

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

SENATE BILL 1374

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 ~~32-3251.~~ Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

11 3. "DIRECT CLIENT CONTACT" MEANS 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 OR ARE PROVIDED IN SUPERVISING LICENSEES PROVIDING DIRECT
23 CLIENT CONTACT.

24 ~~4.~~ 6. "Letter of concern" means a nondisciplinary written document
25 sent by the board to notify a licensee that, while there is insufficient
26 evidence to support disciplinary action, the board believes that continuation
27 of the activities that led to the investigation may result in further board
28 action against the licensee.

29 ~~5.~~ 7. "Licensee" means a person WHO IS licensed pursuant to this
30 chapter.

31 ~~6.~~ 8. "Practice of behavioral health" means the practice of marriage
32 and family therapy, professional counseling, social work and substance abuse
33 counseling pursuant to this chapter.

34 ~~7.~~ 9. "Practice of marriage and family therapy" means the
35 professional application of family systems theories, principles and
36 techniques to treat interpersonal relationship issues and nervous, mental and
37 emotional disorders that are cognitive, affective or behavioral. The
38 practice of marriage and family therapy includes:

39 (a) Assessment, appraisal and diagnosis.

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

42 ~~8.~~ 10. "Practice of professional counseling" means the professional
43 application of mental health, psychological and human development theories,
44 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 INCLUDING THE PROVISION OF CLINICAL SERVICES THROUGH EDUCATIONAL
34 TREATMENT PROTOCOLS.
- 35 ~~12-~~ 15. "Unprofessional conduct" includes the following, whether
36 occurring in this state or elsewhere:
- 37 (a) Conviction of a felony. Conviction by a court of competent
38 jurisdiction or a plea of no contest is conclusive evidence of the
39 conviction.
- 40 (b) Use of fraud or deceit in connection with rendering services as a
41 licensee or in establishing qualifications pursuant to this chapter.
- 42 (c) Any oral or written misrepresentation of a fact by an applicant or
43 licensee:
- 44 (i) To secure or attempt to secure the issuance or renewal of a
45 license.

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

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

4 (t) Disclosing a professional confidence or privileged communication
5 except as may otherwise be required by law or permitted by a valid written
6 release.

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

11 (v) Any sexual conduct between a licensee and a client or former
12 client.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. THE FOLLOWING PROFESSIONAL MEMBERS:

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

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

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

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

20 2. FOUR PUBLIC MEMBERS.

21 B. Each professional board member shall:

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

24 2. Be an active licensee in good standing.

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

27 C. Each public member shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 A. The board shall:

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

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

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

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

30 5. Collect fees and spend monies.

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

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

37 8. Subject to title 41, chapter 4, article 4, employ personnel as it
38 deems necessary. AN INVESTIGATOR MUST COMPLETE A NATIONALLY RECOGNIZED
39 INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE DATE OF HIRE. UNTIL
40 THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE INVESTIGATOR MUST WORK
41 UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS COMPLETED A TRAINING
42 PROGRAM.

43 9. Conduct investigations and determine on its own motion if a
44 licensee or an applicant has engaged in unprofessional conduct, is

1 incompetent or is mentally or physically unable to engage in the practice of
2 behavioral health.

3 10. Conduct disciplinary actions pursuant to this chapter and board
4 rules.

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

7 12. Establish and enforce compliance with professional standards and
8 rules of conduct for licensees.

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

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

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

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

28 17. ADOPT RULES TO ALLOW APPROVAL OF PERSONS WHO WISH TO PROVIDE
29 SUPERVISION PURSUANT TO THIS CHAPTER AND WHO ARE NOT LICENSED BY THE BOARD OR
30 WHO ARE LICENSED IN A PROFESSION OTHER THAN THE PROFESSION IN WHICH THE
31 APPLICANT IS SEEKING LICENSURE.

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

36 C. THE BOARD MAY REQUIRE THE EXECUTIVE DIRECTOR TO MAKE PERIODIC
37 REPORTS CONCERNING COMPLAINTS DISMISSED OR AGREEMENTS ENTERED PURSUANT TO
38 SECTION 32-3255.

39 ~~C.~~ D. The board ~~may~~ SHALL establish a confidential program for the
40 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,
41 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT
42 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program
43 that meets the criteria prescribed by the board. THE LICENSEE SHALL BE
44 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND
45 MONITORING. The board may take further action if a licensee refuses to enter

1 into a stipulated agreement or fails to comply with the terms of a stipulated
2 agreement. In order to protect the public health and safety, the
3 confidentiality requirements of this subsection do not apply if a licensee
4 does not comply with the stipulated agreement.

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

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

10 32-3255. Executive director; compensation; duties; confidential
11 treatment, rehabilitation and monitoring agreements

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

17 B. THE EXECUTIVE DIRECTOR SHALL:

18 1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

19 2. EMPLOY PROFESSIONAL CONSULTANTS AND AGENTS NECESSARY TO CONDUCT
20 INVESTIGATIONS.

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

25 4. IF AUTHORIZED BY THE BOARD, ENTER INTO STIPULATED AGREEMENTS WITH A
26 LICENSEE FOR THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF
27 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL
28 HEALTH DISORDERS IN A PROGRAM PROVIDED PURSUANT TO SECTION 32-3253,
29 SUBSECTION D. A LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM
30 REQUIREMENT SHALL BE REPORTED TO THE BOARD AND TERMINATED FROM THE
31 CONFIDENTIAL PROGRAM. ANY RECORDS OF A LICENSEE WHO IS TERMINATED FROM A
32 CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE PUBLIC
33 RECORDS LAW. NOTWITHSTANDING ANY LAW TO THE CONTRARY, STIPULATED AGREEMENTS
34 ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

35 (a) THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL
36 PROGRAM.

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

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

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

44 (e) THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S
45 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL

1 HEALTH DISORDERS AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS
2 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

3 Sec. 5. Heading change

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

7 Sec. 6. Delayed repeal

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

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

12 32-3261. Academic review committees; appointment;
13 qualifications; terms; compensation; immunity

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

16 1. REVIEW APPLICATIONS REFERRED TO THE COMMITTEE BY THE BOARD OR THE
17 EXECUTIVE DIRECTOR TO DETERMINE:

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

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

24 2. MAKE SPECIFIC FINDINGS CONCERNING AN APPLICATION'S DEFICIENCIES AND
25 MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE MANNER IN WHICH THE
26 DEFICIENCIES CAN BE ADDRESSED.

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

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

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

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

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

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

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

4 Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:
5 32-3272. Fees

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

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

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

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

15 C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF
16 EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH
17 15.

18 ~~C.~~ D. The board shall establish fees to produce monies that
19 approximate the cost of maintaining the board ~~and the credentialing~~
20 ~~committees.~~

21 Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:
22 32-3273. License renewal; continuing education

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

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

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

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

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

3 32-3274. Licensure by endorsement

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

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

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

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

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

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

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

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

35 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY
36 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR
37 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION
38 TAKEN BY ANY REGULATORY AGENCY OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN
39 SURRENDERED IN LIEU OF DISCIPLINE.

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

44 1. LICENSED CLINICAL SOCIAL WORKER.

45 2. LICENSED PROFESSIONAL COUNSELOR.

1 3. LICENSED MARRIAGE AND FAMILY THERAPIST.

2 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

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

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

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

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

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

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

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

23 32-3275. Requirements for licensure; withdrawal of application

24 A. An applicant for licensure must meet all of the following
25 requirements:

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

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

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

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

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

33 6. Not have committed any act or engaged in any conduct that would
34 constitute grounds for disciplinary action against a licensee pursuant to
35 this chapter **UNLESS THE APPLICANT HAS CORRECTED THE CONDUCT AND RESOLVED THE
36 MATTER TO THE BOARD'S SATISFACTION.**

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

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

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

15 B. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION BEFORE A
16 FINAL ACTION BY THE BOARD PROVIDED THAT THE BOARD HAS NOT SENT TO THE
17 APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN INVESTIGATION
18 CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING SUCH NOTIFICATION THE
19 APPLICANT MAY REQUEST THAT THE BOARD DETERMINE WHETHER THE REQUEST TO
20 WITHDRAW THE APPLICATION HAS BEEN MADE TO AVOID DENIAL OF A LICENSE AS A
21 RESULT OF UNPROFESSIONAL CONDUCT. THIS SUBSECTION DOES NOT PREVENT THE BOARD
22 FROM DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO AGREE TO A
23 WITHDRAWAL.

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

26 32-3281. Disciplinary action; investigations; hearings; civil
27 penalty; timely complaints; burden of proof

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

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

5 1. Dismiss if, in the opinion of the board, the information is without
6 merit.

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

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

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

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

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

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

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

40 ~~N~~ L. A licensee who after a formal hearing is found by the board to
41 be guilty of unprofessional conduct, to be mentally or physically unable to
42 safely engage in the practice of behavioral health or to be professionally
43 incompetent is subject to censure, probation as provided in this section,
44 suspension of license or revocation of license or any combination of these,
45 including a stay of action, and for a period of time or permanently and under

1 conditions as the board deems appropriate for the protection of the public
2 health and safety and just in the circumstance. The board may charge all
3 costs incurred in the course of the investigation and formal hearing to the
4 licensee it finds is in violation of this chapter. The board shall deposit,
5 pursuant to sections 35-146 and 35-147, monies collected pursuant to this
6 subsection in the board of behavioral health examiners fund established by
7 section 32-3254.

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

12 ~~P.~~ N. The board shall deposit, pursuant to sections 35-146 and
13 35-147, all monies collected from civil penalties paid pursuant to this
14 chapter in the state general fund.

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

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

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

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

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

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

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

5 Pending complaints represent unproven allegations. On
6 investigation, many complaints are found to be without merit or
7 not of sufficient seriousness to merit disciplinary action
8 against the licensee and are dismissed.

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

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

15 X. EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION
16 32-3251, PARAGRAPH 15, SUBDIVISION (v), THE BOARD HAS THE BURDEN OF PROOF BY
17 CLEAR AND CONVINCING EVIDENCE FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO
18 THIS CHAPTER.

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

21 32-3282. Right to examine and copy evidence; summoning
22 witnesses and documents; taking testimony; right to
23 counsel; confidentiality

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

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

37 1. The board ~~or a credentialing committee~~ on its own initiative may
38 issue subpoenas compelling the attendance and testimony of witnesses or
39 demanding the production for examination or copying of documents or any other
40 physical evidence if the evidence relates to the unauthorized practice of
41 behavioral health or to the competence, unprofessional conduct or mental or
42 physical ability of a licensee to safely practice. Within five days after
43 the service of a subpoena on any person requiring the production of any
44 evidence in that person's possession or under that person's control, the
45 person may petition the board ~~or the credentialing committee~~ to revoke, limit

1 or modify the subpoena. The board ~~or the credentialing committee~~ shall
2 revoke, limit or modify a subpoena if in its opinion the evidence required
3 does not relate to unlawful practices covered by this chapter or is not
4 relevant to the charge that is the subject matter of the hearing or
5 investigation or the subpoena does not describe with sufficient particularity
6 the physical evidence required to be produced. Any member of the board ~~or a~~
7 ~~credentialing committee~~ and any agent designated by the board may administer
8 oaths, examine witnesses and receive evidence.

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

11 3. THE BOARD SHALL MAKE THE INVESTIGATIVE FILE AVAILABLE TO THE
12 LICENSEE OR THE LICENSEE'S DESIGNATED REPRESENTATIVE WHO IS THE SUBJECT OF
13 THE INVESTIGATION AT LEAST FIVE BUSINESS DAYS BEFORE A BOARD MEETING AT WHICH
14 THE BOARD CONSIDERS THE COMPLAINT. THE BOARD MAY REDACT ANY CONFIDENTIAL
15 INFORMATION BEFORE RELEASING THE FILE TO THE LICENSEE.

16 ~~3.~~ 4. The superior court, on application by the board ~~or a~~
17 ~~credentialing committee~~ or by the person subpoenaed, has jurisdiction to
18 issue an order either:

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

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

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

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

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

7 2. Pass an examination approved by the ~~social work credentialing~~
8 ~~committee~~ BOARD.

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

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

13 32-3293. Licensed clinical social worker; licensure;
14 qualifications

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

17 1. Furnish ~~evidence satisfactory to the social work credentialing~~
18 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the person
19 has:

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

24 (b) Received at least ~~two years of full-time or the equivalent~~
25 ~~part-time~~ THREE THOUSAND TWO HUNDRED HOURS OF post-master's degree experience
26 IN NOT LESS THAN TWENTY FOUR MONTHS under supervision ~~satisfactory to the~~
27 ~~social work credentialing committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY
28 THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT
29 LEAST ONE THOUSAND SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN
30 ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT CLIENT SERVICE AND AT LEAST ONE
31 HUNDRED HOURS OF CLINICAL SUPERVISION AS PRESCRIBED BY THE BOARD BY
32 RULE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS
33 CAN BE IN PSYCHOEDUCATION.

34 2. Pass an examination approved by the ~~social work credentialing~~
35 ~~committee~~ BOARD.

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

38 32-3301. Licensed professional counselor; licensure;
39 requirements

40 A. A person who wishes to be licensed by the board to engage in the
41 practice of professional counseling as a licensed professional counselor
42 shall:

43 1. Meet the education requirements of subsection B OF THIS SECTION and
44 the work experience requirements of subsection ~~E~~ F OF THIS SECTION.

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

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

9 ~~1. A master's degree or higher degree with a major emphasis in~~
10 ~~counseling from a regionally accredited college or university in a program of~~
11 ~~study that includes a minimum of forty-eight semester credit hours or the~~
12 ~~equivalent in a curriculum approved by the counseling credentialing~~
13 ~~committee. Beginning on January 1, 2008, the program of study must include a~~
14 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~
15 ~~approved by the counseling credentialing committee.~~

16 ~~2. 1. A master's degree or higher degree with a major emphasis in~~
17 ~~counseling from a~~ program accredited by the council for the accreditation of
18 counseling and related educational programs or the national council on
19 rehabilitation education. ~~that includes a minimum of forty-eight credit~~
20 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~
21 ~~include a minimum of sixty semester credit hours.~~

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

24 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY
25 THE BOARD BY RULE.

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

- 32 1. PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
- 33 2. SOCIAL AND CULTURAL DIVERSITY.
- 34 3. HUMAN GROWTH AND DEVELOPMENT.
- 35 4. CAREER DEVELOPMENT.
- 36 5. HELPING RELATIONSHIPS.
- 37 6. GROUP WORK.
- 38 7. ASSESSMENT.
- 39 8. RESEARCH AND PROGRAM EVALUATION.

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

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

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

10 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO
11 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED
12 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS
13 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL
14 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE. FOR THE DIRECT CLIENT
15 CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION.

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

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

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

28 32-3303. Licensed associate counselor; licensure; requirements;
29 supervision

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

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

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

39 32-3311. Licensed marriage and family therapist; licensure;
40 qualifications

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

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

7 2. Completed ~~two years of full time or the equivalent part time~~ THREE
8 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice
9 of marriage and family therapy under supervision ~~as approved by the marriage~~
10 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS
11 PRESCRIBED BY THE BOARD BY RULE, including ~~a minimum of~~ AT LEAST one thousand
12 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND
13 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
14 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT
15 HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION.

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

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

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

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

33 32-3321. Licensed substance abuse technician; licensed
34 associate substance abuse counselor; licensed
35 independent substance abuse counselor; licensure;
36 qualifications; supervision

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

41 1. Received one of the following:

42 (a) An associate ~~of applied science~~ degree in chemical dependency OR
43 SUBSTANCE ABUSE with an emphasis on counseling, ~~as determined by the~~
44 ~~substance abuse credentialing committee~~ THAT MEETS THE REQUIREMENTS AS

1 PRESCRIBED BY THE BOARD BY RULE, from a regionally accredited college or
2 university.

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

7 2. Passed an examination approved by the ~~substance abuse credentialing~~
8 ~~committee~~ BOARD.

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

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

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

25 1. Received one of the following:

26 (a) A bachelor's degree in a behavioral science with an emphasis on
27 counseling, ~~as determined by the substance abuse credentialing committee~~ THAT
28 MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE, from a regionally
29 accredited college or university and present ~~evidence satisfactory to that~~
30 ~~credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that
31 the applicant has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED
32 HOURS of work experience in substance abuse counseling under supervision
33 ~~approved by the substance abuse credentialing committee~~ THAT MEETS THE
34 REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED
35 HOURS MUST INCLUDE A MINIMUM OF ONE THOUSAND SIX HUNDRED HOURS OF DIRECT
36 CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT
37 CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR
38 HUNDRED HOURS CAN BE IN PSYCHOEDUCATION.

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

43 2. Passed an examination approved by the ~~substance abuse credentialing~~
44 ~~committee~~ BOARD.

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

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

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

11 2. Present ~~evidence satisfactory to the substance abuse credentialing~~
12 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the applicant
13 has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED HOURS of work
14 experience in substance abuse counseling under supervision ~~approved by the~~
15 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.
16 THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT LEAST ONE THOUSAND SIX
17 HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX
18 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT
19 HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION.

20 3. Pass an examination approved by the ~~substance abuse credentialing~~
21 ~~committee~~ BOARD.

22 Sec. 22. Repeal

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

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

26 41-3017.14. Board of behavioral health examiners; termination
27 July 1, 2017

28 A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY
29 1, 2017.

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

31 Sec. 24. Purpose

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

35 Sec. 25. Board of behavioral health examiners; applications;
36 factors

37 Until January 1, 2017, notwithstanding section 32-3275, subsection A,
38 paragraph 7, Arizona Revised Statutes, as amended by this act, for
39 applications submitted after the effective date of this act, the board of
40 behavioral health examiners shall not base a decision solely on the board's
41 finding that an applicant had a license refused or revoked after July 1,
42 2004. The board at the request of the applicant shall conduct a de nova
43 hearing concerning the conduct that constituted the grounds for the previous
44 revocation or denial by the board.

1 Sec. 27. Board membership

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

6 Sec. 28. Exemption from rule making

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

10 B. Notwithstanding subsection A of this section, the board shall allow
11 interested parties to provide written comments or testimony on proposed rules
12 to the board as provided in section 41-1023, Arizona Revised Statutes, and
13 have the board adequately address those comments as provided in section
14 41-1052, subsection D, Arizona Revised Statutes, including comments or
15 testimony concerning the information contained in the economic, small
16 business and consumer impact statement. The board shall prepare a mailing
17 list of persons who wish to be notified of hearings relating to proposed rule
18 changes. The board shall hold at least two public hearings on its proposed
19 rules before adoption and shall testify before the joint legislative budget
20 committee regarding the proposed rules.

21 Sec. 29. Retroactivity

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

24 Sec. 30. Effective date

25 A. Sections 32-3253, 32-3273, 32-3291, 32-3292, 32-3293, 32-3301,
26 32-3303, 32-3311 and 32-3321, Arizona Revised Statutes, as amended by this
27 act, are effective from and after October 31, 2015.

28 B. Section 32-3261, Arizona Revised Statutes, as added by this act, is
29 effective from and after October 31, 2015.

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