

REFERENCE TITLE: behavioral health examiners board

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

SB 1374

Introduced by
Senators Barto, Driggs, Lopez, Pancrazi, Yee; Representative Steele;
Senators Biggs, Bradley, Melvin, Ward; Representatives Brophy McGee,
Carter, Meyer

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 THE PERFORMANCE OF THERAPEUTIC OR
12 CLINICAL FUNCTIONS RELATED TO THE APPLICANT'S PROFESSIONAL PRACTICE LEVEL OF
13 PSYCHOTHERAPY THAT INCLUDES DIAGNOSIS, ASSESSMENT AND TREATMENT AND THAT MAY
14 INCLUDE PSYCHOEDUCATION FOR MENTAL, EMOTIONAL AND BEHAVIORAL DISORDERS BASED
15 PRIMARILY ON VERBAL OR NONVERBAL COMMUNICATIONS AND INTERVENTION WITH, AND IN
16 THE PRESENCE OF, ONE OR MORE CLIENTS.
17 4. "EQUIVALENT" MEANS COMPARABLE IN CONTENT AND QUALITY BUT NOT
18 IDENTICAL.
19 5. "INDIRECT CLIENT SERVICE" MEANS TRAINING FOR, AND THE PERFORMANCE
20 OF, FUNCTIONS OF AN APPLICANT'S PROFESSIONAL PRACTICE LEVEL IN PREPARATION
21 FOR OR ON BEHALF OF A CLIENT FOR WHOM DIRECT CLIENT CONTACT FUNCTIONS ARE
22 ALSO PERFORMED.
23 ~~4.~~ 6. "Letter of concern" means a nondisciplinary written document
24 sent by the board to notify a licensee that, while there is insufficient
25 evidence to support disciplinary action, the board believes that continuation
26 of the activities that led to the investigation may result in further board
27 action against the licensee.
28 ~~5.~~ 7. "Licensee" means a person WHO IS licensed pursuant to this
29 chapter.
30 ~~6.~~ 8. "Practice of behavioral health" means the practice of marriage
31 and family therapy, professional counseling, social work and substance abuse
32 counseling pursuant to this chapter.
33 ~~7.~~ 9. "Practice of marriage and family therapy" means the
34 professional application of family systems theories, principles and
35 techniques to treat interpersonal relationship issues and nervous, mental and
36 emotional disorders that are cognitive, affective or behavioral. The
37 practice of marriage and family therapy includes:
38 (a) Assessment, appraisal and diagnosis.
39 (b) The use of psychotherapy for the purpose of evaluation, diagnosis
40 and treatment of individuals, couples, families and groups.
41 ~~8.~~ 10. "Practice of professional counseling" means the professional
42 application of mental health, psychological and human development theories,
43 principles and techniques to:
44 (a) Facilitate human development and adjustment throughout the human
45 life span.

- 1 (b) Assess and facilitate career development.
- 2 (c) Treat interpersonal relationship issues and nervous, mental and
- 3 emotional disorders that are cognitive, affective or behavioral.
- 4 (d) Manage symptoms of mental illness.
- 5 (e) Assess, appraise, evaluate, diagnose and treat individuals,
- 6 couples, families and groups through the use of psychotherapy.
- 7 ~~9.~~ 11. "Practice of social work" means the professional application
- 8 of social work ~~theory~~ THEORIES, principles, methods and techniques to:
- 9 (a) Treat mental and emotional disorders.
- 10 (b) Assist individuals, families, groups and communities to enhance or
- 11 restore the ability to function physically, socially, emotionally, mentally
- 12 and economically.
- 13 (c) Assess, appraise, diagnose, evaluate and treat individuals,
- 14 couples, families and groups through the use of psychotherapy.
- 15 (d) TREAT AND CASE-MANAGE EMOTIONAL, MENTAL AND BEHAVIORAL DISORDERS.
- 16 ~~10.~~ 12. "Practice of substance abuse counseling" means the
- 17 professional application of general counseling theories, principles and
- 18 techniques as specifically adapted, based on research and clinical
- 19 experience, to the specialized needs and characteristics of persons who are
- 20 experiencing substance abuse, chemical dependency and related problems and to
- 21 the families of those persons. The practice of substance abuse counseling
- 22 includes the following as they relate to substance abuse and chemical
- 23 dependency issues:
- 24 (a) Assessment, appraisal and diagnosis.
- 25 (b) The use of psychotherapy for the purpose of evaluation, diagnosis
- 26 and treatment of individuals, couples, families and groups.
- 27 13. "PSYCHOEDUCATION" MEANS THE EDUCATION OF A CLIENT AS PART OF A
- 28 TREATMENT PROCESS THAT PROVIDES THE CLIENT WITH INFORMATION REGARDING MENTAL
- 29 HEALTH, EMOTIONAL DISORDERS OR BEHAVIORAL HEALTH.
- 30 ~~11.~~ 14. "Psychotherapy" means a variety of treatment methods
- 31 developing out of generally accepted theories about human behavior and
- 32 development.
- 33 ~~12.~~ 15. "Unprofessional conduct" includes the following, whether
- 34 occurring in this state or elsewhere:
- 35 (a) Conviction of a felony. Conviction by a court of competent
- 36 jurisdiction or a plea of no contest is conclusive evidence of the
- 37 conviction.
- 38 (b) Use of fraud or deceit in connection with rendering services as a
- 39 licensee or in establishing qualifications pursuant to this chapter.
- 40 (c) Any oral or written misrepresentation of a fact by an applicant or
- 41 licensee:
- 42 (i) To secure or attempt to secure the issuance or renewal of a
- 43 license.
- 44 (ii) In any statements provided during an investigation or
- 45 disciplinary proceeding by the board.

- 1 (iii) Regarding the licensee's skills or the value of any treatment
2 provided or to be provided.
- 3 (d) Any false, fraudulent or deceptive statement connected with the
4 practice of behavioral health, including false or misleading advertising by
5 the licensee or the licensee's staff or a representative compensated by the
6 licensee.
- 7 (e) Securing or attempting to secure the issuance or renewal of a
8 license by knowingly taking advantage of the mistake of another person or the
9 board.
- 10 (f) Active habitual intemperance in the use of alcohol or active
11 habitual substance abuse.
- 12 (g) Using a controlled substance that is not prescribed for use during
13 a prescribed course of treatment.
- 14 (h) Obtaining a fee by fraud, deceit or misrepresentation.
- 15 (i) Aiding or abetting a person who is not licensed pursuant to this
16 chapter to purport to be a licensed behavioral health professional in this
17 state.
- 18 (j) Conduct that the board determines is gross negligence or repeated
19 negligence in the licensee's profession.
- 20 (k) Any conduct or practice that is contrary to recognized standards
21 of ethics in the behavioral health profession or that constitutes a danger to
22 the health, welfare or safety of a client.
- 23 (l) Any conduct, practice or condition that impairs the ability of the
24 licensee to safely and competently practice the licensee's profession.
- 25 (m) Engaging or offering to engage as a licensee in activities that
26 are not congruent with the licensee's professional education, training or
27 experience.
- 28 (n) Failing to comply with or violating, attempting to violate or
29 assisting in or abetting the violation of any provision of this chapter, any
30 rule adopted pursuant to this chapter, any lawful order of the board, or any
31 formal order, consent agreement, term of probation or stipulated agreement
32 issued under this chapter.
- 33 (o) Failing to furnish information within a specified time to the
34 board or its investigators or representatives if legally requested by the
35 board.
- 36 (p) Failing to conform to minimum practice standards as developed by
37 the board.
- 38 (q) Failing or refusing to maintain adequate records of behavioral
39 health services provided to a client.
- 40 (r) Providing behavioral health services that are clinically
41 unjustified or unsafe or otherwise engaging in activities as a licensee that
42 are unprofessional by current standards of practice.
- 43 (s) Terminating behavioral health services to a client without making
44 an appropriate referral for continuation of care for the client if continuing
45 behavioral health services are indicated.

1 (t) Disclosing a professional confidence or privileged communication
2 except as may otherwise be required by law or permitted by a valid written
3 release.

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

8 (v) Any sexual conduct between a licensee and a client or former
9 client.

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

12 (x) Exploiting a client, former client or supervisee. For the
13 purposes of this subdivision, "exploiting" means taking advantage of a
14 professional relationship with a client, former client or supervisee for the
15 benefit or profit of the licensee.

16 (y) Engaging in a dual relationship with a client that could impair
17 the licensee's objectivity or professional judgment or create a risk of harm
18 to the client. For the purposes of this subdivision, "dual relationship"
19 means a licensee simultaneously engages in both a professional and
20 nonprofessional relationship with a client that is avoidable and not
21 incidental.

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

25 (aa) Sexually harassing a client, former client, research subject,
26 supervisee or coworker. For the purposes of this subdivision, "sexually
27 harassing" includes sexual advances, sexual solicitation, requests for sexual
28 favors, unwelcome comments or gestures or any other verbal or physical
29 conduct of a sexual nature.

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

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

37 (dd) Failing to comply with the laws of the appropriate licensing or
38 credentialing authority to provide behavioral health services by electronic
39 means in all governmental jurisdictions where the client receiving these
40 services resides.

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

43 (ff) Failing to report in writing to the board information that would
44 cause a reasonable licensee to believe that another licensee is guilty of
45 unprofessional conduct or is physically or mentally unable to provide

1 behavioral health services competently or safely. This duty does not extend
2 to information provided by a licensee that is protected by the behavioral
3 health professional-client privilege unless the information indicates a clear
4 and imminent danger to the client or others or is otherwise subject to
5 mandatory reporting requirements pursuant to state or federal law.

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

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

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

12 (jj) Failing to make client records in the licensee's possession
13 available in a timely manner to another health professional or licensee on
14 receipt of proper authorization to do so from the client, a minor client's
15 parent, the client's legal guardian or the client's authorized
16 representative.

17 (kk) Failing to make client records in the licensee's possession
18 promptly available to the client, a minor client's parent, the client's legal
19 guardian or the client's authorized representative on receipt of proper
20 authorization to do so from the client, a minor client's parent, the client's
21 legal guardian or the client's authorized representative.

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

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

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

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

38 Sec. 2. Section 32-3252, Arizona Revised Statutes, is amended to read:

39 32-3252. Board of behavioral health examiners; appointment;
40 qualifications; terms; compensation; immunity;
41 training program

42 A. The board of behavioral health examiners is established consisting
43 of ~~one professional member from each credentialing committee established~~
44 ~~pursuant to this chapter and four public members~~ THE FOLLOWING MEMBERS
45 appointed by the governor: -

- 1 1. THE FOLLOWING PROFESSIONAL MEMBERS:
- 2 (a) TWO MEMBERS WHO ARE LICENSED IN SOCIAL WORK PURSUANT TO THIS
- 3 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED CLINICAL SOCIAL WORKER.
- 4 (b) TWO MEMBERS WHO ARE LICENSED IN COUNSELING PURSUANT TO THIS
- 5 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED PROFESSIONAL COUNSELOR.
- 6 (c) TWO MEMBERS WHO ARE LICENSED IN MARRIAGE AND FAMILY THERAPY
- 7 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED MARRIAGE AND
- 8 FAMILY THERAPIST.
- 9 (d) TWO MEMBERS WHO ARE LICENSED IN SUBSTANCE ABUSE COUNSELING
- 10 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED INDEPENDENT
- 11 SUBSTANCE ABUSE COUNSELOR.
- 12 2. FOUR PUBLIC MEMBERS.
- 13 B. Each professional board member shall:
- 14 1. Be a resident of this state for not less than one year before
- 15 appointment.
- 16 2. Be an active licensee in good standing.
- 17 3. Have at least five years of experience in an area of behavioral
- 18 health licensed pursuant to this chapter.
- 19 C. Each public member shall:
- 20 1. Be a resident of this state for not less than one year before
- 21 appointment.
- 22 2. Be at least twenty-one years of age.
- 23 ~~3. Not be or have ever been a behavioral health professional or the~~
- 24 ~~spouse of a behavioral health professional.~~
- 25 ~~4. Not have or have ever had any financial interest in the provision~~
- 26 ~~of behavioral health services.~~
- 27 ~~5. Not have engaged in any activity directly related to the practice~~
- 28 ~~of behavioral health.~~
- 29 3. NOT BE LICENSED OR ELIGIBLE FOR LICENSURE PURSUANT TO THIS CHAPTER
- 30 UNLESS THE PUBLIC MEMBER HAS BEEN RETIRED FROM ACTIVE PRACTICE FOR AT LEAST
- 31 FIVE YEARS.
- 32 4. NOT CURRENTLY HAVE A SUBSTANTIAL FINANCIAL INTEREST IN AN ENTITY
- 33 THAT DIRECTLY PROVIDES BEHAVIORAL HEALTH SERVICES.
- 34 5. NOT HAVE A HOUSEHOLD MEMBER WHO IS LICENSED OR ELIGIBLE FOR
- 35 LICENSURE PURSUANT TO THIS CHAPTER UNLESS THE HOUSEHOLD MEMBER HAS BEEN
- 36 RETIRED FROM ACTIVE PRACTICE FOR AT LEAST FIVE YEARS.
- 37 D. The term of office of board members is three years to begin and end
- 38 on the third Monday in January. A member shall not serve more than two full
- 39 consecutive terms.
- 40 E. The board shall annually elect a chairman and secretary-treasurer
- 41 from its membership.
- 42 F. Board members are eligible to receive compensation as determined
- 43 pursuant to section 38-611 for each day actually and necessarily spent in the
- 44 performance of their duties.

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

4 H. EACH BOARD MEMBER MUST COMPLETE A TWELVE-HOUR TRAINING PROGRAM THAT
5 EMPHASIZES RESPONSIBILITIES FOR ADMINISTRATIVE MANAGEMENT, LICENSURE,
6 JUDICIAL PROCESSES AND TEMPERAMENT WITHIN THREE MONTHS AFTER APPOINTMENT TO
7 THE BOARD.

8 Sec. 3. Section 32-3253, Arizona Revised Statutes, is amended to read:
9 32-3253. Powers and duties

10 A. The board shall:

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

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

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

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

22 5. Collect fees and spend monies.

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

27 7. Adopt an official seal for attestation of licensure and other
28 official papers and documents.

29 8. Subject to title 41, chapter 4, article 4, employ personnel as it
30 deems necessary. AN INVESTIGATOR MUST COMPLETE A NATIONALLY RECOGNIZED
31 INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE DATE OF HIRE. UNTIL
32 THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE INVESTIGATOR MUST WORK
33 UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS COMPLETED A TRAINING
34 PROGRAM.

35 9. Conduct investigations and determine on its own motion if a
36 licensee or an applicant has engaged in unprofessional conduct, is
37 incompetent or is mentally or physically unable to engage in the practice of
38 behavioral health.

39 10. Conduct disciplinary actions pursuant to this chapter and board
40 rules.

41 11. Establish and enforce standards or criteria of programs or other
42 mechanisms to ensure the continuing competence of licensees.

43 12. Establish and enforce compliance with professional standards and
44 rules of conduct for licensees.

1 13. Engage in a full exchange of information with the licensing and
2 disciplinary boards and professional associations for behavioral health
3 professionals in this state and other jurisdictions.

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

10 15. ADOPT RULES REGARDING THE APPLICATION FOR AND APPROVAL OF
11 EDUCATIONAL CURRICULA OF REGIONALLY ACCREDITED COLLEGES OR UNIVERSITIES THAT
12 ARE CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER AND MAINTAIN A LIST OF
13 THOSE PROGRAMS.

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

17 17. ADOPT RULES TO ALLOW APPROVAL OF PERSONS WHO WISH TO PROVIDE
18 SUPERVISION PURSUANT TO THIS CHAPTER AND WHO ARE NOT LICENSED BY THE BOARD OR
19 WHO ARE LICENSED IN A PROFESSION OTHER THAN THAT OF THE APPLICANT.

20 B. The board may join professional organizations and associations
21 organized exclusively to promote the improvement of the standards of the
22 practice of behavioral health, protect the health and welfare of the public
23 or assist and facilitate the work of the board.

24 C. The board ~~may~~ SHALL establish a confidential program for the
25 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,
26 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT
27 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program
28 that meets the criteria prescribed by the board. The board may take further
29 action if a licensee refuses to enter into a stipulated agreement or fails to
30 comply with the terms of a stipulated agreement. In order to protect the
31 public health and safety, the confidentiality requirements of this subsection
32 do not apply if a licensee does not comply with the stipulated agreement.

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

35 32-3255. Executive director; compensation; duties; confidential
36 treatment, rehabilitation and monitoring agreements

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

42 B. THE EXECUTIVE DIRECTOR SHALL:

43 1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

44 2. EMPLOY PROFESSIONAL CONSULTANTS AND AGENTS NECESSARY TO CONDUCT
45 INVESTIGATIONS.

1 3. DISMISS A COMPLAINT PURSUANT TO SECTION 32-3281 IF EITHER THERE IS
2 NO EVIDENCE SUBSTANTIATING THE COMPLAINT OR, AFTER CONDUCTING AN
3 INVESTIGATION, THERE IS INSUFFICIENT EVIDENCE THAT THE REGULATED PARTY
4 VIOLATED THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER.

5 4. IF AUTHORIZED BY THE BOARD, ENTER INTO STIPULATED AGREEMENTS WITH A
6 LICENSEE FOR THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF
7 CHEMICAL DEPENDENCY IN A PROGRAM PROVIDED PURSUANT TO SECTION 32-3253,
8 SUBSECTION C. A LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM
9 REQUIREMENT SHALL BE REPORTED TO THE BOARD AND TERMINATED FROM THE
10 CONFIDENTIAL PROGRAM. ANY RECORDS OF A LICENSEE WHO IS TERMINATED FROM A
11 CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE PUBLIC
12 RECORDS LAW. NOTWITHSTANDING ANY LAW TO THE CONTRARY, STIPULATED AGREEMENTS
13 ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

14 (a) THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL
15 PROGRAM.

16 (b) THE LICENSEE COMPLIES WITH ALL TREATMENT REQUIREMENTS OR
17 RECOMMENDATIONS, INCLUDING PARTICIPATION IN APPROVED PROGRAMS.

18 (c) THE LICENSEE REFRAINS FROM PROFESSIONAL PRACTICE UNTIL THE RETURN
19 TO PRACTICE HAS BEEN APPROVED BY THE TREATMENT PROGRAM AND THE EXECUTIVE
20 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

21 (d) THE LICENSEE COMPLIES WITH ALL MONITORING REQUIREMENTS OF THE
22 STIPULATED AGREEMENT, INCLUDING RANDOM BODILY FLUID TESTING.

23 (e) THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S
24 CHEMICAL DEPENDENCY AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS
25 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

26 Sec. 5. Heading change

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

30 Sec. 6. Delayed repeal

31 Sections 32-3261 and 32-3262, Arizona Revised Statutes, are repealed
32 from and after October 31, 2015.

33 Sec. 7. Title 32, chapter 33, article 2, Arizona Revised Statutes, is
34 amended by adding a new section 32-3261, to read:

35 32-3261. Academic review committees; appointment;
36 qualifications; terms; compensation; immunity

37 A. THE BOARD MAY ESTABLISH AN ACADEMIC REVIEW COMMITTEE FOR EACH
38 PROFESSIONAL AREA LICENSED PURSUANT TO THIS CHAPTER TO DO THE FOLLOWING:

39 1. REVIEW APPLICATIONS REFERRED TO THE COMMITTEE BY THE BOARD OR THE
40 EXECUTIVE DIRECTOR TO RESOLVE QUESTIONS OF WHETHER AN APPLICANT FOR LICENSURE
41 HAS MET THE EDUCATIONAL OR WORK SUPERVISION REQUIREMENTS OF THIS CHAPTER OR
42 RULES ADOPTED BY THE BOARD.

43 2. MAKE SPECIFIC FINDINGS CONCERNING AN APPLICATION'S DEFICIENCIES AND
44 MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE MANNER IN WHICH THE
45 DEFICIENCIES CAN BE ADDRESSED.

1 3. REVIEW REQUESTS AND MAKE RECOMMENDATIONS TO THE BOARD FOR
2 CURRICULUM APPROVAL APPLICATIONS MADE PURSUANT TO SECTION 32-3253.

3 B. AN ACADEMIC REVIEW COMMITTEE SHALL BE COMPOSED OF THREE MEMBERS WHO
4 HAVE BEEN RESIDENTS OF THIS STATE FOR AT LEAST ONE YEAR BEFORE APPOINTMENT,
5 AT LEAST ONE OF WHOM IS LICENSED PURSUANT TO THIS CHAPTER AND HAS FIVE YEARS
6 OF EXPERIENCE IN THE APPLICABLE PROFESSION. TWO MEMBERS MUST HAVE SERVED
7 WITHIN THE PREVIOUS FIVE YEARS AS FACULTY AT A REGIONALLY ACCREDITED COLLEGE
8 OR UNIVERSITY IN A PROGRAM RELATED TO THE APPLICABLE PROFESSION.

9 C. COMMITTEE MEMBERS SERVE AT THE PLEASURE OF THE BOARD FOR TERMS OF
10 THREE YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.
11 THE BOARD SHALL STAGGER THE TERMS OF MEMBERS.

12 D. COMMITTEE MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION AS
13 DETERMINED PURSUANT TO SECTION 38-611 FOR EACH DAY ACTUALLY AND NECESSARILY
14 SPENT IN THE PERFORMANCE OF THEIR DUTIES.

15 E. AN ACADEMIC REVIEW COMMITTEE SHALL ANNUALLY ELECT A CHAIRMAN AND
16 SECRETARY FROM ITS MEMBERSHIP.

17 F. COMMITTEE MEMBERS ARE PERSONALLY IMMUNE FROM SUIT WITH RESPECT TO
18 ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH AND IN FURTHERANCE OF THE
19 PURPOSES OF THIS CHAPTER.

20 Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:
21 32-3272. Fees

22 A. For issuance of a license pursuant to this chapter, the board shall
23 establish and charge reasonable fees not to exceed five hundred dollars.

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

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

27 ~~2. Beginning July 1, 2011, not to exceed five hundred dollars.~~ The

28 board shall not increase fees pursuant to this ~~paragraph~~ SUBSECTION more than
29 twenty-five dollars each year.

30 C. The board shall establish fees to produce monies that approximate
31 the cost of maintaining the board and ~~the credentialing committees~~ AN
32 ACADEMIC REVIEW COMMITTEE.

33 Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:
34 32-3273. License renewal; continuing education

35 A. Except as provided in section 32-4301, a license issued pursuant to
36 this chapter is renewable ~~biennially~~ EVERY TWO YEARS by paying the renewal
37 fee prescribed by the board and submitting ~~evidence satisfactory to the~~
38 ~~appropriate credentialing committee~~ DOCUMENTATION PRESCRIBED BY THE BOARD BY
39 RULE of completion of relevant continuing education experience as determined
40 by the ~~appropriate credentialing committee~~ BOARD during the previous
41 twenty-four month period.

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

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

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

9 32-3274. Licensure by endorsement

10 A. The board may issue a ~~reciprocal~~ license BY ENDORSEMENT to a person
11 in that person's particular behavioral health profession if the person is
12 licensed or certified by ~~another state~~ THE regulatory agency OF ONE OR MORE
13 OTHER STATES at an equivalent or higher practice level as determined by the
14 board, pays the fee prescribed by the board and meets all of the following
15 requirements:

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

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

22 3. The person was engaged in the practice of behavioral health in ~~the~~
23 ~~state~~ ONE OR MORE STATES issuing the license or certification used by the
24 person to qualify for a ~~reciprocal~~ license BY ENDORSEMENT pursuant to this
25 section for a minimum of ~~six thousand hours during the five~~ THREE THOUSAND
26 SIX HUNDRED HOURS FOR AT LEAST THREE years before applying for ~~reciprocal~~
27 licensure BY ENDORSEMENT.

28 4. ~~There were minimum~~ THE PERSON MET THE education, work experience
29 and clinical supervision requirements in effect at the time the person was
30 licensed or certified by the ~~other state~~ regulatory agency OF THE OTHER STATE
31 OR STATES and the licensing or certifying ~~state~~ agency OF THE OTHER STATE OR
32 STATES verifies that the person met those requirements in order to be
33 licensed or certified in the other state OR STATES.

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

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

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

39 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY
40 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR
41 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION
42 TAKEN BY ANY REGULATORY AGENCY.

43 B. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, A
44 PERSON SEEKING LICENSE BY ENDORSEMENT FOR THE FOLLOWING PRACTICE LEVELS MUST

1 HAVE EARNED A MASTER'S OR HIGHER DEGREE IN THE APPLICABLE FIELD OF PRACTICE
2 GRANTED BY A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY:

- 3 1. LICENSED CLINICAL SOCIAL WORKER.
- 4 2. LICENSED PROFESSIONAL COUNSELOR.
- 5 3. LICENSED MARRIAGE AND FAMILY THERAPIST.
- 6 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

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

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

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

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

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

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

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

27 32-3275. Requirements for licensure; withdrawal of application

28 A. An applicant for licensure must meet all of the following
29 requirements:

- 30 1. Submit an application as prescribed by the board.
- 31 2. Be at least twenty-one years of age.
- 32 3. Be of good moral character. The board's standard to determine good
33 moral character shall not violate federal discrimination laws.
- 34 4. Pay all applicable fees prescribed by the board.
- 35 5. Have the physical and mental capability to safely and competently
36 engage in the practice of behavioral health.
- 37 6. Not have committed any act or engaged in any conduct that would
38 constitute grounds for disciplinary action against a licensee pursuant to
39 this chapter **UNLESS THE APPLICANT HAS CORRECTED THE CONDUCT AND RESOLVED THE
40 MATTER TO THE BOARD'S SATISFACTION.**

41 7. Not have had a professional license or certificate refused,
42 revoked, suspended or restricted in any regulatory jurisdiction in the United
43 States or in another country for reasons that relate to unprofessional
44 conduct. If the board finds that the applicant committed an act or engaged
45 in conduct that would constitute grounds for disciplinary action in this

1 state, the board shall determine to its satisfaction that the conduct has
2 been corrected, monitored and resolved. If the matter has not been resolved,
3 the board shall determine to its satisfaction that mitigating circumstances
4 exist that prevent its resolution.

5 8. Not have voluntarily surrendered a license or certificate in
6 another regulatory jurisdiction in the United States or any other country
7 while under investigation for conduct that relates to unprofessional conduct.
8 If another jurisdiction has taken disciplinary action against an applicant,
9 the board shall determine to its satisfaction that the cause for the action
10 was corrected and the matter resolved. If the matter has not been resolved
11 by that jurisdiction, the board shall determine to its satisfaction that
12 mitigating circumstances exist that prevent its resolution.

13 9. Not have a complaint, allegation or investigation pending before
14 another regulatory jurisdiction in the United States or another country that
15 relates to unprofessional conduct. If an applicant has any such complaints,
16 allegations or investigations pending, the board shall suspend the
17 application process and may not issue or deny a license to the applicant
18 until the complaint, allegation or investigation is resolved.

19 **B. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION BEFORE A**
20 **FINAL ACTION BY THE BOARD.**

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

23 **32-3281. Disciplinary action; investigations; hearings; civil**
24 **penalty; timely complaints; burden of proof**

25 A. ~~A credentialing committee~~ **THE BOARD**, on its own motion or on a
26 complaint, may investigate any evidence that appears to show that a licensee
27 is or may be incompetent, is or may be guilty of unprofessional conduct or is
28 or may be mentally or physically unable to safely engage in the practice of
29 behavioral health. As part of its investigation, ~~a credentialing committee~~
30 **THE BOARD** may hold an investigational meeting pursuant to this chapter. Any
31 person may, and a licensee and any entity licensed by the office of
32 behavioral health licensure shall, report to the board any information that
33 would cause a reasonable licensee to believe that another licensee is guilty
34 of unprofessional conduct or is physically or mentally unable to provide
35 behavioral health services competently or safely. Any person or entity that
36 reports or provides information to the board in good faith is not subject to
37 an action for civil damages. It is an act of unprofessional conduct for any
38 licensee to fail to report as required by this section. The board shall
39 report to the office of behavioral health licensure in the department of
40 health services any entity licensed by the office of behavioral health
41 licensure that fails to report as required by this section. **FOR COMPLAINTS**
42 **RELATED TO CONDUCT THAT IS INCONSISTENT WITH PROFESSIONAL STANDARDS OR**
43 **ETHICS, SCOPE OF PRACTICE OR STANDARD OF CARE, THE BOARD SHALL CONSULT WITH**
44 **LICENSED OR RETIRED BEHAVIORAL HEALTH PROFESSIONALS TO REVIEW COMPLAINTS AND**
45 **MAKE RECOMMENDATIONS TO THE BOARD.**

1 B. ~~A credentialing committee~~ ON DETERMINATION OF REASONABLE CAUSE THE
 2 BOARD shall require, AT THE LICENSEE'S OWN EXPENSE, any combination of
 3 mental, physical or ~~oral or written competency examinations, at the~~
 4 ~~licensee's own expense,~~ PSYCHOLOGICAL EXAMINATIONS, ASSESSMENTS OR SKILLS
 5 EVALUATIONS NECESSARY TO DETERMINE THE LICENSEE'S COMPETENCE OR ABILITY TO
 6 SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH and conduct necessary
 7 investigations, including investigational interviews between representatives
 8 of the board and the licensee, to fully inform itself with respect to any
 9 information filed with the board under subsection A of this section. These
 10 examinations may include biological fluid testing. The ~~credentialing~~
 11 ~~committee~~ BOARD may require the licensee, at the licensee's expense, to
 12 undergo assessment by a rehabilitative, retraining or assessment program
 13 approved by the ~~credentialing committee~~ BOARD.

14 C. If the board finds, based on the information received pursuant to
 15 subsection A or B of this section, that the public health, safety or welfare
 16 imperatively requires emergency action, and incorporates a finding to that
 17 effect in its order, the board may restrict, limit or order a summary
 18 suspension of a license pending proceedings for revocation or other action.
 19 If the board takes action pursuant to this subsection, it must also serve the
 20 licensee with a written notice that states the charges and that the licensee
 21 is entitled to a formal hearing before the board or an administrative law
 22 judge within sixty days.

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

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

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

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

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

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

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

43 F. If after completing its investigation the ~~credentialing committee~~
 44 BOARD believes that the information is or may be true, ~~the credentialing~~
 45 ~~committee may recommend that~~ the board MAY enter into a consent agreement

1 with the licensee to limit or restrict the licensee's practice or to
2 rehabilitate the licensee, protect the public and ensure the licensee's
3 ability to safely engage in the practice of behavioral health. A consent
4 agreement may also require the licensee to successfully complete a board
5 approved rehabilitative, retraining or assessment program.

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

10 1. ~~Dismiss if, in the opinion of the board, the complaint is without~~
11 ~~merit.~~

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

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

19 ~~H. If on receipt of a credentialing committee's recommendation the~~
20 ~~board finds that the information provided pursuant to subsection A of this~~
21 ~~section is or may be true, the board may enter into an agreement with the~~
22 ~~licensee to limit or restrict the licensee's practice or to rehabilitate the~~
23 ~~licensee, protect the public and ensure the licensee's ability to safely~~
24 ~~engage in the practice of behavioral health. The board may also require the~~
25 ~~licensee to successfully complete a board approved rehabilitative, retraining~~
26 ~~or assessment program.~~

27 ~~I. G. If on receipt of a credentialing committee's recommendation the~~
28 board finds that the information provided pursuant to subsection A of this
29 section is or may be true, the board may request a formal interview with the
30 licensee. If the licensee refuses the invitation for a formal interview or
31 accepts and the results indicate that grounds may exist for revocation or
32 suspension of the licensee's license for more than twelve months, the board
33 shall issue a formal complaint and order that a hearing be held pursuant to
34 title 41, chapter 6, article 10. If after completing a formal interview the
35 board finds that the protection of the public requires emergency action, the
36 board may order a summary suspension of the licensee's license pending formal
37 revocation proceedings or other action authorized by this section.

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

42 1. Dismiss if, in the opinion of the board, the information 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 decree of censure. A decree of censure is an official
5 action against the licensee's license and may include a requirement for
6 restitution of fees to a client resulting from violations of this chapter or
7 rules adopted pursuant to this chapter.

8 4. Fix a period and terms of probation best adapted to protect the
9 public health and safety and rehabilitate or educate the licensee concerned.
10 Probation may include temporary suspension not to exceed twelve months,
11 restriction of the licensee's license to practice behavioral health, a
12 requirement for restitution of fees to a client or education or
13 rehabilitation at the licensee's own expense. If a licensee fails to comply
14 with the terms of probation, the board shall serve the licensee with a
15 written notice that states that the licensee is subject to a formal hearing
16 based on the information considered by the board at the formal interview and
17 any other acts or conduct alleged to be in violation of this chapter or rules
18 adopted by the board pursuant to this chapter, including noncompliance with
19 the terms of probation or a consent agreement.

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

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

28 ~~L~~ J. In a formal interview pursuant to subsection ~~F~~ G of this
29 section or in a hearing pursuant to subsection ~~K~~ I of this section, the
30 board in addition to any other action may impose a civil penalty not to
31 exceed one thousand dollars for each violation of this chapter or a rule
32 adopted under this chapter.

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

34 ~~N~~ L. A licensee who after a formal hearing is found by the board to
35 be guilty of unprofessional conduct, to be mentally or physically unable to
36 safely engage in the practice of behavioral health or to be professionally
37 incompetent is subject to censure, probation as provided in this section,
38 suspension of license or revocation of license or any combination of these,
39 including a stay of action, and for a period of time or permanently and under
40 conditions as the board deems appropriate for the protection of the public
41 health and safety and just in the circumstance. The board may charge all
42 costs incurred in the course of the investigation and formal hearing to the
43 licensee it finds is in violation of this chapter. The board shall deposit,
44 pursuant to sections 35-146 and 35-147, monies collected pursuant to this

1 subsection in the board of behavioral health examiners fund established by
2 section 32-3254.

3 ~~0.~~ M. If the board during the course of any investigation determines
4 that a criminal violation may have occurred involving the delivery of
5 behavioral health services, the board shall make the evidence of violations
6 available to the appropriate criminal justice agency for its consideration.

7 ~~P.~~ N. The board shall deposit, pursuant to sections 35-146 and
8 35-147, all monies collected from civil penalties paid pursuant to this
9 chapter in the state general fund.

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

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

17 ~~S.~~ Q. The board may defer action with regard to an impaired licensee
18 who voluntarily signs an agreement, in a form satisfactory to the board,
19 agreeing to practice restrictions and treatment and monitoring programs
20 deemed necessary by the board to protect the public health and safety. A
21 licensee who is impaired and who does not agree to enter into an agreement
22 with the board is subject to other action as provided pursuant to this
23 chapter.

24 ~~T.~~ R. Subject to an order duly entered by the board, a person whose
25 license to practice behavioral health has been suspended or restricted
26 pursuant to this chapter, whether voluntarily or by action of the board, may
27 at reasonable intervals apply to the board for reinstatement of the license.
28 The person shall submit the application in writing and in the form prescribed
29 by the board. After conducting an investigation and hearing, the board may
30 grant or deny the application or modify the original finding to reflect any
31 circumstances that have changed sufficiently to warrant modification. The
32 board may require the applicant to pass an examination or complete board
33 imposed continuing education requirements or may impose any other sanctions
34 the board deems appropriate for reentry into the practice of behavioral
35 health.

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

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

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

1 Pending complaints represent unproven allegations. On
2 investigation, many complaints are found to be without merit or
3 not of sufficient seriousness to merit disciplinary action
4 against the licensee and are dismissed.

5 V. THE BOARD SHALL NOT ACT ON ANY COMPLAINT IN WHICH AN ALLEGATION OF
6 UNPROFESSIONAL CONDUCT OR ANY OTHER VIOLATION OF THIS CHAPTER OCCURRED MORE
7 THAN SEVEN YEARS BEFORE THE COMPLAINT IS RECEIVED BY THE BOARD.

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

10 X. THE BOARD HAS THE BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE
11 FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO THIS CHAPTER.

12 Sec. 13. Section 32-3282, Arizona Revised Statutes, is amended to
13 read:

14 32-3282. Right to examine and copy evidence; summoning
15 witnesses and documents; taking testimony; right to
16 counsel; confidentiality

17 A. In connection with information received pursuant to section
18 32-3281, subsection A, the board ~~or a credentialing committee~~ or the board's
19 ~~or committee's~~ authorized agents or employees at all reasonable times have
20 access to, for the purpose of examination, and the right to copy any
21 psychotherapy notes, documents, reports, records or other physical evidence
22 of any person being investigated, or the reports, records and any other
23 documents maintained by and in possession of any hospital, clinic,
24 physician's office, laboratory, pharmacy or health care institution as
25 defined in section 36-401 or any other public or private agency, if the
26 psychotherapy notes, documents, reports, records or evidence relate to the
27 specific complaint.

28 B. For the purpose of all investigations and proceedings conducted by
29 ~~a credentialing committee~~ THE BOARD:

30 1. The board ~~or a credentialing committee~~ on its own initiative may
31 issue subpoenas compelling the attendance and testimony of witnesses or
32 demanding the production for examination or copying of documents or any other
33 physical evidence if the evidence relates to the unauthorized practice of
34 behavioral health or to the competence, unprofessional conduct or mental or
35 physical ability of a licensee to safely practice. Within five days after
36 the service of a subpoena on any person requiring the production of any
37 evidence in that person's possession or under that person's control, the
38 person may petition the board ~~or the credentialing committee~~ to revoke, limit
39 or modify the subpoena. The board ~~or the credentialing committee~~ shall
40 revoke, limit or modify a subpoena if in its opinion the evidence required
41 does not relate to unlawful practices covered by this chapter or is not
42 relevant to the charge that is the subject matter of the hearing or
43 investigation or the subpoena does not describe with sufficient particularity
44 the physical evidence required to be produced. Any member of the board ~~or a~~

1 ~~credentialing committee~~ and any agent designated by the board may administer
2 oaths, examine witnesses and receive evidence.

3 2. Any person appearing before the board ~~or a credentialing committee~~
4 may be represented by counsel.

5 3. THE BOARD SHALL MAKE THE INVESTIGATIVE FILE AVAILABLE TO THE
6 LICENSEE WHO IS THE SUBJECT OF THE INVESTIGATION AT LEAST FIVE BUSINESS DAYS
7 BEFORE A BOARD MEETING AT WHICH THE BOARD CONSIDERS THE COMPLAINT. THE BOARD
8 SHALL REDACT ANY CONFIDENTIAL INFORMATION BEFORE RELEASING THE FILE TO THE
9 LICENSEE.

10 ~~3-~~ 4. The superior court, on application by the board ~~or a~~
11 ~~credentialing committee~~ or by the person subpoenaed, has jurisdiction to
12 issue an order either:

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

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

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

29 D. This section and any other law that makes communications between a
30 licensee and the licensee's client a privileged communication do not apply to
31 investigations or proceedings conducted pursuant to this chapter. The board
32 and ~~a credentialing committee~~ and the board's ~~and committee's~~ employees,
33 agents and representatives shall keep in confidence the names of any clients
34 whose records are reviewed during the course of investigations and
35 proceedings pursuant to this chapter.

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

38 32-3284. Cease and desist orders; injunctions

39 A. The board ~~or a credentialing committee~~ may issue a cease and desist
40 order or request that an injunction be issued by the superior court to stop a
41 person from engaging in the unauthorized practice of behavioral health or
42 from violating or threatening to violate a statute, rule or order that the
43 board has issued or is empowered to enforce. If the board seeks an
44 injunction to stop the unauthorized practice of behavioral health, it is
45 sufficient to charge that the respondent on a day certain in a named county

1 engaged in the practice of behavioral health without a license and without
2 being exempt from the licensure requirements of this chapter. It is not
3 necessary to show specific damages or injury. The cease and desist order
4 must state the reason for its issuance and give notice of the person's right
5 to request a hearing under applicable procedures prescribed in title 41,
6 chapter 6, article 10.

7 B. Violation of an injunction shall be punished as for contempt of
8 court.

9 Sec. 15. Section 32-3291, Arizona Revised Statutes, is amended to
10 read:

11 32-3291. Licensed baccalaureate social worker; licensure;
12 qualifications; supervision

13 A. A person who wishes to be licensed by the board to engage in the
14 practice of social work as a licensed baccalaureate social worker shall:

15 1. Furnish ~~evidence satisfactory to the social work credentialing~~
16 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the person
17 has earned a baccalaureate degree in social work from a regionally accredited
18 college or university in a program accredited by the council on social work
19 education or a degree from a foreign school based on a program of study that
20 the board determines is substantially equivalent.

21 2. Pass an examination approved by the ~~social work credentialing~~
22 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
23 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

24 B. A licensed baccalaureate social worker shall only engage in
25 clinical practice under direct supervision as prescribed by the board.

26 ~~C. A licensed baccalaureate social worker shall only engage in~~
27 ~~nonclinical practice under direct supervision as prescribed by the board~~
28 ~~unless the licensed baccalaureate social worker has obtained two years of~~
29 ~~supervised work experience acceptable to the board.~~

30 Sec. 16. Section 32-3292, Arizona Revised Statutes, is amended to
31 read:

32 32-3292. Licensed master social worker; licensure;
33 qualifications; supervision

34 A. A person who wishes to be licensed by the board to engage in the
35 practice of social work as a licensed master social worker shall:

36 1. Furnish ~~evidence~~ DOCUMENTATION satisfactory to the ~~social work~~
37 ~~credentialing committee~~ BOARD that the person has earned a master's or higher
38 degree in social work from a regionally accredited college or university in a
39 program accredited by the council on social work education or a degree from a
40 foreign school based on a program of study that the board determines is
41 substantially equivalent.

42 2. Pass an examination approved by the ~~social work credentialing~~
43 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
44 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

1 B. A licensed master social worker shall only engage in clinical
2 practice under direct supervision as prescribed by the board.

3 Sec. 17. Section 32-3293, Arizona Revised Statutes, is amended to
4 read:

5 32-3293. Licensed clinical social worker; licensure;
6 qualifications

7 A person who wishes to be licensed by the board to engage in the
8 practice of social work as a licensed clinical social worker shall:

9 1. Furnish ~~evidence satisfactory to the social work credentialing~~
10 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the person
11 has:

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

16 (b) Received at least ~~two years of full-time or the equivalent~~
17 ~~part-time~~ THREE THOUSAND TWO HUNDRED HOURS OF post-master's degree experience
18 IN NOT LESS THAN TWENTY FOUR MONTHS under supervision ~~satisfactory to the~~
19 ~~social work credentialing committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY
20 THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT
21 LEAST ONE THOUSAND SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN
22 ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT CLIENT SERVICE AND AT LEAST ONE
23 HUNDRED HOURS OF CLINICAL SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE.

24 2. Pass an examination approved by the ~~social work credentialing~~
25 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
26 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

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

29 32-3301. Licensed professional counselor; licensure;
30 requirements

31 A. A person who wishes to be licensed by the board to engage in the
32 practice of professional counseling as a licensed professional counselor
33 shall:

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

36 2. Pass an examination approved by the ~~counseling credentialing~~
37 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
38 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

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

1 ~~1. A master's degree or higher degree with a major emphasis in~~
2 ~~counseling from a regionally accredited college or university in a program of~~
3 ~~study that includes a minimum of forty-eight semester credit hours or the~~
4 ~~equivalent in a curriculum approved by the counseling credentialing~~
5 ~~committee. Beginning on January 1, 2008, the program of study must include a~~
6 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~
7 ~~approved by the counseling credentialing committee.~~

8 ~~2. 1. A master's degree or higher degree with a major emphasis in~~
9 ~~counseling from a~~ program accredited by the council for the accreditation of
10 counseling and related educational programs or the national council on
11 rehabilitation education. ~~that includes a minimum of forty-eight credit~~
12 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~
13 ~~include a minimum of sixty semester credit hours.~~

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

16 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY
17 THE BOARD BY RULE.

18 C. A PROGRAM THAT IS NOT ACCREDITED BY THE COUNCIL FOR THE
19 ACCREDITATION OF COUNSELING AND RELATED EDUCATIONS PROGRAMS OR THE NATIONAL
20 COUNCIL ON REHABILITATION EDUCATION MUST REQUIRE SEVEN HUNDRED HOURS OF
21 SUPERVISED CLINICAL HOURS AND TWENTY-FOUR SEMESTER HOURS OR THIRTY-FOUR
22 QUARTER HOURS IN COURSES IN THE FOLLOWING EIGHT CORE CONTENT AREAS AS
23 PRESCRIBED BY THE BOARD BY RULE:

- 24 1. PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
- 25 2. SOCIAL AND CULTURAL DIVERSITY.
- 26 3. HUMAN GROWTH AND DEVELOPMENT.
- 27 4. CAREER DEVELOPMENT.
- 28 5. HELPING RELATIONSHIPS.
- 29 6. GROUP WORK.
- 30 7. ASSESSMENT.
- 31 8. RESEARCH AND PROGRAM EVALUATION.

32 D. CREDIT HOURS OFFERED ABOVE THOSE PRESCRIBED PURSUANT TO SUBSECTION
33 C OF THIS SECTION MUST BE IN STUDIES THAT PROVIDE A BROAD UNDERSTANDING IN
34 COUNSELING RELATED SUBJECTS.

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

38 ~~C.~~ F. An applicant for licensure shall furnish ~~evidence satisfactory~~
39 ~~to the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE
40 BOARD BY RULE that the applicant has received at least ~~two years of full-time~~
41 ~~or the equivalent part-time~~ THREE THOUSAND TWO HUNDRED HOURS IN AT LEAST
42 TWENTY-FOUR MONTHS IN post-master's degree work experience in the practice of
43 professional counseling under supervision ~~approved by the credentialing~~
44 ~~committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. An

1 applicant may use a doctoral-clinical internship to satisfy the requirement
2 for one year of work experience under supervision.

3 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO
4 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED
5 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS
6 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL
7 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE.

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

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

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

20 32-3303. Licensed associate counselor; licensure; requirements;
21 supervision

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

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

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

31 32-3311. Licensed marriage and family therapist; licensure;
32 qualifications

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

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

43 2. Completed ~~two years of full-time or the equivalent part-time~~ THREE
44 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice
45 of marriage and family therapy under supervision ~~as approved by the marriage~~

1 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS
2 PRESCRIBED BY THE BOARD BY RULE, including ~~a minimum of~~ AT LEAST one thousand
3 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND
4 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
5 HUNDRED HOURS OF INDIRECT CLIENT SERVICE.

6 3. Passed an examination approved by the ~~marriage and family therapy~~
7 ~~credentialing committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW
8 COMMITTEE FOR THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT
9 COMMITTEE.

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

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

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

25 32-3321. Licensed substance abuse technician; licensed
26 associate substance abuse counselor; licensed
27 independent substance abuse counselor; licensure;
28 qualifications; supervision

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

33 1. Received one of the following:

34 (a) An associate of applied science degree in chemical dependency with
35 an emphasis on counseling, ~~as determined by the substance abuse credentialing~~
36 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE,
37 from a regionally accredited college or university.

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

42 2. Passed an examination approved by the ~~substance abuse credentialing~~
43 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
44 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

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

3 C. The board may waive the education requirement for an applicant
4 requesting licensure as a substance abuse technician if the applicant
5 provides services pursuant to contracts or grants with the federal government
6 under the authority of Public Law 93-638 (25 United States Code sections 450
7 through 450(n)) or Public Law 94-437 (25 United States Code sections 1601
8 through 1683). A person who becomes licensed as a substance abuse technician
9 pursuant to this subsection shall only provide substance abuse services to
10 those persons who are eligible for services pursuant to Public Law 93-638 (25
11 United States Code sections 450 through 450(n)) or Public Law 94-437 (25
12 United States Code section 1601 through 1683).

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

17 1. Received one of the following:

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

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

34 2. Passed an examination approved by the ~~substance abuse credentialing~~
35 ~~committee~~ BOARD.

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

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

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

1 2. Present ~~evidence satisfactory to the substance abuse credentialing~~
2 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the applicant
3 has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED HOURS of work
4 experience in substance abuse counseling under supervision ~~approved by the~~
5 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.
6 THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT LEAST ONE THOUSAND SIX
7 HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
8 HUNDRED HOURS OF INDIRECT CLIENT SERVICE.

9 3. Pass an examination approved by the ~~substance abuse credentialing~~
10 ~~committee~~ BOARD. IF THE BOARD HAS APPOINTED AN ACADEMIC REVIEW COMMITTEE FOR
11 THIS PRACTICE LEVEL, THE BOARD SHALL FIRST CONSULT WITH THAT COMMITTEE.

12 Sec. 22. Repeal

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

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

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

18 A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY
19 1, 2017.

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

21 Sec. 24. Purpose

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

25 Sec. 25. Board of behavioral health examiners; applications;
26 factors

27 Until January 1, 2017, notwithstanding section 32-3275, subsection A,
28 paragraph 7, Arizona Revised Statutes, as amended by this act, for
29 applications submitted after the effective date of this act, the board of
30 behavioral health examiners may not consider the fact that an applicant had a
31 license refused or revoked by the board after January 1, 2009.

32 Sec. 26. 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. 27. Retroactivity

4 Sections 22 and 23 of this act are effective retroactively to July 1,
5 2013.

6 Sec. 28. Effective date

7 A. Sections 32-3253, 32-3273, 32-3291, 32-3292, 32-3293, 32-3301,
8 32-3303, 32-3311 and 32-3321, Arizona Revised Statutes, as amended by this
9 act, are effective from and after October 31, 2015.

10 B. Section 32-3261, Arizona Revised Statutes, as added by this act, is
11 effective from and after December 31, 2013.

12 C. Section 5 of this act, relating to the heading change of title 32,
13 chapter 33, article 2, Arizona Revised Statutes, is effective from and after
14 October 31, 2015.