

## 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

[R08-195]

#### PREAMBLE

- 1. Sections Affected**

R4-6-302	<b><u>Rulemaking Action</u></b>
R4-6-304	Amend
R4-6-307	Amend
	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: A.R.S. §§ 32-3253(A)(1) and 41-1073(A)  
Implementing statute: A.R.S. § 32-3274(D)
- 3. The effective date of the rules:**

June 6, 2008
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rules:**

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 rules, including the agency's reasons for initiating the rules, including the statutory citation to the exemption from regular rulemaking procedures:**

The attached rules are being promulgated to implement behavioral health licensure statutes that were effective April 29, 2008.

Laws 2008, Ch. 134, § 6, provides that the Board of Behavioral Health Examiners is exempt from the rulemaking requirements of A.R.S. Title 41, Chapter 6, for two years after April 29, 2008.
- 7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, 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 rules are necessary to promote a statewide interest if the rules 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

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**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 rules and the agency response to them:**

The agency discussed the rules at its May 30, 2008, Board meeting. The Board voted to approve the rules. No public comment was received.

As discussed in item 6, above, the rules are necessary to comply with recent changes to the Board's statutes. Comments regarding reciprocal licensure were heard at the legislature as part of the implementation of House Bill 2325.

**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

ARTICLE 3. LICENSURE

Section

R4-6-302. Licensing Time-frames

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

R4-6-307. Application for a Regular License by the Holder of a Reciprocal License

ARTICLE 3. LICENSURE

**R4-6-302. Licensing Time-frames**

- A. No change
- B. No change
  - 1. No change
  - 2. No change
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- D. No change
  - 1. No change
  - 2. No change
  - 3. No change
    - a. No change
    - b. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
- E. No change

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**Table 1. Time-frames (in Days)**

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

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

- A.** An applicant for a reciprocal 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 under R4-6-213;
  3. The applicant's name, date of birth, ~~social security~~ Social Security number, residence and business address, and residence and business telephone number;
  4. Each name or alias previously or currently used by the applicant;
  5. A completed and legible fingerprint card for a state and federal criminal history records check, and a certified check, cashier's check, or money order in the amount prescribed under R4-6-213(A)(4) as authorized at A.R.S. § 32-3280(A), if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current fingerprint card issued by the Department of Public Safety;
  6. The name of ~~each the~~ state where the applicant was certified or licensed by a state regulatory entity continuously for ~~seven five~~ years immediately before the date of the applicant's submission of the reciprocal license 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;
    - c. Whether the certificate or license is in good standing; and
    - ~~d. Whether the applicant took and passed an examination to qualify for certification or licensure;~~
    - d. Whether the state required that the applicant meet minimum education, work experience, and clinical supervision requirements at the time the applicant was certified or licensed and that the applicant met each requirement necessary for the level of certification or licensure approved;
  8. ~~A copy of the statutes and rules that were in effect at the time the applicant was originally certified or licensed~~ Verification of the work experience required under subsection (B)(3); and
  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~~ a reciprocal license if the applicant meets the following requirements, ~~as applicable:~~
1. The applicant is currently licensed or certified in another state by a state regulatory entity in the discipline and at the level for which the applicant is requesting licensure in Arizona for at least the five years immediately preceding the date of the applicant's submission of a reciprocal license application 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~~ The applicant passed the required examination or the applicant has passed the licensure examination required pursuant to Articles 4, 5, 6, or 7 for the discipline and level license sought by the applicant;
  3. ~~The credentialing committee determines that the applicant's qualifications substantially meet the current requirements for Arizona licensure;~~
  4. Prior to applying for licensure a reciprocal license 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, or independent substance abuse counselor was 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 in the state issuing the license used by the applicant to qualify for licensure by reciprocity a reciprocal

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license for a minimum of 6,000 hours during the five years immediately preceding the date of the applicant's submission of a reciprocal license application;

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 in the state issuing the license used by the applicant to qualify for licensure by reciprocity; and
- 6.4. 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; and
5. The applicant meets the eligibility requirements prescribed under A.R.S. § 32-3275.

**C.** A person issued a reciprocal license shall practice behavioral health only under the direct supervision of a licensee and shall not engage in independent practice.

**R4-6-307. Application for a Regular License by the Holder of a Reciprocal License**

**A.** A person holding a reciprocal license may apply for a regular license at the same level and in the same discipline if the person meets all of the following requirements:

1. After issuance of the reciprocal license, the applicant for a regular license shall complete a minimum of 1600 hours of supervised work experience in Arizona in the practice of behavioral health in no less than 12 months.
  - a. Supervised work experience in the practice of behavioral health is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups.
  - b. The 1600 hours of supervised work experience in behavioral health shall include a minimum of 800 hours of direct client contact.
2. During the supervised work experience required in subsection (A)(1), an applicant for a regular license shall receive a minimum of 50 hours of clinical supervision in no less than 12 months.
3. During the supervised work experience required in subsection (A)(1), an applicant for a regular license shall demonstrate satisfactory performance in the following areas:
  - a. Assessment.
  - b. Diagnostics.
  - c. Individual and group psychotherapy.
  - d. Referrals.
  - e. Personal integrity.
  - f. Appropriate use of supervision.
  - g. Insight into client's problems.
  - h. Objectivity.
  - i. Ethics.
  - j. Concern for welfare of clients.
  - k. Responsibility.
  - l. Boundaries.
  - m. Recognition of own limits, and
  - n. Confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
  - o. The time span covered by the performance evaluation shall be the same as that for the supervised work experience required in subsection (A)(1).

**B.** An applicant for a regular license shall receive the clinical supervision required in subsection (A)(2) from any of the following behavioral health professionals licensed at the independent level in Arizona:

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

**C.** An applicant for a regular license in substance abuse counseling shall receive the clinical supervision required in subsection (A)(2) from a professional listed in subsection (B) or from a licensed independent substance abuse counselor.

**D.** An applicant for a regular license 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 under R4-6-213;
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 used by the applicant;
5. Verification of the work experience required under subsection (A).
6. Other documents or information requested by the credentialing committee to determine the applicant's eligibility.