15 EDUCATIONAL CURRICULA OF REGIONALLY ACCREDITED COLLEGES OR UNIVERSITIES WITH
16 A PROGRAM NOT OTHERWISE ACCREDITED BY AN ORGANIZATION OR ENTITY RECOGNIZED BY
17 THE BOARD THAT ARE CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER AND
18 MAINTAIN A LIST OF THOSE PROGRAMS. APPROVALS SHALL BE VALID FOR A PERIOD OF
19 FIVE YEARS IF NO CHANGES OF CURRICULA ARE MADE THAT ARE INCONSISTENT WITH THE
20 REQUIREMENTS OF THIS CHAPTER OR BOARD RULE.

21 15. MAINTAIN A REGISTRY OF LICENSEES WHO HAVE MET THE EDUCATIONAL
22 REQUIREMENTS TO PROVIDE SUPERVISION AS REQUIRED PURSUANT TO THIS CHAPTER TO
23 APPLICANTS IN THE SAME PROFESSION.

24 16. ADOPT RULES TO ALLOW APPROVAL OF PERSONS WHO WISH TO PROVIDE
25 SUPERVISION PURSUANT TO THIS CHAPTER AND WHO ARE NOT LICENSED BY THE BOARD
26 AND WHO ARE LICENSED IN A PROFESSION OTHER THAN THE PROFESSION IN WHICH THE
27 APPLICANT IS SEEKING LICENSURE.

28 17. RECOGNIZE NOT MORE THAN FOUR HUNDRED HOURS OF PSYCHOEDUCATION FOR
29 WORK EXPERIENCE REQUIRED PURSUANT TO SECTIONS 32-3293, 32-3301, 32-3311 AND
30 32-3321.

31 B. The board may join professional organizations and associations
32 organized exclusively to promote the improvement of the standards of the
33 practice of behavioral health, protect the health and welfare of the public
34 or assist and facilitate the work of the board.

35 C. THE BOARD MAY ENTER INTO STIPULATED AGREEMENTS WITH A LICENSEE FOR
36 THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF CHEMICAL
37 DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH
38 DISORDERS IN A PROGRAM PROVIDED PURSUANT TO SUBSECTION D OF THIS SECTION. A
39 LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM SHALL BE TERMINATED
40 FROM THE CONFIDENTIAL PROGRAM. ANY RECORDS OF THE LICENSEE WHO IS TERMINATED
41 FROM A CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE
42 PUBLIC RECORDS LAW, NOTWITHSTANDING ANY LAW TO THE CONTRARY. STIPULATED
43 AGREEMENTS ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

44 1. THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL
45 PROGRAM.

1 2. THE LICENSEE COMPLIES WITH ALL TREATMENT REQUIREMENTS OR
2 RECOMMENDATIONS INCLUDING PARTICIPATION IN APPROVED PROGRAMS.

3 3. THE LICENSEE REFRAINS FROM PROFESSIONAL PRACTICE UNTIL THE RETURN
4 TO PRACTICE HAS BEEN APPROVED BY THE TREATMENT PROGRAM AND THE BOARD.

5 4. THE LICENSEE COMPLIES WITH ALL MONITORING REQUIREMENTS OF THE
6 STIPULATED AGREEMENT, INCLUDING RANDOM BODILY FLUID TESTING.

7 5. THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S
8 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL
9 HEALTH DISORDERS AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS
10 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

11 ~~C.~~ D. The board ~~may~~ SHALL establish a confidential program for the
12 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,
13 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT
14 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program
15 that meets the criteria prescribed by the board. THE LICENSEE SHALL BE
16 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND
17 MONITORING. The board may take further action if a licensee refuses to enter
18 into a stipulated agreement or fails to comply with the terms of a stipulated
19 agreement. In order to protect the public health and safety, the
20 confidentiality requirements of this subsection do not apply if a licensee
21 does not comply with the stipulated agreement.

22 E. THE BOARD SHALL AUDIO RECORD ALL MEETINGS AND MAINTAIN ALL AUDIO
23 AND VIDEO RECORDINGS OR STENOGRAPHIC RECORDS OF INTERVIEWS AND MEETINGS FOR A
24 PERIOD OF THREE YEARS FROM WHEN THE RECORD WAS CREATED.

25 Sec. 4. Title 32, chapter 33, article 1, Arizona Revised Statutes, is
26 amended by adding section 32-3255, to read:

27 32-3255. Executive director; compensation; duties

28 A. ON OR AFTER JANUARY 31, 2014 AND SUBJECT TO TITLE 41, CHAPTER 4,
29 ARTICLE 4, THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL SERVE AT
30 THE PLEASURE OF THE BOARD. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE
31 COMPENSATION SET BY THE BOARD WITHIN THE RANGE DETERMINED UNDER SECTION
32 38-611.

33 B. THE EXECUTIVE DIRECTOR SHALL:

34 1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

35 2. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL AS THE
36 EXECUTIVE DIRECTOR DEEMS NECESSARY, INCLUDING PROFESSIONAL CONSULTANTS AND
37 AGENTS NECESSARY TO CONDUCT INVESTIGATIONS. AN INVESTIGATOR MUST COMPLETE A
38 NATIONALLY RECOGNIZED INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE
39 DATE OF HIRE. UNTIL THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE
40 INVESTIGATOR MUST WORK UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS
41 COMPLETED A TRAINING PROGRAM.

42 Sec. 5. Heading change

43 The article heading of title 32, chapter 33, article 2, Arizona Revised
44 Statutes, is changed from "PROFESSIONAL CREDENTIALING COMMITTEES" to
45 "ACADEMIC REVIEW COMMITTEES".

1 Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:

2 32-3272. Fees

3 A. For issuance of a license pursuant to this chapter, **INCLUDING**
4 **APPLICATION FEES**, the board shall establish and charge reasonable fees not to
5 exceed five hundred dollars.

6 B. For renewal of a license pursuant to this chapter, the board shall
7 establish and charge reasonable fees ~~of:~~

8 ~~1. Until June 30, 2011, not to exceed three hundred fifty dollars.~~

9 ~~2. Beginning July 1, 2011,~~ not to exceed five hundred dollars. The
10 board shall not increase fees pursuant to this ~~paragraph~~ **SUBSECTION** more than
11 twenty-five dollars each year.

12 **C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF**
13 **EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH**
14 **15.**

15 ~~C.~~ D. The board shall establish fees to produce monies that
16 approximate the cost of maintaining the board ~~and the credentialing~~
17 ~~committees.~~

18 Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:

19 32-3273. License renewal; continuing education

20 A. Except as provided in section 32-4301, a license issued pursuant to
21 this chapter is renewable ~~biennially~~ **EVERY TWO YEARS** by paying the renewal
22 fee prescribed by the board and submitting ~~evidence satisfactory to the~~
23 ~~appropriate credentialing committee~~ **DOCUMENTATION PRESCRIBED BY THE BOARD BY**
24 **RULE** of completion of relevant continuing education experience as determined
25 by the ~~appropriate credentialing committee~~ **BOARD** during the previous
26 twenty-four month period.

27 B. The board shall send notice in writing of required relevant
28 continuing education experience to each licensee at least ninety days before
29 the renewal date.

30 C. A licensee must satisfy the continuing education requirements that
31 are prescribed by the board by rule and that are designed to provide the
32 necessary understanding of ethics, cultural competency, current developments,
33 skills, procedures and treatments related to behavioral health and to ensure
34 the continuing competence of licensees. The board shall adopt rules to
35 prescribe the manner of documenting compliance with this subsection.

36 **D. AT THE REQUEST OF A LICENSEE WHO HAS BEEN ISSUED TWO OR MORE**
37 **LICENSES, THE BOARD SHALL ESTABLISH THE SAME RENEWAL DATES FOR THOSE**
38 **LICENSES. THE BOARD MAY PRORATE ANY FEES DUE AS NECESSARY TO SYNCHRONIZE THE**
39 **DATES.**

40 Sec. 10. Section 32-3274, Arizona Revised Statutes, is amended to
41 read:

42 32-3274. Licensure by endorsement

43 A. The board may issue a ~~reciprocal~~ license **BY ENDORSEMENT** to a person
44 in that person's particular behavioral health profession if the person is
45 licensed or certified by ~~another state~~ **THE** regulatory agency **OF ONE OR MORE**

1 OTHER STATES at an equivalent or higher practice level as determined by the
2 board, pays the fee prescribed by the board and meets all of the following
3 requirements:

4 1. The person is currently licensed or certified in behavioral health
5 by ~~another state~~ THE regulatory agency OF ONE OR MORE OTHER STATES and ~~the~~
6 EACH license or certification is current and in good standing.

7 2. The person has been licensed or certified in the discipline applied
8 for and at the same practice level as determined by the board for a minimum
9 of ~~five~~ THREE years.

10 3. The person was engaged in the practice of behavioral health in ~~the~~
11 ~~state~~ ONE OR MORE STATES issuing the license or certification used by the
12 person to qualify for a ~~reciprocal~~ license BY ENDORSEMENT pursuant to this
13 section for a minimum of ~~six thousand hours during the five years before~~
14 ~~applying for reciprocal licensure~~ THREE THOUSAND SIX HUNDRED HOURS IN A
15 PERIOD OF NOT MORE THAN FIVE YEARS PRIOR TO APPLYING FOR LICENSURE BY
16 ENDORSEMENT. THE THREE THOUSAND SIX HUNDRED HOURS MUST BE IN THE DISCIPLINE
17 AND AT LEAST IN THE PRACTICE LEVEL FOR WHICH THE PERSON IS APPLYING.

18 4. ~~There were minimum~~ THE PERSON MET THE education, work experience
19 and clinical supervision requirements in effect at the time the person was
20 licensed or certified by the ~~other state~~ regulatory agency OF THE OTHER STATE
21 OR STATES and the licensing or certifying ~~state~~ agency OF THE OTHER STATE OR
22 STATES verifies that the person met those requirements in order to be
23 licensed or certified in the other state OR STATES.

24 5. The person passed an examination required for the license sought
25 pursuant to article 5, 6, 7 or 8 of this chapter.

26 6. The person meets the basic requirements for licensure prescribed by
27 section 32-3275.

28 ~~7. The person meets any other requirements prescribed by the board.~~

29 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY
30 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR
31 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION
32 TAKEN BY ANY REGULATORY AGENCY OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN
33 SURRENDERED IN LIEU OF DISCIPLINE AND VERIFICATION OF LICENSURE OR
34 CERTIFICATION FROM EVERY STATE IN WHICH THE PERSON IS LICENSED OR CERTIFIED
35 FOR THE PARTICULAR HEALTH PROFESSION FOR WHICH THE PERSON APPLIES.

36 B. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, A
37 PERSON SEEKING LICENSE BY ENDORSEMENT FOR THE FOLLOWING PRACTICE LEVELS MUST
38 HAVE EARNED A MASTER'S OR HIGHER DEGREE IN THE APPLICABLE FIELD OF PRACTICE
39 GRANTED BY A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY:

40 1. LICENSED CLINICAL SOCIAL WORKER.

41 2. LICENSED PROFESSIONAL COUNSELOR.

42 3. LICENSED MARRIAGE AND FAMILY THERAPIST.

43 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

1 ~~B.~~ C. EXCEPT FOR LICENSES BY ENDORSEMENT ISSUED IN THE PRACTICE
2 LEVELS PRESCRIBED IN SUBSECTION B OF THIS SECTION, a person issued a license
3 pursuant to this section shall practice behavioral health only under the
4 direct supervision of a licensee.

5 ~~C. A person issued a reciprocal license pursuant to this section may
6 apply for a regular license if the person meets all of the following
7 requirements:~~

8 ~~1. The person has completed a minimum of one thousand six hundred
9 hours of supervised work experience in the practice of behavioral health in
10 this state within at least twelve months after issuance of the reciprocal
11 license.~~

12 ~~2. During the supervised work experience period required in
13 paragraph 1 of this subsection, the person receives at least fifty hours of
14 qualifying clinical supervision as determined by the board.~~

15 ~~3. The person demonstrates competency to practice behavioral health as
16 determined by the board.~~

17 D. The board by rule may prescribe a procedure to issue licenses
18 pursuant to this section.

19 Sec. 11. Section 32-3275, Arizona Revised Statutes, is amended to
20 read:

21 32-3275. Requirements for licensure; withdrawal of application

22 A. An applicant for licensure must meet all of the following
23 requirements:

24 1. Submit an application as prescribed by the board.

25 2. Be at least twenty-one years of age.

26 3. Be of good moral character. The board's standard to determine good
27 moral character shall not violate federal discrimination laws.

28 4. Pay all applicable fees prescribed by the board.

29 5. Have the physical and mental capability to safely and competently
30 engage in the practice of behavioral health.

31 6. Not have committed any act or engaged in any conduct that would
32 constitute grounds for disciplinary action against a licensee pursuant to
33 this chapter.

34 7. Not have had a professional license or certificate refused,
35 revoked, suspended or restricted ~~in~~ BY THIS STATE OR any OTHER regulatory
36 jurisdiction in the United States or ~~in another~~ ANY OTHER country for reasons
37 that relate to unprofessional conduct. ~~If the board finds that the applicant
38 committed an act or engaged in conduct that would constitute grounds for
39 disciplinary action in this state, the board shall determine to its
40 satisfaction that the conduct has been corrected, monitored and resolved. If
41 the matter has not been resolved, the board shall determine to its
42 satisfaction that mitigating circumstances exist that prevent its resolution.~~

43 8. Not have voluntarily surrendered a PROFESSIONAL license or
44 certificate in THIS STATE OR another regulatory jurisdiction in the United
45 States or any other country while under investigation for conduct that

1 relates to unprofessional conduct. ~~If another jurisdiction has taken~~
2 ~~disciplinary action against an applicant, the board shall determine to its~~
3 ~~satisfaction that the cause for the action was corrected and the matter~~
4 ~~resolved. If the matter has not been resolved by that jurisdiction, the~~
5 ~~board shall determine to its satisfaction that mitigating circumstances exist~~
6 ~~that prevent its resolution.~~

7 9. Not have a complaint, allegation or investigation pending before
8 THE BOARD OR another regulatory jurisdiction in the United States or another
9 country that relates to unprofessional conduct. If an applicant has any such
10 ~~complaints~~ COMPLAINT, ~~allegations~~ ALLEGATION or ~~investigations~~ INVESTIGATION
11 pending, the board shall suspend the application process and may not issue or
12 deny a license to the applicant until the complaint, allegation or
13 investigation is resolved.

14 B. IF THE BOARD FINDS THAT AN APPLICANT IS SUBJECT TO SUBSECTION A,
15 PARAGRAPHS 5 THROUGH 8 OF THIS SECTION, THE BOARD MAY DETERMINE TO ITS
16 SATISFACTION THAT THE CONDUCT OR CONDITION HAS BEEN CORRECTED, MONITORED AND
17 RESOLVED AND MAY ISSUE A LICENSE. IF THE CONDUCT OR CONDITION HAS NOT BEEN
18 RESOLVED, THE BOARD MAY DETERMINE TO ITS SATISFACTION THAT MITIGATING
19 CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION AND MAY ISSUE A LICENSE.

20 C. IF AN APPLICANT HAS A DEFICIENCY PURSUANT TO SUBSECTION A OF THIS
21 SECTION, THE BOARD SHALL NOTIFY THE APPLICANT OF THE DEFICIENCY AND THE TIME
22 WHEN THE BOARD WILL REVIEW THE APPLICATION AT A PUBLIC MEETING. THIS MEETING
23 MUST TAKE PLACE WITHIN THIRTY-FIVE DAYS AFTER THE NOTIFICATION. AT THE TIME
24 OF THE MEETING, THE APPLICANT MAY PROVIDE IN PERSON, BY COUNSEL OR IN WRITTEN
25 FORM INFORMATION AND EVIDENCE RELATED TO ANY DEFICIENCY, INCLUDING
26 INFORMATION RELATED TO WHETHER THE CONDUCT THAT WAS THE BASIS FOR AN ACTION
27 PURSUANT TO SUBSECTION A, PARAGRAPH 6, 7 OR 8 OF THIS SECTION HAS BEEN
28 CORRECTED, MONITORED AND RESOLVED OR IF MITIGATING CIRCUMSTANCES EXIST THAT
29 PREVENT ITS RESOLUTION. IN A NOTICE OF DENIAL THE BOARD SHALL PROVIDE
30 NOTIFICATION OF THE RIGHT TO A HEARING PURSUANT TO TITLE 41, CHAPTER 6,
31 ARTICLE 10. IF THE APPLICANT DOES NOT PRESENT INFORMATION AT THE PUBLIC
32 BOARD MEETING, THE APPLICANT MAY STILL SEEK ALL AVAILABLE ADMINISTRATIVE
33 REMEDIES.

34 D. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION UNLESS THE
35 BOARD HAS SENT TO THE APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN
36 INVESTIGATION CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING THAT
37 NOTIFICATION THE APPLICANT MAY REQUEST THAT THE BOARD REVIEW THE APPLICANT'S
38 REQUEST TO WITHDRAW THE APPLICATION. IN CONSIDERING THE REQUEST THE BOARD
39 SHALL DETERMINE WHETHER IT IS PROBABLE THAT THE INVESTIGATION WOULD RESULT IN
40 AN ADVERSE ACTION AGAINST THE APPLICANT.

41 E. AFTER A FINAL BOARD ORDER OF DENIAL HAS BEEN ISSUED, THE BOARD
42 SHALL REPORT THE DENIAL IF REQUIRED BY THE HEALTH CARE QUALITY IMPROVEMENT
43 ACT OF 1986 (42 UNITED STATES CODE SECTION 111.01). FOR THE PURPOSES OF THIS
44 SUBSECTION AND EXCEPT AS REQUIRED BY FEDERAL LAW, "FINAL BOARD ORDER" MEANS:

1 1. FOR AN APPLICANT WHO SEEKS A HEARING PURSUANT TO TITLE 41,
2 CHAPTER 6, ARTICLE 10, WHEN A FINAL ADMINISTRATIVE DECISION HAS BEEN MADE.

3 2. FOR AN APPLICANT WHO DOES NOT TIMELY FILE A NOTICE OF APPEAL, AFTER
4 THE TIME FOR THE FILING EXPIRES PURSUANT TO SECTION 41-1092.03.

5 Sec. 12. Section 32-3281, Arizona Revised Statutes, is amended to
6 read:

7 32-3281. Disciplinary action; investigations; hearings; civil
8 penalty; timely complaints; burden of proof

9 A. ~~A credentialing committee~~ THE BOARD, on its own motion or on a
10 complaint, may investigate any evidence that appears to show that a licensee
11 is or may be incompetent, is or may be guilty of unprofessional conduct or is
12 or may be mentally or physically unable to safely engage in the practice of
13 behavioral health. As part of its investigation, ~~a credentialing committee~~
14 THE BOARD may hold an investigational meeting pursuant to this chapter. Any
15 person may, and a licensee and any entity licensed by the office of
16 behavioral health licensure shall, report to the board any information that
17 would cause a reasonable licensee to believe that another licensee is guilty
18 of unprofessional conduct or is physically or mentally unable to provide
19 behavioral health services competently or safely. Any person or entity that
20 reports or provides information to the board in good faith is not subject to
21 an action for civil damages. It is an act of unprofessional conduct for any
22 licensee to fail to report as required by this section. The board shall
23 report to the office of behavioral health licensure in the department of
24 health services any entity licensed by the office of behavioral health
25 licensure that fails to report as required by this section. FOR COMPLAINTS
26 RELATED TO CONDUCT THAT IS INCONSISTENT WITH PROFESSIONAL STANDARDS OR
27 ETHICS, SCOPE OF PRACTICE OR STANDARD OF CARE, THE BOARD MAY CONSULT WITH ONE
28 OR MORE LICENSED OR RETIRED BEHAVIORAL HEALTH PROFESSIONALS OF THE SAME
29 PROFESSION AS THE LICENSEE TO REVIEW COMPLAINTS AND MAKE RECOMMENDATIONS TO
30 THE BOARD.

31 B. ~~A credentialing committee~~ ON DETERMINATION OF REASONABLE CAUSE THE
32 BOARD shall require, AT THE LICENSEE'S OWN EXPENSE, any combination of
33 mental, physical or ~~oral or written competency examinations, at the~~
34 ~~licensee's own expense,~~ PSYCHOLOGICAL EXAMINATIONS, ASSESSMENTS OR SKILLS
35 EVALUATIONS NECESSARY TO DETERMINE THE LICENSEE'S COMPETENCE OR ABILITY TO
36 SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH and conduct necessary
37 investigations, including investigational interviews between representatives
38 of the board and the licensee, to fully inform itself with respect to any
39 information filed with the board under subsection A of this section. These
40 examinations may include biological fluid testing. The ~~credentialing~~
41 ~~committee~~ BOARD may require the licensee, at the licensee's expense, to
42 undergo assessment by a rehabilitative, retraining or assessment program
43 approved by the ~~credentialing committee~~ BOARD.

1 C. If the board finds, based on the information received pursuant to
2 subsection A or B of this section, that the public health, safety or welfare
3 imperatively requires emergency action, and incorporates a finding to that
4 effect in its order, the board may restrict, limit or order a summary
5 suspension of a license pending proceedings for revocation or other action.
6 If the board takes action pursuant to this subsection, it must also serve the
7 licensee with a written notice that states the charges and that the licensee
8 is entitled to a formal hearing before the board or an administrative law
9 judge within sixty days.

10 D. If after completing an ~~investigational meeting~~ INVESTIGATION the
11 ~~credentialing committee~~ BOARD finds that the information provided is not of
12 sufficient seriousness to merit disciplinary action against the licensee, the
13 ~~credentialing committee~~ BOARD shall either:

14 1. Dismiss the complaint if, in the opinion of the ~~credentialing~~
15 ~~committee~~ BOARD, the complaint is without merit.

16 ~~2. Recommend any of the following actions to the board:~~

17 ~~(a) Dismiss if, in the opinion of the credentialing committee, the~~
18 ~~complaint is without merit.~~

19 ~~(b)~~ 2. File a letter of concern and dismiss the complaint. THE
20 LICENSEE MAY FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN THIRTY DAYS AFTER
21 THE LICENSEE RECEIVES THE LETTER OF CONCERN.

22 ~~(c)~~ 3. Issue a nondisciplinary order requiring the licensee to
23 complete a prescribed number of hours of continuing education in an area or
24 areas prescribed by the board to provide the licensee with the necessary
25 understanding of current developments, skills, procedures or treatment.

26 E. A complaint dismissed by the ~~credentialing committee~~ BOARD pursuant
27 to subsection D, paragraph 1 of this section is not a complaint of
28 unprofessional conduct and shall not be disclosed by the board as a complaint
29 on the licensee's complaint history.

30 F. If after completing its investigation the ~~credentialing committee~~
31 BOARD believes that the information is or may be true, ~~the credentialing~~
32 ~~committee may recommend that~~ the board MAY enter into a consent agreement
33 with the licensee to limit or restrict the licensee's practice or to
34 rehabilitate the licensee, protect the public and ensure the licensee's
35 ability to safely engage in the practice of behavioral health. A consent
36 agreement may also require the licensee to successfully complete a board
37 approved rehabilitative, retraining or assessment program.

38 ~~G. If on receipt of a credentialing committee's recommendation the~~
39 ~~board finds that the information provided pursuant to subsection A of this~~
40 ~~section is not of sufficient seriousness to merit direct action against the~~
41 ~~licensee, the board may take any of the following actions:~~

42 ~~1. Dismiss if, in the opinion of the board, the complaint is without~~
43 ~~merit.~~

1 ~~2. File a letter of concern and dismiss the complaint. The licensee~~
2 ~~may file a written response with the board within thirty days after the~~
3 ~~licensee receives the letter of concern.~~

4 ~~3. Issue a nondisciplinary order requiring the licensee to complete a~~
5 ~~prescribed number of hours of continuing education in an area or areas~~
6 ~~prescribed by the board to provide the licensee with the necessary~~
7 ~~understanding of current developments, skills, procedures or treatment.~~

8 ~~H. If on receipt of a credentialing committee's recommendation the~~
9 ~~board finds that the information provided pursuant to subsection A of this~~
10 ~~section is or may be true, the board may enter into an agreement with the~~
11 ~~licensee to limit or restrict the licensee's practice or to rehabilitate the~~
12 ~~licensee, protect the public and ensure the licensee's ability to safely~~
13 ~~engage in the practice of behavioral health. The board may also require the~~
14 ~~licensee to successfully complete a board approved rehabilitative, retraining~~
15 ~~or assessment program.~~

16 ~~I. G. If on receipt of a credentialing committee's recommendation~~ the
17 board finds that the information provided pursuant to subsection A of this
18 section is or may be true, the board may request a formal interview with the
19 licensee. If the licensee refuses the invitation for a formal interview or
20 accepts and the results indicate that grounds may exist for revocation or
21 suspension of the licensee's license for more than twelve months, the board
22 shall issue a formal complaint and order that a hearing be held pursuant to
23 title 41, chapter 6, article 10. If after completing a formal interview the
24 board finds that the protection of the public requires emergency action, the
25 board may order a summary suspension of the licensee's license pending formal
26 revocation proceedings or other action authorized by this section.

27 ~~J. H.~~ H. If after completing the formal interview the board finds the
28 information provided is not of sufficient seriousness to merit suspension for
29 more than twelve months or revocation of the license, the board may take the
30 following actions:

31 1. Dismiss if, in the opinion of the board, the information is without
32 merit.

33 2. File a letter of concern and dismiss the complaint. The licensee
34 may file a written response with the board within thirty days after the
35 licensee receives the letter of concern.

36 3. Issue a decree of censure. A decree of censure is an official
37 action against the licensee's license and may include a requirement for
38 restitution of fees to a client resulting from violations of this chapter or
39 rules adopted pursuant to this chapter.

40 4. Fix a period and terms of probation best adapted to protect the
41 public health and safety and rehabilitate or educate the licensee concerned.
42 Probation may include temporary suspension not to exceed twelve months,
43 restriction of the licensee's license to practice behavioral health, a
44 requirement for restitution of fees to a client or education or
45 rehabilitation at the licensee's own expense. If a licensee fails to comply

1 with the terms of probation, the board shall serve the licensee with a
2 written notice that states that the licensee is subject to a formal hearing
3 based on the information considered by the board at the formal interview and
4 any other acts or conduct alleged to be in violation of this chapter or rules
5 adopted by the board pursuant to this chapter, including noncompliance with
6 the terms of probation or a consent agreement.

7 5. Issue a nondisciplinary order requiring the licensee to complete a
8 prescribed number of hours of continuing education in an area or areas
9 prescribed by the board to provide the licensee with the necessary
10 understanding of current developments, skills, procedures or treatment.

11 ~~K~~. I. If the board finds that the information provided in subsection
12 A or ~~I~~ G of this section warrants suspension or revocation of a license
13 issued under this chapter, the board shall initiate formal proceedings
14 pursuant to title 41, chapter 6, article 10.

15 ~~L~~. J. In a formal interview pursuant to subsection ~~I~~ G of this
16 section or in a hearing pursuant to subsection ~~K~~ I of this section, the
17 board in addition to any other action may impose a civil penalty not to
18 exceed one thousand dollars for each violation of this chapter or a rule
19 adopted under this chapter.

20 ~~M~~. K. A letter of concern is a public document.

21 ~~N~~. L. A licensee who after a formal hearing is found by the board to
22 be guilty of unprofessional conduct, to be mentally or physically unable to
23 safely engage in the practice of behavioral health or to be professionally
24 incompetent is subject to censure, probation as provided in this section,
25 suspension of license or revocation of license or any combination of these,
26 including a stay of action, and for a period of time or permanently and under
27 conditions as the board deems appropriate for the protection of the public
28 health and safety and just in the circumstance. The board may charge all
29 costs incurred in the course of the investigation and formal hearing to the
30 licensee it finds is in violation of this chapter. The board shall deposit,
31 pursuant to sections 35-146 and 35-147, monies collected pursuant to this
32 subsection in the board of behavioral health examiners fund established by
33 section 32-3254.

34 ~~O~~. M. If the board during the course of any investigation determines
35 that a criminal violation may have occurred involving the delivery of
36 behavioral health services, the board shall make the evidence of violations
37 available to the appropriate criminal justice agency for its consideration.

38 ~~P~~. N. The board shall deposit, pursuant to sections 35-146 and
39 35-147, all monies collected from civil penalties paid pursuant to this
40 chapter in the state general fund.

41 ~~Q~~. O. Notice of a complaint and hearing is effective by a true copy
42 of the notice being sent by certified mail to the licensee's last known
43 address of record in the board's files. Notice of the complaint and hearing
44 is complete on the date of its deposit in the mail.

1 ~~R.~~ P. In determining the appropriate disciplinary action under this
2 section, the board shall consider all previous nondisciplinary and
3 disciplinary actions against a licensee.

4 ~~S.~~ Q. The board may defer action with regard to an impaired licensee
5 who voluntarily signs an agreement, in a form satisfactory to the board,
6 agreeing to practice restrictions and treatment and monitoring programs
7 deemed necessary by the board to protect the public health and safety. A
8 licensee who is impaired and who does not agree to enter into an agreement
9 with the board is subject to other action as provided pursuant to this
10 chapter.

11 ~~T.~~ R. Subject to an order duly entered by the board, a person whose
12 license to practice behavioral health has been suspended or restricted
13 pursuant to this chapter, whether voluntarily or by action of the board, may
14 at reasonable intervals apply to the board for reinstatement of the license.
15 The person shall submit the application in writing and in the form prescribed
16 by the board. After conducting an investigation and hearing, the board may
17 grant or deny the application or modify the original finding to reflect any
18 circumstances that have changed sufficiently to warrant modification. The
19 board may require the applicant to pass an examination or complete board
20 imposed continuing education requirements or may impose any other sanctions
21 the board deems appropriate for reentry into the practice of behavioral
22 health.

23 ~~U.~~ S. A person whose license is revoked, suspended or not renewed
24 must return the license to the offices of the board within ten days after
25 notice of that action.

26 ~~V.~~ T. The board may enforce a civil penalty imposed pursuant to this
27 section in the superior court in Maricopa county.

28 ~~W.~~ U. For complaints being brought before ~~a credentialing committee~~
29 ~~or~~ the full board, the information released to the public regarding an
30 ongoing investigation must clearly indicate that the investigation is a
31 pending complaint and must include the following statement:

32 Pending complaints represent unproven allegations. On
33 investigation, many complaints are found to be without merit or
34 not of sufficient seriousness to merit disciplinary action
35 against the licensee and are dismissed.

36 V. THE BOARD SHALL NOT ACT ON ANY COMPLAINT IN WHICH AN ALLEGATION OF
37 UNPROFESSIONAL CONDUCT OR ANY OTHER VIOLATION OF THIS CHAPTER OCCURRED MORE
38 THAN SEVEN YEARS BEFORE THE COMPLAINT IS RECEIVED BY THE BOARD. THE TIME
39 LIMITATION DOES NOT APPLY TO MALPRACTICE SETTLEMENTS OR JUDGEMENTS.

40 W. THE BOARD SHALL NOT OPEN AN INVESTIGATION IF IDENTIFYING
41 INFORMATION REGARDING THE COMPLAINANT IS NOT PROVIDED.

42 X. EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION
43 32-3251, PARAGRAPH 15, SUBDIVISION (v), THE BOARD HAS THE BURDEN OF PROOF BY
44 CLEAR AND CONVINCING EVIDENCE FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO
45 THIS CHAPTER.

1 ~~3-~~ 4. The superior court, on application by the board ~~or a~~
2 ~~credentialing committee~~ or by the person subpoenaed, has jurisdiction to
3 issue an order either:

4 (a) Requiring the person to appear before the board ~~or a credentialing~~
5 ~~committee~~ or the BOARD'S authorized agent to produce evidence relating to the
6 matter under investigation.

7 (b) Revoking, limiting or modifying the subpoena if in the court's
8 opinion the evidence demanded does not relate to unlawful practices covered
9 by this chapter or is not relevant to grounds for disciplinary action that
10 are the subject matter of the hearing or investigation or the subpoena does
11 not describe with sufficient particularity the physical evidence required to
12 be produced. Any failure to obey an order of the court may be punished by
13 the court as contempt.

14 C. Records, including clinical records, reports, files or other
15 reports or oral statements relating to examinations, findings or treatments
16 of clients, any information from which a client or the client's family might
17 be identified or information received and records kept by the board ~~or a~~
18 ~~credentialing committee~~ as a result of the investigation procedure prescribed
19 by this chapter are not available to the public.

20 D. This section and any other law that makes communications between a
21 licensee and the licensee's client a privileged communication do not apply to
22 investigations or proceedings conducted pursuant to this chapter. The board
23 and ~~a credentialing committee~~ and the board's ~~and committee's~~ employees,
24 agents and representatives shall keep in confidence the names of any clients
25 whose records are reviewed during the course of investigations and
26 proceedings pursuant to this chapter.

27 Sec. 14. Section 32-3284, Arizona Revised Statutes, is amended to
28 read:

29 32-3284. Cease and desist orders; injunctions

30 A. The board ~~or a credentialing committee~~ may issue a cease and desist
31 order or request that an injunction be issued by the superior court to stop a
32 person from engaging in the unauthorized practice of behavioral health or
33 from violating or threatening to violate a statute, rule or order that the
34 board has issued or is empowered to enforce. If the board seeks an
35 injunction to stop the unauthorized practice of behavioral health, it is
36 sufficient to charge that the respondent on a day certain in a named county
37 engaged in the practice of behavioral health without a license and without
38 being exempt from the licensure requirements of this chapter. It is not
39 necessary to show specific damages or injury. The cease and desist order
40 must state the reason for its issuance and give notice of the person's right
41 to request a hearing under applicable procedures prescribed in title 41,
42 chapter 6, article 10.

43 B. Violation of an injunction shall be punished as for contempt of
44 court.

1 (a) Earned a master's or higher degree in social work from a
2 regionally accredited college or university in a program accredited by the
3 council on social work education or a degree from a foreign school based on a
4 program of study that the board determines is substantially equivalent.

5 (b) Received at least ~~two years of full time or the equivalent~~
6 ~~part-time~~ THREE THOUSAND TWO HUNDRED HOURS OF post-master's degree experience
7 IN NOT LESS THAN TWENTY FOUR MONTHS under supervision ~~satisfactory to the~~
8 ~~social work credentialing committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY
9 THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT
10 LEAST ONE THOUSAND SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN
11 ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT CLIENT SERVICE AND AT LEAST ONE
12 HUNDRED HOURS OF CLINICAL SUPERVISION AS PRESCRIBED BY THE BOARD BY
13 RULE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS
14 MAY BE IN PSYCHOEDUCATION. THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF
15 HOURS REQUIRED FOR FUNCTIONS RELATED TO DIRECT CLIENT CONTACT AND INDIRECT
16 CLIENT SERVICE.

17 2. Pass an examination approved by the ~~social work credentialing~~
18 ~~committee~~ BOARD.

19 Sec. 18. Section 32-3301, Arizona Revised Statutes, is amended to
20 read:

21 32-3301. Licensed professional counselor; licensure;
22 requirements

23 A. A person who wishes to be licensed by the board to engage in the
24 practice of professional counseling as a licensed professional counselor
25 shall:

26 1. Meet the education requirements of subsection B OF THIS SECTION and
27 the work experience requirements of subsection ~~C~~ F OF THIS SECTION.

28 2. Pass an examination approved by the ~~counseling credentialing~~
29 ~~committee~~ BOARD.

30 B. An applicant for licensure shall furnish ~~evidence satisfactory to~~
31 ~~the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE
32 BOARD BY RULE that the person has received ~~either~~ A MASTER'S OR HIGHER DEGREE
33 WITH A MAJOR EMPHASIS IN COUNSELING FROM A REGIONALLY ACCREDITED COLLEGE OR
34 UNIVERSITY IN A PROGRAM OF STUDY THAT INCLUDES AT LEAST SIXTY SEMESTER CREDIT
35 HOURS OR NINETY QUARTER CREDIT HOURS AT ONE of the following:

36 ~~1. A master's degree or higher degree with a major emphasis in~~
37 ~~counseling from a regionally accredited college or university in a program of~~
38 ~~study that includes a minimum of forty-eight semester credit hours or the~~
39 ~~equivalent in a curriculum approved by the counseling credentialing~~
40 ~~committee. Beginning on January 1, 2008, the program of study must include a~~
41 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~
42 ~~approved by the counseling credentialing committee.~~

43 ~~2.~~ 1. A ~~master's degree or higher degree with a major emphasis in~~
44 ~~counseling from a~~ program accredited by the council for the accreditation of
45 counseling and related educational programs or the national council on

1 rehabilitation education. ~~that includes a minimum of forty eight credit~~
2 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~
3 ~~include a minimum of sixty semester credit hours.~~

4 2. A PROGRAM WITH A CURRICULUM THAT HAS BEEN APPROVED BY THE BOARD
5 PURSUANT TO SECTION 32-3253.

6 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY
7 THE BOARD BY RULE.

8 C. A PROGRAM THAT IS NOT ACCREDITED BY THE COUNCIL FOR THE
9 ACCREDITATION OF COUNSELING AND RELATED EDUCATIONS PROGRAMS OR THE NATIONAL
10 COUNCIL ON REHABILITATION EDUCATION MUST REQUIRE SEVEN HUNDRED HOURS OF
11 SUPERVISED CLINICAL HOURS AND TWENTY-FOUR SEMESTER HOURS OR THIRTY-TWO
12 QUARTER HOURS IN COURSES IN THE FOLLOWING EIGHT CORE CONTENT AREAS AS
13 PRESCRIBED BY THE BOARD BY RULE:

- 14 1. PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
- 15 2. SOCIAL AND CULTURAL DIVERSITY.
- 16 3. HUMAN GROWTH AND DEVELOPMENT.
- 17 4. CAREER DEVELOPMENT.
- 18 5. HELPING RELATIONSHIPS.
- 19 6. GROUP WORK.
- 20 7. ASSESSMENT.
- 21 8. RESEARCH AND PROGRAM EVALUATION.

22 D. CREDIT HOURS OFFERED ABOVE THOSE PRESCRIBED PURSUANT TO SUBSECTION
23 C OF THIS SECTION MUST BE IN STUDIES THAT PROVIDE A BROAD UNDERSTANDING IN
24 COUNSELING RELATED SUBJECTS AS PRESCRIBED BY THE BOARD BY RULE.

25 E. THE BOARD MAY ACCEPT EQUIVALENT COURSEWORK IN WHICH CORE CONTENT
26 AREA SUBJECT MATTER IS EMBEDDED OR CONTAINED WITHIN ANOTHER COURSE, INCLUDING
27 ANOTHER SUBJECT MATTER.

28 ~~C.~~ F. An applicant for licensure shall furnish ~~evidence satisfactory~~
29 ~~to the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE
30 BOARD BY RULE that the applicant has received at least ~~two years of full time~~
31 ~~or the equivalent part-time~~ THREE THOUSAND TWO HUNDRED HOURS IN AT LEAST
32 TWENTY-FOUR MONTHS IN post-master's degree work experience in the practice of
33 professional counseling under supervision ~~approved by the credentialing~~
34 ~~committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. An
35 applicant may use a doctoral-clinical internship to satisfy the requirement
36 for one year of work experience under supervision.

37 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO
38 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED
39 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS
40 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL
41 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE. FOR THE DIRECT CLIENT
42 CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION.
43 THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS
44 RELATED TO DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

1 ~~D.~~ H. An applicant who is deficient in ~~curricular areas or credit~~
2 hours required pursuant to subsection B, ~~paragraph 1 or 2 OF THIS SECTION~~ may
3 satisfy ~~the curriculum and credit hours~~ THOSE requirements ~~of those~~
4 ~~paragraphs~~ by successfully completing post-master's degree ~~course work~~
5 COURSEWORK.

6 ~~E.~~ I. An applicant who completed a degree before July 1, 1989 and
7 whose course of study did not include a practicum may substitute a one-year
8 doctoral-clinical internship or an additional year of documented
9 post-master's degree work experience in order to satisfy the requirements of
10 subsection B, ~~paragraph 1 OF THIS SECTION~~.

11 Sec. 19. Section 32-3303, Arizona Revised Statutes, is amended to
12 read:

13 32-3303. Licensed associate counselor; licensure; requirements;
14 supervision

15 A. A person who wishes to be licensed by the board to engage in the
16 practice of professional counseling as a licensed associate counselor shall
17 satisfy the requirements of section 32-3301, subsections B, ~~D and E~~ H AND I
18 and pass an examination approved by the ~~counseling credentialing committee~~
19 BOARD.

20 B. A licensed associate counselor shall only practice under direct
21 supervision as prescribed by the board.

22 Sec. 20. Section 32-3311, Arizona Revised Statutes, is amended to
23 read:

24 32-3311. Licensed marriage and family therapist; licensure;
25 qualifications

26 A. A person who wishes to be licensed by the board to engage in the
27 practice of marriage and family therapy as a licensed marriage and family
28 therapist shall furnish ~~evidence satisfactory to~~ DOCUMENTATION AS PRESCRIBED
29 BY the board BY RULE that the person has:

30 1. Earned a master's or doctorate degree in behavioral science,
31 including, but not limited to, marriage and family therapy, psychology,
32 sociology, counseling and social work, granted by a regionally accredited
33 college or university in a program accredited by the commission on
34 accreditation for marriage and family therapy education or a degree based on
35 a program of study that the board determines is substantially equivalent.

36 2. Completed ~~two years of full-time or the equivalent part-time~~ THREE
37 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice
38 of marriage and family therapy under supervision ~~as approved by the marriage~~
39 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS
40 PRESCRIBED BY THE BOARD BY RULE, including ~~a minimum of~~ AT LEAST one thousand
41 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND
42 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
43 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT
44 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD

1 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO
2 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

3 3. Passed an examination approved by the ~~marriage and family therapy~~
4 ~~credentialing committee~~ BOARD.

5 B. The curriculum for the master's or doctorate degree in behavioral
6 science accepted by the board pursuant to subsection A, paragraph 1 OF THIS
7 SECTION shall include a specified number of graduate courses as ~~approved by~~
8 ~~the marriage and family therapy credentialing committee~~ PRESCRIBED BY THE
9 BOARD BY RULE and shall be consistent with national standards of marriage and
10 family therapy. Part of this course of study may be taken in a post-master's
11 degree program as approved by the ~~marriage and family therapy credentialing~~
12 ~~committee~~ BOARD.

13 C. The one thousand hours of clinical experience required by
14 subsection A, paragraph 2 OF THIS SECTION shall include a combination of two
15 hundred hours of group or individual supervision in the practice of marriage
16 and family therapy. The one thousand hours may include one year in an
17 approved marriage and family internship program.

18 Sec. 21. Section 32-3321, Arizona Revised Statutes, is amended to
19 read:

20 32-3321. Licensed substance abuse technician; licensed
21 associate substance abuse counselor; licensed
22 independent substance abuse counselor; licensure;
23 qualifications; supervision

24 A. A person who wishes to be licensed by the board to engage in the
25 practice of substance abuse counseling as a licensed substance abuse
26 technician shall present ~~evidence satisfactory to~~ DOCUMENTATION AS PRESCRIBED
27 BY the board BY RULE that the person has:

28 1. Received one of the following:

29 (a) An associate ~~of applied science~~ degree in chemical dependency OR
30 SUBSTANCE ABUSE with an emphasis on counseling, ~~as determined by the~~
31 ~~substance abuse credentialing committee~~ THAT MEETS THE REQUIREMENTS AS
32 PRESCRIBED BY THE BOARD BY RULE, from a regionally accredited college or
33 university.

34 (b) Beginning January 1, 2009, a bachelor's degree in a behavioral
35 science with an emphasis on counseling, ~~as determined by the substance abuse~~
36 ~~credentialing committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE
37 BOARD BY RULE, from a regionally accredited college or university.

38 2. Passed an examination approved by the ~~substance abuse credentialing~~
39 ~~committee~~ BOARD.

40 B. A licensed substance abuse technician shall only practice under
41 direct supervision as prescribed by the board.

42 C. The board may waive the education requirement for an applicant
43 requesting licensure as a substance abuse technician if the applicant
44 provides services pursuant to contracts or grants with the federal government
45 under the authority of Public Law 93-638 (25 United States Code sections 450

1 through 450(n)) or Public Law 94-437 (25 United States Code sections 1601
2 through 1683). A person who becomes licensed as a substance abuse technician
3 pursuant to this subsection shall only provide substance abuse services to
4 those persons who are eligible for services pursuant to Public Law 93-638 (25
5 United States Code sections 450 through 450(n)) or Public Law 94-437 (25
6 United States Code section 1601 through 1683).

7 D. A person who wishes to be licensed by the board to engage in the
8 practice of substance abuse counseling as a licensed associate substance
9 abuse counselor shall present evidence ~~satisfactory to AS PRESCRIBED BY~~ the
10 board ~~BY RULE~~ that the person has:

11 1. Received one of the following:

12 (a) A bachelor's degree in a behavioral science with an emphasis on
13 counseling, ~~as determined by the substance abuse credentialing committee~~ THAT
14 MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE, from a regionally
15 accredited college or university and present ~~evidence satisfactory to that~~
16 ~~credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that
17 the applicant has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED
18 HOURS of work experience in substance abuse counseling under supervision
19 ~~approved by the substance abuse credentialing committee~~ THAT MEETS THE
20 REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED
21 HOURS MUST INCLUDE A MINIMUM OF ONE THOUSAND SIX HUNDRED HOURS OF DIRECT
22 CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT
23 CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR
24 HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD BY RULE MAY PRESCRIBE THE
25 NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO DIRECT CLIENT CONTACT AND
26 INDIRECT CLIENT SERVICE.

27 (b) A master's degree or a higher degree in a behavioral science with
28 an emphasis on counseling, as ~~determined~~ PRESCRIBED by the ~~substance abuse~~
29 ~~credentialing committee~~ BOARD BY RULE, from a regionally accredited college
30 or university.

31 2. Passed an examination approved by the ~~substance abuse credentialing~~
32 ~~committee~~ BOARD.

33 E. A licensed associate substance abuse counselor shall only practice
34 under direct supervision as prescribed by the board.

35 F. A person who wishes to be licensed by the board to engage in the
36 practice of substance abuse counseling as a licensed independent substance
37 abuse counselor shall:

38 1. Have received a master's degree or higher degree in a behavioral
39 science with an emphasis on counseling, ~~as determined by the substance abuse~~
40 ~~credentialing committee~~ IN A PROGRAM THAT IS APPROVED BY THE BOARD PURSUANT
41 TO SECTION 32-3253 OR THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD
42 BY RULE, from a regionally accredited college or university.

43 2. Present ~~evidence satisfactory to the substance abuse credentialing~~
44 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the applicant
45 has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED HOURS of work

1 experience in substance abuse counseling under supervision ~~approved by the~~
2 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.
3 THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT LEAST ONE THOUSAND SIX
4 HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
5 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT
6 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD
7 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO
8 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

9 3. Pass an examination approved by the ~~substance abuse credentialing~~
10 ~~committee~~ BOARD.

11 Sec. 22. Repeal

12 Section 41-3013.11, Arizona Revised Statutes, is repealed.

13 Sec. 23. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
14 amended by adding section 41-3017.14, to read:

15 41-3017.14. Board of behavioral health examiners; termination
16 July 1, 2017

17 A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY
18 1, 2017.

19 B. TITLE 32, CHAPTER 33 IS REPEALED ON JANUARY 1, 2018.

20 Sec. 24. Purpose

21 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
22 the legislature continues the board of behavioral health examiners to promote
23 the safe and professional practice of behavioral health services.

24 Sec. 25. Task force on patient consent and documentation best
25 practices; rule adoption; delayed repeal

26 A. The task force on patient consent and documentation best practices
27 is established consisting of the following members:

28 1. A representative of the board of behavioral health examiners
29 appointed by the board.

30 2. A representative of the department of health services, appointed by
31 the director of the department of health services.

32 3. A person who is employed by a licensed qualifying community health
33 center as defined in section 42-5001, Arizona Revised Statutes, and who is
34 not licensed by the board of behavioral health examiners. The director of
35 the department of health services shall appoint this member.

36 4. A person who provides behavioral health services who is employed by
37 a health care institution, as defined in section 36-401, Arizona Revised
38 Statutes, and who is not licensed by the board of behavioral health
39 examiners. The director of the department of health services shall appoint
40 this member.

41 5. A person who is employed by a licensed qualifying community health
42 center as defined in section 42-5001, Arizona Revised Statutes, or a health
43 care institution as defined in section 36-401, Arizona Revised Statutes, and
44 who is licensed by the board of behavioral health examiners. The board shall
45 appoint this member.

1 6. A representative of the Arizona health care cost containment
2 system, appointed by the director of the Arizona health care cost containment
3 system administration.

4 B. The director of the department of health services shall appoint one
5 member of the task force to serve as the task force chairperson.

6 C. The task force shall:

7 1. Examine and evaluate the present requirements of the board of
8 behavioral health examiners and the requirements of the department of health
9 services regarding the form and content of patient consent and documentation
10 required of practitioners licensed by the board of behavioral health
11 examiners and employed in facilities licensed by the department of health
12 services.

13 2. Make recommendations for best practices for the form and content of
14 patient consent and documentation for practitioners licensed by the board of
15 behavioral health examiners that assure consistent regulation by the board
16 and the department of health services.

17 3. Submit a written report that contains the task force's
18 recommendations and findings by March 31, 2014, to the governor, the speaker
19 of the house of representatives and the president of the senate. The task
20 force shall provide a copy of the report to the secretary of state.

21 D. The task force may use the services and expertise of the staff of
22 the department of health services.

23 E. The board of behavioral health examiners and the department of
24 health services shall adopt the recommendations in its rules by March 31,
25 2015.

26 F. This section is repealed from and after May 31, 2014.

27 Sec. 26. Board membership

28 Notwithstanding section 32-3252, Arizona Revised Statutes, as amended
29 by this act, the appointed members of the board of behavioral health
30 examiners who are currently serving shall continue to serve until their terms
31 expire.

32 Sec. 27. Exemption from rule making

33 A. For the purposes of this act, the board of behavioral health
34 examiners is exempt from the rule making requirements of title 41, chapter 6,
35 Arizona Revised Statutes, until November 1, 2015.

36 B. Notwithstanding subsection A of this section, the board shall allow
37 interested parties to provide written comments or testimony on proposed rules
38 to the board as provided in section 41-1023, Arizona Revised Statutes, and
39 have the board adequately address those comments as provided in section
40 41-1052, subsection D, Arizona Revised Statutes, including comments or
41 testimony concerning the information contained in the economic, small
42 business and consumer impact statement. The board shall prepare a mailing
43 list of persons who wish to be notified of hearings relating to proposed rule
44 changes. The board shall hold at least two public hearings on its proposed

1 rules before adoption and shall testify before the joint legislative budget
2 committee regarding the proposed rules.

3 Sec. 28. Quarterly progress reports on implementation; repeal

4 A. Beginning January 1, 2014, the board of behavioral health examiners
5 shall provide the speaker of the house of representatives, the president of
6 the senate, the members of the house and senate health committees or their
7 successor committees and the auditor general's office with a quarterly
8 progress report on the implementation of this act. The report shall include:

9 1. Information regarding difficulties and delays in implementing this
10 act.

11 2. Information on problems with specific statutory provisions and
12 recommendations for solutions.

13 3. The progress of the adoption of rules as required by this act.

14 B. The first report shall be provided on or before January 31, 2014
15 and quarterly thereafter.

16 C. This section is repealed from and after June 30, 2017.

17 Sec. 29. Retroactivity

18 Sections 22 and 23 of this act are effective retroactively to July 1,
19 2013.

20 Sec. 30. Effective date

21 A. Section 32-3252, Arizona Revised Statutes, as amended by this act,
22 is effective from and after September 30, 2013.

23 B. Sections 32-3253, 32-3273, 32-3291, 32-3292, 32-3293, 32-3301,
24 32-3303, 32-3311 and 32-3321, Arizona Revised Statutes, as amended by this
25 act, are effective from and after October 31, 2015.

26 C. Section 32-3261, Arizona Revised Statutes, as added by this act, is
27 effective from and after October 31, 2015.

28 D. Section 5 of this act, relating to the heading change of title 32,
29 chapter 33, article 2, Arizona Revised Statutes, is effective from and after
30 October 31, 2015.