

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

1. Sections affected

Article 8
R4-19-801
R4-19-802
R4-19-803
R4-19-804
R4-19-805
R4-19-806
R4-19-807
R4-19-808
R4-19-809
R4-19-810
R4-19-811
R4-19-812
R4-19-813
R4-19-814
R4-19-815

Rulemaking Action:

New Article
New Section
New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-1606(A) (1)

Implementing statutes: A.R.S. §§ 32-1606(B)(11) and 32-1646

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 1A.A.R. 392, April 28, 1995.

4. Name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Janet M. Walsh, Associate Director

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 145

Fax: (602) 906-9365

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5. An explanation of the rule, including the agency's reasons for initiating the rule:

In this proposed rulemaking, the Board seeks to establish rules to govern the certification process for nursing assistants, approval of training programs, and regulation of nursing assistants. At its meeting on August 19, 1999, the Board voted to approve this Notice of Proposed Rulemaking.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Nursing Assistant Committee Rules Survey: sent to all nursing assistant training programs approved by the Board as of July 1, 1998 (143) and the major employers of certified nursing assistants, that is, long-term care facilities (167), hospitals (150), home health agencies (150), and hospices (61). Approximately 72% of the programs and employers responded. This survey, the results and an analysis of the results are on file at the Board of Nursing office.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

In initiating this rulemaking, the Board recognized that any potential economic impact of these rules would primarily affect those institutions or facilities that offer nursing assistant training programs. As a result, the Board attempted to minimize the financial impact by recognizing existing practices of nursing assistant training programs. In drafting these rules, the Board initially planned to set 120 hours as the minimum curriculum requirement for nursing assistant training programs, however, after receiving input from many nursing assistant training programs and employers, it revised this requirement to allow programs a choice of offering 120 hours of classroom and clinical instruction or combining the curriculum requirement with a preceptor program that totals 120 hours. By making this change, the Board anticipates that existing nursing assistant training programs will not experience a significant economic impact in operating nursing assistant training programs. Based upon feedback from the long term care industry, the Board included a temporary certificate rule in this rulemaking package to address a concern that fingerprint results may not be received by the Board within the time that federal law allows a CNA applicant to work (120 days), resulting in the loss of an employee to a long term care facility.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Janet M. Walsh, Associate Director

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 145

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10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how many persons may request an oral proceeding on the proposed rule:

Date: October 22, 1999

Time: 1 p.m.

Location: BOMEX Conference Room, Second Floor
1651 E. Morten
Phoenix, Arizona 85020

Nature: Hearing on R4-19-801 through 815

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporation by reference and their location in the rules:

Not applicable.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

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ARTICLE 8. CERTIFIED NURSING ASSISTANTS

Sections

- R4-19-801. Standards for Nursing Assistant Training Programs
- R4-19-802. Standardized Curriculum
- R4-19-803. Approval of Nursing Assistant Training Programs
- R4-19-804. Renewal of Approval of Nursing Assistant Training Programs
- R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination and Reinstatement
- R4-19-806. Nursing Assistant Certification by Examination
- R4-19-807. Nursing Assistant Certification by Endorsement
- R4-19-808. Temporary Certificate
- R4-19-809. Nursing Assistant Renewal
- R4-19-810. Nursing Assistant Register
- R4-19-811. Application for Duplicate Certificate
- R4-19-812. Change of Name or Address
- R4-19-813. Performance of Nursing Assistant Tasks
- R4-19-814. Standards of Conduct for Nursing Assistants
- R4-19-815. Reinstatement or Issuance of a Certified Nursing Assistant Certificate

ARTICLE 8. CERTIFIED NURSING ASSISTANTS

R4-19-801. Standards for Nursing Assistant Training Programs

A. Organization and administration

1. A nursing assistant training program shall provide a description of the program that includes purpose, goals, and objectives, and meets federal, state, and if applicable, private post secondary requirements. The program description must be consistent with the purpose, goals, and objectives of a parent institution, if any.
2. A nursing assistant training program utilizing external clinical facilities shall have a written agreement between the program and each external clinical facility. The agreement shall define the rights and responsibilities of the program and the clinical facility, including agreements on the role and authority of the governing bodies of both the clinical facility and the program.
3. A nursing assistant training program shall have written policies and procedures that are consistent with its parent institution, if any, and that meet federal, state, and if applicable, private post secondary requirements. The program shall provide a regular schedule for the review of policies and procedures. The program policies and procedures shall include the following areas:
 - a. student attendance,
 - b. student grading, including program completion criteria,
 - c. student record maintenance,
 - d. student fees and financial aid,
 - e. student rights and responsibilities, and
 - f. student grievance.

B. Program coordinator and instructor qualifications and responsibilities

1. A program coordinator shall:
 - a. Hold a current, unencumbered, Arizona professional nurse license, and
 - b. Have 2 years of professional nursing experience with at least 1 year in a long term care facility.
2. A director of nursing in a long-term care facility-based program may assume the administrative responsibility and accountability of a program coordinator for a nursing assistant training program but shall not engage in classroom or clinical teaching in that program.
3. A program coordinator's responsibilities include the following:
 - a. Planning, implementing, and evaluating the program;
 - b. Securing qualified instructors, if applicable;
 - c. Making available admission and program completion requirements in written form to students prior to admission to the program;
 - d. Coordinating classroom and clinical sites and activities;
 - e. Evaluating and supervising students and instructors; and

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- f. Providing documentation of program completion to a student within 10 days of program completion.
 - 4. A program instructor shall:
 - a. Hold a current, unencumbered, Arizona professional nurse license; and
 - b. Meet 1 of the following requirements:
 - i. Have completed a course in teaching adults,
 - ii. Have 1 year's experience in teaching adults, or
 - iii. Have 1 year's experience in supervising nursing assistants.
 - 5. A program instructor's responsibilities include the following:
 - a. Participating in the planning of each learning experience.
 - b. Ensuring that course objectives are accomplished.
 - c. Requiring a grade of 75% or greater on all theoretical examinations.
 - d. Requiring a passing grade for satisfactory completion of all skills evaluations.
 - e. Ensuring that students do not perform activities for which they have not received instruction and in which they have not been found competent.
 - f. Supervising students giving care to clients in clinical areas.
 - g. Being present in the classroom at least 75% of the time, and
 - h. Supervising health care professionals who assist in providing program instruction.
 - 6. Certified or licensed health care professionals may supplement the program instructor if the health care professional has 1 year of experience in the field of licensure or certification.
- C. Resources, ratio, services, and records**
- 1. A program shall provide a minimum instructor or professional nurse to student ratio of 1 to 10 for students caring directly for clients.
 - 2. A program shall plan and schedule clinical experiences according to the course curriculum.
 - a. The program shall include a clinical experience for each nursing assistant student.
 - b. The program shall ensure that nursing assistant students are identified and treated as students and not utilized as staff while the students are enrolled in a nursing assistant training program.
 - 3. A program shall provide instructional and educational materials adequate to meet the needs of the program, the number of students, and the instructional staff and shall include:
 - a. Current reference materials related to the level of the curriculum, and
 - b. Instructional tools and equipment for simulating patient care.
 - 4. A program shall maintain program records for 3 years that contain the following documentation:
 - a. Curriculum and course schedule,
 - b. Classroom and supervised clinical hours, and
 - c. Student participation in program evaluation.
 - 5. A program shall maintain student records for 3 years that contain the following:
 - a. Name and date of birth,
 - b. Skills checklist,
 - c. Attendance record,
 - d. Program examination score, and
 - e. Copy of the documentation issued to a student upon successful completion of the training program, such as a certificate, transcript, or letter.
- D. Periodic evaluation**
- 1. A program shall permit the Board, or a state agency designated by the Board, to conduct an on site scheduled evaluation for initial Board approval, as required by R4-19-803, and renewal of approval, as required by R4-19-804.
 - 2. For reasonable cause, a program shall permit the Board to conduct an on site unannounced evaluation of the program.
- R4-19-802. Standardized Curriculum**
- A.** The standardized curriculum content for a nursing assistant training program shall include material that will provide a basic level of both knowledge and demonstrable skills for each student completing the program and does not include any aspects of facility orientation.
- B.** The standardized curriculum shall require a minimum number of 120 hours which can be met by 1 of the following:
- 1. An integrated curriculum of at least 120 hours, including classroom and clinical instruction, or
 - 2. A curriculum of at least 80 hours, including classroom and clinical instruction, followed by a preceptorship consisting of as many hours as required to equal 120 hours or more of instruction.
- C.** The standardized curriculum shall include classroom and clinical instruction in the following:
- 1. Communication and interpersonal skills;
 - 2. Infection control;
 - 3. Safety and emergency procedures, including the Heimlich maneuver and cardiopulmonary resuscitation;
 - 4. Client independence;

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5. Client rights, such as the right to confidentiality, the right to privacy, and the right to be free from abuse, mistreatment, and neglect;
 6. Need to report abuse, mistreatment and neglect to appropriate staff;
 7. Basic nursing skills;
 8. Personal care skills;
 9. Individual client needs including age specific mental health and social service needs;
 10. Care of the cognitively impaired client;
 11. Skills for basic restorative services, including body mechanics;
 12. Nursing team member skills; and
 13. Legal aspects of nursing assistant practice.
- D.** A program shall require that a student receive a minimum of 16 hours instruction in the subjects identified in subsection (C)(1) through (6) prior to allowing a student to care for clients.

R4-19-803. Approval of Nursing Assistant Training Programs

- A.** An applicant for initial nursing assistant training program approval shall submit an application to the Board at least 90 days in advance of the expected program opening date.
- B.** The application for initial program approval shall include the following:
1. Name, address, and telephone number of program;
 2. Identity of program as a long-term care facility-based or other program;
 3. Name and qualifications of program coordinator;
 4. Name and qualifications of program instructors;
 5. Accreditation status of applicant, if any, including name of accrediting body and date of last review;
 6. Licensure status, if required, including name of licensing agency and the date of last review;
 7. Medicare certification status, if any;
 8. Evidence of compliance with R4-19-801 and R4-19-802, including the following:
 - a. Program description and implementation plan, including timelines;
 - b. Classroom facilities, equipment, and instructional tools available; and
 - c. Standardized curriculum.
 9. An affidavit executed by a program coordinator of a Medicare or Medicaid certified long-term care facility, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program.
- C.** Following receipt and review of a complete application packet, the Board shall schedule an on site evaluation of the program.
- D.** A program shall not enroll students prior to receiving program approval.
- E.** The Board shall grant initial approval to any applicant who meets the criteria set forth in R4-19-801 and R4-19-802 and if approval is in the best interest of the public. If the Board denies approval, an applicant may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-804. Renewal of Approval of Nursing Assistant Training Programs

- A.** A nursing assistant training program applying for renewal of approval shall submit an application packet to the Board prior to expiration of the current approval.
1. The application packet shall include the following:
 - a. Changes in the program description since previous approval;
 - b. Names and qualifications of current faculty;
 - c. Changes in course curriculum since previous approval;
 - d. Number of classes held within the past 2 years;
 - e. Changes in resources, contracts, and clinical facilities in use since previous approval; and
 - f. Copy of current student program evaluation forms.
 2. Following receipt and review of a complete application packet, the Board shall schedule an on site evaluation of the program.
- B.** Following an on site evaluation, the Board shall renew program approval for 2 years if a program meets the criteria set forth in R4-19-801 and R4-19-802 and if renewal is in the best interest of the public.
- C.** If the Board denies approval, a program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination and Reinstatement

- A.** Deficiencies and rescission of approval
1. Upon determining that a nursing assistant training program does not comply with R4-19-801 or R4-19-802, the Board shall provide the program coordinator with a written notice of deficiency. The Board shall establish a reasonable

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period of time, based upon the number and severity of deficiencies, to correct the deficiencies. No period for correction of a deficiency or deficiencies shall exceed 3 months after the date of graduation of the next training class.

- a. Within 10 days from the date of service of the notice of deficiency, the program coordinator shall file a plan of correction with the Board.
- b. The program shall be subject to periodic evaluations by the Board during the period of correction to determine whether the program has corrected the deficiencies.
2. The Board shall rescind the approval of a nursing assistant training program for any of the following reasons:
 - a. Failure to file a plan of correction with the Board within 10 days of service of a notice of deficiency.
 - b. Failure to comply with R4-19-801 or R4-19-802 within the time period set by the Board in the notice of deficiency;
 - c. Noncompliance with federal, state, or if applicable, private post secondary requirements;
 - d. Failure to permit a scheduled or unannounced on site evaluation authorized by R4-19-801(D); or
 - e. Failure to conduct at least 1 program during a 24 consecutive month period.
3. A program that has its approval rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

B. Voluntary termination

1. The program coordinator shall submit written notification to the Board when a decision has been made to voluntarily terminate a nursing assistant training program.
2. The program coordinator shall maintain the nursing assistant training program, including the instructors, until the last student is transferred or has completed the nursing assistant training program.

C. Reinstatement

1. Any nursing assistant training program that has had its approval rescinded may apply for reinstatement of the program by meeting the requirements of R4-19-803.
2. An application packet shall be submitted in writing and shall contain all of the information or documentation required to be submitted in R4-19-803(B). The application packet shall contain or have attached thereto substantial evidence that the basis for rescission has been removed and that reinstatement of the program is in the best interest of the public.
3. The Board shall reinstate a nursing assistant training program that meets the requirements of R4-19-803. A program that is denied reinstatement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying reinstatement. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

R4-19-806. Nursing Assistant Certification by Examination

A. An applicant for certification by examination shall submit the following information and documentation to the Board:

1. An application packet that contains the following information or documentation:
 - a. Full name;
 - b. Current address, including county of residence, and telephone number;
 - c. Date of birth;
 - d. Social security number;
 - e. Educational background, including the names of educational institutions attended, dates of graduation, and degree received, if applicable;
 - f. Current employer, including address and telephone number, type of position, and dates of employment;
 - g. A listing of all states in which the applicant is or has been registered as a nursing assistant and the certificate number, if any;
 - h. Responses to questions addressing the following subjects:
 - i. Prior disciplinary action on a license or certificate authorizing practice in any occupation,
 - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate,
 - iii. Pending criminal charges,
 - iv. Prior misdemeanor or undesignated offense conviction,
 - v. Prior felony conviction and date of absolute discharge of sentence,
 - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession, and
 - vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession.
 - i. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
2. Proof of satisfactory completion of a nursing assistant training program that meets the requirements of subsection B, such as a certificate, transcript, or letter;
3. One or more fingerprint cards, if required by A.R.S. § 32-1606; and

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4. Applicable fees.
- B.** An applicant for certification as a nursing assistant must meet both of the following:
 1. Satisfactory completion of an approved training program in Arizona or a program in another state or territory of the United States that meets the requirements of R4-19-802(B).
 2. Passing score on the written and manual skills examinations or a passing score on the written examination and proof of a valid nursing license or proof of graduation from an approved nursing program.
- C.** An applicant who fails either the written or manual skills examination may retake the examination 2 additional times within a 2-year period from the date of completion of the nursing assistant training program.
- D.** An applicant who fails either the written or manual skills examination 3 times or who does not pass an examination within the time period specified in subsection (C) shall repeat and satisfactorily complete a training program before being permitted to retake an examination.
- E.** The Board shall certify a certificate to an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- F.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

R4-19-807. Nursing Assistant Certification by Endorsement

- A.** An applicant for nursing assistant certification by endorsement shall submit all of the information or documentation required in R4-19-806.
- B.** An applicant for nursing assistant certification by endorsement shall meet the criteria set forth in R4-19-806 B (1) and:
 1. Be listed as active on a nursing assistant register or a substantially equivalent register by another state or territory of the United States; and
 2. Meet 1 of the following:
 - a. Currently working in nursing, performing nursing related activities, or working in the job description of a certified nursing assistant.
 - b. Has worked in nursing, performed nursing related activities, or worked in the job description of a nursing assistant within the past 2 years, or
 - c. Has completed a nursing assistant training program and passed the required examination within the past 2 years.
- C.** The Board shall certify an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- D.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

R4-19-808. Temporary Certificate

- A.** Subject to subsection (B), the Board shall issue a temporary nursing assistant certificate to an applicant who desires to work as a certified nursing assistant if the applicant lacks a state criminal history as verified in a report issued by the Arizona Department of Public Safety and the applicant:
 1. Is qualified under:
 - a. A.R.S. § 32-1645 or § 32-1648, and
 - b. R4-19-806 or R4-19-807; and
 2. If seeking certification by endorsement:
 - a. Has filed an application for certification by endorsement within 30 days of hire by a Medicare or Medicaid certified long-term care facility, and
 - b. Has been employed by the same Medicare or Medicaid certified long term care facility for 75 to 100 days, and
 - c. Has submitted documents or an official statement from another state verifying that the applicant has a current certificate or equivalent document from another state; and
 3. If seeking certification by examination:
 - a. Has submitted an application within 30 days of hire by a Medicare or Medicaid certified long term care facility, and
 - b. Has been employed by the same Medicare or Medicaid certified long term care facility for 75 to 100 days; and
- B.** An applicant who discloses a disciplinary charge or substantiated complaint, criminal conviction, chemical dependency, pending disciplinary charge or substantiated complaint by a regulatory agency, or malpractice claim is not eligible for a temporary certificate without prior Board approval.
- C.** Unless extended for good cause under subsection D, a temporary certificate is valid for a maximum of 2 months.
- D.** A temporary certificate holder may apply and the Board or the Executive Director shall grant an extension for good cause. Good cause means reasons beyond the control of the temporary certificate holder such as unanticipated delays in obtaining information required for nursing assistant certification.

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R4-19-809. Nursing Assistant Renewal

- A.** A certified nursing assistant shall submit the following information and documentation to the Board on or before the expiration date of certification:
1. An application packet that contains the following:
 - a. Full name;
 - b. Current address, including county of residence, and telephone number;
 - c. Date of birth;
 - d. Current employer;
 - e. Whether the applicant, if not employed in nursing, performing nursing related activities, or working in the job description of a certified nursing assistant, has completed a Board approved nursing assistant training program and passed the written and manual skills examinations within the past 2 years;
 - f. Responses to questions addressing the following subjects:
 - i. Disciplinary action on a license or certificate authorizing practice in any occupation since certified or last renewed,
 - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate since certified or last renewed,
 - iii. Pending criminal charges since certified or last renewed,
 - iv. Misdemeanor or undesignated offense conviction since certified or last renewed,
 - v. Felony conviction and date of absolute discharge of sentence since certified or last renewed,
 - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession since certified or last renewed, and
 - vii. Civil judgment resulting from malpractice or negligence in connection with practice in a health care profession since certified or last renewed.
 - g. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
 2. Documentation of proof of employment, such as a pay stub, W-2 form, or letter from an employer that validates the applicant's employment as a nursing assistant or the applicant's performance of nursing related activities within the past 2 years, and
 3. Applicable fees.
- B.** The certificate of a nursing assistant who fails to renew shall expire on the certificate holder's birthdate.
1. A nursing assistant's responsibility to renew is not relieved by the nursing assistant's failure to obtain an application.
 2. A nursing assistant who fails to renew shall not work as a certified nursing assistant.
 3. The Board shall impose a late fee on any nursing assistant who fails to renew certification.

R4-19-810. Nursing Assistant Register

- A.** The Register shall include the following information for each individual who has successfully completed a Board approved nursing assistant training program:
1. Full name and any other names used,
 2. Home address,
 3. County of residence,
 4. Date of birth,
 5. Social security number,
 6. The date of initial placement on the register,
 7. Dates and results of written and manual skills examinations,
 8. Date of expiration of current certificate, if applicable,
 9. Existence of pending investigation, if applicable, and
 10. Status of certificate, such as active, denied, expired, or revoked, if applicable.
- B.** The Register shall include the following information for each individual who has been disciplined by the Board or sanctioned by the United States Department of Health and Human Services or the Arizona Department of Health Services:
1. Disciplinary action by the Board:
 - a. Type of action, and
 - b. Date of action.
 2. Sanctions by the United States Department of Health and Human Services:
 - a. Date excluded,
 - b. Nature of exclusion, and
 - c. Length of exclusion.
 3. Omnibus Reconciliation Act, 42 C.F.R. § 483.150 et seq., complaints substantiated by the Arizona Department of Health Services:
 - a. Documentation of investigation,

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- i. Nature of allegation, and
- ii. Evidence supporting allegation.
- b. Date of hearing, if any, or date complaint substantiated, and
- c. Statement disputing the allegation, if any.

R4-19-811. Application for Duplicate Certificate

- A.** A certified nursing assistant shall report a lost or stolen certificate to the Board within 30 days of discovery of the loss.
- B.** A certified nursing assistant shall make a written request for a duplicate certificate to the Board, provide a notarized signature or proof of identification, and pay the applicable fee.

R4-19-812. Change of Name or Address

- A.** A certified nursing assistant, who has legally changed the nursing assistant's name, shall notify the Board in writing within 30 days of the name change. The nursing assistant shall submit a copy of the official document evidencing the name change.
- B.** A certified nursing assistant shall notify the Board within 30 days of any address change.

R4-19-813. Performance of Nursing Assistant Tasks

- A.** A nursing assistant may perform the following:
 - 1. Tasks for which the nursing assistant has been trained through a basic curriculum as identified in R4-19-802, and
 - 2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence:
 - a. The task can be safely performed according to clear, exact, and unchanging directions;
 - b. The task poses minimal risk for the client and the consequences of performing the task improperly are not life-threatening;
 - c. The results of the task are reasonably predictable; and
 - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B.** A nursing assistant may not perform any task requiring judgment based on nursing knowledge, such as the administration of medications.
- C.** A nursing assistant who accepts a client assignment is responsible for the following:
 - 1. Recognizing the nursing assistant's personal knowledge, skills, and abilities;
 - 2. Recognizing the legal aspects of nursing assistant practice;
 - 3. Informing the nurse or person authorized to delegate the task about the nursing assistant's ability to perform the assigned task prior to accepting the assignment;
 - 4. Accepting delegation, instruction, and supervision from the professional or practical nurse or the person authorized to delegate the task;
 - 5. Acknowledging accountability for personal actions in completing the assignment accepted;
 - 6. Following the client's plan of care, if available;
 - 7. Observing, reporting, and recording signs, symptoms, and changes in the client's condition in an ongoing and timely manner; and
 - 8. Retaining responsibility for the assigned task without delegating it to another person.

R4-19-814. Standards of Conduct for Nursing Assistants

For purposes of A.R.S. §32-1601, a practice that is or might be harmful or dangerous to the health of a patient or the public includes the following:

- 1. Leaving an assignment or abandoning a client requiring immediate care without properly notifying appropriate supervisory personnel;
- 2. Failing to document care and treatment provided to clients;
- 3. Failing to follow an employer's policies and procedures designed to safeguard the client;
- 4. Failing to take action to protect a client whose safety or welfare is at risk from potential or actual incompetent health care practice, or to report such practice to the appropriate authorities;
- 5. Failing to report signs, symptoms, and changes in client conditions to the appropriate individual in an ongoing and timely manner;
- 6. Failing to respect client rights and dignity;
- 7. Violating a client's right of privacy, disclosing confidential information, or knowledge concerning a client, unless required by law to disclose such information;
- 8. Neglecting or abusing a client physically, verbally, emotionally or financially;
- 9. Engaging in sexual misconduct or boundary violations with a client;
- 10. Soliciting, borrowing, or removing property or money from a client, a client's family, a client's residence, or employer;

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11. Using or being under the influence of alcoholic beverages, intoxicants, over-the-counter drugs, prescription drugs, or controlled drugs to the extent that judgment may be impaired and practice detrimentally affected or while on duty in any work setting;
12. Assuming client care tasks for which the nursing assistant lacks the education or competence to perform;
13. Removing without authorization narcotics, drugs, supplies, equipment, or medical records from any work setting;
14. Obtaining, possessing, using, or selling any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any employer;
15. Permitting or assisting another person to use the nursing assistant's certificate for any purpose;
16. Making untruthful or misleading statements to advertise the individual's practice as a certified nursing assistant;
17. Threatening, harassing, or exploiting an individual;
18. Using violent or abusive behavior in any work setting;
19. Failing to cooperate with the Board during an investigation;
20. Failing to cooperate with the Board by not responding to a Board subpoena; and
21. Practicing in any other manner that gives the Board reasonable cause to believe that the health of a client or the public may be harmed.

R4-19-815. Reinstatement or Issuance of a Certified Nursing Assistant Certificate

An applicant whose application is denied or a nursing assistant whose certificate is revoked in accordance with A.R.S. § 32-1663, may make application to the Board, after a period of 5 years subsequent to the date the certificate or application was revoked or denied. A nursing assistant who voluntarily surrenders a nursing assistant certificate may make application to the Board, after no less than 3 years subsequent to the date the certificate was surrendered. The Board shall issue or reinstate a nursing assistant certificate under the following terms and conditions:

1. An applicant shall submit documentation showing that the basis for denial, revocation or voluntary surrender has been removed and that the issuance or reinstatement of nursing assistant certification will no longer constitute a threat to the public health or safety. The Board may require an applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination.
2. The Board shall consider the application and may designate a time for the applicant to address the Board at a regularly scheduled meeting.
3. After considering the application, the Board may:
 - a. Grant nursing assistant certification, or
 - b. Deny the application.
4. An applicant who is denied issuance or reinstatement of nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying issuance or reinstatement of nursing assistant certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R4-26-101	Amend
R4-26-105	Amend
R4-26-106	Amend
R4-26-202	Amend
R4-26-203	Repeal
R4-26-203	New Section
R4-26-204	Amend
R4-26-205	Amend
R4-26-207	Amend
R4-26-209	Amend
R4-26-210	Amend
R4-26-303	Amend

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2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-2063(9)

Implementing statutes: A.R.S. §§ 41-1072 through 41-1078

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 4 A.A.R. 2298, August 28, 1998.

Notice of Proposed Rulemaking: 4 A.A.R. 3578, November 6, 1998.

Notice of Final Rulemaking: 5 A.A.R. 737, March 12, 1999.

4. Name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Maxine McCarthy, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed rules do the following: amend the definitions; amend retention requirements of client records; set forth the requirements for applications for a psychologist's license; amend continuing education requirements; amend renewal requirements in keeping with time-frames; and amend language specific to the discontinued oral examination. The Board is making changes to correct a citation in R4-26-101.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

The Board will incur minimal costs to promulgate the rules and to notify interested parties of the new rules after the rules are approved. The Board should incur minimal costs for notification of completeness of an application. All applicants and the Board should benefit because of the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, psychologists, or the public.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Maxine McCarthy, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how many persons may request an oral proceeding on the proposed rule:

Date: October 12, 1999

Time: 9 a.m.

Location: Board of Psychologist Examiners
1400 W. Washington, Room 235

Nature: Comment on proposed rule revisions

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

12. Incorporation by reference and their location in the rules:

None.

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-26-101. Definitions
- R4-26-102. Board Meetings
- R4-26-103. Official Signatures
- R4-26-104. Advisory Committee
- R4-26-105. ~~Confidentiality of~~ Board Records
- R4-26-106. Client Records
- R4-26-107. Current Address
- R4-26-108. Application Deadline

ARTICLE 2. LICENSURE

Section

- R4-26-201. ~~Moral Character~~ Repealed
- R4-26-202. Doctorate
- R4-26-203. Evaluation of Applicant Credentials
- R4-26-204. Examinations
- R4-26-205. Renewal of License
- R4-26-206. Inactive Status
- R4-26-207. Continuing Education
- R4-26-208. Time-frames for Processing Applications
 - Table 1. Time-frames (In Days) for Processing Applications
- R4-26-209. General Supervision
- R4-26-210. Internship or Training Experience
- R4-26-211. Foreign Graduates

ARTICLE 3. REGULATION

Section

- R4-26-303. Titles
- R4-26-308. Rehearing of Decision

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

In this Chapter, the following terms mean:

1. "Administrative completeness review" means the Board's process for determining that an applicant has provided all of the information and documents required by Board statute or this Chapter.
2. "Advertising" means the use of any communications media, whether paid or unpaid by a psychologist, to disseminate information regarding the qualifications of the psychologist or to solicit clients for psychological services. Methods of advertising include a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying professional qualifications or promoting the use of the psychologist's professional services.
3. "Applicant" means an individual requesting licensure, renewal, or approval from the Board.
4. "Application packet" means the forms and documents the Board requires an applicant to submit or be submitted on an applicant's behalf.
5. "Case", in the context of ~~R4-26-106(E)~~ R4-26-106(D), means a legal cause of action instituted before an administrative or judicial court.

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6. "Case conference" means an informal meeting among psychologists that includes the discussion of a particular client, case, or diagnosis that is related to the practice of psychology.
7. "Client record" means, in addition to adequate records defined in A.R.S. § 32-2061(A)(2), any assessment, plan of intervention, consultation, hand-written note, summary report, testing report, relevant supporting data, or a release form obtained from a client or 3rd party pertaining to the psychological services.
8. "Confidential record" means:
 - a. Minutes of an executive session of the Board;
 - b. A record that is classified as confidential by a law or rule applicable to the Board;
 - c. An applicant's or licensee's college or university transcript requested by a person other than the applicant or licensee;
 - d. All materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, or any other information relating to a client's diagnosis, treatment, personal or family life. The Board shall disclose if an investigation is being undertaken and the general nature of the investigation;
 - e. Home address and home telephone number;
 - f. Test scores; and
 - g. Social security number.
9. "Days" means calendar days.
10. "Diplomate" means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.
11. "Dissertation" means a document prepared as part of a graduate doctoral program that includes, at a minimum, separate sections that:
 - a. Review the literature on the psychology topic being investigated, state each research question under investigation, and state each hypothesis investigated;
 - b. Describe the method or procedure used to investigate each research question or each hypothesis;
 - c. Describe and summarize the findings and results of the investigation;
 - d. Discuss the findings and compare them to the relevant literature presented in the literature review section; and
 - e. List the references used in the various sections of the dissertation. A majority of the references used in the dissertation shall either be listed in the American Psychological Association's journal, *Psychological Abstracts*, or classified as a psychology subject by the Library of Congress.
12. "Fellow" means a rank or position bestowed on a person by a psychology association or society.
13. "Gross negligence" means a psychologist's breach of duty to know or have reason to know of facts that would lead a reasonable psychologist to realize that the psychologist's act or failure to act creates an unreasonable risk of harm and involves a high degree of probability that substantial harm may result.
14. "Internship training program" means the supervised professional experience required in A.R.S. § 32-2071(D).
15. "National examination" means the national written examination provided by the Association of State and Provincial Psychology Boards.
16. "Party" means the Board, an applicant, or a licensee.
17. "Primarily psychological", in the context of A.R.S. § 32-2071(A)(6), means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(A)(8).
18. "Psychometric testing" means measuring cognitive and emotional processes and learning.
19. "Raw test data" means information collected during a psychologist's assessment and evaluation.
20. "Residency" means the same as in A.R.S. § 32-2071(H), except domicile or hospital residency.
21. "Retired", as used in A.R.S. § 32-2073(E), means a psychologist has permanently stopped practicing psychology, as defined in A.R.S. § 32-2061(A)(8).
22. "Substantive review" means the Board's process for determining if an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.
23. "Successfully completing", in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from a school or institution.
24. "Supervise" means to control, oversee, and review the activities of an employee, intern, or trainee who provides psychological services.
25. "Supervisor" means a psychologist licensed or certified as a psychologist in the state in which the supervision occurs.
26. "Three or more graduate semester hours" means 3 16-week semester hours, 4 12-week quarter hours, or 5.33 9-week trimester hours.

R4-26-102. Board Meetings

Pursuant to A.R.S. § 32-2063(A)(8), the Board shall meet prior to July 1 of each year to elect a chairman, a vice chairman, and a secretary who shall take office on July 1 of that year and serve until June 30 of the following year. A vacancy occurring in the office of chairman, vice chairman, or secretary shall be filled by a Board election.

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R4-26-103. Official Signatures

The chairman, vice chairman, or secretary, elected pursuant to A.R.S. ' 32-2063, shall sign correspondence, forms, legal documents, or other official papers of the Board. The chairman, vice chairman, or secretary may delegate this duty to another Board member, or the executive director.

R4-26-104. Advisory Committees

The Board may appoint advisory committees for the purpose of conducting investigations and making recommendations to the Board concerning official actions to be taken or considered by the Board regarding the licensing process or disciplinary matters.

R4-26-105. Confidentiality of Board Records

- ~~A. All records which are open to public inspection shall be viewed at the Board office during business hours which are~~ A person may view public records in the Board office only during business hours Monday through Friday from 8 a.m. to 5 p.m., excluding holidays.
- ~~B. All Board records are open to public inspection and copying except those that are confidential, as follows: records.~~
- ~~1. Minutes of executive sessions.~~
 - ~~2. Records which are classified as confidential by laws or rules applicable to the Board.~~
 - ~~3. College or university transcripts of applicants for licensure or of persons licensed as psychologists, except that the person on whom the file is kept may view or copy such records.~~
 - ~~4. All materials relating to an ongoing or concluded investigation by the Board, including the complaint, response, patient records, witness statements, investigative reports, or any other information relating to the client's diagnosis, treatment, personal or family life; however, the public may be informed that an investigation is being undertaken and of the general nature of the investigation.~~

R4-26-106. Client Records

- ~~A. Pursuant to A.R.S. ' 32-2061(13)(s), a client has a right to information in the client's record.~~
- ~~B. A psychologist shall not require payment for the psychological services which led to the creation of a client's record as a prerequisite to providing such material condition record release on a client's payment for services.~~
- ~~C. A psychologist shall release, with the client's written consent, the client's raw test data or psychometric testing materials may be released, with the client's written consent, to another licensed psychologist. Any other disclosure of a client's raw test data or psychometric testing materials shall only be made to the extent required by federal or state law or court order compelling production.~~
- ~~D. A psychologist shall retain all client records, including records of a client who has died while under the care and treatment of the psychologist, shall be retained for a minimum of seven 7 years from the date of the last client activity. If a client is a minor, the psychologist shall retain all client records for a minimum of 3 years past the client's 18th birthday or 7 years from the date of the last client activity, whichever is longer.~~
- D. A psychologist who has been notified by the Board or municipal, state, or federal officials of an investigation or pending case by the Board or municipal, state, or federal officials shall retain all records relating to that investigation or case until the psychologist has received written notification that the investigation has been is completed or that the case has been is closed. A psychologist who is on inactive status pursuant to A.R.S. ' 32-2073(E) is not exempt from this rule.
- E. A psychologist shall have a plan for the disposition of client records in the event of the psychologist's death, incapacity, or any cessation of practice.

R4-26-107. Current Address

A psychologist's failure to receive a renewal notice or other mail which the Board sends to the most recent address which the psychologist has placed on file with the Board office is not justification for an untimely license renewal or the omission of any other action required by the psychologist.

R4-26-108. Application Deadline

A license application and all related supporting materials and documentation shall be completed and filed at the Board office at least 60 days prior to the date of the next scheduled written examination. An applicant who does not meet this deadline shall not sit for that examination.

ARTICLE 2. LICENSURE

R4-26-202. Doctorate

- ~~A. The Board shall apply the following criteria apply to determine whether an applicant has received a doctorate based on if a doctoral program of studies, as required by complies with A.R.S. § 32-2071.~~
- ~~1. To determine whether a A program is "identified and labeled as a psychology program" pursuant to A.R.S. § 32-2071(A)(2), the Board shall determine whether if the university, college, department, school, or institute had institutional catalogues and brochures that specified its intent to educate and train psychologists, at the commencement of the applicant's degree program.~~

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2. ~~To determine whether a A program “stands as a recognized, coherent organizational entity” pursuant to A.R.S. § 32-2071(A)(2), the Board shall determine whether if the university, college, department, school, or institute had a psychology curriculum that was an organized sequence of study of courses at the commencement of the applicant's degree program.~~
3. ~~To determine whether a A program has “clearly identified entry and exit criteria” within its curriculum pursuant to A.R.S. § 32-2071(A)(2), the Board shall examine whether if the university, college, department, school, or institute has entry requirements that outline the prerequisites for entrance into the program and the sequence of study and whether the requirements for graduation are delineated.~~
4. ~~To determine whether a An applicant shall have the educational institution that granted the doctoral degree provide, directly to the Board, documentation of comprehensive examination taken by an applicant as part of a doctoral program in psychology that satisfies the requirements of A.R.S. § 32-2071(A)(4), the applicant shall have the educational institution that granted the doctoral degree provide documentation, directly to the Board, which demonstrates how the applicant's comprehensive examinations were constructed, the criteria for passing, and the information used to determine that the applicant passed.~~
- B.5.** ~~To determine whether an applicant satisfies the requirements of A.R.S. § 32-2071(A)(4) by successfully completing at least three or more graduate level semester hours, or the equivalent quarter hours, in the content areas required by The Board shall verify that an applicant has completed the hours in the subject areas described in A.R.S. § 32-2071(A)(4)(a) through (h); For this purpose, the applicant shall have the institution that the applicant attended provide, directly to the Board, an official transcript of all courses taken.~~
 1. The Board shall verify that an applicant's transcripts shall be prepared solely by the institution under A.R.S. § 32-2071(A)(7), by determining if the applicant had any input into any stage of the transcript drafting process.
 2. The Board may require additional documentation from the applicant or from the institution to determine if the applicant has satisfied the requirements of A.R.S. § 32-2071(A)(4).
- B.** ~~The residency requirement of A.R.S. § 32-2071(I) shall be construed as being applicable to the applicant's graduate program at the institution granting the doctoral degree.~~
- C.** ~~The Board shall not accept credit hours for life experiences, for workshops, practicum, or undergraduate courses from any degree-granting university or institution of higher education; for life experiences; or for credits transferred from institutions that are not accredited pursuant to A.R.S. § 32-2071(A)(1), to satisfy a requirement of A.R.S. § 32-2071(A)(4).~~
- D.** ~~A ~~No~~ course or comprehensive examination shall be counted ~~more than~~ only once to satisfy a requirement of A.R.S. § 32-2071(A)(4).~~
- E.** ~~An honorary doctorate or other degree in psychology based upon credit granted for life experiences does not qualify an applicant for certification licensure as a psychologist.~~
- F.** ~~The board shall not give core program credit for a practicum, workshop, continuing education course, experiential or correspondence course. The Board shall give credit for seminar or readings courses and independent study only if the applicant provides substantiation that the course was an in-depth study devoted to a particular core area. The applicant shall substantiate through 1 or more of the following:~~
 1. Course description in official college catalogue;
 2. Course syllabi; or
 3. Signed statement from a dean or psychology department head detailing that the course was an in-depth study devoted to a particular core area.

R4-26-203. Evaluation of Applicant Credentials

- A.** ~~An applicant for licensure shall submit for Board review the following information for the Board to determine the applicant's eligibility to take the Board's examinations or to have such examinations waived:~~
 1. ~~Pursuant to A.R.S. § 32-2063(A)(3), the Board's application form completed and signed by the applicant and notarized. This form requires the following applicant information:~~
 - a. ~~Name, addresses, and telephone numbers;~~
 - b. ~~Educational background and training;~~
 - e. ~~Licensing and disciplinary history;~~
 - d. ~~Employment history;~~
 - e. ~~Membership in professional associations;~~
 - f. ~~Criminal and malpractice history;~~
 - g. ~~Medical history; and~~
 - h. ~~Photographs.~~
 2. ~~Pursuant to A.R.S. § 32-2063(A)(3), as part of the content of the application, favorable written references of the applicant confirming, to the best knowledge of the person issuing the reference, that the applicant has not engaged in any act or conduct that constitutes grounds for disciplinary action against a licensee of the Board pursuant to A.R.S. § 32-2071.01(3) from two professional references familiar with the applicant. Providing references who indicate only that they know the applicant or are not aware of an unfavorable report concerning the applicant does not constitute~~

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credentials necessary for licensure. The reference shall be from individuals who are either Arizona licensed psychologists, diplomates, or fellows or members in good standing of the American Psychological Association, Canadian Psychological Association, or the American Psychological Society and who have knowledge of the applicant's professional activities within the three years prior to the date of submission of the applicant's application. If it has been more than three years since the applicant has engaged in professional activity as a psychologist or as a doctoral candidate in psychology, then the applicant may submit references from individuals who have the same credentials described previously herein and who have knowledge of the applicant's aforementioned activity, as a psychologist or as a doctoral candidate, for the most recent three-year period that the applicant engaged in the aforementioned activity. If none of the foregoing persons are available to the applicant, other psychologists who are licensed or certified to practice psychology in the United States or Canada who have knowledge of the applicant's professional activities within the three years prior to the date of submission of the applicant's application shall be acceptable.

3. Pursuant to A.R.S. § 32-2071(A), official transcripts covering the applicant's graduate training. These transcripts shall be sent to the Board by the institution and shall contain a notation of degrees awarded or be accompanied by an official notice of the date and name of the degrees awarded and the name of the department awarding the degrees.
 4. An affidavit from the supervisor or administrator of the applicant's supervised internship or training program verifying that the applicant's training satisfied the requirements of A.R.S. § 32-2071(D).
 5. An affidavit from the supervisor of the applicant's postdoctoral experience verifying that the applicant's postdoctoral experience satisfied the requirements of A.R.S. § 32-2071(E).
 6. A written description from the applicant of the components of the applicant's doctoral program to show that the applicant's doctoral program satisfied the core program requirements of A.R.S. § 32-2071(A)(4).
 7. A signed, written statement from the applicant that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(I) in its entirety.
- B.** If seeking waiver of the written examination for the practice of psychology based upon previous testing, the applicant shall request the Professional Examination Service to send the applicant's previous test scores directly to the Board.
- C.** If seeking waiver of the Board's written examination based upon diplomate status, the applicant shall request the American Board of Professional Psychology to send verification of such status directly to the Board.

R4-26-203. Application for Licensure

A. An applicant for a psychologist license shall submit an application packet to the board that includes:

1. An application form provided by the board, signed and dated by the applicant, and notarized that contains:
 - a. Applicant's name, business and home addresses, social security number, business and home telephone numbers, and date and place of birth;
 - b. Whether the applicant is a diplomate of the American Board of Professional Psychology;
 - c. Name of each jurisdiction in which the applicant is currently or has been licensed as a psychologist;
 - d. Whether the applicant has applied for licensure as a psychologist in any other jurisdiction and date of each application;
 - e. Whether the applicant is licensed or certified in a profession or occupation other than psychology;
 - f. Whether the applicant has ever taken the national examination in psychology, name of each jurisdiction in which taken, and each date of examination;
 - g. Whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any jurisdiction;
 - h. Whether the applicant has ever had disciplinary action initiated against the applicant's license, certification, or registration, other than a driver's license, or had a license, certification, or registration, other than a driver's license, suspended or revoked by an jurisdiction;
 - i. Whether the applicant has ever entered into a consent agreement or stipulation;
 - j. Whether the applicant is a member of any professional association in the field of psychology and name of association;
 - k. Whether the applicant has ever had membership in a professional association in the field of psychology denied or revoked;
 - l. Whether the applicant is currently under investigation for or has been found guilty of violating a code of professional ethics or of unprofessional conduct by any jurisdiction;
 - m. Whether the applicant has ever been sanctioned or placed on probation by any jurisdiction;
 - n. Whether the applicant is currently being investigated for potential disciplinary action by any jurisdiction;
 - o. Whether the applicant has ever been arrested, charged, or convicted of a felony or misdemeanor involving moral turpitude, including convictions that have been expunged or deleted by a court of law;
 - p. Whether the applicant has ever been named in any lawsuit for malpractice or unprofessional conduct;
 - q. Whether the applicant is currently addicted to alcohol or any drug that in any way impairs or limits the applicant's ability to practice;

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- r. Whether the applicant has any medical, physical, or psychological condition that may in any way currently impair or limit the applicant's ability to safely and effectively practice psychology;
 - s. Name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, degree received, name of department, and major subject area;
 - t. Major advisor's name, department, and title of dissertation or Psy.D. project of the doctoral degree;
 - u. Official title of the doctoral degree program or predoctoral specialty area;
 - v. Official document sent directly from the degree-granting institution to the Board indicating that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(H) in its entirety;
 - w. Whether the predoctoral internship was an American Psychological Association approved program or an Association of Psychology and Postdoctoral Internship Center program;
 - x. Each location at which the applicant participated in an internship training program and each supervisor's name;
 - y. Areas of professional competence;
 - z. Intended area of professional practice in psychology;
 - aa. Name, position, and address of at least 2 references who:
 - i. Are licensed psychologists, diplomates of the American Board of Professional Psychology, fellows, or members in good standing of the American Psychological Association, Canadian Psychological Association, or American Psychological Society or other psychologists who are licensed or certified to practice psychology in a United States or Canadian jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;
 - ii. Are familiar with the applicant's work experience in the field of psychology or postdoctoral program for 3 years immediately preceding the date of submission of the application. If more than 3 years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may be from the most recent 3 year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program. If none of the references required by this subsection are available to the applicant, the Board may accept references from psychologists who are licensed in any state of the United States or any other foreign country who have knowledge of the applicant's professional activities within 3 years from the date of the submission of the application; and
 - iii. Recommend the applicant for licensure;
 - bb. A history of employment in the field of psychology including the beginning and ending dates of employment, number of hours worked per week, name and address of employer, name and address of supervisor, and type of employment in the field of psychology;
 - cc. Whether the applicant is requesting a temporary license under A.R.S. § 32-2073;
 - dd. A notarized statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and has not been procured through fraud or misrepresentation;
 - ee. Information to demonstrate that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4);
 - ff. Two passport photographs of the applicant no larger than 1 1/2 X 2 inches taken not more than 60 days before the date of application;
 - gg. Fee required by the Board; and
 - hh. Any other information authorized by statute.
- B.** In addition to the requirements of subsection (A) above, an applicant for a psychologist's license shall arrange to have directly submitted to the Board:
- 1. An official transcript from each university or college from which the applicant has received a graduate degree and the date received;
 - 2. An affidavit from the applicant's supervisor verifying that the applicant's internship training program meets the requirements in A.R.S. § 32-2071(D);
 - 3. An affidavit from the applicant's postdoctoral supervisor verifying that the applicant's postdoctoral experience meets the requirements in A.R.S. § 32-2071(E); and
 - 4. An official notification of the applicant's score on the national examination for psychology.
 - a. An applicant who has passed the national examination in psychology and is seeking an exemption under A.R.S. § 32-2072(C) shall have the examination scores sent directly to the board by the professional examination service.
 - b. If seeking an exemption under A.R.S. § 32-2072(C) due to the applicant's status as a diplomate of the American board of Professional Psychology, an applicant shall arrange to have a verification of diplomate status sent directly to the Board by the American Board of Professional Psychology.

R4-26-204. Examinations

A. General Rules

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1. An applicant who fails an examination 3 or more times, in Arizona or any other jurisdiction, shall comply with the following requirements ~~pursuant to~~ under A.R.S. § 32-2072(B) ~~prior to taking another examination or submitting a score under subsection C:~~
 - a. ~~No further examinations shall be administered in Arizona and no future scores from any other jurisdiction shall be considered until the~~ The applicant meets ~~shall meet~~ with the Board to review the areas of deficiency and to develop and implement a program of study and practice experience designed to remedy the applicant's deficiencies. This remedial program shall consist of course work, self study, internship experience, supervision, or any combination of these.
 - b. ~~A new license application shall be submitted~~ An applicant shall submit a new license application only after completion of the remedial program described in subsection(A)(1)(a). In addition to the information that was required on the original application, ~~this~~ the new application shall include documentation of all professional activities of the applicant since the date of the original application.
 - c. ~~If the applicant who fails an examination three or more times subsequently passes an Arizona approved examination in another jurisdiction at or above the passing score required in Arizona on the date the examination was taken, the Board shall not accept a~~ A new application is not as complete until the applicant completes the remedial program described in subsection (A)(1)(a).
 2. If an applicant who has been accepted to sit for a Board examination fails to appear at the time scheduled for the commencement of the examination or any ~~specific parts~~ part thereof, the applicant ~~loses~~ shall lose eligibility to sit for that examination ~~and shall reapply and pay another application fee. The board may waive payment of another examination fee under extraordinary circumstances if applicant can demonstrate just cause.~~
 3. The Board ~~may~~ shall deny a license ~~on the grounds that an applicant has violated or attempted to violate the restrictions governing any licensing examination or the administration of an examination, as listed hereafter: if an applicant commits any of the following acts:~~
 - a. ~~Violating~~ Violates the security of the examination materials;
 - b. ~~Removing~~ Removes any examination materials from the examination room ~~any examination materials;~~
 - c. ~~The xerographic, photographic, or other reproduction of~~ Reproduces any portion of the licensing examination;
 - d. ~~Aiding the xerographic, photographic, or other mechanical~~ Aids in the reproduction of any portion of the licensing examination;
 - e. ~~Paying or using~~ Pays or uses another person to take a licensing examination for the applicant or to reconstruct any portion of the licensing examination;
 - f. ~~Obtaining~~ Obtains examination material, either before, during, or after an examination, or ~~using or purporting~~ uses or purports to use any examination materials which were removed or taken from any examination for the purpose of instructing or preparing applicants for examinations;
 - g. ~~Selling, distributing, buying, receiving, or having~~ Sells, distributes, buys, receives, or has possession of any portion of a future, current, or previously administered licensing examination that has not been authorized for release to the public by the Board or its authorized agent;
 - h. ~~Communicating~~ Communicates with any other examinee during the administration of a licensing examination;
 - i. ~~Copying~~ Copies answers from another examinee or ~~permitting~~ permits answers to be copied by another examinee;
 - j. ~~Possessing~~ Possesses during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than material distributed during the examination; or
 - k. ~~Impersonating~~ Impersonates another examinee.
- B. ~~Written~~ National Examination**
1. ~~Pursuant to Under~~ A.R.S. § 32-2063 and 32-2072, the Board ~~shall administer the written examination for the licensure of a psychologist provided by the Association of State and Provincial Psychology Boards~~ national examination shall be administered. An applicant ~~whose credentials were approved by the Board to take the national examination shall be considered to have passed~~ passes the test if the applicant's score received equals at least 70% of the total possible score or, if taking the computerized version, at the ASPPB passing point or with a standard score of 500 or more. The Board ~~shall notify the applicant shall be notified in writing of the test results as provided to the Board by~~ when the Board receives the results from the testing service.
 2. ~~No inspection is allowed of a written examination administered by the~~ The Board shall not allow inspection of a national examination.
- C. ~~Oral~~ Additional Examination**
- ~~1.~~ 1. An applicant shall pass the written national examination before being permitted by the Board to take the ~~oral~~ additional examination.
 - ~~1-2.~~ 1-2. The oral examination, pursuant to Under A.R.S. § 32-2072(A), shall consist of a panel of two or more examiners asking each applicant questions the Board may administer an additional examination to determine the competency of the applicant's knowledge and application of Arizona law. The additional examination may also cover ~~to~~ the practice of psychology, ethical conduct, and psychological assessment and treatment practices.

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- a. The Board may review and approve the additional examination before administration. The additional examination may be compiled by the Board, a committee of the Board, or consultants to the Board.
- b. Applicants, examiners, and consultants to the Board shall execute a security acknowledgment form stating that they shall maintain examination security.
- c. The panel of examiners shall be chosen by the Board from a group of Arizona licensed psychologists.
2. ~~At least 15 calendar days prior to the oral licensing examination, the Board shall notify the applicant by correspondence, that is addressed to the applicant's address of record, of the subject areas to be tested and the applicant shall be examined only in those areas. Failure of the applicant to receive the aforementioned notification shall not constitute grounds for excusing the applicant from taking the scheduled oral examination. Applicants are responsible for communicating with the Board's administrative staff to obtain the aforementioned notification, notwithstanding the Board's intent to give notice by mail.~~
 - a. ~~An applicant shall be deemed to have passed the oral examination if the score obtained is at least 75% of the total possible score. Applicants shall be notified in writing of their examination results. An applicant who fails to receive a score of at least 75% of the total possible score in an oral examination shall be given reasons in writing why the failing score was issued.~~
 - b. ~~The Board shall keep a recording at the Board office of each oral examination for at least two years following the date of the examination.~~
 - c. ~~Scoring of the oral examination shall be performed by each examiner on the panel on uniform grading sheets provided by the Board. The mean score, calculated by averaging the score given by each examiner on the panel, shall constitute the applicant's final score. Only the mean score, not the score assigned by each of the examiners on the panel, shall be disclosed to the applicant.~~
 - d. ~~An applicant who believes that an examiner on the oral examination panel may be biased against or for the applicant's application shall notify the person administering the examination as soon as the applicant becomes aware of the perceived bias.~~
3. ~~All requests for reconsideration of the results of an oral examination shall be submitted in writing to the Board office within 30 days following the notification of failure of the examination.~~
 - a. ~~Upon timely request by an applicant, the Board shall reconsider the results of a failed oral examination if the applicant received a score between 72.5% and 74.9% of the total possible score. The Board may reconsider the results of an oral examination if the applicant received a score of less than 72.5% of the total possible score.~~
 - b. ~~The review for reconsideration of an oral examination shall be conducted by one or more of the Board members and their findings shall be subject to the approval of the Board at the next regularly scheduled Board meeting.~~
 - e. ~~Nothing in this Section shall be construed to deprive an applicant of the applicant's appeal rights provided by law.~~
4. ~~All examination materials, except those owned by an examination service, shall be retained by the Board at the Board office for a period of two years after the date of the examination. An applicant may inspect an oral examination grading sheet or the recording of an oral examination at the Board office during the hours of 8 a.m. to 5 p.m., Monday through Friday, excluding holidays, if such request is made in writing to the Board within one year following the date of the examination. No more than one inspection shall be allowed prior to the expiration of the time to file a written request for reconsideration. Applicants who were informed that they passed the oral examination, or failing applicants who do not wish to request Board reconsideration, shall be allowed to inspect once an oral examination grading sheet or the recording of an oral examination at the Board's offices after the time has expired for failing applicants to submit requests for reconsideration. At the time of inspection, only the person who took the examination and a representative of the Board shall be present.~~
5. ~~Diplomates and applicants who received a passing score on a previous written examination pursuant to A.R.S. 32-20728 are exempt from the written examination but shall take the oral examination.~~
6. ~~An applicant shall pass the written examination before being permitted by the Board to take the oral examination.~~

R4-26-205. Renewal of License

- A. ~~License~~ The Board considers license renewal applications shall be considered timely received by the Board if delivered to the Board's office and received by the Board's personnel or if mailed to the Board's address by the United States mail and postmarked before May 1 of the year that the license expires.
- B. A renewal application form provided by the Board, signed and dated by the licensee, shall contain:
 1. Applicant's name, business and home addresses, social security number, license number, business and home telephone numbers, gender, date of birth, and preference designation for directory and mailing addresses;
 2. Whether the applicant is currently licensed/certified as a psychologist in another jurisdiction, and if so, where;
 3. Whether the applicant is currently a licensed/certified member of another profession, and if so, where;
 4. Whether the applicant is a diplomate of the American Board of Professional Psychology, and if so, in which specialties;

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5. Whether the applicant is a fellow, member, or associate of the American Psychological Association, and if so, designation of member status;
 6. Whether the applicant is a member of other professional associations and if so, which ones;
 7. Whether the applicant has completed the required 60 hours of continuing education; and if not, an explanation of the reasons;
 8. Whether the applicant has been denied a license/certificate to practice any profession by any state or Canadian province;
 9. Whether the applicant has ever relinquished responsibilities, resigned a position, or been fired while a complaint was pending against the applicant;
 10. Whether the applicant has ever resigned or been terminated from a professional organization or surrendered a license while a complaint against the applicant was being investigated or adjudicated;
 11. Whether the applicant has been disciplined by any agency or regulatory board of a state or Canadian province, or by any professional organization, for acts pertaining to the applicant's conduct as a psychologist or as a professional in any other field, and if so, a report of those actions including the name and address of the disciplinary agency, the nature of the action, and a statement of the charges and/or findings;
 12. Whether the applicant has been convicted of a felony or a misdemeanor other than a minor traffic offense in any state or country;
 13. Whether the applicant is currently under investigation by any professional organization of which the applicant is a member of governmental regulatory board or agency concerning the ethical or legal propriety of the applicant's conduct;
 14. Whether the applicant has been sued in civil or criminal court pertaining to the applicant's practice as a psychologist, the applicant's work under the certificate/license in another profession, or the applicant's work as a member of a particular profession;
 15. Whether the applicant is delinquent in payment of a judgment for child support;
 16. Whether the applicant has had an application for membership to any professional organization rejected, or has had any professional organization, ethics committee or health care institution suspend or revoke the applicant's membership or placed the applicant on probation or otherwise censured the applicant for unethical or unprofessional conduct or other violation of eligibility or membership requirements;
 17. Whether the applicant has any medical condition which in any way impairs or limits the applicant's ability to safely practice psychology;
 18. Whether the applicant has been diagnosed with or been treated for a brain injury, bipolar disorder, schizophrenia, paranoia, or any other psychotic disorder;
 19. Whether the applicant is requesting any of the following inactive status options:
 - a. Mental or physical disability;
 - b. Voluntary inactive status;
 - c. Retirement; or
 - d. Medical/Inactive continuation;
 20. Whether the applicant is requesting expired status;
 21. A signed attestation of the veracity of the information provided; and
 22. Any other information authorized by statute.
- C. A licensee who applies for renewal in a timely manner, but fails to complete the required 60 hours of continuing education, may reinstate an expired license and continue practicing between May 1 and July 1 by paying a \$200 reinstatement fee in addition to the regular renewal fee, under A.R.S. § 32-2074(B). The licensee shall have until July 1st of the same year to complete the continuing education requirements.
- D. A licensee who fails to complete the required 60 hours of continuing education by July 1st and has reinstated a license under subsection C shall have from July 1st of the renewal year to May 1st of the next year to complete the continuing education requirements by paying an additional \$200 delinquent compliance fee.
- E. If as a result of an audit of continuing education records, the Board disallows some or all of a licensee's credit hours for failure to conform to the standards set forth in R4-26-207, and the remaining hours are less than the number required, the licensee shall fail to satisfy the continuing education requirements. The licensee shall have 90 days from the mailing date of notification of disallowance to complete the continuing education requirements for the past reporting period and, upon such completion shall provide the Board with an affidavit documenting how the disallowance has been cured. If the Board does not receive an affidavit of cure within 90 days of the mailing date of notification of disallowance, or the Board deems the affidavit insufficient, the Board may proceed to take disciplinary action under A.R.S. § 32-2081.

R4-26-206. Inactive Status

To determine whether a psychologist has maintained and updated the professional knowledge and capability to resume active practice as a psychologist when considering reinstatement of a psychologist on inactive status to active status, pursuant to A.R.S. § 32-2073(G), the Board shall determine whether the psychologist has satisfied the continuing education requirements

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applicable to psychologists on active status. Psychologists who have, while on inactive status, fulfilled the continuing education requirements of a psychologist on active status shall be presumed to have maintained and updated their professional knowledge and capability to practice as a psychologist, unless the Board is presented with evidence to the contrary.

R4-26-207. Continuing Education

- A. A licensee shall complete a minimum of 60 hours of continuing education ~~shall be completed~~ during each ~~two-year~~ 2 year license renewal period. One clock hour of instruction, training, preparation of a published book or journal article, or making a presentation shall equal 1 continuing education credit.
1. For newly licensed individuals, during any license renewal period, the continuing education requirement shall be prorated from the time of a new applicant's licensure.
 2. The date of Board correspondence giving new licensees notice of official licensure shall be the time from which the prorating of the continuing education requirement shall begin for a new licensee. The prorating of the continuing education requirement shall be calculated by counting, from the week following the date of licensing of a new licensee, the number of weeks remaining until May 1 of the next renewal year. That number shall serve as a numerator of a fraction, and 104, the total number of weeks in the renewal period, shall be the denominator of the fraction. This fraction shall then be multiplied by 60, the total number of continuing education hours required, to calculate the minimum number of continuing education hours required for the license renewal period. The same fraction shall be used to calculate the minimum number of continuing education hours required in each of the 3 categories listed in subsection (B). Calculations that result in a fractional number shall be rounded to the next largest whole number.
- B. During the 2-year license period, a licensee shall obtain a minimum of 40 hours from Category I as described ~~hereafter;~~ and, no more than in subsection (B)(1). A maximum of 20 hours may be from Category II to satisfy the total number of hours of instruction during the two-year 2 year license period.
1. ~~Category I shall consist of courses, seminars, workshops, home studies with certificates of completion, and post-doctoral studies~~ includes a course, seminar, workshop, home study with certificate of completion, and post-doctoral study sponsored by a regionally accredited university or college, as ~~described listed in A.R.S. § 32-2071(A)(1), providing that provides~~ a graduate-level degree program or continuing education programs offered by national, international, regional, or state associations, societies, boards, or continuing education providers, if the content of the educational experience is primarily (for example, 75% or more) concerning subjects related to the "practice of psychology", as defined in A.R.S. § 32-2061(8). Instructors shall meet the qualifications stated in subsection (C). Category I also includes attendance at Board meetings. Licensees shall receive 4 continuing education units for attending a full day board meeting and 2 continuing education units for attending a half day Board meeting. These are Board approved credits which may not be accepted outside the State of Arizona. Licensee shall complete documentation provided by the Board at the time of attendance.
 2. ~~Category II shall consist~~ consists of self study, study groups, publication of authored or coauthored psychology books or psychology book chapters, or publication of articles in peer-reviewed psychology journals, or presentation of symposia or papers at a state, regional, national, or international psychology meeting, or attendance at or participation in case conferences.
- C. Qualifications of continuing education instructors shall be subject to unannounced review by the Board. Instructors shall:
1. ~~either be~~ Be currently licensed or certified in ~~their~~ the instructor's profession; or
 2. ~~employed as a faculty member, working~~ Work at least 20 hours a each week; as a faculty member at a regionally accredited college or university, as ~~described listed in A.R.S. § 32-2071(A); or~~
 3. ~~be~~ Be a fellow of the American Psychological Association or American Psychological Society, as defined in R4-26-101(12) or a diplomate of the American Board of Professional Psychology as defined by R4-26-101(4) in R4-26-101(10); or
 4. Demonstrate competence and expertise by having an advanced degree, teaching experience, work history, authored professional publication articles, or presented seminars in the area in which the instructor will be providing instruction.
- D. A ~~psychologist licensed by the Board licensee~~ who organizes and presents a ~~workshop, seminar, symposium, or course for continuing education credits~~ continuing education activity shall receive the same number and category, ~~reflected in subsections (B)(1) or (2);~~ of continuing education credits described in subsection (B) as those persons attending the continuing education function. ~~Credit shall be applied~~ The Board shall allow credit only once in a two- year license renewal period for organizing and presenting a continuing education function on the same topic or content area.
- E. ~~Psychologists Licensees~~ elected to offices in international, national, regional, or state psychological associations or societies, or appointed to government psychology boards or committees, ~~may~~ shall receive a maximum of 10 continuing education credits under Category I for each renewal cycle, reflected in subsection (B)(1), for their work in those positions.
- F. Each licensee shall keep ~~records to demonstrate to the Board~~ documents that substantiate completion of continuing education credits for the ~~two~~ 2 previous, consecutive, license renewal periods. Documents that verify continuing education completion shall include a certificate of attendance, statement signed by the provider verifying participation in the activ-

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ity, or official transcript. The Board shall accept a signed affidavit to document self study activity which includes a description of the activity, the subject covered, the dates, and the number of hours involved.

- G.** The Board may audit a licensee's compliance with continuing education requirements. ~~Failure~~ The board may deny renewal or take other disciplinary action against a licensee who fails to document required continuing education credits ~~may result in nonrenewal of a license or other disciplinary action.~~ A licensee who commits fraud, deceit, or misrepresentation regarding continuing education credits may be disciplined by the Board.
- H.** A licensee who cannot meet the continuing education requirement for good cause may submit a written request to the Board, with ~~all appropriate fees~~ the renewal fee, seeking an extension of time to complete the continuing education requirement.
1. Good cause shall be limited to licensee illness, military service, or residence in a foreign country for at least 12 months of the license renewal period.
 2. A licensee shall submit request for extension ~~Requests for extensions shall be submitted~~ on or before the expiration of a license, as provided by statute. A time extension shall not exceed 1 year.
 3. Licensees who cannot complete the continuing education requirement within the time extension may apply to the Board for inactive license status ~~pursuant to~~ under A.R.S. § 32-2073(E).
- I.** ~~The Board shall not allow continuing~~ Continuing education hours in excess of the 60 required hours ~~shall not to~~ be carried beyond the ~~two-year~~ 2 year renewal period in which they were accrued.
- J.** ~~Courses~~ The Board shall not consider courses, workshops, seminars, or symposia designed to increase income or office efficiency ~~shall not to~~ be eligible for continuing education credits.

R4-26-208. Time-frames for Processing Applications

- A.** The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1.
1. An applicant and the Board's Executive Director may agree in writing to extend the substantive review time-frame and the overall time-frame. Any extension shall not exceed 25% of the overall time-frame.
- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.
1. The administrative completeness review time-frame begins, for approval or denial:
 - a. To take the national examination, on the date the Board office receives an application packet and ends on the date the Board office sends an applicant a written notice of administrative completeness;
 - b. To take the additional examination, on the date the Board office receives an application packet for an additional examination, and ends on the date the Board office sends an applicant a written notice of administrative completeness of the additional examination packet;
 - c. Of a temporary license for an applicant licensed in another jurisdiction, on the date the Board office receives an application packet from the applicant and ends on the date the Board office sends the applicant a written notice of administrative completeness;
 - d. Of a license, on the date an applicant takes the additional examination and ends on the date the Board office notifies the applicant that the applicant has completed the additional examination;
 - e. Of a license renewal application, on the date the Board office receives a renewal application packet and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes first;
 - f. Of a request for reinstatement of an expired license, on the date the Board office receives the request for reinstatement and ends on the date the Board office sends an applicant a written renewal approval or a written notice of completeness, whichever comes first; and
 - g. Of a request for an extension in which to complete continuing education requirements, on the date the Board office receives a request for extension, and ends on the date the Board office sends an applicant written notice of completeness of the request.
 2. If an application packet is incomplete, the Board shall send an applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the notice. If the applicant fails to do so, the Board may close the file unless the applicant requests a denial within 30 days from the date of the notice. An applicant whose file has been closed and who later wishes to become licensed shall reapply.
 3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time-frame and the overall time-frame are suspended from the date of mailing this notice until the date Board receives a complete application packet from the applicant.
 4. Once an application packet is complete, the Board shall send a written notice of administrative completeness to an applicant.
- C.** The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1.

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1. The substantive review time-frame begins for approval or denial of:
 - a. An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;
 - b. An application to take the additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;
 - c. A temporary license, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the temporary license;
 - d. A license, on the date the Board sends an applicant written notification that the applicant has completed the additional examination and ends on the date the Board grants or denies the license;
 - e. An application for license renewal, on the date an applicant submits a complete renewal application packet and ends on the date the Board approves or denies the renewal application;
 - f. A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and
 - g. A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.
 2. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the date of mailing the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
- D.** The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. § 32-2071 through § 32-2076.
- E.** The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2071 through § 32-2076.
- F.** The Board shall send a renewal certificate to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.
- G.** The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last known address of record in the Board's file.
- H.** If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the time-frame ends on the next business day.

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Table 1. Time-frames (in Days) for Processing Applications

Type of Time-frame	Statutory or Rule Authority	Administrative Completeness Time-frame	Time Respond to Notice Deficiency	to to of	Substantive Review Time-frame	Time Respond to Request Additional Information	to for	Overall Time-frame
Approval or denial to take the national examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240		60	240		90
Approval or denial to take additional examination	A.R.S. § 32-2071; § 32-2071.01; § 32-2072; R4-26-204	30	240		60	240		90
Approval or denial to issue temporary license	A.R.S. § 32-2071 A.R.S. § 32-2073	30	240		60	240		90
Approval or denial for licensure	A.R.S. § 32-2071; § 32-2071.01	30	240		60	240		90
Approval or denial of application for renewal of license	A.R.S. § 32-2074 R4-26-205	60	No time specified		90	No time specified		150
Approval or denial of renewal application for reinstatement	A.R.S. § 32-2074; R4-26-206	60	No time specified		90	No time specified		150
Approval or denial of extension for continuing education requirement	A.R.S. § 32-2074 R4-26-207	60	No time Specified		90	No time specified		150

R4-26-209. General Supervision

~~In the context of supervised activity referred to in~~ Under A.R.S. § 32-2071, a supervising ~~psychologists~~ psychologist shall not supervise a member of ~~their~~ the psychologist's immediate family, an individual with whom ~~they have~~ the psychologist has any substantial financial interest as defined by ~~A.R.S. § 32-502(11)~~ A.R.S. § 38-502(11), or ~~their~~ the psychologist's employer.

R4-26-210. Internship or Training Experience

The Board shall use the following criteria to determine if internship or training experience complies with A.R.S. § 32-2071(D):

- A. ~~The applicant shall provide documentation to establish that~~ That the written statement required in A.R.S. § 32-2071(D)(9) corresponds to the training program that the applicant completed;

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- B. Pursuant to A.R.S. § 32-2071(D)(2), ~~That~~ the supervisor ~~shall be~~ was available to the person being supervised when decisions ~~are were~~ made regarding emergency psychological services provided to a client as required in A.R.S. § 32-2071(D)(2);-
- C. Pursuant to A.R.S. § 32-2071(D)(2), ~~That~~ in non-emergency situations, the supervisor ~~shall have~~ had written procedures to be followed in the event the supervisor ~~is~~ was unavailable as required in A.R.S. § 32-2071(D)(2);
- D. ~~Course~~ That course work used to satisfy the requirements of A.R.S. § 32-2071(A) or dissertation time ~~shall not be~~ is not credited toward the time required by A.R.S. § 32-2071(D)(6);
- E. Pursuant to A.R.S. § 32-2071(D)(6)(a), ~~two~~ That 2 hours a week of other learning activities required in A.R.S. § 32-2071(D)(6) may include:
1. Case conferences involving a case in which the trainee was actively involved;
 2. Seminars involving clinical issues;
 3. Co-therapy with a professional staff person including discussion;
 4. Group supervision; or
 5. Additional individual supervision;
- F. Pursuant to A.R.S. § 32-2071(D)(7), ~~That~~ a training program ~~that has one trainee shall have~~ had the trainee work with other doctoral level psychology trainees and ~~shall include~~ included in the written statement required in A.R.S. § 32-2071(D)(9) a description of the program policy specifying the opportunities and resources provided to the trainee for working with other doctoral level psychology trainees.
- G. ~~Time~~ That time spent fulfilling academic degree requirements such as course work applied to the doctoral degree, practicum, field laboratory, dissertation, or thesis credit ~~shall not be~~ is not credited toward the 1,500 hours of professional experience hours required by A.R.S. § 32-2071(D). This rule does not restrict a student from participating in activities designed to fulfill other doctoral degree requirements; however, the Board shall not credit such time ~~shall not be credited~~ toward the hours required by A.R.S. § 32-2071(D);
- H. ~~To~~ That to satisfy the 1st 1,500 hours required by A.R.S. § 32-2071(D), the written statement required ~~pursuant to~~ under A.R.S. § 32-2071(D)(9) ~~shall have been~~ was established by the time the student began training. ~~Acquiring~~ The Board shall not accept experience or ~~claiming~~ credit for the past activities ~~shall not be accepted~~ as a training program or a pre-doctoral internship.

R4-26-211. Foreign Graduates

- A. Pursuant to A.R.S. § 32-2071(B), an applicant for licensure whose application is based on graduation from a foreign institution of higher education shall provide the Board with documents and evidence to establish that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited institution as described in A.R.S. § 32-2071(A).
- B. The applicant shall provide the following information to the Board:
1. An original and a copy of the doctoral diploma or certificate of graduation. The original shall be returned, and the copy shall be retained by the Board.
 2. An official transcript, containing an original university seal or comparable document recording all course work completed.
 3. A certified English translation of all documents submitted.
 4. Evidence of completion of the requirements of A.R.S. § 32-2071(C)(D) and (E).
 5. Evidence that the doctoral dissertation or project was primarily psychological. The Board may require the applicant to submit the doctoral dissertation or project.
 6. A statement prepared by the applicant, based upon the documents referred to in this Section, indicating the chronological sequence of studies and research. The format of this statement shall be comparable to a transcript issued by United States universities.

ARTICLE 3. REGULATION

R4-26-303. Titles

The use of designations that claim a potential or future degree or qualification such as "Ph.D. (Cand)," "Ph.D. (ABD)," "License Eligible," "Candidate for Licensure", or "Board Eligible" are not titles that designate trainee status as described in A.R.S. § 32-2071(D)(8), nor do such titles qualify for exemption under A.R.S. § 32-2075(A)(2) or (3). The use of titles that claim a potential or future degree or qualification ~~may~~ shall be construed by the Board as violations of ~~A.R.S. § 32-2061(13)(e), 32-2071.01(3), and 32-2084~~ A.R.S. § 32-2061, et seq.

R4-26-308. Rehearing or Review of Decision

- A. Except as provided in subsection (G)., any party in a contested case before the Board of Psychologist Examiners who is aggrieved by a decision rendered in such case may file with the Board of Psychologist Examiners, not later than ~~ten~~ 15 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular

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grounds therefor. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business.

- B.** A motion for rehearing or review may be amended at any time before it is ruled upon by the Board. A response may be filed within ~~ten~~ 15 days after service of such motion or amended motion by any other party. The Board may require written briefs upon the issues raised in the motion and may provide for oral argument. Parties filing pleadings or other documents with the Board must file an original and 11 3-hole punched copies.
- C.** A rehearing or review of ~~the~~ a decision may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
 2. Misconduct of the Board or its hearing officer or the prevailing party.
 3. Accident or surprise which could not have been prevented by ordinary prudence.
 4. Newly discovered material evidence ~~which~~ that could not with reasonable diligence have been discovered and produced at the original hearing.
 5. Excessive or insufficient penalties.
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the case.
 7. That the decision is not justified by the evidence or is contrary to law.
- D.** The Board may affirm or modify ~~the~~ a decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E.** Not later than ~~ten~~ 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason ~~which~~ that it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case the order granting such a rehearing or review shall specify the grounds therefor.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within ~~ten~~ 15 days after such service, serve opposing affidavits, which period may be extended for not more than 20 days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G.** If in a particular decision the Board makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time permitted for final decisions.
- H.** For purposes of this Section, ~~the terms~~ "contested case" ~~and~~ "party" shall be defined as provided in A.R.S. § 41-1001.
- I.** To the extent that the provisions of this Section are in conflict with the provisions of any statute providing for rehearing or review of decisions of the Board, such statutory provisions shall govern.