

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

CHAPTER 242
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.

44 ~~8.~~ 10. "Practice of professional counseling" means the professional
45 application of mental health, psychological and human development theories,
46 principles and techniques to:

- 1 (a) Facilitate human development and adjustment throughout the human
2 life span.
- 3 (b) Assess and facilitate career development.
- 4 (c) Treat interpersonal relationship issues and nervous, mental and
5 emotional disorders that are cognitive, affective or behavioral.
- 6 (d) Manage symptoms of mental illness.
- 7 (e) Assess, appraise, evaluate, diagnose and treat individuals,
8 couples, families and groups through the use of psychotherapy.
- 9 ~~9-~~ 11. "Practice of social work" means the professional application
10 of social work ~~theory~~ THEORIES, principles, methods and techniques to:
- 11 (a) Treat mental, BEHAVIORAL and emotional disorders.
- 12 (b) Assist individuals, families, groups and communities to enhance or
13 restore the ability to function physically, socially, emotionally, mentally
14 and economically.
- 15 (c) Assess, appraise, diagnose, evaluate and treat individuals,
16 couples, families and groups through the use of psychotherapy.
- 17 ~~10-~~ 12. "Practice of substance abuse counseling" means the
18 professional application of general counseling theories, principles and
19 techniques as specifically adapted, based on research and clinical
20 experience, to the specialized needs and characteristics of persons who are
21 experiencing substance abuse, chemical dependency and related problems and to
22 the families of those persons. The practice of substance abuse counseling
23 includes the following as they relate to substance abuse and chemical
24 dependency issues:
- 25 (a) Assessment, appraisal and diagnosis.
- 26 (b) The use of psychotherapy for the purpose of evaluation, diagnosis
27 and treatment of individuals, couples, families and groups.
- 28 13. "PSYCHOEDUCATION" MEANS THE EDUCATION OF A CLIENT AS PART OF A
29 TREATMENT PROCESS THAT PROVIDES THE CLIENT WITH INFORMATION REGARDING MENTAL
30 HEALTH, EMOTIONAL DISORDERS OR BEHAVIORAL HEALTH.
- 31 ~~11-~~ 14. "Psychotherapy" means a variety of treatment methods
32 developing out of generally accepted theories about human behavior and
33 development.
- 34 ~~12-~~ 15. "Unprofessional conduct" includes the following, whether
35 occurring in this state or elsewhere:
- 36 (a) Conviction of a felony. Conviction by a court of competent
37 jurisdiction or a plea of no contest is conclusive evidence of the
38 conviction.
- 39 (b) Use of fraud or deceit in connection with rendering services as a
40 licensee or in establishing qualifications pursuant to this chapter.
- 41 (c) Any oral or written misrepresentation of a fact by an applicant or
42 licensee:
- 43 (i) To secure or attempt to secure the issuance or renewal of a
44 license.
- 45 (ii) In any statements provided during an investigation or
46 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
46 behavioral health services competently or safely. This duty does not extend

1 to information provided by a licensee that is protected by the behavioral
2 health professional-client privilege unless the information indicates a clear
3 and imminent danger to the client or others or is otherwise subject to
4 mandatory reporting requirements pursuant to state or federal law.

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

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

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

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

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

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

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

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

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

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

38 32-3252. Board of behavioral health examiners; appointment;
39 qualifications; terms; compensation; immunity;
40 training program

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

45 1. THE FOLLOWING PROFESSIONAL MEMBERS:

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

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

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

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

11 2. FOUR PUBLIC MEMBERS.

12 B. Each professional board member shall:

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

15 2. Be an active licensee in good standing.

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

18 C. Each public member shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Sec. 3. Section 32-3253, Arizona Revised Statutes, is amended to read:
6 32-3253. Powers and duties

7 A. The board shall:

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

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

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

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

19 5. Collect fees and spend monies.

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

24 7. Adopt an official seal for attestation of licensure and other
25 official papers and documents.

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

28 ~~9.~~ 8. Conduct investigations and determine on its own motion if a
29 licensee or an applicant has engaged in unprofessional conduct, is
30 incompetent or is mentally or physically unable to engage in the practice of
31 behavioral health.

32 ~~10.~~ 9. Conduct disciplinary actions pursuant to this chapter and board
33 rules.

34 ~~11.~~ 10. Establish and enforce standards or criteria of programs or
35 other mechanisms to ensure the continuing competence of licensees.

36 ~~12.~~ 11. Establish and enforce compliance with professional standards
37 and rules of conduct for licensees.

38 ~~13.~~ 12. Engage in a full exchange of information with the licensing
39 and disciplinary boards and professional associations for behavioral health
40 professionals in this state and other jurisdictions.

41 ~~14.~~ 13. Subject to section 35-149, accept, expend and account for
42 gifts, grants, devises and other contributions, money or property from any
43 public or private source, including the federal government. Monies received
44 under this paragraph shall be deposited, pursuant to sections 35-146 and
45 35-147, in special funds for the purpose specified, which are exempt from the
46 provisions of section 35-190 relating to lapsing of appropriations.

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

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

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

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

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

22 C. THE BOARD MAY ENTER INTO STIPULATED AGREEMENTS WITH A LICENSEE FOR
23 THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF CHEMICAL
24 DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH
25 DISORDERS IN A PROGRAM PROVIDED PURSUANT TO SUBSECTION D OF THIS SECTION. A
26 LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM SHALL BE TERMINATED
27 FROM THE CONFIDENTIAL PROGRAM. ANY RECORDS OF THE LICENSEE WHO IS TERMINATED
28 FROM A CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE
29 PUBLIC RECORDS LAW, NOTWITHSTANDING ANY LAW TO THE CONTRARY. STIPULATED
30 AGREEMENTS ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

31 1. THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL
32 PROGRAM.

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

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

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

39 5. THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S
40 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL
41 HEALTH DISORDERS AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS
42 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

43 ~~C.~~ D. The board ~~may~~ SHALL establish a confidential program for the
44 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,
45 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT
46 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program

1 that meets the criteria prescribed by the board. THE LICENSEE SHALL BE
2 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND
3 MONITORING. The board may take further action if a licensee refuses to enter
4 into a stipulated agreement or fails to comply with the terms of a stipulated
5 agreement. In order to protect the public health and safety, the
6 confidentiality requirements of this subsection do not apply if a licensee
7 does not comply with the stipulated agreement.

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

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

13 32-3255. Executive director; compensation; duties

14 A. ON OR AFTER JANUARY 31, 2014 AND SUBJECT TO TITLE 41, CHAPTER 4,
15 ARTICLE 4, THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL SERVE AT
16 THE PLEASURE OF THE BOARD. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE
17 COMPENSATION SET BY THE BOARD WITHIN THE RANGE DETERMINED UNDER SECTION
18 38-611.

19 B. THE EXECUTIVE DIRECTOR SHALL:

20 1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

21 2. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL AS THE
22 EXECUTIVE DIRECTOR DEEMS NECESSARY, INCLUDING PROFESSIONAL CONSULTANTS AND
23 AGENTS NECESSARY TO CONDUCT INVESTIGATIONS. AN INVESTIGATOR MUST COMPLETE A
24 NATIONALLY RECOGNIZED INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE
25 DATE OF HIRE. UNTIL THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE
26 INVESTIGATOR MUST WORK UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS
27 COMPLETED A TRAINING PROGRAM.

28 Sec. 5. Heading change

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

32 Sec. 6. Delayed repeal

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

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

37 32-3261. Academic review committees; appointment;
38 qualifications; terms; compensation; immunity

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

41 1. REVIEW APPLICATIONS REFERRED TO THE COMMITTEE BY THE BOARD OR THE
42 EXECUTIVE DIRECTOR TO DETERMINE:

43 (a) IF AN APPLICANT, WHOSE CURRICULUM HAS NOT BEEN APPROVED PURSUANT
44 TO SECTION 32-3253, SUBSECTION A, PARAGRAPH 15 OR WHOSE PROGRAM IS NOT
45 ACCREDITED BY AN ORGANIZATION OR ENTITY APPROVED BY THE BOARD, HAS MET THE
46 EDUCATIONAL REQUIREMENTS OF THIS CHAPTER OR BOARD RULES.

1 (b) IF AN APPLICANT HAS MET THE REQUIREMENTS OF WORK SUPERVISION
2 REQUIRED FOR LICENSURE PURSUANT TO THIS CHAPTER OR BOARD RULES.

3 2. MAKE SPECIFIC FINDINGS CONCERNING AN APPLICATION'S DEFICIENCIES AND
4 MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE MANNER IN WHICH THE
5 DEFICIENCIES CAN BE ADDRESSED.

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

8 4. AT THE REQUEST OF THE BOARD, MAKE RECOMMENDATIONS REGARDING
9 EXAMINATIONS REQUIRED PURSUANT TO THIS CHAPTER.

10 B. AN ACADEMIC REVIEW COMMITTEE SHALL BE COMPOSED OF THREE MEMBERS WHO
11 HAVE BEEN RESIDENTS OF THIS STATE FOR AT LEAST ONE YEAR BEFORE APPOINTMENT,
12 AT LEAST ONE BUT NOT MORE THAN TWO OF WHOM ARE LICENSED PURSUANT TO THIS
13 CHAPTER AND HAVE FIVE YEARS OF EXPERIENCE IN THE APPLICABLE PROFESSION. AT
14 LEAST ONE BUT NOT MORE THAN TWO MEMBERS MUST HAVE SERVED WITHIN THE PREVIOUS
15 TEN YEARS AS CORE OR FULL-TIME FACULTY AT A REGIONALLY ACCREDITED COLLEGE OR
16 UNIVERSITY IN A PROGRAM RELATED TO THE APPLICABLE PROFESSION.

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

20 D. COMMITTEE MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION OF NOT MORE
21 THAN EIGHTY-FIVE DOLLARS FOR EACH EIGHT HOURS ACTUALLY AND NECESSARILY SPENT
22 IN THE PERFORMANCE OF THEIR DUTIES.

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

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

28 Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:
29 32-3272. Fees

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

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

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

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

39 C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF
40 EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH
41 15.

42 ~~C.~~ D. The board shall establish fees to produce monies that
43 approximate the cost of maintaining the board ~~and the credentialing~~
44 ~~committees.~~

45 Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:
46 32-3273. License renewal; continuing education

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

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

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

17 D. AT THE REQUEST OF A LICENSEE WHO HAS BEEN ISSUED TWO OR MORE
18 LICENSES, THE BOARD SHALL ESTABLISH THE SAME RENEWAL DATES FOR THOSE
19 LICENSES. THE BOARD MAY PRORATE ANY FEES DUE AS NECESSARY TO SYNCHRONIZE THE
20 DATES.

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

23 32-3274. Licensure by endorsement

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

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

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

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

44 4. ~~There were minimum~~ THE PERSON MET THE education, work experience
45 and clinical supervision requirements in effect at the time the person was
46 licensed or certified by the ~~other state~~ regulatory agency OF THE OTHER STATE

1 OR STATES and the licensing or certifying ~~state~~ agency OF THE OTHER STATE OR
2 STATES verifies that the person met those requirements in order to be
3 licensed or certified in the other state OR STATES.

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

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

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

9 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY
10 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR
11 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION
12 TAKEN BY ANY REGULATORY AGENCY OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN
13 SURRENDERED IN LIEU OF DISCIPLINE AND VERIFICATION OF LICENSURE OR
14 CERTIFICATION FROM EVERY STATE IN WHICH THE PERSON IS LICENSED OR CERTIFIED
15 FOR THE PARTICULAR HEALTH PROFESSION FOR WHICH THE PERSON APPLIES.

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

- 20 1. LICENSED CLINICAL SOCIAL WORKER.
- 21 2. LICENSED PROFESSIONAL COUNSELOR.
- 22 3. LICENSED MARRIAGE AND FAMILY THERAPIST.
- 23 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

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

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

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

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

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

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

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

44 32-3275. Requirements for licensure; withdrawal of application

45 A. An applicant for licensure must meet all of the following
46 requirements:

- 1 1. Submit an application as prescribed by the board.
- 2 2. Be at least twenty-one years of age.
- 3 3. Be of good moral character. The board's standard to determine good
- 4 moral character shall not violate federal discrimination laws.
- 5 4. Pay all applicable fees prescribed by the board.
- 6 5. Have the physical and mental capability to safely and competently
- 7 engage in the practice of behavioral health.
- 8 6. Not have committed any act or engaged in any conduct that would
- 9 constitute grounds for disciplinary action against a licensee pursuant to
- 10 this chapter.
- 11 7. Not have had a professional license or certificate refused,
- 12 revoked, suspended or restricted ~~in~~ BY THIS STATE OR any OTHER regulatory
- 13 jurisdiction in the United States or ~~in another~~ ANY OTHER country for reasons
- 14 that relate to unprofessional conduct. ~~If the board finds that the applicant~~
- 15 ~~committed an act or engaged in conduct that would constitute grounds for~~
- 16 ~~disciplinary action in this state, the board shall determine to its~~
- 17 ~~satisfaction that the conduct has been corrected, monitored and resolved. If~~
- 18 ~~the matter has not been resolved, the board shall determine to its~~
- 19 ~~satisfaction that mitigating circumstances exist that prevent its resolution.~~
- 20 8. Not have voluntarily surrendered a PROFESSIONAL license or
- 21 certificate in THIS STATE OR another regulatory jurisdiction in the United
- 22 States or any other country while under investigation for conduct that
- 23 relates to unprofessional conduct. ~~If another jurisdiction has taken~~
- 24 ~~disciplinary action against an applicant, the board shall determine to its~~
- 25 ~~satisfaction that the cause for the action was corrected and the matter~~
- 26 ~~resolved. If the matter has not been resolved by that jurisdiction, the~~
- 27 ~~board shall determine to its satisfaction that mitigating circumstances exist~~
- 28 ~~that prevent its resolution.~~
- 29 9. Not have a complaint, allegation or investigation pending before
- 30 THE BOARD OR another regulatory jurisdiction in the United States or another
- 31 country that relates to unprofessional conduct. If an applicant has any such
- 32 ~~complaints~~ COMPLAINT, ~~allegations~~ ALLEGATION or ~~investigations~~ INVESTIGATION
- 33 pending, the board shall suspend the application process and may not issue or
- 34 deny a license to the applicant until the complaint, allegation or
- 35 investigation is resolved.
- 36 B. IF THE BOARD FINDS THAT AN APPLICANT IS SUBJECT TO SUBSECTION A,
- 37 PARAGRAPHS 5 THROUGH 8 OF THIS SECTION, THE BOARD MAY DETERMINE TO ITS
- 38 SATISFACTION THAT THE CONDUCT OR CONDITION HAS BEEN CORRECTED, MONITORED AND
- 39 RESOLVED AND MAY ISSUE A LICENSE. IF THE CONDUCT OR CONDITION HAS NOT BEEN
- 40 RESOLVED, THE BOARD MAY DETERMINE TO ITS SATISFACTION THAT MITIGATING
- 41 CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION AND MAY ISSUE A LICENSE.
- 42 C. IF AN APPLICANT HAS A DEFICIENCY PURSUANT TO SUBSECTION A OF THIS
- 43 SECTION, THE BOARD SHALL NOTIFY THE APPLICANT OF THE DEFICIENCY AND THE TIME
- 44 WHEN THE BOARD WILL REVIEW THE APPLICATION AT A PUBLIC MEETING. THIS MEETING
- 45 MUST TAKE PLACE WITHIN THIRTY-FIVE DAYS AFTER THE NOTIFICATION. AT THE TIME
- 46 OF THE MEETING, THE APPLICANT MAY PROVIDE IN PERSON, BY COUNSEL OR IN WRITTEN

1 FORM INFORMATION AND EVIDENCE RELATED TO ANY DEFICIENCY, INCLUDING
2 INFORMATION RELATED TO WHETHER THE CONDUCT THAT WAS THE BASIS FOR AN ACTION
3 PURSUANT TO SUBSECTION A, PARAGRAPH 6, 7 OR 8 OF THIS SECTION HAS BEEN
4 CORRECTED, MONITORED AND RESOLVED OR IF MITIGATING CIRCUMSTANCES EXIST THAT
5 PREVENT ITS RESOLUTION. IN A NOTICE OF DENIAL THE BOARD SHALL PROVIDE
6 NOTIFICATION OF THE RIGHT TO A HEARING PURSUANT TO TITLE 41, CHAPTER 6,
7 ARTICLE 10. IF THE APPLICANT DOES NOT PRESENT INFORMATION AT THE PUBLIC
8 BOARD MEETING, THE APPLICANT MAY STILL SEEK ALL AVAILABLE ADMINISTRATIVE
9 REMEDIES.

10 D. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION UNLESS THE
11 BOARD HAS SENT TO THE APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN
12 INVESTIGATION CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING THAT
13 NOTIFICATION THE APPLICANT MAY REQUEST THAT THE BOARD REVIEW THE APPLICANT'S
14 REQUEST TO WITHDRAW THE APPLICATION. IN CONSIDERING THE REQUEST THE BOARD
15 SHALL DETERMINE WHETHER IT IS PROBABLE THAT THE INVESTIGATION WOULD RESULT IN
16 AN ADVERSE ACTION AGAINST THE APPLICANT.

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

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

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

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

27 32-3281. Disciplinary action; investigations; hearings; civil
28 penalty; timely complaints; burden of proof

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

1 ETHICS, SCOPE OF PRACTICE OR STANDARD OF CARE, THE BOARD MAY CONSULT WITH ONE
2 OR MORE LICENSED OR RETIRED BEHAVIORAL HEALTH PROFESSIONALS OF THE SAME
3 PROFESSION AS THE LICENSEE TO REVIEW COMPLAINTS AND MAKE RECOMMENDATIONS TO
4 THE BOARD.

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

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

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

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

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

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

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

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

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

5 F. If after completing its investigation the ~~credentialing committee~~
6 BOARD believes that the information is or may be true, ~~the credentialing~~
7 ~~committee may recommend that~~ the board MAY enter into a consent agreement
8 with the licensee to limit or restrict the licensee's practice or to
9 rehabilitate the licensee, protect the public and ensure the licensee's
10 ability to safely engage in the practice of behavioral health. A consent
11 agreement may also require the licensee to successfully complete a board
12 approved rehabilitative, retraining or assessment program.

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

17 ~~1. Dismiss if, in the opinion of the board, the complaint is without~~
18 ~~merit.~~

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

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

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

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

45 ~~J. H.~~ H. If after completing the formal interview the board finds the
46 information provided is not of sufficient seriousness to merit suspension for

1 more than twelve months or revocation of the license, the board may take the
2 following actions:

3 1. Dismiss if, in the opinion of the board, the information is without
4 merit.

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

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

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

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

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

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

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

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

1 licensee it finds is in violation of this chapter. The board shall deposit,
2 pursuant to sections 35-146 and 35-147, monies collected pursuant to this
3 subsection in the board of behavioral health examiners fund established by
4 section 32-3254.

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

9 ~~P.~~ N. The board shall deposit, pursuant to sections 35-146 and
10 35-147, all monies collected from civil penalties paid pursuant to this
11 chapter in the state general fund.

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

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

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

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

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

41 ~~W.~~ T. The board may enforce a civil penalty imposed pursuant to this
42 section in the superior court in Maricopa county.

43 ~~X.~~ U. For complaints being brought before ~~a credentialing committee~~
44 ~~or~~ the full board, the information released to the public regarding an
45 ongoing investigation must clearly indicate that the investigation is a
46 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. THE TIME
8 LIMITATION DOES NOT APPLY TO MALPRACTICE SETTLEMENTS OR JUDGEMENTS.

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

11 X. EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION
12 32-3251, PARAGRAPH 15, SUBDIVISION (v), THE BOARD HAS THE BURDEN OF PROOF BY
13 CLEAR AND CONVINCING EVIDENCE FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO
14 THIS CHAPTER.

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

17 32-3282. Right to examine and copy evidence; summoning
18 witnesses and documents; taking testimony; right to
19 counsel; confidentiality

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

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

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

1 the physical evidence required to be produced. Any member of the board ~~or a~~
2 ~~credentialing committee~~ and any agent designated by the board may administer
3 oaths, examine witnesses and receive evidence.

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

6 3. THE BOARD SHALL MAKE AVAILABLE TO THE LICENSEE WHO IS THE SUBJECT
7 OF THE INVESTIGATION, OR THE LICENSEE'S DESIGNATED REPRESENTATIVE, FOR
8 INSPECTION AT THE BOARD'S OFFICE THE INVESTIGATIVE FILE AT LEAST FIVE
9 BUSINESS DAYS BEFORE A BOARD MEETING AT WHICH THE BOARD CONSIDERS THE
10 COMPLAINT. THE BOARD MAY REDACT ANY CONFIDENTIAL INFORMATION BEFORE
11 RELEASING THE FILE TO THE LICENSEE.

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

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

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

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

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

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

40 32-3284. Cease and desist orders; injunctions

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

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

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

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

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

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

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

22 2. Pass an examination approved by the ~~social work credentialing~~
23 ~~committee~~ BOARD.

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.

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

1 ~~study that includes a minimum of forty eight semester credit hours or the~~
2 ~~equivalent in a curriculum approved by the counseling credentialing~~
3 ~~committee. Beginning on January 1, 2008, the program of study must include a~~
4 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~
5 ~~approved by the counseling credentialing committee.~~

6 ~~2- 1. A master's degree or higher degree with a major emphasis in~~
7 ~~counseling from a~~ program accredited by the council for the accreditation of
8 counseling and related educational programs or the national council on
9 rehabilitation education. ~~that includes a minimum of forty eight credit~~
10 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~
11 ~~include a minimum of sixty semester credit hours.~~

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

14 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY
15 THE BOARD BY RULE.

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

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

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

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

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

45 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO
46 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED

1 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS
2 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL
3 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE. FOR THE DIRECT CLIENT
4 CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION.
5 THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS
6 RELATED TO DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

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

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

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

19 32-3303. Licensed associate counselor; licensure; requirements;
20 supervision

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

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

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

30 32-3311. Licensed marriage and family therapist; licensure;
31 qualifications

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

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

42 2. Completed ~~two years of full-time or the equivalent part-time~~ THREE
43 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice
44 of marriage and family therapy under supervision ~~as approved by the marriage~~
45 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS
46 PRESCRIBED BY THE BOARD BY RULE, including ~~a minimum of~~ AT LEAST one thousand

1 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND
2 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
3 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT
4 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD
5 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO
6 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

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

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

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

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

24 32-3321. Licensed substance abuse technician; licensed
25 associate substance abuse counselor; licensed
26 independent substance abuse counselor; licensure;
27 qualifications; supervision

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

32 1. Received one of the following:

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

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

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

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

15 1. Received one of the following:

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

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

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

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

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

42 1. Have received a master's degree or higher degree in a behavioral
43 science with an emphasis on counseling, ~~as determined by the substance abuse~~
44 ~~credentialing committee~~ IN A PROGRAM THAT IS APPROVED BY THE BOARD PURSUANT
45 TO SECTION 32-3253 OR THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD
46 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. FOR THE DIRECT CLIENT CONTACT
9 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD
10 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO
11 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

12 3. Pass an examination approved by the ~~substance abuse credentialing~~
13 ~~committee~~ BOARD.

14 Sec. 22. Repeal

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

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

18 41-3017.14. Board of behavioral health examiners; termination
19 July 1, 2017

20 A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY
21 1, 2017.

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

23 Sec. 24. Purpose

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

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

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

31 1. A representative of the board of behavioral health examiners
32 appointed by the board.

33 2. A representative of the department of health services, appointed by
34 the director of the department of health services.

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

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

44 5. A person who is employed by a licensed qualifying community health
45 center as defined in section 42-5001, Arizona Revised Statutes, or a health
46 care institution as defined in section 36-401, Arizona Revised Statutes, and

1 who is licensed by the board of behavioral health examiners. The board shall
2 appoint this member.

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

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

8 C. The task force shall:

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

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

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

23 D. The task force may use the services and expertise of the staff of
24 the department of health services.

25 E. The board of behavioral health examiners and the department of
26 health services shall adopt the recommendations in its rules by March 31,
27 2015.

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

29 Sec. 26. Board membership

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

34 Sec. 27. Exemption from rule making

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

38 B. Notwithstanding subsection A of this section, the board shall allow
39 interested parties to provide written comments or testimony on proposed rules
40 to the board as provided in section 41-1023, Arizona Revised Statutes, and
41 have the board adequately address those comments as provided in section
42 41-1052, subsection D, Arizona Revised Statutes, including comments or
43 testimony concerning the information contained in the economic, small
44 business and consumer impact statement. The board shall prepare a mailing
45 list of persons who wish to be notified of hearings relating to proposed rule
46 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.

APPROVED BY THE GOVERNOR JUNE 20, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2013.