

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

PREAMBLE

1. Sections Affected

Rulemaking Action

R4-6-101	New Section
R4-6-201	New Section
R4-6-202	New Section
R4-6-203	New Section
R4-6-204	New Section
R4-6-205	New Section
R4-6-206	New Section
R4-6-207	New Section
R4-6-208	New Section
R4-6-209	New Section
R4-6-210	New Section
R4-6-211	New Section
R4-6-212	New Section
R4-6-213	New Section
R4-6-214	New Section
R4-6-301	New Section
R4-6-302	New Section
R4-6-303	New Section
R4-6-304	New Section
R4-6-305	New Section
R4-6-306	New Section
R4-6-401	New Section
R4-6-402	New Section
R4-6-403	New Section
R4-6-404	New Section
R4-6-405	New Section
R4-6-501	New Section
R4-6-502	New Section
R4-6-503	New Section
R4-6-504	New Section
R4-6-505	New Section
R4-6-601	New Section
R4-6-602	New Section
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R4-6-605	New Section
R4-6-606	New Section
R4-6-701	New Section
R4-6-702	New Section
R4-6-703	New Section
R4-6-704	New Section
R4-6-705	New Section
R4-6-706	New Section
R4-6-707	New Section
R4-6-801	New Section

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R4-6-802	New Section
R4-6-803	New Section
R4-6-804	New Section
R4-6-901	New Section
R4-6-902	New Section
R4-6-1001	New Section
R4-6-1002	New Section
R4-6-1101	New Section
R4-6-1102	New Section
R4-6-1103	New Section
R4-6-1104	New Section
R4-6-1105	New Section

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

Authorizing statute: Law 2003, Chapter 65, § 39

Implementing statute: A.R.S. § 32-3253(A)(1)

3. The effective date of the rules:

July 1, 2004

4. A list of all previous notices appearing in the Register addressing the exempt rule:

None

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

The attached rules are being promulgated for purposes of implementing the behavioral health licensure statutes that become effective July 1, 2004.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. 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

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

Not applicable

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

The rules were posted on the Board's web site and available for public review beginning on February 15, 2004. The Board then held three public meetings in Phoenix, Tucson and Flagstaff to explain the rules process and accept public comments. As a result of these efforts, the Board received a number of written comments on the rules from state professional organizations, other state agencies and behavioral health professionals.

The Rules Subcommittee of the Board reviewed these comments in a series of public meetings during which additional public comments were received. A summary of the comments received and the Board's final response to them is as follows:

- a. A comment was received from requesting that the Board's statutory scopes of practice be included in the definitions in R4-6-101. That change was adopted as requested.

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- b. Numerous comments were received to add or modify definitions. Those changes were reviewed and adopted where appropriate.
- c. Several comments were received asking the Board to include delayed implementation dates on certain new requirements. Those changes were reviewed and adopted where appropriate.
- d. A comment was made to expand R4-6-306 to require the Board to issue temporary licenses to applicants pending passage of the required examination. That change was adopted as requested.
- e. A comment was made to increase the maximum allowable number of supervisees from eight as originally proposed. The maximum allowable number of supervisees was increased to 15.
- f. Several comments were received to modify provisions with regard to the type and amount of continuing education required for clinical supervisors. These changes were adopted where appropriate.
- g. Several comments were received asking that R4-6-304 be modified to require that the Board consider life experiences in determining whether an applicant meets minimum requirements of education, supervision and examination. Those changes were not adopted based on the determination that clearly defined minimum enforceable standards are necessary to protect the public from unqualified therapists.
- h. A comment was received asking to modify the requirements for clinical supervisors for social work applicants. This change was not adopted based on numerous comments from stakeholders and the Board's determination that the requested change was inappropriate.
- i. A comment was received asking to modify the requirements to prohibit substance abuse counselors from providing clinical supervision to social workers, counselors and marriage and family therapists. That change was adopted as requested.
- j. Several comments were received with regard to the type of continuing education required of licensed substance abuse counselors. Those changes were adopted as requested.

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

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

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ARTICLE 1. DEFINITIONS

R4-6-101. Definitions

A. In addition to the definitions set forth at A.R.S. § 32-3251, the following definitions apply to this Chapter, unless otherwise specified:

1. "Administrative completeness" review means the agency's determination of whether all documents and information required by statute or rule to be submitted in an application packet have been provided and are complete.
2. "Agency" means the Arizona Board of Behavioral Health Examiner's administrative office.
3. "Aggrieved party" means the state of Arizona or a licensee who is the subject of a complaint pending before the Board who disagrees with a Board decision resulting from a formal administrative hearing.
4. "Applicant" means an individual requesting a regular or temporary license or a license by reciprocity by submitting a completed application packet to the agency.
5. "Application packet" means the required documents, forms, fees and additional information required by the Board of an applicant.
6. "Assessment" means the collection and analysis of information to determine an individual's treatment needs.
7. "A.S.W.B." means the Association of Social Work Boards.
8. "Behavioral health entity" means any organization, agency, business, or professional practice, including a for-profit private practice, that provides assessment, diagnosis, and treatment to individuals, groups or families for behavioral health related issues.
9. "Behavioral health service" means the assessment, diagnosis or treatment of an individual's behavioral health issue.
10. "Board" means the Arizona Board of Behavioral Health Examiners.
11. "C.A.C.R.E.P." means the Council on Accreditation for Counseling and Related Educational Programs.
12. "Client" means a patient who receives behavioral health services from a person licensed pursuant to A.R.S. § 32-3251 et seq.
13. "Client record" means the collected documentation of the behavioral health services provided to and the information gathered regarding a client.
14. "Clinical supervision" means face-to-face, videoconferencing or telephonic direction or oversight provided by a qualified individual to evaluate, guide and direct all behavioral health services provided by a licensee to assist the licensee to develop and improve the necessary knowledge, skills, techniques and abilities to allow the licensee to engage in the practice of behavioral health ethically, safely and competently.
15. "Clinical supervisor" means an individual who provides clinical supervision.
16. "Clock hour" means 60 minutes of instruction, not including breaks or meals.
17. "Continuing education" means training that provides an understanding of current developments, skills, procedures or treatments related to the practice of behavioral health, as determined by the credentialing committee.
18. "Co-occurring disorder" means a combination of a mental disorder or a personality disorder and substance abuse.
19. "C.O.R.E." means the Council on Rehabilitation Education.
20. "Council on Social Work Education" means the nationally recognized accrediting body for schools of social work.
21. "Counseling related coursework" means education that prepares an individual to provide behavioral health services, as determined by the credentialing committee.
22. "Credentialing committee" means a committee established pursuant to A.R.S. § 32-3251 et seq.
23. "Date of service" means the date mailed by regular United States mail to the last address placed on file at the agency in writing by the applicant or licensee.
24. "Day" means calendar day.
25. "Direct supervision" means immediate responsibility and oversight for all services provided by a supervisee.
26. "Disciplinary action" means any action taken by the Board against a licensee or applicant based on a finding that the

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- licensee has engaged in unprofessional conduct and includes all sanctions of any kind, including refusing to grant or renew a license and suspending or revoking a license.
27. “Documentation” means written or electronic supportive evidence.
 28. “Family member” means a parent, sibling, half-sibling, child, cousin, aunt, uncle, niece, nephew, grandparent, grandchild, and present and former spouse, in-law, stepchild, stepparent, foster parent or significant other.
 29. “Gross negligence” means the careless or reckless disregard of established standards of practice or the repeated failure to exercise the care that a reasonable practitioner would exercise within the scope of professional practice.
 30. “Group clinical supervision” means clinical supervision provided by a clinical supervisor to two but no more than six supervisees.
 31. “Immediate family member” means a parent, sibling, half-sibling, child, cousin, aunt, uncle, niece, nephew, grandparent, grandchild, and present and former spouse, in-law, stepchild, stepparent, or foster parent.
 32. “Independent contractor” means a licensed behavioral health professional whose contract to provide services on behalf of a behavioral health entity qualifies for independent contractor status under the codes, rules and regulations of the Internal Revenue Service of the United States.
 33. “Independent practice” means engaging in the practice of marriage and family therapy, professional counseling, social work or substance abuse counseling without direct supervision.
 34. “Inactive status” means a licensee has temporarily suspended practice under Arizona licensure by postponing renewal of licensure for a maximum of 48 months.
 35. “Individual clinical supervision” means clinical supervision provided by a clinical supervisor to one supervisee.
 36. “Ineligible” means failure to meet licensure requirements based upon unprofessional conduct by the applicant or failure to meet minimum licensure or renewal requirements.
 37. “Informed consent for treatment” means a written document authorizing treatment of a client that:
 - a. Contains the requirements of R4-6-1101;
 - b. Is dated and signed by the client or the client’s legal representative, and
 - c. Beginning on July 1, 2006, is dated and signed by an authorized representative of the behavioral health entity.
 38. “Last client contact” means the last time a licensee communicated orally or in writing with a client for the purpose of providing or coordinating treatment.
 39. “Legal representative” means an individual authorized by law to act on a client’s behalf.
 40. “License” means written authorization issued by the Board to engage in the practice of behavioral health in Arizona.
 41. “Licensee” means an individual holding a current license issued by the Board to practice behavioral health in Arizona.
 42. “Passing score” means the minimum acceptable score that an applicant is required to obtain on an examination as determined by the Board.
 43. “Practice of behavioral health” means the practice of marriage and family therapy, professional counseling, social work and substance abuse counseling pursuant to A.R.S. § 32-3251 et seq.
 44. “Practice of marriage and family therapy” means the professional application of family systems theories, principles and techniques to treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral. The practice of marriage and family therapy includes:
 - a. Assessment, appraisal and diagnosis.
 - b. The use of psychotherapy for the purpose of evaluation, diagnosis and treatment of individuals, couples, families and groups.
 45. “Practice of professional counseling” means the professional application of mental health, psychological and human development theories, principles and techniques to:
 - a. Facilitate human development and adjustment throughout the human life span.
 - b. Assess and facilitate career development.
 - c. Treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral.
 - d. Manage symptoms of mental illness.
 - e. Assess, appraise, evaluate, diagnose and treat individuals, couples, families and groups through the use of psychotherapy.
 46. “Practice of social work” means the professional application of social work theory, principles, methods and techniques to:
 - a. Treat mental and emotional disorders.
 - b. Assist individuals, families groups and communities to enhance or restore the ability to function physically, socially, emotionally, mentally and economically.
 - c. Assess, appraise, diagnose, evaluate and treat individuals, couples, families and groups through the use of psychotherapy.
 47. “Practice of substance abuse counseling” means the professional application of general counseling theories, principles and techniques as specifically adapted, based on research and clinical experience, to the specialized needs and

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characteristics of persons who are experiencing substance abuse, chemical dependency and related problems and to the families of those persons. The practice of substance abuse counseling includes the following as they relate to substance abuse and chemical dependency issues:

- a. Assessment, appraisal and diagnosis.
 - b. The use of psychotherapy for the purpose of evaluation, diagnosis and treatment of individuals, couples, families and groups.
48. “Progress note” means documentation of a behavioral health service provided to an individual dated and signed or electronically acknowledged by the licensee.
 49. “Quorum” means a majority of the appointed members of the Board or a credentialing committee.
 50. “Reciprocity” means the acceptance of a license or certification issued by another state regulatory entity as meeting all behavioral health professional licensure requirements in Arizona.
 51. “Regionally accredited college or university” means approved by the:
 - a. New England Association of Schools and Colleges;
 - b. Middle States Association of Colleges and Schools;
 - c. North Central Association of Colleges and Schools;
 - d. Northwest Association of Schools and Colleges;
 - e. Southern Association of Schools and Colleges; or
 - f. Western Association of Schools and Colleges.
 52. “Release of information” means a written authorization, dated and signed by a client or a client’s legal representative, that allows a licensee to provide specified treatment information to the individual or individuals designated in the written release of information.
 53. “Significant other” means an individual whose participation the client considers to be essential to the effective provision of behavioral health services to the client.
 54. “Substantive review” means a credentialing committee’s determination whether an applicant is eligible for licensure.
 55. “Supervised work experience” means practicing clinical social work, marriage and family therapy, professional counseling, or substance abuse counseling for remuneration or on a voluntary basis under direct supervision.
 56. “Three semester credit hour course” means a three-semester credit hour course, a four-quarter credit hour course or a four-trimester credit hour course.
 57. “Treatment” means the application by a licensee of one or more therapeutic practice methods to improve, eliminate or manage a client’s behavioral health issue.
 58. “Treatment goal” means the desired result or outcome of treatment.
 59. “Treatment method” means the specific approach used to achieve a treatment goal.
 60. “Treatment plan” means a description of the specific behavioral health services that a licensee will provide to a client that is documented in the client record.

ARTICLE 2. GENERAL PROVISIONS

R4-6-201. Board Meetings

A. The Board:

1. Shall meet at least annually in June.
2. May hold additional meetings:
 - a. As necessary to conduct the Board’s business; and
 - b. If requested by the Chair, majority vote of the Board members, or upon written request from two Board members.

B. The Board may conduct official business only when a quorum is present.

R4-6-202. Board Elections

A. At the annual meeting in June, the Board shall elect, by a majority vote of the Board members present, a Chair and a Secretary/Treasurer.

B. A vacancy that occurs in either office shall be filled, by a majority vote of the Board members present, at the first Board meeting following the vacancy.

R4-6-203. Credentialing Committee Meetings

A. Each credentialing committee:

1. Shall meet at least annually in June.
2. May hold additional meetings:
 - a. As necessary to conduct the credentialing committee’s business; and
 - b. If requested by the Chair of the credentialing committee, majority vote of the credentialing committee, or upon written request from two credentialing committee members.

B. A credentialing committee shall conduct official business only when a quorum is present.

R4-6-204. Credentialing Committee Elections

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- A. At the credentialing committee meeting in June of each year, the credentialing committee shall elect, by a majority vote of the credentialing committee members present, a Chair and Secretary.
- B. A vacancy that occurs in either office shall be filled, by a majority vote of the credentialing committee members present, at the first credentialing committee meeting following the vacancy.

R4-6-205. Change of Address

A licensee or applicant shall notify the agency in writing no later than 30 days after any change of the licensee's or applicant's residence or office mailing address or residence or office telephone number.

R4-6-206. Change of Name

A licensee or an applicant shall notify the agency in writing no later than 30 days after a name change, provide a copy of legal documentation establishing the name change, such as a marriage certificate, divorce decree, or court order and surrender any previous license issued by the Board to the licensee.

R4-6-207. Confidential Records

A. The following records are confidential and not open to public inspection:

1. Minutes of executive session;
2. Records classified as confidential by other laws, rules, or regulations;
3. College or university transcripts, licensure examination scores, medical or mental health information, and professional references of applicants except that the individual who is the subject of the information may view or copy the records or authorize a release of these records to a third party.
4. Records for which the Board or credentialing committee determines that public disclosure would have a significant adverse effect on the Board's or credentialing committee's ability to perform its duties or which would otherwise be detrimental to the best interests of the state. When the Board or credentialing committee determines that the reason justifying the confidentiality of the records no longer exists, the record shall be made available for public inspection and copying; and
5. All investigative materials regarding any pending or resolved complaint.

B. Persons wanting to inspect Board or credentialing committee records that are available for public inspection may do so at the agency Monday through Friday, 8 a.m. to 5 p.m., except holidays, after giving the agency reasonable notice in writing to prepare for the inspection.

R4-6-208. Conviction of a Felony or Prior Disciplinary Action

The Board shall consider the following factors to determine whether a felony conviction or prior disciplinary action will result in imposing disciplinary sanctions on a licensee or an applicant, including refusing to renew the license of a licensee or refusing to issue a license to an applicant:

1. The age of the licensee or applicant at the time of the felony conviction when the prior disciplinary action occurred;
2. The seriousness of the conviction or prior disciplinary action;
3. The factors underlying the conduct that led to conviction of the felony or imposition of disciplinary action;
4. The length of time since the felony conviction or prior disciplinary action;
5. The relationship between the practice of the profession and the conduct giving rise to the felony conviction or prior disciplinary action;
6. The licensee's or applicant's efforts toward rehabilitation;
7. The assessments and recommendations of qualified professionals regarding the licensee's or applicant's rehabilitative efforts;
8. The licensee's or applicant's cooperation or non-cooperation with the Board's background investigation regarding the felony conviction or prior disciplinary action; and
9. Other factors the Board or credentialing committee deems relevant.

R4-6-209. Deadline Extensions

A. Deadlines established by date of service may be extended a maximum of two times by the chair of the Board or the chair of the credentialing committee if good cause is documented in a written request postmarked or received by the agency no later than the required deadline.

B. The Board shall consider the following to determine whether good cause has been established:

1. Illness or disability;
2. Military service; or
3. Any other circumstance beyond the control of the individual requesting a deadline extension.

C. The Board shall not grant an extension for renewal submission deadlines, late renewal submission deadlines or reassessment deadlines.

R4-6-210. Supervision Requirements - General

In addition to the specific supervision requirements contained in Articles 4, 5, 6 and 7:

1. An immediate family member or other individual whose objective assessment of the supervisee's performance may

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- be limited by a relationship with the supervisee shall not provide direct or clinical supervision.
2. A supervisee may not acquire supervised work experience in a professional setting which the supervisee operates or manages or in which the supervisee has an ownership interest.
 3. Supervised work experience acquired as an independent contractor must include the following:
 - a. The supervisee has entered into a written contract to provide services for a behavioral health entity;
 - b. The supervisee receives an appropriate level of direct supervision from the contracting behavioral health entity, as determined by the Board;
 - c. The supervisee is paid by the contracting behavioral health entity and receives no payment directly from clients;
 - d. The supervisee provides services to clients who are advised in writing that they are clients of the contracting behavioral health entity.
 - e. The written contract between the contracting behavioral health entity and the supervisee provides that the supervisee is required to comply with the contracting behavioral health entity's clinical policies and procedures, including its code of ethics and recordkeeping procedures; and
 - f. The written contract between the contracting behavioral health entity and the supervisee provides that all client records belong to the contracting behavioral health entity and remain the contracting behavioral health entity's property at the termination of the contract between the contracting behavioral health entity and the supervisee.

R4-6-211. Direct Supervision Requirements

In addition to the specific supervision requirements contained in Articles 4, 5, 6 and 7:

1. A direct supervisor must be employed by the same entity as the supervisee.
2. An individual shall provide direct supervision to a maximum of 15 supervisees at the same time.

R4-6-212. Clinical Supervision Requirements

- A.** An individual shall provide clinical supervision to a maximum of 15 supervisees at the same time.
- B.** A clinical supervisor shall have experience, training and competence adequate to perform and direct the services provided by the supervisee.
- C.** No more than 25 percent of the clinical supervision hours required for licensure as a professional counselor, marriage and family therapist, social worker or substance abuse counselor may be acquired telephonically.
- D.** Clinical supervision acquired telephonically shall not be accepted for communications lasting less than 30 minutes.
- E.** To be approved by the Board, clinical supervision shall include all of the following elements:
 1. A review of ethical and legal requirements applicable to the supervisee's practice, including unprofessional conduct as defined in 32-3251(12).
 2. Monitoring of the supervisee's activities to verify the supervisee is providing services safely and competently.
 3. Verification that the supervisee provides clients with appropriate written notice of clinical supervision and the name and telephone number of the supervisee's clinical supervisor.
 4. Documentation written and maintained by the clinical supervisor for a minimum of seven years of all clinical supervision sessions that, for each clinical supervision session, at a minimum, includes the following:
 - a. The date and duration of each clinical supervision session;
 - b. A comprehensive clinical description of topics discussed during each clinical supervision session. Identifying information regarding clients is not required;
 - c. Beginning on July 1, 2006, the name and signature of the individual receiving clinical supervision;
 - d. The name, signature and telephone number of the clinical supervisor and the date signed; and
 - e. Whether clinical supervision occurred on a group or individual basis.
 5. Verification that no conflict of interest exists between the clinical supervisor and the supervisee.
 6. Verification that no conflict of interest exists between the supervisee and the supervisee's clients.
 7. Monitoring of the supervisee's clinical documentation through on-going compliance review to ensure that the supervisee maintains adequate written documentation.
- F.** Effective July 1, 2006, an applicant must receive a minimum of 10 hours of clinical supervision obtained during direct observation or a review of audiotapes or videotapes by the clinical supervisor of the applicant while the applicant is providing treatment and evaluation services to a client.
- G.** An applicant may submit clinical supervision hours by a maximum of four clinical supervisors.
- H.** Clinical supervision may include both individual and group supervision. Group clinical supervision hours shall not exceed individual supervision hours.
- I.** Beginning on July 1, 2006, an individual providing clinical supervision in Arizona to qualify a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker or an independent substance abuse counselor shall initially complete a minimum of 12 clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. After the required initial training, the clinical supervisor shall obtain a minimum of six clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. Training or coursework required pursuant to this Section is limited to the following categories:

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1. The roles and responsibilities of a clinical supervisor.
 2. Skill sets involved in providing oversight and guidance to a supervisee engaged in diagnosing, treatment planning, and treatment of clients.
 3. Conceptual knowledge of supervision methods and techniques.
 4. Evaluation of a supervisee's role, performance and capacity to conceptualize and implement clinical assessment and treatment processes.
- J.** Clinical supervision training required pursuant to subsection (9) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:
1. NBCC/CCE Approved Clinical Supervisor certification.
 2. ICRC Clinical Supervisor certification.
 3. American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.

R4-6-213. Fees

- A.** The Board shall establish at its June meeting nonrefundable fees for:
1. Application for a regular license.
 2. Application for a license by reciprocity.
 3. Application for a temporary license.
 4. Fingerprint check.
 5. Biennial renewal.
 6. Duplicate certificate.
 7. Late renewal.
 8. Inactive status.
 9. Late inactive status request fee.
 10. Reassessment of eligibility.
 11. General copying of records.
 12. Commercial copying of records.
 13. Public records requests.
 14. Copying of audiotapes.
 15. Verification of licensure.
 16. Copies of Boards rules and statutes.
 17. Directory of licensees.
 18. Returned personal checks
- B.** The Board shall accept payment of fees as follows:
1. For an amount greater than \$25 other than licensure verification requests, a certified check, cashier's check, or money order;
 2. For an amount of \$25 or less, a personal or business check; and
 3. For licensure verification requests, a certified check, cashier's check, money order or business check.
- C.** The agency shall make the current fee schedule available to the public.
- D.** Fees for required examinations are set by contract between the Board and the organizations administering the approved examinations.

R4-6-214. Foreign Equivalency Determination

The Board shall accept foreign degrees that meet the educational standards required in this Chapter for professional counseling, marriage and family therapy and substance abuse counseling licensure. To enable the Board to determine whether a foreign degree meets the educational standards required in this Chapter, the applicant shall, at the applicant's expense, have the foreign degree evaluated by an entity approved by the Board.

ARTICLE 3. LICENSURE

R4-6-301. Application for a Regular License

An applicant for a regular license shall submit a completed application packet that contains the following:

- A.** A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
- B.** The license fee required in R4-6-211;
- C.** The applicant's name, date of birth, social security number, residence and business address and residence and business telephone number;
- D.** Each name or alias previously or currently being used by the applicant.
- E.** The name of each college or university the applicant has attended;
- F.** A completed and legible fingerprint card for a state and federal criminal history records check along with a certified check, cashier's check or money order in the amount prescribed at R4-6-211(A)(4) as authorized at A.R.S. § 32-3280(B),

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if the applicant has not previously submitted a full set of fingerprints to the Board or verification that the applicant holds a current class 1 or class 2 fingerprint card issued by the Department of Public Safety;

- G. An official transcript or education documentation acceptable to the credentialing committee; and
- H. Other documents or information requested by the credentialing committee to determine the applicant's eligibility.

R4-6-302. Licensing Time-frames

- A. The overall time-frames described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1. The person applying for a license and the credentialing committee may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the Board receives an application.
 - 1. If the application packet is not complete, the Board shall send to the 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 service of the notice until the date the Board receives a complete application packet from the applicant.
 - 2. If an application is complete, the Board shall send a written notice of administrative completeness to the applicant.
- C. An applicant shall submit all of the deficient information within 60 days of the date of service of the deficiency notice.
 - 1. If an applicant cannot submit all deficient information within 60 days of the date of service of the deficiency notice, the applicant may obtain an extension by submitting a written request to the agency postmarked or delivered no later than 60 days from the date of service of the deficiency notice.
 - 2. The written request for an extension shall document the reasons the applicant is unable to meet the 60-day deadline.
 - 3. The agency shall review the request for an extension of the 60-day deadline and grant the request if the agency determines that an extension of the 60-day deadline will enable the applicant to assemble and submit the deficient information. An extension of the 60-day deadline shall be for no more than 60 days. An applicant who requires an additional extension shall submit an additional written request in accordance with this subsection. The agency shall notify the applicant in writing of its decision to grant or deny the request for an extension.
 - 4. If an applicant fails to submit all of the deficient information within the required time, the agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.
- D. The substantive review time-frame described in A.R.S. § 41-1072(1) begins on the date of service of the notice of administrative completeness.
 - 1. If the credentialing committee finds an applicant is ineligible for licensure, the credentialing committee shall recommend to the Board that the applicant be denied licensure.
 - 2. If the credentialing committee finds an applicant is eligible for licensure, the credentialing committee shall recommend to the Board that the applicant be licensed.
 - 3. Upon receipt of the credentialing committee's recommendation, the Board shall either:
 - a. Send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 32, Chapter 33 and this Chapter; or
 - b. Send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 32, Chapter 33 and this Chapter.
 - 4. If the credentialing committee finds deficiencies during the substantive review of the application, the credentialing committee shall provide a written list of the deficiencies to the applicant. The substantive review time-frame is suspended from the date the deficiency notice is served until the applicant provides the agency with all deficient information.
 - 5. An applicant shall submit all of the deficient information within 60 days of the date of service of the deficiency notice.
 - 6. If the credentialing committee determines the applicant has not taken and passed the required licensure examination, the deficiency notice shall include the approval for and requirement that the applicant take and pass an approved licensure examination.
 - 7. If an applicant fails to submit all of the deficient information within the required time, the agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.
- E. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

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Table 1. Time-frames (in Days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Time-frame</u>	<u>Substantive Review Time-frame</u>
<u>Regular License</u>	<u>A.R.S. § 32-3253</u> <u>A.R.S. § 32-3275</u>	<u>270</u>	<u>90</u>	<u>180</u>
<u>Temporary License</u>	<u>A.R.S. § 32-3253</u> <u>A.R.S. § 32-3279</u>	<u>90</u>	<u>30</u>	<u>60</u>
<u>License by Reciprocity</u>	<u>A.R.S. § 32-3253</u> <u>A.R.S. § 32-3274</u>	<u>270</u>	<u>90</u>	<u>180</u>
<u>License Renewal</u>	<u>A.R.S. § 32-3253</u> <u>A.R.S. § 32-3273</u>	<u>270</u>	<u>90</u>	<u>180</u>

R4-6-303. Reassessment

- A.** An applicant who is found ineligible may submit to the agency a written request for reassessment of the application within 12 months of the date of service of the notice of ineligibility.
- B.** The credentialing committee shall review a request for reassessment to determine if the applicant has established the following:
 - 1. There has been a statutory or rule change that enables the previously ineligible applicant to meet the requirements for licensure; or
 - 2. The applicant was initially determined ineligible because of deficiencies in supervised work experience, supervision, or curriculum and has removed all deficiencies.
- C.** An applicant requesting a reassessment shall use a form provided by the agency and submit the proper fee with the reassessment form.

R4-6-304. Application for a License by Reciprocity

- A.** An applicant for a license by reciprocity shall submit a completed application packet that includes the following:
 - 1. A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
 - 2. The license fee required in R4-6-211;
 - 3. The applicant's name, date of birth, social security number, residence and business address and residence and business telephone number;
 - 4. Each name or alias previously or currently being used by the applicant;
 - 5. A completed and legible fingerprint card for a state and federal criminal history records check along with a certified check, cashier's check or money order in the amount prescribed at R4-6-211(A)(3) as authorized at A.R.S. § 32-3280(B), if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a class 1 or class 2 fingerprint card issued by the Department of Public Safety;
 - 6. The name of each state where the applicant was certified or licensed by a state regulatory entity continuously for seven years immediately before the date of the application;
 - 7. A verification of the certificate or license identified in subsection (A)(6) by the state regulatory entity issuing the certification or license that at a minimum includes the following:
 - a. The certificate or license number issued to the applicant by the state regulatory entity;
 - b. Whether the state regulatory entity has instituted disciplinary proceedings against the applicant or has unresolved complaints pending against the applicant; and
 - c. Whether the certificate or license is in good standing.
 - 8. A copy of the statutes and rules that were in effect at the time the applicant was originally certified or licensed;
 - 9. Other documents or information requested by the credentialing committee to determine the applicant's eligibility.
- B.** An applicant is eligible for licensure by reciprocity if the applicant meets all of the following requirements:
 - 1. The applicant is currently licensed or certified in another state by a state regulatory entity in the discipline for which the applicant is requesting licensure in Arizona and the license or certification is in effect and in good standing.
 - 2. Passage of an examination was required for the certification or licensure and the applicant passed the required examination or the applicant has passed the licensure examination required pursuant to Articles 4, 5, 6 and 7 for the discipline and level license sought by the applicant.

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3. The credentialing committee determines that the applicant's qualifications substantially meet the current requirements for Arizona licensure;
4. Prior to applying for licensure in Arizona, an applicant for licensure as an associate counselor, professional counselor, associate marriage and family therapist, marriage and family therapist, clinical social worker, substance abuse technician, associate substance abuse counselor and independent substance abuse counselor has been engaged in the practice of behavioral health for a minimum of 800 hours each year for at least five out of the last seven years;
5. Prior to applying for licensure in Arizona, an applicant for licensure as a bachelor social worker or a master social worker has practiced as a social worker for a minimum of 800 hours each year for at least five out of the last seven years;
6. The applicant is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity and has not had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity.

R4-6-305. Inactive Status

- A.** A licensee seeking inactive status shall submit:
 1. A written request to the credentialing committee before expiration of the current license, and
 2. The inactive status fee.
- B.** A licensee seeking inactive status after the expiration date of a license but no longer than three months after the expiration date of a license shall submit:
 1. A written request for inactive status to the credentialing committee.
 2. The inactive status fee, and
 3. The late inactive status fee.
- C.** The credentialing committee shall grant a request for inactive status upon receiving a written request for inactive status from a licensee.
- D.** The credentialing committee shall not grant a request to be placed on inactive status received more than three months after expiration of the current license.
- E.** Placement on inactive status for any time period shall not change a licensee's licensure expiration date.
- F.** To return to active status, a licensee on inactive status shall meet all renewal requirements, including the following:
 1. Submitting the renewal fee, and
 2. Completion of 40 clock hours of continuing education activities during the 24 months before renewal of licensure.
- G.** Upon a showing of good cause, the credentialing committee shall grant a written request for modification or reduction of the continuing education requirement received from a licensee on inactive status.
- H.** The credentialing committee may, upon a written request filed before the expiration of the original 24 months of inactive status and for good cause, permit an already inactive license to remain on inactive status for one additional period not to exceed 24 months. To return to active status after being placed on a 24-month extension of inactive status, a licensee shall, in addition to the continuing education hours required under subsection (G), complete 40 clock hours of continuing education during the additional 24-month extension.
- I.** A licensee on inactive status shall not engage in the practice of behavioral health.

R4-6-306. Application for a Temporary License

- A.** Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license if the applicant is currently licensed or certified by another state behavioral health regulatory entity.
- B.** Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license where the following conditions have been met:
 1. The applicant submits an application for licensure within 12 months of graduation from the educational program submitted to meet licensure educational requirements; and
 2. The applicant has completed all the requirements to become licensed, as determined by the credentialing committee, other than passage of the required examination.
 3. The applicant has not previously taken the required examination.
- C.** A temporary license issued pursuant to subsection (B) to an applicant for counseling, marriage and family therapy or substance abuse licensure shall expire 90 days after the next available examination date in Arizona.
- D.** A temporary license issued pursuant to subsection (B) to an applicant for social work licensure shall expire 120 days after issuance by the Board.
- E.** A temporary license issued to an applicant for counseling, marriage and family therapy or substance abuse licensure shall be immediately revoked where the applicant fails to take the next available examination as notified by the Board or fails the required examination.
 1. An applicant for counseling, marriage and family therapy or substance abuse licensure who fails to take the next available examination as notified by the Board must provide written notice of the failure to the Board and return the temporary license to the Board within five days of the date of the examination.
 2. An applicant for counseling, marriage and family therapy or substance abuse licensure who takes and fails the exam-

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ination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.

- F. A temporary license issued to an applicant for social work licensure shall be immediately revoked where the applicant fails to take the required examination within 120 days of receiving a temporary license or fails the required examination. An applicant for social work licensure who takes and fails the required examination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.
- G. The applicant is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity and has not had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity.
- H. An applicant who has a criminal history or history of disciplinary action by a state behavioral health regulatory entity is not eligible for a temporary license without prior Board approval.
- I. An applicant who is issued a temporary license shall practice as a behavioral health professional only under direct supervision. The temporary license may contain restrictions as to time, place and supervision that the Board deems appropriate. The temporary license shall expire one year after the date of issuance or sooner if specified by the Board.
- J. No extensions are available for temporary licenses.
- K. A temporary license is subject to disciplinary action by the Board pursuant to A.R.S. § 32-3281. A temporary license may also be summarily revoked without a hearing pursuant to A.R.S. § 32-3279(4).
- L. The Board's denial of a license application terminates a temporary license. An applicant must return the temporary license to the Board within five days of receiving notice of the denial of the applicant's license application from the Board.

ARTICLE 4. SOCIAL WORK

R4-6-401. Curriculum

- A. An applicant for licensure as a baccalaureate social worker shall have a baccalaureate degree in social work from a regionally accredited college or university in a program accredited by the Council on Social Work Education or an equivalent foreign degree as determined by the Foreign Equivalency Determination Service of the Council on Social Work Education.
- B. An applicant for licensure as a master social worker or a clinical social worker shall have a master or higher degree in social work from a regionally accredited college or university in a program accredited by the Council on Social Work Education or an equivalent foreign degree as determined by the Foreign Equivalency Determination Service of the Council on Social Work Education.

R4-6-402. Examination

- A. To be licensed as a baccalaureate social worker, an applicant shall receive a passing score on the bachelors, masters, advanced generalist or clinical examination offered by A.S.W.B.
- B. To be licensed as a master social worker, an applicant shall receive a passing score as on the masters, advanced generalist or clinical examination offered by A.S.W.B.
- C. To be licensed as a clinical social worker, an applicant shall receive a passing score on the clinical examination offered by A.S.W.B.
- D. An applicant for baccalaureate social worker, master social worker or clinical social worker licensure shall receive a passing score on an approved examination for the level of licensure requested within 12 months after the date of service of the written deficiency notice described in R4-6-301(E)(6). An applicant shall not take an approved licensure examination more than twice during the 12-month testing period.
- E. If an applicant does not receive a passing score on an approved licensure examination within the 12 months referenced in subsection (D), the agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, an applicant shall submit a new application and fee.

R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure

- A. After completing the degree required in R4-6-401(B), an applicant for clinical social worker licensure shall complete a minimum of 3200 hours of supervised work experience in the practice of clinical social work in no less than 24 months.
 1. Supervised work experience in the practice of clinical social work is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups.
 2. The 3200 hours of supervised work experience in clinical social work shall include a minimum of 1600 hours of direct client contact.
- B. During the period of required supervised work experience, an applicant for clinical social worker licensure shall not engage in independent practice.
- C. There is no supervised work experience requirement for licensure as a baccalaureate social worker or a master social worker.

R4-6-404. Clinical Supervision for Clinical Social Worker Licensure

- A. During the supervised work experience required in R4-6-403, an applicant for clinical social worker licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.

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- B.** During the supervised work experience required in R4-6-403, an applicant for clinical social worker licensure shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the agency.
- C.** The time span covered by the performance evaluations shall be the same as that for the supervised work experience required in R4-6-403.
- D.** Clinical supervision of an applicant for clinical social worker licensure shall be provided by a clinical social worker licensed in Arizona.
- E.** An applicant may submit a written request to the social work credentialing committee for an exemption from the requirement of subsection (D). The social work credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for clinical social worker licensure. If the proposed supervisor has the necessary education, training, and experience, the social work credentialing committee shall grant the supervision exemption request.

 - 1.** The social work credentialing committee shall accept a maximum of 75 hours of clinical supervision provided by an alternative behavioral health professional as provided in subsection (2). An applicant must obtain a minimum of 25 hours of clinical supervision by a social worker at the masters or higher level certified or licensed at the independent level by a state behavioral health regulatory entity.
 - 2.** When reviewing supervision exemption requests, the social work credentialing committee will only consider supervision provided by a masters or higher level professional certified or licensed at the independent level by a state behavioral health regulatory entity, a licensed psychologist, or a medical doctor with a specialty in psychiatry. The social work credentialing committee will take into consideration an applicant's ability to demonstrate that supervision by a certified or licensed social worker was not available or available supervision was not specific to the applicant's area of practice. When considering the availability of a certified or licensed social worker, the social work credentialing committee will consider the size of the professional setting in which the applicant worked and its geographic location.
 - 3.** The social work credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006.
 - 4.** Beginning on July 1, 2006, the social work credentialing committee will not grant an exemption request for a substance abuse counselor.

R4-6-405. Licensed Master Social Worker and Licensed Baccalaureate Social Worker - Independent Practice Prohibition

- A.** Neither a licensed master social worker nor a licensed baccalaureate social worker shall engage in the independent practice of clinical social work. A licensed master social worker and a licensed baccalaureate social worker shall only engage in the practice of clinical social work under direct supervision.
- B.** A licensed baccalaureate social worker shall only engage in the independent practice of nonclinical social work after obtaining a minimum of 3200 hours of supervised work experience in social work in no less than 24 months after being licensed as a bachelor social worker by the Board.
- C.** A licensed master social worker may engage in the independent practice of nonclinical social work.

ARTICLE 5. COUNSELING

R4-6-501. Curriculum

- A.** An applicant for licensure as an associate counselor or a professional counselor shall have a master or higher degree with a major emphasis in counseling from:

 - 1.** A regionally accredited college or university in a program that consists of a minimum of 48 semester credit hours, or
 - 2.** A program accredited by C.A.C.R.E.P. or C.O.R.E. in a program that consists of a minimum of 48 semester credit hours.
- B.** Beginning on January 1, 2008, the program of study required pursuant to subsection (A) must include a minimum of 60 semester credit hours.
- C.** The curriculum for degrees from programs not accredited by C.A.C.R.E.P. or C.O.R.E. shall include:

 - 1.** One three-semester credit hour course from each of the following four content areas:

 - a.** Counseling Theory - studies that are limited to providing a broad understanding of multiple counseling theories, principles, and their application, including such theories as client-centered, behaviorism, psychoanalytic, gestalt, rational-emotive, reality, and existential;
 - b.** Supervised Counseling Practicum - studies that are limited to the provision of counseling services within an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university;
 - c.** Multi-cultural Foundations - studies that are limited to providing a broad understanding of cultures and the implications for counseling with individuals and families within the major racial and cultural groups in the U.S.; and
 - d.** Professional Counseling Ethics - studies that are limited to providing a broad understanding of professional

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- counseling ethics, legal standards, and responsibilities;
2. Five three-semester credit hour courses from the following seven content areas:
 - a. Human Growth and Development - studies that are limited to providing a broad understanding of the physical, psychological, social and moral development of individuals throughout the life span, including normal and abnormal behavior;
 - b. The Helping Relationship - studies that are limited to providing a broad understanding of the counseling processes, basic and advanced interview skills, consultation theories, and their applications;
 - c. Group Dynamics Processing and Counseling - studies that are limited to providing a broad understanding of group development and dynamics, group counseling theories, group leadership styles, and basic and advanced group counseling methods and skills;
 - d. Life and Career Development - studies that are limited to providing a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance, and education, career decision making, and career development program planning and placement;
 - e. Social and Lifestyle Issues - studies that are limited to providing a broad understanding of social norms, changes, and trends, human roles, and alternative lifestyles;
 - f. Appraisal of Individuals - studies that are limited to providing a broad understanding of group and individual psychometric theories, formal and informal approaches to appraisal, data and information gathering methods, validity and reliability, factors influencing appraisals, diagnostic procedures, and use of appraisal results in the helping process; and
 - g. Research and Evaluation - studies that are limited to providing a broad understanding of types of research, statistics, research-report development, research implementation, program evaluation, needs assessment, and publication of research.
 3. Sufficient semester credit hour courses in studies that provide a broad understanding in counseling-related subjects, including psychology, marriage and family studies, substance abuse, career counseling, and rehabilitation studies to equal the semester credit hour course requirements of subsection (A).
- D.** To be applicable toward curriculum requirements, a course must be exclusively devoted to the subject matter described in each curriculum requirement. Courses in which the required curriculum subject matter is embedded in a course including other subject matter will not be accepted.
- E.** To receive credit towards licensure, an applicant shall complete each course described in this Section with a passing grade.
- F.** To be applicable towards curriculum requirements, a course taken before an applicant is accepted into a master degree program shall be used by the applicant to meet the master degree requirements.
- G.** The counseling credentialing committee shall approve the curriculum of an applicant with a degree of less than 48 semester credit hours if the applicant's degree was received before July 1, 1989, and all other current curriculum requirements are met.
- H.** An applicant for professional counselor licensure shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active associate counselor license in good standing.
- I.** To be eligible for licensure, an applicant for professional counselor licensure who received a master or higher degree before July 1, 1989, and whose program of study did not include a practicum, shall complete three years of post-master degree supervised work experience in counseling. One year of a doctoral-clinical internship may be substituted for one year of supervised work experience.
- J.** An applicant who does not meet all curriculum requirements is ineligible. An ineligible applicant is considered to have a degree with a major emphasis in counseling if the ineligibility results from curriculum deficiencies that constitute no more than 15 semester credit hours.

R4-6-502. Examination

- A.** The counseling credentialing committee approves the licensure examinations of the following organizations:
 1. National Board for Certified Counselors,
 2. Commission on Rehabilitation Counselor Certification, and
- B.** Applicants for associate counselor and professional counselor licensure shall receive a passing score on an approved licensure examination.
- C.** An applicant shall pass an approved examination within 12 months after the date of service of the written deficiency notice described in R4-6-301(E)(6). An applicant shall not take an approved examination more than twice during the 12-month testing period.
- D.** If an applicant does not receive a passing score on an approved licensure examination within the 12 months referenced in subsection (C), the agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.

R4-6-503. Supervised Work Experience for Professional Counselor Licensure

- A.** After completing the degree required in R4-6-501, an applicant for professional counselor licensure shall complete a min-

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imum of 3200 hours of supervised work experience in the practice of professional counseling in no less than 24 months.

1. Supervised work experience in the practice of professional counseling is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups.
2. The 3200 hours of supervised work experience in professional counseling shall include a minimum of 1600 hours of direct client contact.

B. During the supervised work experience period required in subsection (A), an applicant for professional counselor licensure shall not engage in independent practice.

C. There is no supervised work experience requirement for licensure as an associate counselor.

R4-6-504. Clinical Supervision for Professional Counselor Licensure

A. During the supervised work experience required in R4-6-503, an applicant for professional counselor licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.

B. During the supervised work experience required in R4-6-503, an applicant for licensure as a professional counselor shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.

C. The time span covered by the performance evaluation shall be the same as that for the supervised work experience requirement required in R4-6-503.

D. An applicant for professional counselor licensure shall receive the clinical supervision required by subsection (A) from any of the following behavioral health professionals licensed at the independent level:

1. A licensed professional counselor.
2. A licensed clinical social worker.
3. A licensed marriage and family therapist
4. A licensed psychologist.
5. An allopathic or osteopathic medical doctor with a specialty in psychiatry.

E. An applicant may submit a written request to the counseling credentialing committee for an exemption from the requirement in subsection (D). The counseling credentialing committee shall review the supervision exemption request to determine if the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for professional counselor licensure. If the proposed supervisor has the necessary education, training, and experience, the counseling credentialing committee shall grant the supervision exemption request.

1. The counseling credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006.
2. Beginning on July 1, 2006, the counseling credentialing committee will not grant an exemption request for a substance abuse counselor.

R4-6-505. Licensed Associate Counselor - Independent Practice Prohibition

A licensed associate counselor shall not engage in independent practice. A licensed associate counselor shall practice only under direct supervision.

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum

A. An applicant for licensure as an associate marriage and family therapist or a marriage and family therapist shall have a master or higher degree in a behavioral health science from a regionally accredited college or university whose program is:

1. Accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or
2. Determined by the marriage and family therapy credentialing committee to be substantially equivalent to a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education. A program is substantially equivalent if it includes the following courses for a minimum of three-semester credit hours each:
 - a. Marriage and Family Studies (3 courses) - studies of introductory systems theory, family development, family systems, including marital, sibling, and individual subsystems, special family issues, and gender and cultural issues, all with a major focus from a systems theory orientation;
 - b. Marriage and Family Therapy (3 courses) - studies of advanced systems theory and interventions, major systemic marriage and family treatment approaches, structural, strategic, neo-analytic, group therapy, behavioral marriage and family therapy, communications, and sex therapy;
 - c. Human Development (3 courses) - studies of normal and abnormal human development, personality theory, human sexuality, and psychopathology and abnormal behavior, which may be integrated with systems theory;
 - d. Professional Studies (1 course) - studies of professional ethics as a therapist, including legal and ethical responsibilities and liabilities, and family law;
 - e. Research (1 course) - studies of research design, methodology, and statistics in marriage and family therapy; and

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f. Practicum (2 courses) – studies that are limited to the provision of marriage and family therapy services to individuals, couples and families within an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university.

B. An applicant for licensure as an associate marriage and family therapist or a marriage and family therapist shall complete a supervised internship as part of the master or higher degree curriculum.

1. The supervised internship shall consist of a minimum of 300 client-contact hours under direct supervision.

2. A licensed marriage and family therapist or an individual determined by the marriage and family therapy credentialing committee as qualified to provide supervision shall supervise the required internship. The marriage and family therapy credentialing committee shall determine whether an individual is qualified to provide supervision by evaluating the supervisor's education, experience, and training.

R4-6-602. Examination

A. The marriage and family therapy credentialing committee approves the marriage and family therapy licensure examination offered by the Professional Examination Service.

B. Applicants for associate marriage and family therapist and marriage and family therapist licensure shall receive a passing score on an approved licensure examination.

C. An applicant shall pass an approved examination within 12 months after the date of service of the written deficiency notice described in R4-6-301(E)(6). An applicant shall not take an approved examination more than twice during the 12-month testing period.

D. If the required examination is not passed within the 12 months referenced in subsection (C), the Agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.

R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure

After completing the degree required in R4-6-601, an applicant for licensure as a marriage and family therapist shall complete a minimum of 3200 hours of supervised work experience in the practice of marriage and family therapy in no less than 24 months.

1. Supervised work experience in the practice of marriage and family therapy is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups.

2. The 3200 hours of supervised work experience in marriage and family therapy shall include a minimum of 1600 hours of direct client contact.

a. A minimum of 1000 of the 1600 hours of direct client contact shall be client contact with couples and families. The remaining 600 hours may be with individuals and groups.

b. During the required supervised work experience period, an applicant for marriage and family therapist licensure shall not engage in independent practice.

c. There is no supervised work experience requirement for licensure as an associate marriage and family therapist.

R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure

A. During the supervised work experience required in R4-6-603, an applicant for licensure as a marriage and family therapist shall receive a minimum of 200 hours of clinical supervision in no less than 24 months.

B. An applicant for licensure as a marriage and family therapist shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.

C. The time span covered by the performance evaluation shall be the same as that for the supervised work experience requirement.

D. Clinical supervision of an applicant for marriage and family therapist licensure shall be provided by a marriage and family therapist licensed in Arizona.

E. An applicant may submit a written request to the marriage and family therapy credentialing committee for an exemption from the requirement of subsection (D). The marriage and family therapy credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for marriage and family therapist licensure. If the proposed supervisor has the necessary education, training, and experience, the marriage and family therapy credentialing committee shall grant the supervision exemption request.

1. The marriage and family therapy credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006.

2. Beginning on July 1, 2006, the marriage and family credentialing committee will not grant an exemption for a substance abuse counselor.

R4-6-605. Post-degree Programs

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An applicant who has a master or higher degree in a behavioral health science, but who does not meet all curriculum requirements may take post-graduate courses from a regionally accredited college or university to remove any deficiencies if the curriculum deficiencies constitute no more than nine semester credit hours.

R4-6-606. Licensed Associate Marriage and Family Therapist - Independent Practice Prohibition

A licensed associate marriage and family therapist shall not engage in independent practice. A licensed associate marriage and family therapist shall practice only under direct supervision.

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-701. Licensed Substance Abuse Technician Curriculum

- A.** An applicant for licensure as a substance abuse technician shall have an associate of applied science degree from a regionally accredited college or university in chemical dependency with a minimum of 30 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee.
1. Undergraduate or graduate coursework completed outside of the associate of applied science degree and submitted to meet curriculum requirements shall constitute no more than six semester credit hours.
 2. The required degree must contain a minimum of eighteen hours of coursework specifically related to chemical dependency.
- B.** The substance abuse credentialing committee may waive the education requirement in subsection (A) for an applicant requesting licensure as a substance abuse technician if the applicant demonstrates the following:
1. The applicant provides services pursuant to contracts or grants with the federal government under the authority of P.L. 93-638, 25 United States Code sections 450 through 450(n) or P.L. 94-437, 25 United States Code sections 1601 through 1683;
 2. The applicant has obtained a high school diploma or equivalent degree;
 3. Because of cultural considerations, obtaining the degree required for substance abuse technician licensure would be an extreme hardship for the applicant;
 4. The applicant has completed a minimum of 6400 hours of supervised work experience in substance abuse counseling in no less than 48 months completed within the seven years before the date of application; and
 5. The applicant has completed a minimum of 200 hours of clinical supervision in no less than 48 months within the supervised work experience submitted pursuant to R4-6-701(B)(4).
- C.** A person who becomes licensed pursuant to subsection (B) shall only provide substance abuse counseling services to those eligible for services pursuant to P.L. 93-638, 25 United States Code sections 450 through 450(n) or P.L. 94-437, 25 United States Code sections 1601 through 1683.

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum

An applicant for licensure as an associate substance abuse counselor shall present evidence acceptable to the substance abuse credentialing committee that the applicant has either:

1. A bachelor degree from a regionally accredited college or university in a behavioral health service with a minimum of 30 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee; or
2. A master or higher degree from a regionally accredited college or university in a behavioral health service with a minimum of 24 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee.
3. Undergraduate or graduate coursework completed outside of the bachelor degree and submitted to meet the curriculum requirements in subsection (A)(1) shall constitute no more than six semester credit hours.
4. Graduate coursework completed outside of the master or higher degree and submitted to meet curriculum requirements in subsection (A)(2) shall constitute no more than three semester credit hours.

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum

An applicant for licensure as an independent substance abuse counselor shall have a master or higher degree from a regionally accredited college or university in a behavioral health service with a minimum of 24 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee. Graduate coursework completed outside of the master or higher degree and submitted to meet curriculum requirements in subsection (A)(2) shall constitute no more than three semester credit hours.

R4-6-704. Examination

- A.** The substance abuse counseling credentialing committee approves the following licensure examinations:
1. International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse, and
 2. Level II or higher examinations offered by the National Association of Alcoholism and Drug Abuse Counselors.
- B.** An applicant for substance abuse technician, associate substance abuse counselor and independent substance abuse counselor licensure shall receive a passing score on an approved licensure examination.
- C.** Applicants shall pass an approved examination within 12 months after the date of service of the written deficiency notice

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described in R4-6-301(E)(6). An applicant shall not take an approved examination more than twice during the 12-month testing period.

- D.** If an applicant does not receive a passing score on an approved licensure examination within the 12 months referenced in subsection (C), the agency shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, an applicant shall submit a new application and fee.

R4-6-705. Supervised Work Experience for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure

- A.** After completing the bachelor degree described in R4-6-702(A)(1), an applicant for associate substance abuse counselor licensure shall complete a minimum of 3200 hours of supervised work experience in substance abuse counseling in no less than 24 months.
- B.** After completing the master or higher degree described in R4-6-703, an applicant for independent substance abuse counselor licensure shall complete a minimum of 3200 hours of supervised work experience in substance abuse counseling in no less than 24 months.
- C.** The supervised work experience in the practice of substance abuse counseling required in this Section is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups as they relate to substance abuse and chemical dependency issues. The 3200 hours of supervised work experience in substance abuse counseling shall include a minimum of 1600 hours of direct client contact.
- D.** During the period of required supervised work experience, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall not engage in independent practice.
- E.** There is no supervised work experience requirement for licensure as a substance abuse technician or associate substance abuse counselor for an applicant qualifying pursuant to R4-6-702(A)(2).

R4-6-706. Clinical Supervision for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure

- A.** During the supervised work experience required in R4-6-705, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.
- B.** During the supervised work experience required in R4-6-705, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall demonstrate satisfactory performance in the following areas as they relate to substance abuse counseling: intake, diagnostics, assessment, triage, crisis intervention, treatment planning, family, group and individual psychotherapy, outreach, and consultation with other professionals by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
- C.** The time span covered by the performance evaluations shall be the same as that for the supervised work experience required in R4-6-705.
- D.** Clinical supervision of an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall be provided by an independent substance abuse counselor licensed in Arizona.
- E.** An applicant may submit a written request to the substance abuse credentialing committee for an exemption from the requirement of subsection (D). The substance abuse credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for associate substance abuse counselor and independent substance abuse counselor licensure. If the proposed supervisor has the necessary education, training, and experience, the substance abuse credentialing committee shall grant the supervision exemption request. The substance abuse credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006.

R4-6-707. Licensed Substance Abuse Technician and Licensed Associate Substance Abuse Counselor - Independent Practice Prohibition

Neither a licensed substance abuse technician nor a licensed associate substance abuse counselor shall engage in independent practice. A licensed substance abuse technician and a licensed associate substance abuse counselor shall practice only under direct supervision.

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-801. Renewal of Licensure

- A.** A licensee holding an active license to practice behavioral health in this state shall complete 40 clock hours of continuing education during the two years before the expiration date of the license. A licensee may not carry excess hours over to another renewal cycle. One hour of credit is allowed for each clock hour of participation in continuing education activities.
- B.** To renew licensure, a licensee shall submit the following to the agency:
1. A completed renewal application form that includes a notarized verification of 40 hours of continuing education activities signed by the licensee;
 2. Certified check, cashier's check, or money order for the renewal fee;

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3. A completed and legible fingerprint card for a state and federal criminal history records check along with a certified check, cashier's check or money order in the amount prescribed at R4-6-212(3) as authorized at A.R.S. § 32-3280(B), if the licensee has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current class 1 or class 2 fingerprint card issued by the Department of Public Safety;
4. Other documents requested by the credentialing committee to determine the licensee's continued eligibility.
- C. A license shall expire unless the licensee submits to the agency the items listed in subsection (A) on or before the license expiration date.
- D. The Board shall mail to each licensee a license renewal application. The licensee shall submit a signed and notarized statement with each renewal application that the continuing education requirements under subsection (A) are satisfied. Failure to receive the license renewal application shall not relieve the licensee of the requirements of subsection (A). The Board may audit a licensee to verify compliance with the continuing education requirements under subsection (A).
- E. A licensee whose license expires may renew licensure by submitting a complete renewal application, other documents requested by the credentialing committee, and a late fee within 90 days of the license expiration date. A license that is renewed under this rule shall be considered effective on the first of the month following the expiration date with no lapse in licensure.
- E. If the agency finds deficiencies in continuing education activities during the administrative review of a completed renewal application, the agency shall provide written notice of the deficiencies to the licensee. The licensee shall submit documentation of completion of the continuing education activities deficiencies within 90 days of the date of service of the deficiency notice. If the licensee does not submit the required documentation within the required 90 days, the license shall expire.

R4-6-802. Continuing Education

- A. A licensee who maintains more than one license may apply the same continuing education hours for each license renewal if the content of the continuing education relates to the scope of practice of each specific license.
- B. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education from first-time presentations by the licensee that deal with current developments, skills, procedures or treatments related to the practice of behavioral health. The licensee may claim one clock hour for each hour spent preparing, writing and presenting information.
- C. For each renewal period, a licensee other than a Board or credentialing committee member may report a maximum of six clock hours of continuing education for attendance at a Board or credentialing committee meeting.
- D. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education for service as a Board or credentialing committee member.
- E. Continuing education activities shall relate to the scope of practice of the specific license held. The credentialing committee shall determine whether continuing education submitted by a licensee is appropriate for the purpose of maintaining or improving the skills and competency of a licensee. Appropriate continuing education activities include:
 1. Activities sponsored or approved by national, regional, or state professional associations or organizations in the specialties of marriage and family therapy, professional counseling, social work, substance abuse counseling, or in the allied professions of psychiatry, psychiatric nursing, psychology, or pastoral counseling;
 2. Programs in the behavioral health field sponsored or approved by a regionally accredited college or university;
 3. In-service training, courses, or workshops in the behavioral health field sponsored by federal, state, or local social service agencies, public school systems, or licensed health facilities or hospitals;
 4. Graduate-level or undergraduate coursework in the behavioral health field offered by regionally accredited colleges or universities. One semester-credit hour is equivalent to 15 clock hours of continuing education and one quarter-credit hour is equivalent to 10 clock hours of continuing education. Audited courses shall have hours in attendance documented;
 5. A licensee's first-time presentation of an academic course, in-service training workshop, or seminar;
 6. Publishing a paper, report or book that deals with current developments, skills, procedures or treatments related to the practice of behavioral health. The licensee may claim one clock hour for each hour spent preparing and writing materials. Publications can only be claimed after the date of actual publication.
 7. Attendance at a Board or credentialing committee meeting where the licensee does not address the Board or credentialing committee with regard to any matter on the agenda; and
 8. Service as a Board or credentialing committee member.

R4-6-803. Continuing Education Documentation

- A. A licensee shall maintain documentation of continuing education activities for 48 months following the date of the license renewal.
- B. The licensee shall retain the following documentation as evidence of participation in continuing education activities:
 1. For conferences, seminars, workshops, and in-service training presentations, a signed certificate of attendance or a statement from the provider verifying the licensee's participation in the activity, including the title of the program, name, address, and phone number of the sponsoring organization, names of presenters, date of the program, and clock

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hours involved:

2. For first-time presentations by a licensee, the title of the program, name, address, and telephone number of the sponsoring organization, date of the program, syllabus, and clock hours required to prepare and make the presentation;
3. For a graduate or undergraduate course, an official transcript;
4. For an audited graduate or undergraduate course, an official transcript; and
5. For attendance at a Board or credentialing committee member, a signed certificate of attendance prepared by the Agency.

R4-6-804. Licensure and Activity Specific Continuing Education Requirements

- A.** To be eligible to renew a license, a licensee shall complete a minimum of three clock hours of continuing education in behavioral health ethics or mental health law and a minimum of three clock hours of continuing education in cultural competency and diversity during the two years before the license renewal date.
- B.** To be eligible to renew a license, a substance abuse technician, associate substance abuse counselor and an independent substance abuse counselor shall complete a minimum of 20 clock hours of continuing education in any combination of the following categories during the two years before the license renewal date:
 1. Pharmacology and psychopharmacology;
 2. Addiction processes;
 3. Models of substance abuse treatment;
 4. Relapse prevention;
 5. Interdisciplinary approaches and teams in substance abuse treatment;
 6. Substance abuse assessment and diagnostic criteria;
 7. Appropriate use of substance abuse treatment modalities;
 8. Recognizing needs of diverse populations;
 9. Substance abuse treatment and prevention;
 10. Clinical application of current substance abuse research; or
 11. Co-occurring disorders.
- C.** An individual providing clinical supervision in Arizona to qualify a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker or an independent substance abuse counselor shall initially complete a minimum of 12 clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. After the required initial training, the clinical supervisor shall obtain a minimum of six clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. Training or coursework required pursuant to this Section is limited to the following categories:
 1. The roles and responsibilities of a clinical supervisor.
 2. Skill sets involved in providing oversight and guidance to a supervisee engaged in diagnosing, treatment planning, and treatment of clients.
 3. Conceptual knowledge of supervision methods and techniques.
 4. Evaluation of a supervisee's role, performance and capacity to conceptualize and implement clinical assessment and treatment processes.
- D.** Clinical supervision training required pursuant to subsection (C) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:
 1. NBCC/CCE Approved Clinical Supervisor certification.
 2. ICRC Clinical Supervisor certification.
 3. American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.
- E.** Continuing education clock hours completed pursuant to this Section may be submitted to meet the general continuing education requirements described in Section R4-6-802(A).
- F.** The agency shall not begin enforcement of the requirements of this Section until July 1, 2006.

ARTICLE 9. APPEAL OF LICENSURE OR LICENSURE RENEWAL INELIGIBILITY

R4-6-901. Appeal Process for Licensure Ineligibility

- A.** An applicant for licensure may be found ineligible because of unprofessional conduct or failure to meet licensure requirements.
- B.** If the credentialing committee finds that an applicant is ineligible because of failure to meet licensure requirements, the following procedures shall be used:
 1. The credentialing committee shall send written notice of the finding of ineligibility to the applicant, including an explanation of the basis for the finding.
 2. An applicant who wishes to appeal the finding of ineligibility shall submit a written request for a review to the credentialing committee within 30 days from the date of service of the notice of ineligibility. If an informal meeting is not requested within the time provided, the credentialing committee shall recommend to the Board that licensure be denied and that the licensee's file be closed with no recourse to appeal.

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3. If a request for a review is received within the required 30 days, the credentialing committee shall schedule the review and provide a minimum of 30 days notice of the informal meeting to the applicant. At the informal meeting, the credentialing committee shall allow the applicant to present additional information regarding the applicant's qualifications for licensure.
 4. Upon completion of the review, the credentialing committee shall make a second finding whether the applicant is eligible for licensure. The agency shall send written notice of this second finding to the applicant.
 5. If the credentialing committee again finds the applicant is ineligible for licensure, an applicant who wishes to appeal the second finding of ineligibility shall submit a written request for an informal meeting to the credentialing committee within 30 days from the date of service of the notice of ineligibility. If an informal meeting is not requested within the time provided, the credentialing committee shall recommend to the Board that licensure be denied and that the licensee's file be closed with no recourse to appeal.
 6. If a request for an informal meeting is received within the required 30 days, the credentialing committee shall schedule the informal meeting and provide a minimum of 30 days notice of the informal meeting to the applicant. At the informal meeting, the credentialing committee shall allow the applicant to present additional information regarding the applicant's qualifications for licensure.
 7. Upon completion of the informal meeting, the credentialing committee shall make a third finding whether the applicant is eligible for licensure. The agency shall send written notice of this third finding to the applicant.
 8. If the credentialing committee again finds the applicant is ineligible for licensure, an applicant who wishes to appeal the third finding of ineligibility shall submit within 30 days from the date of service of the third notice of ineligibility a written request to the Board for a formal administrative hearing under the Administrative Procedure Act, A.R.S. § 41-1061 et seq. The request shall either be referred to the Office of Administrative Hearings for scheduling or scheduled before the Board. If a formal administrative hearing is not requested within 30 days, the credentialing committee shall recommend to the Board that licensure be denied and that the applicant's file be closed with no recourse to appeal.
 9. If a formal administrative hearing is held before the Office of Administrative Hearings, the Board shall review the findings of fact, conclusions of law, and recommendation and issue an order either to grant or deny licensure.
 10. If a formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclusions of law and shall enter issue an order either to grant or deny licensure.
 11. The Board shall send the applicant a copy of the final findings of fact, conclusions of law, and order.
- C. If the Board receives a complaint against an applicant while an applicant is under review for licensure, the complaint shall be reviewed in accordance with the procedures in R4-6-1001. The Board shall not take any final action on an application while a complaint is pending against the applicant.

R4-6-902. Appeal Process for Licensure Renewal Ineligibility

- A. A licensee who applies for licensure renewal may be found ineligible because of failure to meet licensure renewal requirements.
- B. If the credentialing committee finds that an applicant for licensure renewal is ineligible because of failure to meet licensure renewal requirements, the following procedures shall apply:
 1. The credentialing committee shall send written notice of the finding of ineligibility to the licensee, including an explanation of the basis for the finding.
 2. A licensee who wishes to appeal the finding of ineligibility for licensure renewal shall submit a written request for an informal meeting to the credentialing committee within 30 days from the date of service of the notice of ineligibility. If an informal meeting is not requested within the time provided, the credentialing committee shall recommend to the Board that licensure renewal be denied and that the licensee's file be closed with no recourse to appeal.
 3. If a request for an informal meeting is received within the required 30 days, the credentialing committee shall schedule an informal meeting and provide a minimum of 30 days notice of the informal meeting to the licensee. At the informal meeting, the credentialing committee shall allow the licensee to present additional information regarding the licensee's qualifications for renewal.
 4. Upon completion of the informal meeting, the credentialing committee shall make a second finding whether the licensee meets renewal requirements. The agency shall send written notice of this second finding to the licensee.
 5. If the credentialing committee again finds the licensee is ineligible for licensure renewal, a licensee who wishes to appeal the second finding of ineligibility shall submit within 30 days of the date of service of the second notice of ineligibility a written request to the Board for a formal administrative hearing under the Administrative Procedure Act, A.R.S. § 41-1061 et seq. The request shall either be referred to the Office of Administrative Hearings for scheduling or scheduled before the Board. If a formal administrative hearing is not requested within 30 days, the credentialing committee shall recommend to the Board that licensure renewal be denied and that the licensee's file be closed with no recourse to appeal.
 6. If the formal administrative hearing is held before the Office of Administrative Hearings, the Board shall review the findings of fact, conclusions of law, and recommendation and issue an order either to grant or deny licensure renewal.
 7. If the formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclu-

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sions of law and issue an order either to grant or deny licensure renewal.

8. The Board shall send the licensee a copy of the final findings of fact, conclusions of law, and order.

ARTICLE 10. DISCIPLINARY PROCESS FOR UNPROFESSIONAL CONDUCT

R4-6-1001. Disciplinary Process for Unprofessional Conduct

- A.** If the agency receives a written complaint alleging unprofessional practice by a licensee or an applicant, the agency shall send written notice of the complaint to the licensee or applicant and require the licensee or applicant to submit a written response within 30 days from the date of service of the written notice of the complaint.
- B.** When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:
 1. Prior disciplinary offenses;
 2. Dishonest, or self-serving motive;
 3. Pattern of misconduct; multiple offenses;
 4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;
 5. Submission of false evidence, false statements or other deceptive practices during the investigative or disciplinary process;
 6. Refusal to acknowledge wrongful nature of conduct; and
 7. Vulnerability of the victim.

R4-6-1002. Review or Rehearing of a Board Decision

- A.** Except as provided in subsection (F), an aggrieved party may seek a review or rehearing of a Board decision that results from a formal administrative hearing by submitting a written request for a review or rehearing to the Board within 30 days from the date of service of the decision. The request shall specify the grounds for a review or rehearing. The Board shall grant a request for a review or rehearing for any of the following reasons materially affecting the rights of an aggrieved party:
 1. Irregularity in the Board or credentialing committee's proceedings that deprived the aggrieved party of a fair hearing;
 2. Misconduct of the Board, credentialing committee, or any duly authorized agent of the Board or credentialing committee;
 3. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
 4. Excessive penalties;
 5. Decision, findings of fact, or conclusions not justified by the evidence or contrary to law;
 6. Errors regarding the admission or rejection of evidence or errors of law that occurred at the hearing.
- B.** The Board shall determine whether one of the reasons listed in subsection (A) materially affected the rights of the aggrieved party and issue an order either to grant or deny the request for review or rehearing. The Board shall specify with particularity the reason the request is granted or denied.
- C.** The Board shall send written notice of the decision to grant or deny a request for review or rehearing to the complainant and the licensee or applicant.
- D.** If the Board grants a request for a review or rehearing, the new hearing shall address only the question or questions related to the reasons in subsection (A) for which the review or rehearing was granted, if separable.
- E.** An aggrieved party may apply for judicial review of the final order issued by the Board in accordance with A.R.S. § 12-901 et seq.
- F.** If the Board makes a specific finding in a particular order that the immediate effectiveness of the order is necessary to preserve the public health, safety, or welfare, and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If the Board issues a decision as a final decision without an opportunity for a review or rehearing, the licensee or applicant may apply for judicial review of the decision in accordance with A.R.S. § 12-901 et seq.

ARTICLE 11. STANDARDS OF PRACTICE

R4-6-1101. Consent For Treatment

A licensee shall:

1. Provide treatment to a client only in the context of a professional relationship based on valid informed consent for treatment;
2. Document in writing for each client served the following elements of informed consent for treatment:
 - a. Purpose of treatment;
 - b. General procedures to be used in treatment, including benefits, limitations, and potential risks;
 - c. A client's right to have client records and all information regarding the client kept confidential and an explanation of the limitations on confidentiality;
 - d. Notification of the licensee's supervision or involvement with a treatment team of professionals;

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- e. Methods for a client to obtain information about the client's records;
 - f. The client's right to participate in treatment decisions and in the development and periodic review and revision of the client's treatment plan;
 - g. A client's right to refuse any recommended treatment or to withdraw informed consent to treatment and to be advised of the consequences of such refusal or withdrawal; and
 - h. The client's right to be informed of all fees that the client is required to pay and the licensee's refund and collection policies and procedures.
3. Obtain a dated and signed informed consent for treatment from a client or a client's legal representative before providing treatment to a client.
 4. Inform a client of the limitations and risks associated with providing treatment via electronic media before providing such services;
 5. Obtain a dated and signed informed consent for treatment from a client or a client's legal representative before providing treatment to the client via electronic media; and
 6. Obtain a dated and signed informed consent for treatment from a client or a client's legal representative before audio or video taping a client or permitting a third party to observe treatment provided to a client.

R4-6-1102. Treatment Plan

A licensee shall:

1. Work jointly with each client served or a client's legal representative to prepare an integrated, individualized, written treatment plan, based on the licensee's diagnosis and assessment of behavior and the treatment needs, abilities, resources, and circumstances of the client, that includes:
 - a. One or more treatment goals;
 - b. One or more treatment methods;
 - c. The date when the client's treatment plan shall be reviewed;
 - d. If a discharge date has been determined, the aftercare needed after discharge;
 - e. The signature and date signed by the client or the client's legal representative; and
 - f. The signature and date signed by the licensee.
2. At a minimum, review and reassess the treatment plan according to the review date specified in the treatment plan and at least annually with each client or the client's legal representative to ensure the continued viability and effectiveness of the treatment plan and, where appropriate, a description of the services the client may need after terminating treatment with the licensee.
3. Ensure that all treatment plan updates and revisions include the signature and date signed by the client or the client's legal representative and the signature and date signed by the licensee.
4. Upon written request, provide a client or a client's legal representative an explanation of all aspects of the client's condition and treatment.
5. Ensure that a client's treatment is in accordance with the client's treatment plan.

R4-6-1103. Client Record

A. A licensee shall ensure that a client record is maintained for each client and:

1. Is protected at all times from loss, damage or alteration;
2. Is confidential;
3. Is legible and recorded in ink or electronically recorded;
4. Contains entries that are dated and signed with the first and last name of the individual signing the document or electronically authenticated by the individual making the entry;
5. Is current and accurate;
6. Contains original documents and original signature, initials or authentication; and
7. Is disposed of in a manner that protects client confidentiality.

B. A licensee shall ensure that a client record contains the following, if applicable:

1. The client's name, address, and home telephone number;
2. Documentation of informed consent to treatment;
3. Documentation of the treatment plan and all updates and revisions to the treatment plan;
4. Information or records provided by or obtained from another person regarding the client;
5. Written authorization to release a client record or information;
6. Documentation of requests for client records and of the resolution of those requests;
7. Documentation of the release of any information in the client record;
8. Progress notes;
9. Documentation of telephone, written, or face-to-face contact with the client or another individual that relates to the client's health, safety, welfare, or treatment;
10. Documentation of behavioral health services provided to the client;
11. Other information or documentation required by state or federal law.

Notices of Exempt Rulemaking

- 12. Financial records, including:
 - a. Records of financial arrangements for the cost of providing behavioral health services;
 - b. Measures that will be taken for nonpayment of the cost of behavioral health services provided by the licensee.
- C.** A licensee shall make client records in the licensee's possession promptly available to another health professional, the client or the client's legal representative in accordance with A.R.S. § 12-2293.
- D.** A licensee shall make client records of a minor client in the licensee's possession promptly available to the minor client's parent in accordance with A.R.S. § 25-403(H).
- E.** A licensee shall retain records in accordance with A.R.S. § 12-2297.
- F.** A licensee shall ensure the safety and confidentiality of any client records the licensee creates, maintains, transfers, or destroys whether the records are written, taped, computerized, or stored in any other medium.
- G.** A licensee shall ensure that a client's privacy and the confidentiality of information provided by the client is maintained by subordinates, including employees, supervisees, clerical assistants, and volunteers.
- H.** A licensee shall ensure that a progress note includes the following:
 - 1. The date a behavioral health service was provided;
 - 2. The duration of time spent providing the behavioral health service;
 - 3. If counseling services were provided, whether the counseling was individual counseling, family counseling or group counseling; and
 - 4. The signature and date signed by the licensee who provided the behavioral health service.

R4-6-1104. Financial and Billing Records

A licensee shall:

- 1. Make financial arrangements with a client, a client's legal representative, third party payor or supervisee that are reasonably understandable and conform to accepted billing practices;
- 2. Before entering a therapeutic relationship, clearly explain to each client or the client's legal representative, all financial arrangements related to professional services, including the use of collection agencies or legal measures for non-payment;
- 3. Truthfully represent financial and billing facts to a client, a client's legal representative, third party payor or supervisee regarding services rendered; and
- 4. Maintain separate written or electronic billing records that correspond with the client record.

R4-6-1105. Confidentiality

- A.** A licensee shall only release or disclose client records or any information regarding a client:
 - 1. In accordance with applicable federal or state law that authorizes release or disclosure; or
 - 2. With written authorization from the client or the client's legal representative.
- B.** A licensee shall ensure that written authorization for release of client records or any information regarding a client is obtained before a client record or any information regarding a client is released or disclosed unless otherwise allowed by state or federal law.
- C.** Written authorization includes:
 - 1. The name of the person disclosing the client record or information;
 - 2. The purpose of the disclosure;
 - 3. The individual, agency, or entity requesting or receiving the record or information;
 - 4. A description of the client record or information to be released or disclosed;
 - 5. A statement indicating authorization and understanding that authorization may be revoked at any time;
 - 6. The date or circumstance when that authorization expires, not to exceed 12 months;
 - 7. The date the authorization was signed; and
 - 8. The signature and date signed by the client or the client's legal representative.
- D.** A licensee shall ensure that written authorization to release a client record or any information regarding a client is maintained in the client record.
- E.** Where a licensee provides behavioral health services to more than one person in a family, each family member who is legally competent to consent to authorize release of client records shall sign a written authorization to release client records regarding that family member or any information obtained from that family member. Without such an authorization, a licensee shall not disclose that family member's client record or any information obtained from that family member.