

Senate Engrossed

psychology board; licensure; fingerprinting

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

**CHAPTER 210**  
**SENATE BILL 1253**

AN ACT

AMENDING SECTIONS 32-2063, 32-2071, 32-2071.01, 32-2073, 32-2074, 32-2081, 32-2091.02, 32-2091.03, 32-2091.06, 32-2091.07, 32-2091.09, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF PSYCHOLOGIST EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2063, Arizona Revised Statutes, is amended to  
3 read:

4 32-2063. Powers and duties

5 A. The board shall:

6 1. Administer and enforce this chapter and board rules.

7 2. Regulate disciplinary actions, the granting, denial, revocation,  
8 renewal and suspension of licenses and the rehabilitation of licensees  
9 pursuant to this chapter and board rules.

10 3. Prescribe the forms, content and manner of application for  
11 licensure and renewal of licensure and set deadlines for the receipt of  
12 materials required by the board.

13 4. Keep a record of all licensees, board actions taken on all  
14 applicants and licensees and the receipt and disbursal of monies.

15 5. Adopt an official seal for ~~attestation of~~ ATTESTING licenses and  
16 other official papers and documents.

17 6. Investigate charges of violations of this chapter and board  
18 rules and orders.

19 7. Subject to title 41, chapter 4, article 4, employ an executive  
20 director who serves at the pleasure of the board.

21 8. Annually elect from among its membership a chairman, a  
22 ~~vice-chairman~~ VICE CHAIRMAN and a secretary, who serve at the pleasure of  
23 the board.

24 9. Adopt rules pursuant to title 41, chapter 6 to carry out this  
25 chapter and to define unprofessional conduct.

26 10. Engage in a full exchange of information with other regulatory  
27 boards and psychological associations, national psychology organizations  
28 and the Arizona psychological association and its components.

29 11. By rule, adopt a code of ethics relating to the practice of  
30 psychology. The board shall base this code on the code of ethics adopted  
31 and published by the American psychological association. The board shall  
32 apply the code to all board enforcement policies and disciplinary case  
33 evaluations and development of licensing examinations.

34 12. Adopt rules regarding the use of telepractice ~~on or before June~~  
35 ~~30, 2016~~.

36 13. Before the board takes action, receive and consider  
37 recommendations from the committee on behavior analysts on all matters  
38 relating to ~~the~~ licensing and ~~regulation of~~ REGULATING behavior analysts,  
39 as well as regulatory changes pertaining to the practice of behavior  
40 analysis, except in the case of a summary suspension of a license pursuant  
41 to section 32-2091.09, subsection E.

42 14. BEGINNING JANUARY 1, 2022, REQUIRE EACH APPLICANT FOR AN  
43 INITIAL OR TEMPORARY LICENSE OR A LICENSE RENEWAL PURSUANT TO THIS CHAPTER  
44 TO HAVE APPLIED FOR A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41,  
45 CHAPTER 12, ARTICLE 3.1. IF AN APPLICANT IS ISSUED A VALID FINGERPRINT

1 CLEARANCE CARD, THE APPLICANT SHALL SUBMIT THE VALID FINGERPRINT CLEARANCE  
2 CARD TO THE BOARD WITH THE COMPLETED APPLICATION. IF AN APPLICANT APPLIES  
3 FOR A FINGERPRINT CLEARANCE CARD AND IS DENIED, THE APPLICANT MAY REQUEST  
4 THAT THE BOARD CONSIDER THE APPLICATION FOR LICENSURE NOTWITHSTANDING THE  
5 ABSENCE OF A VALID FINGERPRINT CLEARANCE CARD. THE BOARD, IN ITS  
6 DISCRETION, MAY APPROVE AN APPLICATION FOR LICENSURE DESPITE THE DENIAL OF  
7 A VALID FINGERPRINT CLEARANCE CARD IF THE BOARD DETERMINES THAT THE  
8 APPLICANT'S CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL IS BASED DOES  
9 NOT ALONE DISQUALIFY THE APPLICANT FROM LICENSURE.

10 B. Subject to title 41, chapter 4, article 4, the board may employ  
11 personnel it deems necessary to carry out this chapter. The board, in  
12 investigating violations of this chapter, may employ investigators who may  
13 be psychologists. The board or its executive director may take and hear  
14 evidence, administer oaths and affirmations and compel by subpoena the  
15 attendance of witnesses and the production of books, papers, records,  
16 documents and other information relating to the investigation or hearing.

17 C. Subject to section 35-149, the board may accept, expend and  
18 account for gifts, grants, devises and other contributions, ~~money~~ MONIES  
19 or property from any public or private source, including the federal  
20 government. The board shall deposit, pursuant to sections 35-146 and  
21 35-147, monies received pursuant to this subsection in special funds for  
22 the purpose specified, and monies in these funds are exempt from the  
23 provisions of section 35-190 relating to lapsing of appropriations.

24 D. Compensation for all personnel shall be determined pursuant to  
25 section 38-611.

26 Sec. 2. Section 32-2071, Arizona Revised Statutes, is amended to  
27 read:

28 32-2071. Qualifications of applicants; education; training

29 A. An applicant for licensure shall have a doctoral degree from an  
30 institution of higher education in clinical or counseling psychology,  
31 school or educational psychology or any other subject area in applied  
32 psychology acceptable to the board and shall have completed a doctoral  
33 program in psychology from an educational institution that has:

34 1. Been accredited by one of the following regional accrediting  
35 agencies at the time of the applicant's graduation:

- 36 (a) The New England association of schools and colleges.
- 37 (b) The middle states association of colleges and schools.
- 38 (c) The north central association of colleges and schools.
- 39 (d) The northwest association of schools and colleges.
- 40 (e) The southern association of colleges and schools.
- 41 (f) The western association of schools and colleges.

42 2. A program that is identified and labeled as a psychology program  
43 and that stands as a recognized, coherent organizational entity within the  
44 institution with clearly identified entry and exit criteria for graduate  
45 students in the program.

1           3. An identifiable psychology faculty in the area of health service  
2 delivery and a psychologist responsible for the program.

3           4. A core program that requires each student to demonstrate  
4 competence by passing suitable comprehensive examinations or by  
5 successfully completing at least three or more graduate semester hours,  
6 five or more quarter hours or six or more trimester hours or by other  
7 suitable means in the following content areas:

8           (a) Scientific and professional ethics and standards in psychology.

9           (b) Research, which may include design, methodology, statistics and  
10 psychometrics.

11           (c) The biological basis of behavior, which may include  
12 physiological psychology, comparative psychology, neuropsychology,  
13 sensation and perception and psychopharmacology.

14           (d) The cognitive-affective basis of behavior, which may include  
15 learning, thinking, motivation and emotion.

16           (e) The social basis of behavior, which may include social  
17 psychology, group processes, cultural diversity and organizational and  
18 systems theory.

19           (f) Individual differences, which may include personality theory,  
20 human development and abnormal psychology.

21           (g) Assessment, which includes instruction in interviewing and ~~the~~  
22 ~~administration~~ ADMINISTERING, scoring and ~~interpretation of~~ INTERPRETING  
23 psychological test batteries ~~for the diagnosis of~~ TO DIAGNOSE cognitive  
24 abilities and personality functioning.

25           (h) Treatment modalities, which include instruction in the theory  
26 and application of a diverse range of psychological interventions ~~for the~~  
27 ~~treatment of~~ TO TREAT mental, emotional, psychological and behavioral  
28 disorders.

29           5. A psychology program that leads to a doctoral degree requiring  
30 at least the equivalent of three full-time academic years of graduate  
31 study, two years of which are at the institution from which the doctoral  
32 degree is granted.

33           6. A requirement that the student must successfully defend a  
34 dissertation, the content of which is primarily psychological, or an  
35 equivalent project acceptable to the board.

36           7. Official transcripts that have been prepared solely by the  
37 institution and not by the student and, except for manifest clerical  
38 errors or grade changes, have not been altered by the institution after  
39 the student's graduation.

40           8. Given the student credit only for coursework THAT IS listed on  
41 its official transcripts and that is obtained only at regionally  
42 accredited educational institutions as listed in paragraph 1 of this  
43 subsection and does not give credit for continuing education experiences  
44 or courses.

1 B. If the institution is located outside the United States, the  
2 applicant shall demonstrate that the program meets the requirements of  
3 subsection A, paragraphs 2 through 7 and subsections C through M of this  
4 section.

5 C. The applicant shall complete relevant didactic courses of the  
6 program required under subsection A, paragraph 4 of this section before  
7 starting the supervised professional experiences as described pursuant to  
8 subsection F of this section.

9 D. Each applicant for licensure shall obtain three thousand hours  
10 of supervised professional work experiences. The applicant shall  
11 demonstrate clearly how the applicant met this requirement. The applicant  
12 shall obtain a minimum of one thousand five hundred hours through an  
13 internship as described in subsection F of this section. The applicant  
14 shall obtain the remaining one thousand five hundred hours through any  
15 combination of the following:

16 1. Supervised preinternship professional experiences as described  
17 in subsection E of this section.

18 2. Additional internship hours as described in subsection F of this  
19 section.

20 3. Supervised postdoctoral experiences as described in subsection G  
21 of this section.

22 E. If the applicant chooses to include up to one thousand five  
23 hundred hours of supervised preinternship professional experience to  
24 satisfy a portion of the three thousand hours of supervised professional  
25 experience, the following requirements must be met:

26 1. The applicant's supervised preinternship professional  
27 experiences shall reflect a faculty directed, organized, sequential series  
28 of supervised experiences of increasing complexity that follows  
29 appropriate academic coursework and that prepares the applicant for an  
30 internship.

31 2. The applicant's supervised preinternship professional  
32 experiences shall follow appropriate academic preparation. There must be  
33 a written training plan between the student and the graduate training  
34 program. The training plan for each supervised preinternship professional  
35 experience training site must designate an allotment of time for each  
36 training activity and must ~~assure~~ ENSURE the quality, breadth and depth of  
37 training experience ~~through the specification of~~ BY SPECIFYING goals and  
38 objectives of the supervised preinternship professional experience, the  
39 methods of evaluation of the student and supervisory experiences. If  
40 supervision is to be completed by qualified site supervisors at external  
41 sites, their approval must be included in the plan.

42 3. More than one part-time supervised preinternship professional  
43 experience placement of appropriate scope and complexity over the course  
44 of the graduate training may be combined to satisfy the one thousand five  
45 hundred hours of supervised preinternship professional experiences.

1           4. Every twenty hours of supervised preinternship professional  
2 experience must include the following:

3           (a) At least fifty ~~per cent~~ PERCENT of the supervised preinternship  
4 professional experiences must be in psychological service-related  
5 activities. Psychological service-related activities may include  
6 treatment, assessment, interviews, report writing, case presentations,  
7 seminars on applied issues providing cotherapy, group supervision and  
8 consultations.

9           (b) At least twenty-five ~~per cent~~ PERCENT of the supervised  
10 preinternship professional experiences must be devoted to face-to-face  
11 patient-client contact.

12           (c) At least one hour per week of regularly scheduled  
13 contemporaneous in-person individual supervision per twenty hours of  
14 supervised preinternship professional experience that addresses the direct  
15 psychological services provided by the student.

16           (d) ~~After September 1, 2013,~~ At least two hours of regularly  
17 scheduled contemporaneous supervision per twenty hours of supervised  
18 preinternship professional experience that addresses the direct  
19 psychological services provided by the student. At least fifty ~~per cent~~  
20 PERCENT of the supervision during the total supervised preinternship  
21 professional experience shall be provided through contemporaneous  
22 in-person individual supervision. Not more than fifty ~~per cent~~ PERCENT  
23 shall be through in-person group supervision. At least seventy-five ~~per~~  
24 ~~cent~~ PERCENT of the supervision shall be by a psychologist who is licensed  
25 or certified to practice psychology at the independent level by a  
26 licensing jurisdiction of the United States or Canada and who is  
27 designated by the academic program. Not more than twenty-five ~~per cent~~  
28 PERCENT of the supervision shall be by a licensed mental health  
29 professional who is licensed or certified by a licensing jurisdiction of  
30 the United States or Canada, a psychology intern currently under the  
31 supervision of a licensed psychologist or an individual completing a  
32 postdoctoral supervised experience currently under the supervision of a  
33 licensed psychologist.

34           5. The applicant must provide to the board the written training  
35 plan developed by the applicant's program and documentation of the total  
36 hours accrued by the applicant during the supervised preinternship  
37 professional experience, including the number of face-to-face patient-  
38 client contact hours and the amount of supervision and qualifications of  
39 the supervisors for the entire supervised preinternship professional  
40 experiences. Documentation must include an acknowledgement that ethics  
41 training was included throughout the supervised preinternship professional  
42 experience.

43           6. Supervised professional preinternship experiences must be  
44 completed within seventy-two months.

1 F. The applicant shall have one thousand five hundred hours of  
2 supervised professional experience, which shall be either an internship  
3 that is approved by the American psychological association committee on  
4 accreditation, an internship that is a member of the association of  
5 psychology postdoctoral and internship centers or an organized training  
6 program that is designed to provide the trainee with a planned, programmed  
7 sequence of training experience, the focus and purpose of which are to  
8 ~~assure~~ ENSURE breadth and quality of training, and that meets the  
9 following requirements:

10 1. The training program has a clearly designated staff psychologist  
11 who is responsible for the integrity and quality of the training and who  
12 is licensed or certified to practice psychology at the independent level  
13 by any licensing jurisdiction of the United States or Canada in which the  
14 program exists.

15 2. The training program provides at least two psychologists on  
16 staff as supervisors, at least one of whom is licensed or certified to  
17 practice psychology at the independent level by a licensing jurisdiction  
18 of the United States or Canada in which the program exists and at least  
19 one of whom is directly available to the trainee in case of emergency.

20 3. Supervision is provided by the person who carries clinical  
21 responsibility for the cases being supervised. At least half of the  
22 training supervision shall be provided by one or more psychologists.

23 4. Training includes a range of assessment, consultation and  
24 treatment activities conducted directly with clients or patients.

25 5. A minimum of twenty-five ~~per cent~~ PERCENT of a trainee's  
26 supervised professional experience hours is in direct client or patient  
27 contact.

28 6. Training includes regular in-person, individual supervision  
29 conducted on a contemporaneous basis, with a minimum of one hour of  
30 in-person, individual supervision for each twenty hours of experience and  
31 with the specific intent of dealing with psychological services rendered  
32 directly by the trainee and at least two additional hours per week in  
33 other learning activities. ~~Beginning July 1, 2016, not more than fifty~~  
34 ~~per cent of the in-person supervision may be completed using telepractice~~  
35 ~~supervision as specified by the board by rule.~~ The supervisor shall  
36 ensure that the telepractice supervision is conducted using secure,  
37 confidential real-time visual telecommunication.

38 7. The training program includes interaction with other psychology  
39 trainees.

40 8. Trainees have a title that designates their trainee status.

41 9. The applicant provides from the training organization a written  
42 statement that describes the goals and content of the training program and  
43 documents that clear expectations existed for the breadth, depth and  
44 quality and quantity of a trainee's work at the time of the supervised  
45 professional experience.

1           10. The supervised professional experience is completed within  
2 twenty-four consecutive months.

3           G. Not more than one thousand five hundred hours of supervised  
4 professional experience shall be postdoctoral and may start on written  
5 certification by the applicant's education program that the applicant has  
6 satisfied all requirements for the doctoral degree and on written  
7 certification that the applicant has completed an appropriate supervised  
8 professional experience as required in subsection F of this section. The  
9 applicant may complete more than one thousand five hundred hours of a  
10 supervised postdoctoral experience, but not more than one thousand five  
11 hundred hours may count towards the requirements of this subsection. The  
12 one thousand five hundred hours of supervised professional experience  
13 shall meet the following requirements:

14           1. Supervision is conducted by a psychologist who is licensed or  
15 certified to practice psychology at the independent level in any licensing  
16 jurisdiction of the United States or Canada in which the supervision  
17 occurs or by a psychologist who is on full-time active duty in the United  
18 States armed services and who is licensed or certified by a board of  
19 psychologist examiners in a United States jurisdiction, who has been  
20 licensed or certified for at least two years and who is competent in the  
21 areas of professional practice in which the supervisee is receiving  
22 supervised professional experience.

23           2. The supervisor takes full legal responsibility for the welfare  
24 of the client or patient as well as the diagnosis, intervention and  
25 outcome of the intervention and takes reasonable steps to ensure that  
26 clients or patients are informed of the supervisee's training and status  
27 and that clients or patients may meet with the supervisor at the client's  
28 or patient's request.

29           3. The supervisor or the appropriate custodian of records is  
30 responsible for ensuring that adequate records of client or patient  
31 contacts are maintained and that the client or patient is informed that  
32 the source of access to this information in the future is the supervisor.

33           4. The supervisor is fully available for consultation in the event  
34 of an emergency and provides emergency consultation coverage for the  
35 supervisee.

36           5. Regular in-person, individual supervision is conducted on a  
37 contemporaneous basis, with a minimum of one hour of in-person, individual  
38 supervision for each twenty hours of supervised professional experience.  
39 At least forty ~~per cent~~ PERCENT of the supervisee's time shall be in  
40 direct contact with clients or patients. ~~Beginning July 1, 2016, not more~~  
41 ~~than fifty per cent of the in-person supervision may be completed using~~  
42 ~~telepractice supervision as specified by the board by rule.~~ The  
43 supervisor shall ensure that the telepractice supervision is conducted  
44 using secure, confidential real-time visual telecommunication technology.



1           6. The supervised professional experience as described in this  
2 subsection is completed within thirty-six consecutive months.

3           7. The applicant provides from the training organization a written  
4 training plan that describes the goals and content of the training  
5 experience and documents that clear expectations existed for the breadth,  
6 depth and quality and quantity of a trainee's work at the time of the  
7 supervised professional experience.

8           H. In meeting the supervised preinternship professional experience  
9 as described in subsection E of this section and the supervised  
10 professional experience as described in subsections F and G of this  
11 section, an applicant shall not receive credit for more than forty hours  
12 of experience per week.

13           I. An applicant who does not satisfy the supervised professional  
14 experience requirements of subsection F of this section may qualify on  
15 demonstration of twenty years' licensed or certified practice as a  
16 psychologist in a jurisdiction of the United States or Canada.

17           J. An applicant who does not satisfy the supervised preinternship  
18 professional experience requirements of subsection E of this section or  
19 the supervised professional experience requirements of subsection G of  
20 this section, or a combination of subsections E and G of this section, may  
21 qualify on demonstration of ten years' licensed or certified practice as a  
22 psychologist in a jurisdiction of the United States or Canada.

23           K. The applicant shall complete a residency at the institution that  
24 awarded the applicant's doctoral degree. The residency shall require the  
25 following:

26           1. The student's active participation and involvement in learning.

27           2. Direct regular contact with faculty and other matriculated  
28 doctoral students.

29           3. Eighteen semester hours or thirty quarter hours or thirty-six  
30 trimester hours completed within a ~~twelve-month~~ TWELVE-MONTH consecutive  
31 period at the institution or a minimum of three hundred hours of  
32 student-faculty contact that involves face-to-face educational meetings  
33 conducted by the institution's psychology faculty and fully documented by  
34 the institution and the student. These meetings shall include interaction  
35 between the student and faculty and the student and other students and  
36 shall relate to the program content areas specified in subsection A,  
37 paragraph 4 of this section. These meetings shall be in addition to the  
38 supervised preinternship professional experience, clerkship or externship  
39 supervision hours or dissertation hours. On request by the board, the  
40 applicant shall obtain documentation from the institution showing how the  
41 applicant's performance was assessed and documented.

42           L. To determine ~~if~~ WHETHER an applicant satisfies the requirements  
43 of subsection A OF THIS SECTION relating to subject areas in applied  
44 psychology, the board may require the applicant to complete a  
45 respecialization program in a program or professional school of psychology

1 that has either an established American psychological association  
2 accredited doctoral program in clinical or counseling psychology or school  
3 or educational psychology or an established doctoral program that meets  
4 board rules. The applicant must also:

5 1. Meet all of the requirements of the new respecialization area.  
6 The board shall give the applicant credit for coursework that the  
7 applicant has previously successfully completed and that meets the  
8 requirements of subsection A, paragraph 4 of this section.

9 2. Complete one thousand five hundred hours of supervised  
10 professional experience as prescribed in subsection F of this section.

11 3. Present a certificate or letter from the department head,  
12 training director or dean that verifies that the applicant completed the  
13 program and that identifies the specialty area of applied psychology the  
14 applicant completed.

15 M. For the purposes of subsection A, paragraph 4 of this section,  
16 "other suitable means" means that an applicant demonstrates competence by  
17 being a diplomate of the American board of professional psychology or, if  
18 an applicant fails to demonstrate completion of coursework in two content  
19 areas prescribed in subsection A, paragraph 4 of this section, the  
20 applicant has fulfilled the two deficient requirements by successfully  
21 passing a graduate course in each deficient content area as a  
22 nonmatriculated student in a doctoral level psychology program at a  
23 university that is accredited pursuant to subsection A, paragraph 1 of  
24 this section.

25 Sec. 3. Section 32-2071.01, Arizona Revised Statutes, is amended to  
26 read:

27 32-2071.01. Requirements for licensure; remediation;  
28 credentials

29 A. An applicant for licensure shall demonstrate to the board's  
30 satisfaction that the applicant:

31 1. Has met the education and training qualifications for licensure  
32 prescribed in section 32-2071 or subsection D of this section.

33 2. Has passed any examination or examinations required by section  
34 32-2072.

35 3. Has a professional record that indicates that the applicant has  
36 not committed any act or engaged in any conduct that constitutes grounds  
37 for disciplinary action against a licensee pursuant to this chapter.

38 4. Has not had a license or a certificate to practice psychology  
39 refused, revoked, suspended or restricted by a state, territory, district  
40 or country for reasons that relate to unprofessional conduct.

41 5. Has not voluntarily surrendered a license in another regulatory  
42 jurisdiction in the United States or Canada while under investigation for  
43 conduct that relates to unprofessional conduct.



1 must meet the requirements of section 32-2071, subsection G. The  
2 applicant shall submit the written training plan for the supervised  
3 professional experience required in section 32-2071, subsection G,  
4 paragraph 7 as part of the application for the temporary license.

5 C. A temporary license issued pursuant to subsection A of this  
6 section is effective from the date that the application is approved until  
7 the last day of the month in which the applicant receives the results of  
8 the additional examination as provided in section 32-2072.

9 D. A temporary license issued pursuant to subsection A of this  
10 section shall not be extended, renewed, reissued or allowed to continue in  
11 effect beyond the period authorized by this section.

12 E. A temporary license issued pursuant to subsection B of this  
13 section is effective for thirty-six months ~~from~~ AFTER the date the  
14 application is approved and is subject to an initial license fee pursuant  
15 to section 32-2067, subsection A, paragraph 4. A temporary license is not  
16 subject to renewal.

17 F. Denial of an application for licensure terminates a temporary  
18 license.

19 G. The board may place on inactive status and waive the license  
20 renewal fee requirements for a person who is temporarily or permanently  
21 unable to practice as a psychologist due to physical or mental incapacity  
22 or disability. An initial request for the waiver of renewal fees shall be  
23 accompanied by the renewal fee for an active license, which the board  
24 shall return if the waiver is granted. The board shall judge each request  
25 for the waiver of renewal fees on its own merits and may seek the  
26 verification it deems necessary to substantiate the facts of the  
27 situation. A psychologist who is retired is exempt from paying the  
28 renewal fee. A psychologist may request voluntary inactive status by  
29 submitting to the board an application on a form prescribed by the board  
30 and an affirmation that the psychologist shall not practice as a  
31 psychologist in this state for the duration of the voluntary inactive  
32 status and paying the required fee.

33 H. A psychologist who is on any form of inactive status shall renew  
34 the inactive status every two years by submitting a renewal form provided  
35 by the board and paying any applicable fee. A notice to renew is fully  
36 effective by mailing the renewal application to the licensee's last known  
37 address of record in the board's file. Notice is complete at the time of  
38 its deposit in the mail. A psychologist on inactive status due to  
39 physical or mental incapacity or disability or retirement shall use the  
40 term "inactive" to describe the person's status and shall not practice as  
41 a psychologist.

42 I. A psychologist on inactive status may request reinstatement of  
43 the license to active status by applying to the board. The board shall  
44 determine whether the person has been or is in violation of any provisions  
45 of this chapter and whether the person has maintained and updated the

1 person's professional knowledge and capability to practice as a  
2 psychologist. The board may require the person to take or retake the  
3 licensure examinations and may require other knowledge or skill training  
4 experiences. If approved for active status, the person shall pay a  
5 renewal fee that equals the renewal fee for the license to be reinstated.

6 J. BEGINNING JANUARY 1, 2022, AN APPLICANT FOR A TEMPORARY LICENSE  
7 PURSUANT TO THIS SECTION SHALL HAVE APPLIED FOR A FINGERPRINT CLEARANCE  
8 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

9 Sec. 5. Section 32-2074, Arizona Revised Statutes, is amended to  
10 read:

11 32-2074. Active license; issuance; renewal; expiration;  
12 continuing education; cancellation of active  
13 license

14 A. ~~Beginning May 1, 2017,~~ If the applicant satisfies all of the  
15 requirements for licensure pursuant to this chapter, the board shall issue  
16 an active license and shall prorate the fee for issuing that license for  
17 the period remaining until the last day of the birth month of the  
18 applicant of the next odd-numbered year or even-numbered year pursuant to  
19 subsection B, paragraph 1 or 2 of this section.

20 B. Except as provided in section 32-4301, ~~beginning May 1, 2017,~~ a  
21 person holding an active or an inactive license shall apply to renew the  
22 license on or before the last day of the birth month of the licensee every  
23 other year as follows:

24 1. In each odd-numbered year, if the licensee holds an odd-numbered  
25 license.

26 2. In each even-numbered year, if the licensee holds an  
27 even-numbered license.

28 C. The application shall include any applicable renewal fee.  
29 Except as provided in section 32-4301 or 41-1092.11, a license expires if  
30 the licensee fails to renew the license on or before the last day of the  
31 licensee's birth month of the licensee's renewal year pursuant to  
32 subsection B of this section. A licensee may reinstate an expired license  
33 by paying a reinstatement fee within two months after the last day of the  
34 licensee's birth month in that year. Beginning two months after the last  
35 day of the licensee's birth month during the licensee's renewal year until  
36 the last day of the licensee's birth month the following year, a licensee  
37 may reinstate the license by paying a reinstatement fee and providing  
38 proof of competency and qualifications to the board. This proof may  
39 include continuing education, an oral examination, a written examination  
40 or an interview with the board. A licensee whose license is not  
41 reinstated within a year after the last day of the licensee's birth month  
42 of the licensee's renewal year may reapply for licensure as prescribed by  
43 this chapter. A notice to renew is fully effective by mailing or  
44 electronically providing the notice to the licensee's last known address  
45 of record or last known ~~e-mail~~ EMAIL address of record in the board's

1 file. Notice is complete at the time of deposit in the mail or when the  
2 ~~e-mail~~ EMAIL is sent.

3 D. A person renewing a license shall attach to the completed  
4 renewal form a report of disciplinary actions or restrictions placed  
5 against the license by another state licensing or disciplinary board or  
6 disciplinary actions or sanctions imposed by a state or national  
7 psychology ethics committee or health care institution. The report shall  
8 include the name and address of the sanctioning agency or health care  
9 institution, the nature of the action taken and a general statement of the  
10 charges leading to the action.

11 E. A person who renews an active license to practice psychology in  
12 this state shall satisfy a continuing education requirement designed to  
13 provide the necessary understanding of current developments, skills,  
14 procedures or treatment related to the practice of psychology in the  
15 amount and during the period the board prescribes. The board shall  
16 prescribe documentation requirements.

17 F. On request of an active licensee, the board may cancel the  
18 license if the licensee is not presently under investigation by the board  
19 and the board has not initiated any disciplinary proceeding against the  
20 licensee.

21 G. A PERSON WHO APPLIES FOR AN INITIAL RENEWAL OF A LICENSE  
22 PURSUANT TO THIS SECTION ON OR AFTER JANUARY 1, 2022 SHALL POSSESS OR HAVE  
23 APPLIED FOR A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12,  
24 ARTICLE 3.1.

25 Sec. 6. Section 32-2081, Arizona Revised Statutes, is amended to  
26 read:

27 32-2081. Grounds for disciplinary action; duty to report;  
28 immunity; proceedings; board action; notice  
29 requirements; civil penalty

30 A. The board, on its own motion, may investigate evidence that  
31 appears to show that a psychologist is psychologically incompetent, guilty  
32 of unprofessional conduct or mentally or physically unable to safely  
33 engage in the practice of psychology. A health care institution shall,  
34 and any other person may, report to the board information that appears to  
35 show that a psychologist is psychologically incompetent, guilty of  
36 unprofessional conduct or mentally or physically unable to safely engage  
37 in the practice of psychology.

38 B. The board shall not consider a complaint against a psychologist  
39 arising out of a judicially ordered evaluation, treatment or  
40 psychoeducation of a person charged with violating any provision of  
41 title 13, chapter 14 to present a charge of unprofessional conduct unless  
42 the court ordering the evaluation has found a substantial basis to refer  
43 the complaint for consideration by the board.

44 C. A claim of unprofessional conduct brought on or after July 3,  
45 2015 against a psychologist arising out of court-ordered services shall be

1 independently reviewed by three members of the board, including a public  
2 member. Each of the three board members who are reviewing the claim shall  
3 independently provide the board's executive director a recommendation  
4 indicating whether the member believes there is merit to open an  
5 investigation. If one or more of the board members who are reviewing the  
6 claim determine that there is merit to open an investigation as a  
7 complaint, an investigation shall be opened and shall follow the complaint  
8 process pursuant to this article.

9 D. The board may not consider a complaint for administrative action  
10 if the complaint is filed against a person who is a licensed psychologist  
11 and who is a member of the board or a staff member of the board or who is  
12 acting as an agent of or consultant to the board if the complaint relates  
13 to the person's performance of board duties.

14 E. The board shall notify the psychologist about whom information  
15 has been received as to the content of the information within one hundred  
16 twenty days ~~of~~ AFTER receiving the information. A person who reports or  
17 provides information to the board in good faith is not subject to an  
18 action for civil damages. The board, if requested, shall not disclose the  
19 name of the person providing information unless this information is  
20 essential to proceedings conducted pursuant to this section. The board  
21 shall report a health care institution that fails to report as required by  
22 this section to the institution's licensing agency.

23 F. A health care institution shall inform the board if the  
24 privileges of a psychologist to practice in that institution are denied,  
25 revoked, suspended or limited because of actions by the psychologist that  
26 appear to show that that person is psychologically incompetent, guilty of  
27 unprofessional conduct or mentally or physically unable to safely engage  
28 in the practice of psychology, along with a general statement of the  
29 reasons that led the health care institution to take this action. A  
30 health care institution shall inform the board if a psychologist under  
31 investigation resigns the psychologist's privileges or if a psychologist  
32 resigns in lieu of disciplinary action by the health care institution.  
33 Notification shall include a general statement of the reasons for the  
34 resignation.

35 G. The board may require the licensee to undergo any combination of  
36 mental, physical or psychological competence examinations at the  
37 licensee's expense and shall conduct investigations necessary to determine  
38 the competence and conduct of the licensee.

39 H. The chairperson of the board shall appoint a complaint screening  
40 committee of not less than three members of the board, including a public  
41 member. The complaint screening committee is subject to open meeting  
42 requirements pursuant to title 38, chapter 3, article 3.1. EXCEPT AS  
43 PROVIDED IN SUBSECTION I OF THIS SECTION, the complaint screening  
44 committee shall review all complaints, and, based on the information

1 provided pursuant to subsection A or F of this section, may take either of  
2 the following actions:

3 1. Dismiss the complaint if the committee determines that there is  
4 no evidence of a violation of law or community standards of practice.  
5 Complaints dismissed by the complaint screening committee shall not be  
6 disclosed in response to a telephone inquiry or placed on the board's  
7 website.

8 2. Refer the complaint to the full board for further review and  
9 action.

10 I. If the board finds, based on the information it receives under  
11 subsection A or F of this section, that the public health, safety or  
12 welfare requires emergency action, the board may order a summary  
13 suspension of a license pending proceedings for revocation or other  
14 action. If the board issues this order, it shall serve the licensee with  
15 a written notice of complaint and formal hearing pursuant to title 41,  
16 chapter 6, article 10, setting forth the charges made against the licensee  
17 and the licensee's right to a formal hearing before the board or an  
18 administrative law judge within sixty days.

19 J. If the board finds that the information provided pursuant to  
20 subsection A or F of this section is not of sufficient seriousness to  
21 merit direct action against the licensee, it may take any of the following  
22 actions:

23 1. Dismiss if the board believes there is no evidence of a  
24 violation of law or community standards of practice.

25 2. File a letter of concern.

26 3. Issue a nondisciplinary order requiring the licensee to complete  
27 a 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. If the board believes the information provided pursuant to  
31 subsection A or F of this section is or may be true, ~~it~~ THE BOARD may  
32 request an informal interview with the psychologist. If the licensee  
33 refuses to be interviewed or if pursuant to an interview the board  
34 determines that cause may exist to revoke or suspend the license, ~~it~~ THE  
35 BOARD shall issue a formal complaint and hold a hearing pursuant to title  
36 41, chapter 6, article 10. If as a result of an informal interview or a  
37 hearing the board determines that the facts do not warrant revocation or  
38 suspension of the license, ~~it~~ THE BOARD may take any of the following  
39 actions:

40 1. Dismiss if the board believes there is no evidence of a  
41 violation of law or community standards of practice.

42 2. File a letter of concern.

43 3. Issue a decree of censure.

44 4. Fix a period and terms of probation best adapted to protect the  
45 public health and safety and to rehabilitate or educate the psychologist.



1 Probation may include temporary suspension for a period OF not ~~to exceed~~  
2 MORE THAN twelve months, restriction of the license or restitution of fees  
3 to a client or patient resulting from violations of this chapter. If a  
4 licensee fails to comply with a term of probation, the board may file a  
5 complaint and notice of hearing pursuant to title 41, chapter 6,  
6 article 10 and take further disciplinary action.

7 5. Enter into an agreement with the licensee to restrict or limit  
8 the licensee's practice or activities in order to rehabilitate the  
9 psychologist, protect the public and ensure the psychologist's ability to  
10 safely engage in the practice of psychology.

11 6. Issue a nondisciplinary order requiring the licensee to complete  
12 a prescribed number of hours of continuing education in an area or areas  
13 prescribed by the board to provide the licensee with the necessary  
14 understanding of current developments, skills, procedures or treatment.

15 L. If the board finds that the information provided pursuant to  
16 subsection A or F of this section warrants suspension or revocation of a  
17 license, ~~it~~ THE BOARD shall hold a hearing pursuant to title 41, chapter  
18 6, article 10. Notice of a complaint and hearing is fully effective by  
19 mailing a true copy to the licensee's last known address of record in the  
20 board's files. Notice is complete at the time of its deposit in the mail.

21 M. The board may impose a civil penalty of at least ~~three hundred~~  
22 ~~dollars~~ \$300 but not more than ~~three thousand dollars~~ \$3,000 for each  
23 violation of this chapter or a rule adopted under this chapter. The board  
24 shall deposit, pursuant to sections 35-146 and 35-147, all monies it  
25 collects from civil penalties pursuant to this subsection in the state  
26 general fund.

27 N. If the board determines after a hearing that a licensee has  
28 committed an act of unprofessional conduct, is mentally or physically  
29 unable to safely engage in the practice of psychology or is  
30 psychologically incompetent, it may do any of the following in any  
31 combination and for any period of time it determines necessary:

- 32 1. Suspend or revoke the license.
- 33 2. Censure the licensee.
- 34 3. Place the licensee on probation.

35 O. A licensee may submit a written response to the board within  
36 thirty days after receiving a letter of concern. The response is a public  
37 document and shall be placed in the licensee's file.

38 P. A letter of concern is a public document and may be used in  
39 future disciplinary actions against a psychologist. A decree of censure  
40 is an official action against the psychologist's license and may include a  
41 requirement that the licensee return fees to a client or patient.

42 Q. Except as provided in section 41-1092.08, subsection H or FOR a  
43 decision made pursuant to subsection C of this section, a person may  
44 appeal a final decision made pursuant to this section to the superior  
45 court pursuant to title 12, chapter 7, article 6.

1 R. If during the course of an investigation the board determines  
2 that a criminal violation may have occurred involving the delivery of  
3 psychological services, it shall inform the appropriate criminal justice  
4 agency.

5 S. If the board finds that it can take rehabilitative or  
6 disciplinary action at any time during the investigative or disciplinary  
7 process, ~~††~~ THE BOARD may enter into a consent agreement with the  
8 psychologist to limit or restrict the psychologist's practice or to  
9 rehabilitate the psychologist in order to protect the public and ensure  
10 the psychologist's ability to safely engage in the practice of psychology.  
11 The board may also require the psychologist to successfully complete a  
12 ~~board-approved~~ BOARD-APPROVED rehabilitative, retraining or assessment  
13 program at the psychologist's expense.

14 T. A PSYCHOLOGIST WHO CONDUCTS AN INDEPENDENT PSYCHOLOGICAL  
15 EXAMINATION PURSUANT TO SECTION 23-1026 IS NOT SUBJECT TO A COMPLAINT OF  
16 UNPROFESSIONAL CONDUCT UNLESS THE COMPLAINT ALLEGES UNPROFESSIONAL CONDUCT  
17 BASED ON AN ACT OTHER THAN A DISAGREEMENT WITH THE FINDINGS AND OPINIONS  
18 EXPRESSED BY THE PSYCHOLOGIST AS A RESULT OF THE EXAMINATION.

19 Sec. 7. Section 32-2091.02, Arizona Revised Statutes, is amended to  
20 read:

21 32-2091.02. Qualifications of applicant

22 ~~Beginning January 1, 2011,~~ A person who wishes to practice as a  
23 behavior analyst must be licensed pursuant to this article. An applicant  
24 for licensure must meet all of the following requirements:

- 25 1. Submit an application as prescribed by the board.
- 26 2. Be at least twenty-one years of age.
- 27 3. Be of good moral character. The board's standard to determine  
28 good moral character shall not violate federal discrimination laws.
- 29 4. Pay all applicable fees prescribed by the board.
- 30 5. Have the physical and mental capability to safely and  
31 competently engage in the practice of behavior analysis.
- 32 6. Not have committed any act or engaged in any conduct that would  
33 constitute grounds for disciplinary action against a licensee pursuant to  
34 this article.
- 35 7. Not have had a professional license or certificate refused,  
36 revoked, suspended or restricted in any regulatory jurisdiction in the  
37 United States or in another country for reasons that relate to  
38 unprofessional conduct. If the board finds that the applicant committed  
39 an act or engaged in conduct that would constitute grounds for  
40 disciplinary action in this state, the board shall determine to its  
41 satisfaction that the conduct has been corrected, monitored and resolved.  
42 If the matter has not been resolved, the board shall determine to its  
43 satisfaction that mitigating circumstances exist that prevent its  
44 resolution.

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

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

16 10. BEGINNING JANUARY 1, 2022, HAVE APPLIED FOR A FINGERPRINT  
17 CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

18 Sec. 8. Section 32-2091.03, Arizona Revised Statutes, is amended to  
19 read:

20 32-2091.03. Educational and training standards for  
21 licensure

22 A. An applicant for licensure as a behavior analyst must meet  
23 standards adopted by the state board of psychologist examiners, including  
24 meeting ~~graduate level~~ GRADUATE-LEVEL education and supervised experience  
25 requirements and passing a national examination. The state board of  
26 psychologist examiners shall adopt standards consistent with the standards  
27 set by a nationally recognized behavior analyst certification board,  
28 except that:

29 1. The number of hours required for supervised experience must be  
30 at least one thousand five hundred hours of supervised work experience ~~or~~  
31 ~~independent fieldwork, university practicum or intensive university~~  
32 ~~practicum.~~

33 2. IF THE EXPERIENCE WAS OBTAINED IN A STATE THAT LICENSED BEHAVIOR  
34 ANALYSTS AT THE TIME OF THE SUPERVISED WORK EXPERIENCE, THE SUPERVISOR  
35 MUST BE LICENSED IN THE STATE WHERE THE BEHAVIOR ANALYSIS TRAINEE SERVICES  
36 WERE PROVIDED.

37 B. The standards adopted for supervised experience must also be  
38 consistent with the standards set by a nationally recognized behavior  
39 analyst certification board. If the state board of psychologist examiners  
40 does not agree with a standard set by a nationally recognized behavior  
41 analyst certification board, the state board may adopt an alternate  
42 standard.



1 analyst. The board may require the person to take or retake the licensure  
2 examinations and may require other knowledge or skill training  
3 experiences. If approved for active status, the person shall pay a  
4 renewal fee that equals the renewal fee for the license to be reinstated.

5 H. BEGINNING JANUARY 1, 2022, AN APPLICANT FOR A TEMPORARY LICENSE  
6 PURSUANT TO THIS SECTION SHALL HAVE APPLIED FOR A FINGERPRINT CLEARANCE  
7 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

8 Sec. 10. Section 32-2091.07, Arizona Revised Statutes, is amended  
9 to read:

10 32-2091.07. Active license; issuance; renewal; expiration;  
11 continuing education

12 A. ~~Beginning May 1, 2017,~~ If the applicant satisfies all of the  
13 requirements for licensure pursuant to this article, the board shall issue  
14 an active license and shall prorate the fee for issuing that license for  
15 the period remaining until the last day of the birth month of the  
16 applicant of the next odd-numbered year or even-numbered year pursuant to  
17 subsection B, paragraph 1 or 2 of this section.

18 B. ~~Beginning May 1, 2017,~~ A person holding an active or inactive  
19 license shall apply to renew the license on or before the last day of the  
20 birth month of the licensee every other year as follows:

21 1. In each odd-numbered year, if the licensee holds an odd-numbered  
22 license.

23 2. In each even-numbered year, if the licensee holds an  
24 even-numbered license.

25 C. The application shall include any applicable renewal fee as  
26 prescribed by the board by rule. Except as provided in section 32-4301 or  
27 41-1092.11, a license expires if the licensee fails to renew the license  
28 on or before the last day of the licensee's birth month of the licensee's  
29 renewal year pursuant to subsection B of this section. A licensee may  
30 reinstate an expired license by paying a reinstatement fee as prescribed  
31 by the board by rule within two months after the last day of the  
32 licensee's birth month of that year. Beginning two months after the last  
33 day of the licensee's birth month during the licensee's renewal year until  
34 the last day of the licensee's birth month the following year, a licensee  
35 may reinstate the license by paying a reinstatement fee as prescribed by  
36 the board by rule and providing proof of competency and qualifications to  
37 the board. This proof may include continuing education, an oral  
38 examination, a written examination or an interview with the board. A  
39 licensee whose license is not reinstated within a year after the last day  
40 of the licensee's birth month of the licensee's renewal year may reapply  
41 for licensure as prescribed by this article. A notice to renew is fully  
42 effective by mailing or electronically providing the notice to the  
43 licensee's last known address of record or last known ~~e-mail~~ EMAIL address  
44 of record in the board's file. Notice is complete at the time of deposit  
45 in the mail or when the ~~e-mail~~ EMAIL is sent.

1 D. A person renewing a license shall attach to the completed  
2 renewal form a report of disciplinary actions or restrictions placed  
3 against the license by another state licensing or disciplinary board or  
4 disciplinary actions or sanctions imposed by a state or national behavior  
5 analysis ethics committee or health care institution. The report shall  
6 include the name and address of the sanctioning agency or health care  
7 institution, the nature of the action taken and a general statement of the  
8 charges leading to the action.

9 E. A person who renews an active license to practice behavior  
10 analysis in this state shall satisfy a continuing education requirement  
11 designed to provide the necessary understanding of current developments,  
12 skills, procedures or treatment related to the practice of behavior  
13 analysis in the amount and during the period the board prescribes. The  
14 board shall prescribe documentation requirements.

15 F. A PERSON WHO APPLIES FOR AN INITIAL RENEWAL OF A LICENSE  
16 PURSUANT TO THIS SECTION ON OR AFTER JANUARY 1, 2022 SHALL POSSESS OR HAVE  
17 APPLIED FOR A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12,  
18 ARTICLE 3.1.

19 Sec. 11. Section 32-2091.09, Arizona Revised Statutes, is amended  
20 to read:

21 32-2091.09. Grounds for disciplinary action; duty to report;  
22 immunity; proceedings; board action; notice  
23 requirements; civil penalty

24 A. The board on its own motion may investigate evidence that  
25 appears to show that a behavior analyst is incompetent as a behavior  
26 analyst, guilty of unprofessional conduct or mentally or physically unable  
27 to safely engage in the practice of behavior analysis. A health care  
28 institution shall, and any other person may, report to the board  
29 information that appears to show that a behavior analyst is incompetent as  
30 a behavior analyst, guilty of unprofessional conduct or mentally or  
31 physically unable to safely engage in the practice of behavior analysis.  
32 The board shall notify the licensee about whom information has been  
33 received as to the content of the information within one hundred twenty  
34 days after receiving the information. A person who reports or provides  
35 information to the board in good faith is not subject to an action for  
36 civil damages. The board, if requested, shall not disclose the name of  
37 the person providing information unless this information is essential to  
38 proceedings conducted pursuant to this section. The board shall report a  
39 health care institution that fails to report as required by this section  
40 to the institution's licensing agency.

41 B. A health care institution shall inform the board if the  
42 privileges of a licensee to practice in that institution are denied,  
43 revoked, suspended or limited because of actions by the licensee that  
44 appear to show that the person is incompetent as a behavior analyst,  
45 guilty of unprofessional conduct or mentally or physically unable to

1 safely engage in the practice of behavior analysis, along with a general  
2 statement of the reasons that led the health care institution to take this  
3 action. A health care institution shall inform the board if a licensee  
4 under investigation resigns the licensee's privileges or if a licensee  
5 resigns in lieu of disciplinary action by the health care institution.  
6 Notification must include a general statement of the reasons for the  
7 resignation.

8 C. The board may require the licensee to undergo any combination of  
9 mental, physical or psychological competence examinations at the  
10 licensee's expense and shall conduct investigations necessary to determine  
11 the competence and conduct of the licensee.

12 D. ~~EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION,~~ the  
13 committee on behavior analysts shall review all complaints against  
14 behavior analysts and, based on the information provided pursuant to  
15 subsection A or ~~B~~ of this section, shall submit its recommendations to  
16 the full board.

17 E. If the board finds, based on the information it receives under  
18 subsection A or ~~B~~ of this section, that the public health, safety or  
19 welfare requires emergency action, the board may order a summary  
20 suspension of a license pending proceedings for revocation or other  
21 action. If the board issues this order, ~~it~~ THE BOARD shall serve the  
22 licensee with a written notice of complaint and formal hearing pursuant to  
23 title 41, chapter 6, article 10, setting forth the charges made against  
24 the licensee and the licensee's right to a formal hearing before the board  
25 or an administrative law judge within sixty days. The board shall notify  
26 the committee on behavior analysts of any action taken pursuant to this  
27 subsection.

28 F. If the board finds that the information provided pursuant to  
29 subsection A or ~~B~~ of this section is not of sufficient seriousness to  
30 merit direct action against the licensee, ~~it~~ THE BOARD may take any of the  
31 following actions:

32 1. Dismiss if the board believes the information is without merit.

33 2. File a letter of concern.

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

38 G. If the board believes the information provided pursuant to  
39 subsection A or B of this section is or may be true, ~~it~~ THE BOARD may  
40 request an informal interview with the licensee. If the licensee refuses  
41 to be interviewed or if pursuant to an interview the board determines that  
42 cause may exist to revoke or suspend the license, ~~it~~ THE BOARD shall issue  
43 a formal complaint and hold a hearing pursuant to title 41, chapter 6,  
44 article 10. If as a result of an informal interview or a hearing the

1 board determines that the facts do not warrant revocation or suspension of  
2 the license, ~~it~~ THE BOARD may take any of the following actions:

3 1. Dismiss if the board believes the information is without merit.

4 2. File a letter of concern.

5 3. Issue a decree of censure.

6 4. Fix a period and terms of probation best adapted to protect the  
7 public health and safety and to rehabilitate or educate the licensee.

8 Probation may include temporary suspension for not more than twelve  
9 months, restriction of the license or restitution of fees to a client  
10 resulting from violations of this article. If a licensee fails to comply  
11 with a term of probation, the board may file a complaint and notice of  
12 hearing pursuant to title 41, chapter 6, article 10 and take further  
13 disciplinary action.

14 5. Enter into an agreement with the licensee to restrict or limit  
15 the licensee's practice or activities in order to rehabilitate the  
16 licensee, protect the public and ensure the licensee's ability to safely  
17 engage in the practice of behavior analysis.

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

22 H. If the board finds that the information provided pursuant to  
23 subsection A or ~~C~~ B of this section warrants suspension or revocation of  
24 a license, ~~it~~ THE BOARD shall hold a hearing pursuant to title 41,  
25 chapter 6, article 10. Notice of a complaint and hearing is fully  
26 effective by mailing a true copy to the licensee's last known address of  
27 record in the board's files. Notice is complete at the time of its  
28 deposit in the mail.

29 I. The board may impose a civil penalty of at least ~~three hundred~~  
30 ~~dollars~~ \$300 but not more than ~~three thousand dollars~~ \$3,000 for each  
31 violation of this article or a rule adopted under this article. The board  
32 shall deposit, pursuant to sections 35-146 and 35-147, all monies it  
33 collects from civil penalties pursuant to this subsection in the state  
34 general fund.

35 J. If the board determines after a hearing that a licensee has  
36 committed an act of unprofessional conduct, is mentally or physically  
37 unable to safely engage in the practice of behavior analysis or is  
38 incompetent as a behavior analyst, ~~it~~ THE BOARD may do any of the  
39 following in any combination and for any period of time it determines  
40 necessary:

41 1. Suspend or revoke the license.

42 2. Censure the licensee.

43 3. Place the licensee on probation.



1 K. A licensee may submit a written response to the board within  
2 thirty days after receiving a letter of concern. The response is a public  
3 document and shall be placed in the licensee's file.

4 L. A letter of concern is a public document and may be used in  
5 future disciplinary actions against a licensee. A decree of censure is an  
6 official action against the behavior analyst's license and may include a  
7 requirement that the licensee return fees to a client.

8 M. Except as provided in section 41-1092.08, subsection H, a person  
9 may appeal a final decision made pursuant to this section to the superior  
10 court pursuant to title 12, chapter 7, article 6.

11 N. If during the course of an investigation the board determines  
12 that a criminal violation may have occurred involving the delivery of  
13 behavior analysis services, it shall inform the appropriate criminal  
14 justice agency.

15 Sec. 12. Section 41-619.51, Arizona Revised Statutes, is amended to  
16 read:

17 41-619.51. Definitions

18 In this article, unless the context otherwise requires:

19 1. "Agency" means the supreme court, the department of economic  
20 security, the department of child safety, the department of education, the  
21 department of health services, the department of juvenile corrections, the  
22 department of emergency and military affairs, the department of public  
23 safety, the department of transportation, the state real estate  
24 department, the department of insurance and financial institutions, the  
25 Arizona game and fish department, the Arizona department of agriculture,  
26 the board of examiners of nursing care institution administrators and  
27 assisted living facility managers, the state board of dental examiners,  
28 the Arizona state board of pharmacy, ~~or~~ the board of physical therapy, **THE**  
29 **STATE BOARD OF PSYCHOLOGIST EXAMINERS** or the state board of technical  
30 registration.

31 2. "Board" means the board of fingerprinting.

32 3. "Central registry exception" means notification to the  
33 department of economic security, the department of child safety or the  
34 department of health services, as appropriate, pursuant to section  
35 41-619.57 that the person is not disqualified because of a central  
36 registry check conducted pursuant to section 8-804.

37 4. "Expedited review" means an examination, in accordance with  
38 board rule, of the documents an applicant submits by the board or its  
39 hearing officer without the applicant being present.

40 5. "Good cause exception" means the issuance of a fingerprint  
41 clearance card to an employee pursuant to section 41-619.55.

42 6. "Person" means a person who is required to be fingerprinted  
43 pursuant to this article or who is subject to a central registry check and  
44 any of the following:

45 (a) Section 3-314.

- 1 (b) Section 8-105.
- 2 (c) Section 8-322.
- 3 (d) Section 8-463.
- 4 (e) Section 8-509.
- 5 (f) Section 8-802.
- 6 (g) Section 8-804.
- 7 (h) Section 15-183.
- 8 (i) Section 15-503.
- 9 (j) Section 15-512.
- 10 (k) Section 15-534.
- 11 (l) Section 15-763.01.
- 12 (m) Section 15-782.02.
- 13 (n) Section 15-1330.
- 14 (o) Section 15-1881.
- 15 (p) Section 17-215.
- 16 (q) Section 28-3228.
- 17 (r) Section 28-3413.
- 18 (s) Section 32-122.02.
- 19 (t) Section 32-122.05.
- 20 (u) Section 32-122.06.
- 21 (v) Section 32-1232.
- 22 (w) Section 32-1276.01.
- 23 (x) Section 32-1284.
- 24 (y) Section 32-1297.01.
- 25 (z) Section 32-1904.
- 26 (aa) Section 32-1941.
- 27 (bb) Section 32-2022.
- 28 (cc) SECTION 32-2063.
- 29 ~~(ddd)~~ (dd) Section 32-2108.01.
- 30 ~~(ddd)~~ (ee) Section 32-2123.
- 31 ~~(eee)~~ (ff) Section 32-2371.
- 32 ~~(fff)~~ (gg) Section 32-3620.
- 33 ~~(ggg)~~ (hh) Section 32-3668.
- 34 ~~(hhh)~~ (ii) Section 32-3669.
- 35 ~~(iii)~~ (jj) Section 36-113.
- 36 ~~(jjj)~~ (kk) Section 36-207.
- 37 ~~(kkk)~~ (ll) Section 36-411.
- 38 ~~(lll)~~ (mm) Section 36-425.03.
- 39 ~~(mmm)~~ (nn) Section 36-446.04.
- 40 ~~(nnn)~~ (oo) Section 36-594.01.
- 41 ~~(ooo)~~ (pp) Section 36-594.02.
- 42 ~~(ppp)~~ (qq) Section 36-882.
- 43 ~~(qqq)~~ (rr) Section 36-883.02.
- 44 ~~(rrr)~~ (ss) Section 36-897.01.
- 45 ~~(sss)~~ (tt) Section 36-897.03.

- 1           ~~(tt)~~ (uu) Section 36-3008.
- 2           ~~(uu)~~ (vv) Section 41-619.53.
- 3           ~~(vv)~~ (ww) Section 41-1964.
- 4           ~~(ww)~~ (xx) Section 41-1967.01.
- 5           ~~(xx)~~ (yy) Section 41-1968.
- 6           ~~(yy)~~ (zz) Section 41-1969.
- 7           ~~(zz)~~ (aaa) Section 41-2814.
- 8           ~~(aaa)~~ (bbb) Section 46-141, subsection A or B.
- 9           ~~(bbb)~~ (ccc) Section 46-321.

10           Sec. 13. Section 41-1758, Arizona Revised Statutes, is amended to  
11 read:

12           41-1758. Definitions

13           In this article, unless the context otherwise requires:

14           1. "Agency" means the supreme court, the department of economic  
15 security, the department of child safety, the department of education, the  
16 department of health services, the department of juvenile corrections, the  
17 department of emergency and military affairs, the department of public  
18 safety, the department of transportation, the state real estate  
19 department, the department of insurance and financial institutions, the  
20 board of fingerprinting, the Arizona game and fish department, the Arizona  
21 department of agriculture, the board of examiners of nursing care  
22 institution administrators and assisted living facility managers, the  
23 state board of dental examiners, the Arizona state board of pharmacy, ~~or~~  
24 the board of physical therapy, **THE STATE BOARD OF PSYCHOLOGIST EXAMINERS**  
25 or the state board of technical registration.

26           2. "Division" means the fingerprinting division in the department  
27 of public safety.

28           3. "Electronic or internet-based fingerprinting services" means a  
29 secure system for digitizing applicant fingerprints and transmitting the  
30 applicant data and fingerprints of a person or entity submitting  
31 fingerprints to the department of public safety for any authorized purpose  
32 under this title. For the purposes of this paragraph, "secure system"  
33 means a system that complies with the information technology security  
34 policy approved by the department of public safety.

35           4. "Good cause exception" means the issuance of a fingerprint  
36 clearance card to an applicant pursuant to section 41-619.55.

37           5. "Person" means a person who is required to be fingerprinted  
38 pursuant to any of the following:

- 39           (a) Section 3-314.
- 40           (b) Section 8-105.
- 41           (c) Section 8-322.
- 42           (d) Section 8-463.
- 43           (e) Section 8-509.
- 44           (f) Section 8-802.
- 45           (g) Section 15-183.

- 1 (h) Section 15-503.
- 2 (i) Section 15-512.
- 3 (j) Section 15-534.
- 4 (k) Section 15-763.01.
- 5 (l) Section 15-782.02.
- 6 (m) Section 15-1330.
- 7 (n) Section 15-1881.
- 8 (o) Section 17-215.
- 9 (p) Section 28-3228.
- 10 (q) Section 28-3413.
- 11 (r) Section 32-122.02.
- 12 (s) Section 32-122.05.
- 13 (t) Section 32-122.06.
- 14 (u) Section 32-1232.
- 15 (v) Section 32-1276.01.
- 16 (w) Section 32-1284.
- 17 (x) Section 32-1297.01.
- 18 (y) Section 32-1904.
- 19 (z) Section 32-1941.
- 20 (aa) Section 32-2022.
- 21 (bb) SECTION 32-2063.
- 22 ~~(bb)~~ (cc) Section 32-2108.01.
- 23 ~~(cc)~~ (dd) Section 32-2123.
- 24 ~~(dd)~~ (ee) Section 32-2371.
- 25 ~~(ee)~~ (ff) Section 32-3620.
- 26 ~~(ff)~~ (gg) Section 32-3668.
- 27 ~~(gg)~~ (hh) Section 32-3669.
- 28 ~~(hh)~~ (ii) Section 36-113.
- 29 ~~(ii)~~ (jj) Section 36-207.
- 30 ~~(jj)~~ (kk) Section 36-411.
- 31 ~~(kk)~~ (ll) Section 36-425.03.
- 32 ~~(ll)~~ (mm) Section 36-446.04.
- 33 ~~(mm)~~ (nn) Section 36-594.01.
- 34 ~~(nn)~~ (oo) Section 36-594.02.
- 35 ~~(oo)~~ (pp) Section 36-882.
- 36 ~~(pp)~~ (qq) Section 36-883.02.
- 37 ~~(qq)~~ (rr) Section 36-897.01.
- 38 ~~(rr)~~ (ss) Section 36-897.03.
- 39 ~~(ss)~~ (tt) Section 36-3008.
- 40 ~~(tt)~~ (uu) Section 41-619.52.
- 41 ~~(uu)~~ (vv) Section 41-619.53.
- 42 ~~(vv)~~ (ww) Section 41-1964.
- 43 ~~(ww)~~ (xx) Section 41-1967.01.
- 44 ~~(xx)~~ (yy) Section 41-1968.
- 45 ~~(yy)~~ (zz) Section 41-1969.

1           ~~(zz)~~ (aaa) Section 41-2814.

2           ~~(aaa)~~ (bbb) Section 46-141, subsection A or B.

3           ~~(bbb)~~ (ccc) Section 46-321.

4           6. "Vulnerable adult" has the same meaning prescribed in section  
5 13-3623.

6           Sec. 14. Section 41-1758.01, Arizona Revised Statutes, is amended  
7 to read:

8           41-1758.01. Fingerprinting division; powers and duties

9           A. The fingerprinting division is established in the department of  
10 public safety and shall:

11           1. Conduct fingerprint background checks for persons and applicants  
12 who are seeking licenses from state agencies, employment with licensees,  
13 contract providers and state agencies or employment or educational  
14 opportunities with agencies that require fingerprint background checks  
15 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
16 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,  
17 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,  
18 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2063, 32-2108.01,  
19 32-2123, 32-2371, 32-3620, 32-3668, 32-3669, 36-113, 36-207, 36-411,  
20 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01,  
21 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,  
22 41-1969 and 41-2814, section 46-141, subsection A or B and section 46-321.

23           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
24 clearance card becomes the personal property of the cardholder and the  
25 cardholder shall retain possession of the fingerprint clearance card.

26           3. On submission of an application for a fingerprint clearance  
27 card, collect the fees established by the board of fingerprinting pursuant  
28 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
29 the monies collected in the board of fingerprinting fund.

30           4. Inform in writing each person who submits fingerprints for a  
31 fingerprint background check of the right to petition the board of  
32 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
33 41-1758.04 or 41-1758.07.

34           5. If after conducting a state and federal criminal history records  
35 check the division determines that it is not authorized to issue a  
36 fingerprint clearance card to a person, inform the person in writing that  
37 the division is not authorized to issue a fingerprint clearance card. The  
38 notice shall include the criminal history information on which the denial  
39 was based. This criminal history information is subject to dissemination  
40 restrictions pursuant to section 41-1750 and Public Law 92-544.

41           6. Notify the person in writing if the division suspends, revokes  
42 or places a driving restriction notation on a fingerprint clearance card  
43 pursuant to section 41-1758.04. The notice shall include the criminal  
44 history information on which the suspension, revocation or placement of  
45 the driving restriction notation was based. This criminal history

1 information is subject to dissemination restrictions pursuant to section  
2 41-1750 and Public Law 92-544.

3 7. Administer and enforce this article.

4 B. The fingerprinting division may contract for electronic or  
5 internet-based fingerprinting services through an entity or entities for  
6 the acquisition and transmission of applicant fingerprint and data  
7 submissions to the department, including identity verified fingerprints  
8 pursuant to section 15-106. The entity or entities contracted by the  
9 department of public safety may charge the applicant a fee for services  
10 provided pursuant to this article. The entity or entities contracted by  
11 the department of public safety shall comply with:

12 1. All information privacy and security measures and submission  
13 standards established by the department of public safety.

14 2. The information technology security policy approved by the  
15 department of public safety.

16 Sec. 15. Licensure requirements; exemption; retroactivity

17 A. Beginning February 1, 2021 through September 1, 2023, the  
18 following licensure requirements for applicants prescribed in section  
19 32-2071, Arizona Revised Statutes, do not apply:

20 1. Two full-time academic years of graduate study in a doctoral  
21 program completed at the institution from which the doctoral degree is  
22 granted.

23 2. A residency completed at the institution that awarded the  
24 applicant's doctoral degree.

25 B. This section applies retroactively to from and after January 31,  
26 2021.

APPROVED BY THE GOVERNOR APRIL 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2021.