



Notices of Proposed Rulemaking

**underlying each study, and any analysis of each study and other supporting material:**

The agency did not review or rely on any study relevant to the rule.

**7. 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

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

The proposed rule will impact the Board, licensees and the public.

The amended rule's impact on established Board of Dental Examiners' procedures and office related costs will realize a one-time expense to reconfigure business rules of the online renewal process to include a new continuing education category. All continuing education affidavit forms must be updated. The rule's net economic impact for the Board is minimal.

The Board estimates the amended rule will have minimal economic impact on licensees. The cost to the individual or entity is minimal.

The amended rule has no economic impact on the public.

The Board, licensees, and the public benefit from rules that are clear, concise, and understandable. The rule benefits the public health and safety by clearly establishing the requirements for continuing education for dentists, dental hygienists, denturists, and dental consultants, restricted permit holders, and retired licensees and certificate holders.

**9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Elaine Hugunin, Executive Director

Address: State Board of Dental Examiners  
4205 N. 7th Ave., Suite 300  
Phoenix, AZ 85013

Telephone: (602) 542-4493

Fax: (602) 242-1445

E-mail: elaine.hugunin@azdentalboard.us

Website: www.dentalboard.az.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Comments may be written or presented orally. Written comments must be received by 5:00 p.m., Monday, January 12, 2015. An oral proceeding is scheduled for:

Date: January 12, 2015

Time: 10:00 a.m.

Location: 4205 N. 7th Ave., Suite 300  
Phoenix, AZ 85013

A person may request information about the oral proceeding by contacting the person listed above.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

Not applicable

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rule does not require a permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

No

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS**

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS**

Section

R4-11-1202. Continuing Dental Education Compliance and Renewal Requirements

**ARTICLE 12. CONTINUING DENTAL EDUCATION AND RENEWAL REQUIREMENTS**

**R4-11-1202. Continuing Dental Education Compliance and Renewal Requirements**

- A.** When applying for a renewal license, certificate, or restricted permit, a licensee, certificate holder, or restricted permit holder shall complete a renewal application provided by the Board.
- B.** Before receiving a renewal license or certificate, each licensee or certificate holder shall possess a current form of one of the following:
  - 1. A current cardiopulmonary resuscitation (CPR) healthcare provider certificate from the American Red Cross, the American Heart Association, or another certifying agency;
  - 2. Advanced cardiac life support (ACLS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application; or
  - 3. Pediatric advanced life support (PALS) course completion confirmation from the American Heart Association or another agency. The confirmation must indicate that the course was completed within two years immediately before submitting a renewal application.
- C.** A licensee or certificate holder shall include ~~a written~~ an affidavit affirming the licensee's or certificate holder's completion of the prescribed credit hours of recognized continuing dental education with a renewal application. A licensee or certificate holder shall include on the affidavit the licensee's or certificate holder's name, license or certificate number, ~~and~~ the number of hours completed in each category, and the total number of hours completed for activities defined in R4-11-1209(A)(4).
- D.** A licensee or certificate holder shall submit a written request for an extension before the June 30 deadline. If a licensee or certificate holder fails to meet the credit hour requirement because of military service, dental or religious missionary activity, residence in a foreign country, or other extenuating circumstances as determined by the Board, the Board, upon written request, may grant an extension of time to complete the recognized continuing dental education credit hour requirement.
- E.** The Board shall:
  - 1. Only accept recognized continuing dental education credits accrued during the prescribed period immediately before license or certificate renewal, and
  - 2. Not allow recognized continuing dental education credit accrued in a renewal period in excess of the amount required in this Article to be carried forward to the next renewal period.
- F.** A licensee or certificate holder shall maintain documentation of attendance for each program for which credit is claimed that verifies the recognized continuing dental education credit hours the licensee or certificate holder participated in during the most recently completed renewal period.
- G.** Each year, the Board shall audit continuing dental education affidavits requirement compliance on a random basis or when information is obtained which indicates a licensee or certificate holder may not be in compliance with this Article. A licensee or certificate holder ~~whose affidavit is~~ selected for audit shall provide the Board with documentation of attendance ~~in support of the affidavit that shows compliance with the continuing dental education requirements~~ within 60 days from the date the licensee or certificate holder received notice of the audit by certified mail.
- H.** If a licensee or certificate holder ~~makes a false statement in an affidavit~~ is found not in compliance with the continuing dental education requirements, the Board ~~shall may~~ suspend, revoke, or deny renewal of a license or certificate, or take any ~~other~~ disciplinary or non-disciplinary action authorized by A.R.S. Title 32, Chapter 11.

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

[R14-197]

**PREAMBLE**

- | <b><u>1. Article, Part, or Sections Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
|--|---------------------------------|
| R4-26-101  | Amend                           |
| R4-26-102  | Amend                           |
| R4-26-103  | Repeal                          |
| R4-26-104  | Amend                           |
| R4-26-105  | Amend                           |
| R4-26-106  | Amend                           |
| R4-26-107  | Amend                           |
| R4-26-108  | Amend                           |
| R4-26-201  | Amend                           |
| R4-26-202  | Amend                           |
| R4-26-203  | Amend                           |
| R4-26-203.01   | Amend                           |
| R4-26-203.02   | New Section                     |
| R4-26-203.03   | New Section                     |
| R4-26-204  | Amend                           |
| R4-26-205  | Amend                           |
| R4-26-206  | Amend                           |
| R4-26-207  | Amend                           |
| R4-26-208  | Amend                           |
| Table 1  | Amend                           |
| R4-26-209  | Amend                           |
| R4-26-210  | Amend                           |
| R4-26-211  | Amend                           |
| R4-26-301  | Amend                           |
| R4-26-302  | Amend                           |
| R4-26-303  | Amend                           |
| R4-26-304  | Amend                           |
| R4-26-305  | Amend                           |
| R4-26-308  | Amend                           |
| R4-26-309  | New Section                     |
| R4-26-310  | New Section                     |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 32-2063(A)(9)  
Implementing statute: A.R.S. Title 32, Chapter 19.1, Articles 1 through 3
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 20 A.A.R. 2933, November 7, 2014
- 4. The agency's contact person who can answer questions about the rulemaking:**  
Name: Dr. Cindy Olvey, Executive Director  
Address: Board of Psychologist Examiners  
1400 W. Washington, Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 542-8162  
Fax: (602) 542-8279  
E-mail: Cindy.Olvey@psychboard.az.gov  
Website: www.psychboard.az.gov

Notices of Proposed Rulemaking

**5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Board is amending the rules in Articles 1 through 3 in response to a five-year-review report approved by Council on November 4, 2014, statutory changes, and Board practice. The Board is also making the rules more clear, concise, and understandable.

This rulemaking is exempt from the rulemaking moratorium contained in Executive Order 2012-03 under paragraph (4)(c) of the Order.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

The Board did not review and does not propose to rely on any study in its evaluation of or justification for a rule in this rulemaking.

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

Not applicable

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

The Board believes the rulemaking will have minimal economic impact. The following changes will produce the economic impact:

- Specifying a procedure for applying to take the national licensing examination before completing the required supervised professional experience
- Increasing some licensing fees
- Reducing required hours of CE
- Reducing number of copies of motion for rehearing required for submission
- Increasing the time before a meeting for submitting materials from 14 to 18 days
- Deleting requirement that application be notarized
- Clarifying the difference between reapplying for a license and applying anew for a license

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Dr. Cindy Olvey, Executive Director  
Address: Board of Psychologist Examiners  
1400 W. Washington, Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 542-8162  
Fax: (602) 542-8279  
E-mail: Cindy.Olvey@psychboard.az.gov  
Website: www.psychboard.az.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, January 14, 2015  
Time: 10:00 A.M.  
Location: 15 S. 15th Ave., Basement Conference Room  
Phoenix, AZ 85007

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Notices of Proposed Rulemaking

The licenses and approvals listed in Table 1 are general permits because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Federal law does not apply to the subject of the rulemaking.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

No materials are incorporated by reference.

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

**ARTICLE 1. GENERAL PROVISIONS**

Section

- R4-26-101. Definitions
- R4-26-102. Board Officers
- R4-26-103. ~~Official Signatures~~ Repealed
- R4-26-104. ~~Advisory~~ Committees
- R4-26-105. Board Records
- R4-26-106. Client or Patient Records
- R4-26-107. ~~Current~~ Change of Name, Mailing, Residential, or E-mail Address, or Telephone Number
- R4-26-108. Fees and Charges

**ARTICLE 2. LICENSURE**

Section

- R4-26-201. Application Deadline
- R4-26-202. Doctorate
- R4-26-203. Application for ~~Licensure~~ Initial License
- R4-26-203.01 Application for Licensure by Credential ~~Under A.R.S. § 32-2071.01(B)~~
- R4-26-203.02. Application to Take National Examination before Completing Supervised Professional Experience Required for Licensure
- R4-26-203.03. Reapplication for License; Applying Anew
- R4-26-204. Examinations
- R4-26-205. Renewal of License
- R4-26-206. Reinstatement of License from Inactive to Active Status; Cancellation of License
- R4-26-207. Continuing Education
- R4-26-208. Time-frames for Processing Applications
  - Table 1. Time-frames (in Days) for Processing Applications
- R4-26-209. General Supervision
- R4-26-210. ~~Internship or Training~~ Supervised Professional Experience
- R4-26-211. Foreign Graduates

**ARTICLE 3. REGULATION**

Section

- R4-26-301. Rules of Professional Conduct
- R4-26-302. Informal Interviews
- R4-26-303. Titles
- R4-26-304. Representation ~~Before~~ before the Board by Attorney Not Admitted to State Bar of Arizona
- R4-26-305. Confidentiality of Investigative Materials
- R4-26-308. Rehearing or Review of Decision
- R4-26-309. Complaints against Judicially Appointed Psychologists

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

R4-26-310. Disciplinary Supervision

**ARTICLE 1. GENERAL PROVISIONS**

**R4-26-101. Definitions**

**A.** The definitions in A.R.S. § 32-2061 apply to this Chapter.

**B.** ~~It~~ Additionally, in this Chapter:

1. "Additional examination" means an examination administered by the Board to determine the competency of an applicant and may include questions about the applicant's knowledge and application of Arizona law, the practice of psychology, ethical conduct, and psychological assessment and treatment practices.
2. "Administrative completeness review" means the Board's process for determining that an applicant has provided all of the information and documents required by the Board to determine whether to grant a license to the applicant.
3. "Advertising" means ~~the use of any communications media used~~ to disseminate information regarding the qualifications of a psychologist or to solicit clients or patients for psychological services, regardless of whether or not the psychologist pays for the dissemination of the information advertising. Methods of advertising include a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying the psychologist's professional qualifications or promoting the use of the psychologist's professional services.
4. "Applicant" means an individual requesting licensure, renewal, or approval from the Board.
5. "Application packet" means the forms and documents the Board requires an applicant to submit to the Board.
6. "Applied psychology," as used in A.R.S. § 32-2071(A), means the practice of psychology in the area of health service delivery. The Board shall consider education and training in applied psychology as qualification for licensure only if the education and training meet the standards specified in A.R.S. § 32-2071.
- ~~6-7.~~ "Case," in the context of R4-26-106~~(D)~~ (G), means a legal cause of action instituted before an administrative tribunal or in a judicial forum that relates to a psychologist's practice of psychology.
- ~~7-8.~~ "Case conference" means a meeting that includes the discussion of a particular client or patient or case that is related to the practice of psychology.
8. ~~"Clarifying information" means information that a complainant or licensee wishes to convey to the Board and is intended to clarify what the complainant or licensee believes to be inaccurate assumptions or information stated by a Board member during case discussions before the Complaint Screening Committee or the full Board or during an informal interview.~~
9. "Client or patient record" means "adequate records" as defined in A.R.S. § 32-2061~~(A)~~(2), "medical records" as defined in A.R.S. § 12-2291~~(5)~~ (6), and all records pertaining to assessment, evaluation, consultation, intervention, treatment, or the provision of psychological services in any form or by any medium.
10. "Complaint Screening Committee" means the committee of the Board established ~~by~~ under A.R.S. § 32-2081~~(D)~~ (F) to ~~initially conduct an initial~~ review of all complaints ~~against licensees.~~
11. "Confidential record" means:
  - a. Minutes of an executive session of the Board;
  - b. A record that is classified as confidential by a statute or rule applicable to the Board;
  - e. ~~An applicant's or licensee's college or university transcript if requested by a person other than the applicant or licensee;~~
  - ~~d-c.~~ All materials relating to an investigation by the Board, including a complaint, response, client or patient record, witness statement, investigative report, and any other information relating to a client's or patient's diagnosis, treatment, or personal or family life; and
  - d. The following regarding an applicant or licensee:
    - i. College or university transcripts;
    - e-ii. Home address, home telephone number, and e-mail address ~~of an applicant or a licensee;~~
    - f-iii. ~~Test Examination scores of an applicant or a licensee;~~
    - ~~g-iv.~~ Date of birth ~~of an applicant or a licensee;~~ and
    - v. Place of birth;
    - h-vi. Social Security number ~~of an applicant or a licensee;~~ and
    - vii. Candidate identification number for the national examination required under A.R.S. § 32-2072(A).
12. "Credentialing agency" means the Association of State and Provincial Psychology Boards, the National Register of Health Service Providers in Psychology, ~~and or~~ the American Board of Professional Psychology.
13. ~~"Days"~~ "Day" means a calendar ~~days~~ day except in A.R.S. § 32-2075(A)(4). "day" means a total of eight hours in providing psychological services regardless of the number of calendar days over which the hours are accumulated.
14. "Diplomate or specialist" means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.
15. "Directly available," as used in the context of A.R.S. § 32-2071~~(D)~~(2) (F)(2), means immediately available in person;

Notices of Proposed Rulemaking

or by telephone; or by electronic transmission.

16. "Disaster," as used in A.R.S. § 32-2075(A)(4), means a contingency or situation for which the governor declares a state of emergency under the authority provided at A.R.S. § 35-192. The Board acknowledges any state of emergency declared by the governor or determined by the Board.
- ~~16-17.~~ "Dissertation" means a document prepared as part of a graduate doctoral program that includes, at a minimum, separate sections that:
- Review the literature on the psychology topic being investigated; and state each research question and hypothesis under investigation; and state each hypothesis investigated;
  - Describe the method or procedure used to investigate each research question or each hypothesis;
  - Describe and summarize the findings and results of the investigation;
  - Discuss the findings and compare them to the relevant literature presented in the literature review section; and
  - List the references used in the various sections of the dissertation, a majority of which are either journals of the American Psychological Association, Psychological Abstracts, or classified as a psychology subject by the Library of Congress.
- ~~17-18.~~ "Fellow" means a status bestowed on a person by a psychology association or society.
- ~~18-19.~~ "Gross negligence" means an extreme departure from the ordinary standard of care.
- ~~19-20.~~ "Internship training program" means the supervised professional experience required in A.R.S. § 32-2071(~~D~~) (F).
21. "Last client or patient activity," as used in R4-26-106, means the last date a particular client or patient received direct clinical contact from the psychologist retaining the client's or patient's record.
22. "License period" means the two years between May 1 of one odd-numbered year and April 30 of the next odd-numbered year.
- ~~20-23.~~ "National examination" means the Examination for Professional Practice in Psychology provided by the Association of State and Provincial Psychology Boards.
- ~~21-24.~~ "Party" means the Board, an applicant, a licensee, or the state.
- ~~22-25.~~ "Primarily psychological," in the context of A.R.S. § 32-2071(A)(6), means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(A)(~~8~~) (9).
26. "Psychologist on staff," as used in A.R.S. § 32-2071(F)(2), means a psychologist who is designated by the staff psychologist specified in A.R.S. § 32-2071(F)(1) to fulfill the responsibilities of a supervising psychologist in the training program.
- ~~23-27.~~ "Psychometric testing" means measuring cognitive and emotional processes and learning through the administration of psychological tests.
- ~~24-28.~~ "Raw test data" means information collected test scores, client or patient responses to test questions or stimuli, and notes and recordings concerning client or patient statements and behavior during a psychologist's assessment and evaluation.
29. "Regulatory jurisdiction" means a state or territory of the U.S., the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.
- ~~25-~~ "Residency" means the same as in A.R.S. § 32-2071(I), but does not include a domicile or hospital residency.
- ~~26-30.~~ "Retired," as used in A.R.S. § 32-2073(~~E~~) (G), means a psychologist has permanently stopped practicing psychology, as defined in A.R.S. § 32-2061(A)(~~8~~) (9).
31. "Stipend" means a fee paid to a supervisee that is not based on productivity or revenue generated.
- ~~27-32.~~ "Substantive review" means the Board's process for determining whether an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.
- ~~28-33.~~ "Successfully completing," as used in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from a school or an institution of higher education.
- ~~29-34.~~ "Supervise" means to control, oversee, and review the activities of an employee, intern, trainee, or resident who provides psychological services.
- ~~30-35.~~ "Supervisor" "Supervisor," as referenced in A.R.S. § 32-2071(F)(2), means a psychologist an individual who is:
- Licensed Licensed or registered as a psychologist at the independent level in the state regulatory jurisdiction in which the supervision occurs,
  - On staff as a supervisor with the training program for which supervision is provided, and
  - Directly available to the supervisee in case of an emergency or ensures another supervisor is directly available to the supervisee.
36. "Year," as used in A.R.S. § 32-2075(A)(4) means a calendar year.

**R4-26-102. Board Officers**

- A.** Under A.R.S. § 32-2063(A)(8), the Board shall ~~meet before December 31 of each year to~~ annually elect a chairperson, a vice chairperson, and a secretary.
- B.** ~~who~~ Officers elected under subsection (A) shall take office on January 1 of the next year following election and serve until December 31 of that year.

Notices of Proposed Rulemaking

~~C.~~ When If a vacancy occurs in the office of chairperson, vice chairperson, or secretary, the Board shall elect a replacement officer at the next scheduled Board meeting.

**R4-26-103. Official Signatures Repealed**

~~The chairperson, vice chairperson, or secretary, elected under A.R.S. § 32-2063(A)(8), shall sign correspondence, forms, legal documents, or other official papers of the Board. The chairperson, vice chairperson, or secretary may delegate this duty to another Board member, or the executive director.~~

**R4-26-104. Advisory Committees**

A. As permitted under A.R.S. § 32-2064(B), the Board chairperson may appoint Board committees to assist the Board to fulfill the Board's responsibilities.

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

**R4-26-105. Board Records**

A. A person may view public records in the Board office only during business hours, which are Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding holidays.

B. All Board records are open to public inspection and copying except confidential records as defined in R4-26-101 or as otherwise provided by law.

**R4-26-106. Client or Patient Records**

A. A psychologist shall not condition ~~record~~ release of a client or patient record on a client's payment for services by the client, patient, or a third party's payment for services party.

B. ~~A~~ Except as provided in subsection (C), a psychologist shall release, with a client's or patient's written consent, provide access to or a copy of the client's or patient's record, including raw test data or psychometric testing materials and other information as provided by law to another licensed psychologist the client or patient or the client's or patient's health care decision maker. Without a client's consent, a psychologist shall release a client's raw test data or psychometric testing materials only to the extent required by federal or Arizona law or court order compelling production.

C. A psychologist may deny a request to provide access to or a copy of a client's or patient's record if the psychologist determines:

1. Access by the client or patient is reasonably likely to endanger the life or physical safety of the client or patient or another person;
2. The record makes reference to a person other than a health professional and access by the client or patient or the client's or patient's health care decision maker is reasonably likely to cause substantial harm to that other person;
3. Access by the client's or patient's health care decision maker is reasonably likely to cause substantial harm to the client or patient or another person;
4. Access by the client or patient or the client's or patient's health care decision maker will reveal information obtained under a promise of confidentiality with someone other than a health professional and access is reasonably likely to reveal the source of the information; or
5. Access by the client or patient or the client's or patient's health care decision maker may result in misuse or misrepresentation of the information and potentially harm the client or patient.

D. Without a client's or patient's consent, a psychologist shall release the client's or patient's raw test data only to the extent required by law or under court order compelling production.

~~C.E.~~ A psychologist shall retain all client or patient records under the psychologist's control, including records of a client or patient who died, for ~~a minimum of at least~~ at least six years from the date of the last client or patient activity, ~~except copies of audio or video tapes created primarily for training or supervisory purposes.~~ If a client or patient is a minor, the psychologist shall retain all client or patient records for ~~a minimum of at least~~ at least three years past the client's or patient's 18th birthday or six years from the date of the last client or patient activity, whichever is longer.

F. Audio or video tapes created primarily for training or supervisory purposes are exempt from the requirement of subsection (E).

~~D.G.~~ A psychologist who ~~has been~~ is notified by the Board or municipal, state, or federal officials of an investigation or pending case shall retain all records relating to that investigation or case until the psychologist ~~has received~~ receives written ~~notification~~ notice that the investigation is completed, ~~or that the case is closed, or the matter has been fully adjudicated.~~

~~E.H.~~ A The provisions of this Section apply to all psychologists including a psychologist who is on inactive status under A.R.S. § 32-2073(E) (G) is not exempt from this Section.

~~F.I.~~ A psychologist may retain ~~legible copies of scanned or electronic~~ client or patient records ~~rather than the original hard copies of the records in electronic form.~~ The psychologist shall ensure that ~~scanned and electronic~~ client or patient records in electronic form are ~~securely~~ legible, stored securely, and an electronic backup copies are copy is maintained.

Notices of Proposed Rulemaking

**R4-26-107. Current Change of Name, Mailing, Residential, or E-mail Address, or Telephone Number**

- A.** The Board shall communicate with a psychologist using the contact information provided to the Board. To ensure timely communication from the Board, a psychologist shall notify the Board, in writing, within 30 days of any change of name, mailing, residential, or e-mail address (giving both the old and new addresses), or residential, business, or mobile telephone number.
- B.** A psychologist who reports a name change shall submit to the Board legal documentation that substantiates the name change.
- C.** A psychologist's failure to receive a renewal notice or other mail that the Board sends to the most recent address on file with the Board office is ~~does~~ not ~~justification for~~ excuse an untimely license renewal or the omission of any other action required by the psychologist.

**R4-26-108. Fees and Charges**

- A.** As specifically authorized by A.R.S. § 32-2067(A), the Board establishes and shall collect the following fees:
  1. Application for an active license to practice psychology: \$350;
  2. Reapplication for an active license ~~denied by the Board~~: \$200;
  3. Initial license (prorated): ~~\$400~~ \$500;
  4. Duplicate license: \$25;
  5. Biennial renewal of an active license: ~~\$400~~ \$500;
  6. Biennial renewal of an inactive license: ~~\$50~~ \$5;
  7. Reinstatement of an active or inactive license: \$200; and
  8. Delinquent compliance with continuing education requirements: \$200.
- B.** As specifically authorized by A.R.S. § 32-2067(A), the Board establishes and shall collect the following charges for the services provided:
  - ~~9-1.~~ Duplicate renewal receipt: \$5;
  - ~~10-2.~~ Statutes Copy of statutes and rules: \$5;
  - ~~11-3.~~ Verification of a license: \$2;
  - ~~12-4.~~ Each audiotape Audio recording of a Board or Committee meetings meeting: \$10;
  - ~~13-5.~~ Computerized discs Electronic medium containing the name and address of each licensee: \$.05 per name;
  - ~~14-6.~~ Customized computerized discs electronic medium containing the name and address of each current licensee: \$.25 per name;
  - ~~15-7.~~ Customized computerized discs electronic medium containing additional, non-confidential, licensee information: \$.35 per name; and
  - ~~16-8.~~ Copies of Board records, documents, letters, minutes, applications, files, and policy statements: \$.25 per page.
- C.** Except as provided by law, including A.R.S. § 41-1077, the fees listed in subsection (A) are not refundable.

**ARTICLE 2. LICENSURE**

**R4-26-201. Application Deadline**

- A.** The Board shall consider a license application ~~To be considered at the Board's next scheduled Board meeting, a~~ if an administratively complete license application packet and all related supporting materials and documentation, including reference forms mailed or e-mailed from the Board office, and any additional information requested by the Board, shall be completed and filed at is received by the Board office at least 14 ~~18~~ days before the date of the meeting.
- B.** An applicant who does not meet this deadline shall have the application reviewed at a subsequent Board meeting. ~~The Board shall consider a license application that is received fewer than 18 days before a scheduled meeting at a subsequent meeting.~~

**R4-26-202. Doctorate**

- A.** The Board shall apply the following criteria to determine ~~if whether~~ a doctoral program ~~complies with~~ provided by an institution of higher education met the standards in A.R.S. § 32-2071(A)(2) at the time an applicant began the degree program:
  1. A ~~The~~ program is "identified and labeled as a psychology program" under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute had ~~there were~~ institutional catalogues and brochures that specified its ~~the~~ intent of the institution of higher education to educate and train psychologists, ~~at the commencement of the applicant's degree program;~~
  2. A ~~The~~ program "stands as a recognized, coherent organizational entity" under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute had a psychology curriculum that ~~there~~ was an organized sequence of courses ~~at the commencement of the applicant's degree program~~ comprising a psychology curriculum; and
  3. A ~~The~~ program has "clearly identified entry and exit criteria" within its psychology curriculum under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute has requirements that ~~outline the~~ there were specific prerequisites for entrance into the program and the sequence of study and has delineated requirements for gradu-

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

ation ~~delineated~~.

- B. The Board shall verify that an applicant ~~has~~ completed the hours in the subject areas described in A.R.S. § 32-2071(A)(4). For this purpose, the applicant shall have the institution of higher education that the applicant attended provide directly to the Board an official transcript of all courses taken and verification of the dissertation or similar project.
- ~~1. The Board shall verify that an applicant's transcripts have been prepared solely by the institution under A.R.S. § 32-2071(A)(7) by determining whether the applicant had any input into the transcript drafting process.~~
  - ~~2.1.~~ The Board may require additional documentation from the applicant or from the institution to determine whether the applicant ~~has~~ satisfied the requirements of A.R.S. § 32-2071(A)(4).
  - ~~3.2.~~ The Board shall count five quarter hours or six trimester hours as the equivalent of three semester hours, as required under A.R.S. § 32-2071(A)(4). When an academic term is other than a semester, ~~or~~ quarter, or trimester, 15 classroom contact hours equals one semester hour.
- C. To determine whether a comprehensive examination taken by an applicant as part of a doctoral program in psychology satisfies the requirements of A.R.S. § 32-2071(A)(4), the Board shall review documentation provided directly to the Board by the ~~educational~~ institution of higher education that granted the doctoral degree, that demonstrates how the applicant's comprehensive examination was constructed, lists criteria for passing, and provides the information used to determine that the applicant passed.
- D. The Board shall not accept ~~credit hours for~~ as core program hours required under A.R.S. § 32-2071(A)(4) credit:
- ~~1. workshops~~ For workshops, practica, undergraduate courses, life experiences, continuing education courses, or experiential or correspondence courses; or for credits transferred
  - ~~2. Transferred from institutions that are not accredited under A.R.S. § 32-2071(A)(1), to satisfy a requirement of A.R.S. § 32-2071(A)(4); or~~
  - ~~3. For seminars, readings courses, or independent study unless the applicant proves that the course was an in-depth study devoted to a particular core program content area by submitting one or more of the following:~~
    - a. Course description in the official catalogue of the institution of higher education,
    - b. Course syllabus, or
    - c. Signed statement from a dean or psychology department head affirming that the course was an in-depth study devoted to a particular core program content area.
- E. The Board shall count a course or comprehensive examination only once to satisfy a requirement of A.R.S. § 32-2071(A)(4).
- F. An honorary doctorate degree does not qualify an applicant for licensure as a psychologist.
- G. ~~The Board shall not accept as core program credits practica, workshops, continuing education courses, experiential or correspondence courses, or life experiences. The Board shall not accept core program credits for seminar or readings courses or independent study unless the applicant provides evidence that the course was an in-depth study devoted to a particular core area. The applicant shall submit evidence of one or more of the following:~~
- ~~1. Course description in official college catalogue;~~
  - ~~2. Course syllabus, or~~
  - ~~3. Signed statement from a dean or psychology department head detailing that the course was an in-depth study devoted to a particular core area.~~

**R4-26-203. Application for ~~Licensure~~ Initial License**

- A. An ~~applicant for individual who wishes to be licensed as~~ a psychologist ~~license~~ shall submit an application packet to the Board that includes an application form, which is available from provided by the Board office and on its website, with an attestation that is signed and dated by the applicant ~~and notarized,~~ and ~~contains~~ provide the following information:
- ~~1. Personal information about the applicant:~~
    - a. ~~Applicant's name, business and home addresses, Social Security number, business and home telephone numbers, and date and place of birth; Full name;~~
    - b. Other names by which the applicant is or ever has been known;
    - c. Residential address and telephone number;
    - d. Business name and address;
    - e. Work telephone and fax numbers;
    - f. E-mail address;
    - g. Gender;
    - h. Date of birth;
    - i. Place of birth; and
    - j. Social Security number;
  - ~~2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;~~
  - ~~3. An indication whether the applicant is active military;~~
  - ~~4. A statement of whether the applicant;~~

Notices of Proposed Rulemaking

- 2-a. ~~Whether the applicant holds~~ Holds a Certificate of Professional Qualification in Psychology, a National Register of Health Service Providers in Psychology credential, or is a diplomate or specialist of the American Board of Professional Psychology;
- 3-b. ~~Name of each jurisdiction in which the applicant is currently~~ Is or ever has been licensed as a psychologist in another regulatory jurisdiction and if so, the name of the regulatory jurisdiction and license number;
- 4-c. ~~Whether the applicant has~~ Has applied for and been rejected or denied licensure as a psychologist in any other a regulatory jurisdiction in which the applicant is not currently licensed, and if so, the name of each regulatory jurisdiction, date of each application, and reason given for the rejection or denial;
- 5-d. ~~Whether the applicant is~~ Is or ever has been licensed or certified in a profession or occupation other than psychology and if so, the names of the professions or occupations, regulatory jurisdictions, and license numbers;
- 6-e. ~~Whether the applicant has~~ Has ever taken the national examination; and if so, the name of each regulatory jurisdiction in which the examination was taken; and each date of examination;
- 7-f. ~~Whether the applicant has~~ Has ever had an application for a professional license, certification, or registration other than psychology denied or rejected by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, type of license, certification, or registration denied or rejected, and date of denial or rejection;
- g. Has ever withdrawn an application for a professional license, certification, or registration in lieu of administrative proceedings and if so, the reason for the withdrawal;
- 8-h. ~~Whether the applicant has~~ Has ever had disciplinary action initiated against the applicant's professional license, certification, or registration, or had a professional license, certification, or registration suspended or revoked by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, date of the disciplinary action, and license number;
- 9-i. ~~Whether the applicant has~~ Has ever entered into a consent agreement or stipulation arising from a complaint against any professional license, certification, or registration and if so, the name of the regulatory jurisdiction, date, and license number;
- 10-j. ~~Whether the applicant is~~ Is a member of any professional association in the field of psychology and if so, name of the association;
- 11-k. ~~Whether the applicant has~~ Has ever had membership in a professional association in the field of psychology denied or revoked and if so, the name of the professional association and date of denial or revocation;
- 12-l. ~~Whether the applicant is~~ Is currently under investigation for or has been found guilty of violating a code of professional ethics of any professional organization and if so, the name of the professional organization and date of investigation;
- 13-m. ~~Whether the applicant is~~ Is currently under investigation for or has been found to have violated a professional code of conduct by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of investigation;
- 14-n. ~~Whether the applicant has~~ Has ever been sanctioned or placed on probation by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of action;
- 15-o. ~~Whether the applicant~~ Is currently awaiting trial, has been convicted of, or pled no contest or guilty to a any felony or a misdemeanor other than a minor traffic offense (a DUI is not a minor traffic offense), or has ever entered into a diversion program instead of prosecution, including any convictions that have been expunged, or deleted, or set aside and if so, the name of the jurisdiction, offense involved, date of offense, status of resolution, expected resolution date, and a narrative explanation;
- 16-p. ~~Whether the applicant has~~ Has been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a certificate or license in another profession, or the applicant's work as a member of a profession in which the applicant was not certified or licensed and if so, the name of the jurisdiction, allegation involved, and date;
- 17-q. ~~Whether the applicant has~~ Has ever been involuntarily terminated or resigned instead of termination from any psychological or behavioral health position or related employment and if so, the name of the employer involved and date;
- 18-r. ~~Whether the applicant currently has an addiction to~~ Currently uses alcohol or any another drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently; and
- 19-s. ~~Whether the applicant currently has any~~ Has a medical, physical, or psychological condition that may in any way impair or limit the applicant's ability to practice psychology safely and effectively competently;
5. Information about the applicant's education and training:
  - 20-a. Name and address of each university or college from which the applicant graduated, date of attendance dates attended, date of graduation, degree received, name of department, and major subject area of study;
  - 21-b. ~~Major advisor's name and department~~ Name and department of the applicant's major advisor; and the
    - c. ~~title~~ Title of the applicant's dissertation or Psy.D. project for the doctoral degree;
  - 22-d. Official title of the applicant's doctoral degree program or predoctoral specialty area;
  - e. Whether the doctoral degree program that the applicant attended was accredited by the American Psychological

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

Association at the time of graduation:

~~23-f.~~ Whether the applicant's internship training program was an American Psychological Association-approved accredited program or a member of the Association of Psychology and Postdoctoral Internship Centers;

~~24-g.~~ ~~Each location at~~ Location of each internship training program in which the applicant participated ~~in an internship training program~~ and each supervisor's name and contact information; and

~~h.~~ Documentation demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;

~~25-6.~~ Areas of professional competence;

~~26-7.~~ Intended area of professional practice in psychology;

~~27-8.~~ Name, position, and address of at least two ~~references~~ individuals to serve as references who:

a. Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;

b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of application. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and

c. Recommend the applicant for licensure;

~~28-9.~~ History of employment for the past 10 years in the field of psychology including, for each position held, the:

a. ~~beginning~~ Beginning and ending dates of employment,

b. ~~number~~ Number of hours worked per week,

c. ~~name~~ Name and address of employer,

d. ~~name~~ Name and address of supervisor, and

e. ~~type~~ Type of employment; and

~~29-10.~~ Information demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;

~~30.~~ ~~Whether the applicant agrees to allow the Board to submit supplemental requests for additional information under R4-26-208(C);~~

~~31-11.~~ ~~A notarized statement, verified under oath~~ An attestation by the applicant, that the information on the application pertains to is about the applicant, is true and correct, and ~~has not been~~ is not being submitted ~~through fraud or misrepresentation~~ fraudulently;

**B.** Additionally, an applicant shall submit:

~~32-1.~~ ~~One~~ An original, un-retouched, passport-quality photograph of the applicant ~~that is no larger than one and a half by two~~ 1.5 X 2 inches and taken ~~not~~ no more than 60 days before the date of application;

~~33-2.~~ The results of a self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank;

~~3.~~ As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law;

~~4.~~ The Board's Mandatory Confidential Information form;

~~34-5.~~ Fee ~~The fee required by under~~ R4-26-108; and

~~35-6.~~ Any other information authorized by statute.

**B.C.** ~~In addition to the requirements of subsection in subsections (A) and (B), an applicant for a psychologist's license shall arrange to have the following directly submitted to the Board:~~

1. An official transcript from each university or college from which the applicant ~~has~~ attended a graduate program or received a graduate degree that contains the date the degree was ~~received~~ conferred;

2. An official document from the degree-granting institution indicating that the applicant ~~has~~ completed a residency that satisfies the requirements of A.R.S. § 32-2071(~~H~~) (K);

3. For an applicant applying supervised preinternship hours toward licensure, an attestation submitted by the doctoral program training director, faculty supervisor, or other official of the doctoral-granting institution who is knowledgeable of the applicant's preinternship experience verifying that the applicant's preinternship experience meets the requirements of A.R.S. § 32-2071(D).

~~3-4.~~ An affidavit attestation from the applicant's supervisor, if available, or a psychologist knowledgeable of the applicant's internship training program, verifying that the applicant's internship training program meets the requirements in A.R.S. § 32-2071(~~H~~) (F). If the supervisor or knowledgeable psychologist is not available, the Board shall accept primary source verification received from the Association of State and Provincial Psychology Boards. In this subsection, "not available" means the supervisor or knowledgeable psychologist is deceased or all reasonable efforts to locate the supervisor or knowledgeable psychologist were unsuccessful;

~~4-5.~~ An affidavit ~~For an applicant applying supervised postdoctoral experience toward licensure, an attestation~~ from the applicant's postdoctoral supervisor, if available, or a psychologist knowledgeable of the applicant's postdoctoral experience verifying that the applicant's postdoctoral experience meets the requirements in A.R.S. § 32-2071(~~H~~) (G).

Notices of Proposed Rulemaking

If the supervisor or knowledgeable psychologist is not available, the Board shall accept primary source verification received from the Association of State and Provincial Psychology Boards. In this subsection, "not available" means the supervisor or knowledgeable psychologist is deceased or all reasonable efforts to locate the supervisor or knowledgeable psychologist were unsuccessful; and

5-6. Verification of all other psychology licenses or certificates ever held in any regulatory jurisdiction; and

- ~~C. 7. In addition to the requirements in subsections (A) and (B), an applicant shall ensure that an An~~ official notification of the applicant's score on the national examination is provided to the Board. An applicant who has passed the national examination and is seeking an examination waiver under in accordance with the standard established at A.R.S. § 32-2072(A), shall have the examination score sent directly to the Board by the Association of State and Provincial Psychology Boards or by the regulatory jurisdiction for in which the applicant originally passed the examination.

**R4-26-203.01. Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)**

- A. An applicant for a psychologist license by credential under A.R.S. § 32-2071.01(B) ~~(D)~~ shall submit an application packet to the Board that includes:
1. An application form, ~~provided by which is available from~~ the Board office and on its website, signed and dated by the applicant, that contains the information required by R4-26-203(A)(1) through ~~(26) (4), (A)(5)(a) through (f), (A)(6), (A)(7), (A)(10), and R4-26-203(A)(30) through (35) (B)(2) through (6);~~
  2. Verification sent directly to the Board by the credentialing agency that the applicant:
    - a. Holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
    - b. Holds a current National Register of Health Service ~~Provider~~ Providers in Psychology (NRHSPP) credential and has practiced psychology independently at the doctoral level under A.R.S. § 32-2074 for at least five years; or
    - c. Is a diplomate or specialist of the American Board of Professional Psychology (ABPP); and
  3. Verification of all other psychology licenses or certificates ever held in any jurisdiction.
- B. An applicant for a psychologist license by credential based on a National Register of Health Service ~~Provider~~ Providers in Psychology credential also shall have passed the national examination and shall have notification of that the applicant obtain a passing score on the national examination score sent directly to the Board by the Association of State and Provincial Psychology Boards or by the regulatory jurisdiction for in which the applicant originally tested passed the examination.
- C. If the Board determines that an application for licensure by credential requires clarification, the Board may require that an applicant submit or cause the applicant's credentialing agency to submit directly to the Board any documentation including transcripts, course descriptions, catalogues, brochures, supervised experience verifications, examination scores, application for credential, or any other information that is deemed necessary by the Board.

**R4-26-203.02. Application to Take National Examination before Completing Supervised Professional Experience Required for Licensure**

- A. As provided under A.R.S. § 32-2072(C), an individual who has completed the education requirements specified in A.R.S. § 32-2071(A) but has not completed the supervised professional experience requirements specified in A.R.S. § 32-2071(D) may apply to the Board for approval to take the national examination.
- B. To apply for approval under subsection (A), an individual shall submit to the Board the application form and applicable documents required under R4-26-203(A) through (C).
- C. When the Board approves an individual who makes application under subsections (A) and (B), the Board shall administratively close the applicant's application packet.
- D. An individual who is granted approval under subsection (C) to take the national examination may apply for an initial license under R4-26-203 after completing the supervised professional experience requirements specified in A.R.S. § 32-2071(D) as follows:
1. Within 36 months after the application was administratively closed under subsection (C), request that the Board re-open the application packet; and
  2. Submit the portions of the application packet required under R4-26-203 that were not submitted under subsection (B).

**R4-26-203.03. Reapplication for License; Applying Anew**

- A. The following may reapply for a license:
1. An individual who failed the national examination required under A.R.S. § 32-2072 and R4-26-204 no more than three times, and
  2. An individual whose application submitted under R4-26-203 or R4-26-203.01 was administratively closed by the Board under R4-26-208(H) less than one year before reapplication.
- B. An individual identified in subsection (A) may ask the Board to base a licensing decision, in part, on applicable forms and documents previously submitted.
- C. An individual eligible under subsection (B) to reapply for licensure shall:

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

1. Submit a reapplication form, which is available from the Board office, to the Board;
  2. If previously submitted references were submitted more than 12 months before the date of reapplication, provide the names, positions, and addresses of at least two individual to serve as references who:
    - a. Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and are not members of the Arizona Board of Psychologist Examiners;
    - b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of reapplication. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
    - c. Recommend the applicant for licensure;
  3. List all professional employment since the date of the most recent application or reapplication including:
    - a. Beginning and ending dates of employment,
    - b. Number of hours worked per week,
    - c. Name and address of employer,
    - d. Position title,
    - e. Nature of work, and
    - f. Nature of supervision;
  4. Submit the results of a self-query from the National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank; and
  5. Pay the fee required under R4-26-108(2).
- D.** The following shall apply anew for a license rather than reapplying:
1. An individual whose application submitted under R4-26-203 or R4-26-203.01 was denied by the Board,
  2. An individual who was permitted by the Board to withdraw an application submitted under R4-26-203 or R4-26-203.01 before the Board acted on the application, and
  3. An individual whose application submitted under R4-26-203 or R4-26-203.01 was administratively closed by the Board under R4-26-208(H) more than one year before another application is submitted.

**R4-26-204. Examinations**

**A.** General rules.

1. Under A.R.S. § 32-2072(C), an applicant who fails the national examination ~~at least three times in Arizona or any other regulatory jurisdiction; shall, comply with the following requirements before taking another the~~ national examination ~~again;~~
  - a. ~~The applicant shall~~ review the applicant's areas of deficiency and implement a program of study or practical experience designed to remedy the applicant's deficiencies. This remedial program may consist of any combination of course work, self-study, internship experience, and supervision, or any combination of these.
2. ~~b. The~~ An applicant required under subsection (A)(1) to implement a program of study or practical experience may apply anew for licensure. The applicant shall submit a new application packet, as described in R4-26-203, that includes documentation of the applicant's professional activities since the date of the original application, including and include information about any actions taken proposed under subsection (A)(1)(a), in addition to the information required on the original application.
- 2-3. Examination deadline. Unless the Board grants an extension, the Board shall administratively close the file of an applicant approved authorized by to sit for a the Board to take an examination specified in subsection (B) or (C) who fails to sit for take the examination within one year from the date of the Board's approval authorization. Upon written request to the Board's Executive Director received by the Board on or before the applicant's examination deadline, the Board shall grant the applicant one extension of up to six months to ~~sit take for~~ the examination. The applicant may request additional extensions for good cause, which includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period. The Board shall ensure that an extension is for no more than six months. This Section does not apply to an applicant approved to take the national examination ~~before completion of 3,000 hours of supervised training experience as permitted under A.R.S. § 32-2072(C) under R4-26-203.02.~~
- 3-4. The Board shall deny a license if an applicant commits any of the following acts with respect to the examination:
  - a. Violates the confidentiality of examination materials;
  - b. Removes any examination materials from the examination room;
  - c. Reproduces any portion of a licensing examination;
  - d. Aids in the reproduction or reconstruction of any portion of a licensing examination;
  - e. Pays or uses another person to take a licensing examination for the applicant or to reconstruct any portion of the licensing examination;

**Notices of Proposed Rulemaking**

- f. Obtains examination material, either before, during, or after an examination, for the purpose of instructing or preparing applicants for examinations;
  - g. Sells, distributes, buys, receives, or has possession of any portion of a future, current, or previously administered licensing examination that is not authorized by the Board or its authorized agent for release to the public;
  - h. Communicates with any other examinee during the administration of a licensing examination;
  - i. Copies answers from another examinee or permits the copying of answers by another examinee;
  - j. Possesses during the administration of a licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than material distributed during the examination; or
  - k. Impersonates another examinee.
- B.** National examination. Under A.R.S. § 32-2072, the Board shall require that an applicant take and pass the national examination. An applicant ~~approved~~ authorized by the Board to take the national examination passes the examination if the applicant's score equals or exceeds the passing score specified in A.R.S. § 32-2072(A). ~~When~~ After the Board receives the examination results, the Board shall notify the applicant in writing of the results.
- C.** Additional examination.
- 1. ~~An~~ The Board shall require an applicant ~~shall to~~ pass the national examination before ~~being permitted by the Board allowing the applicant~~ to take an additional examination.
  - 2. Under A.R.S. § 32-2072(B), the Board may administer an additional examination to ~~all applicants~~ an applicant to determine the adequacy of the applicant's knowledge and application of Arizona law. The additional examination may also cover the practice of psychology, ethical conduct, and psychological assessment and treatment practices.
    - a. The Board shall review and approve the additional examination before administration.
    - b. The additional examination may be developed and administered by the Board, a committee of the Board, consultants to the Board, or independent contractors.
    - ~~b. The additional examination may be administered by the Board, a committee of the Board, consultants to the Board, or independent contractors.~~
    - c. Applicants, examiners, and consultants to the Board shall execute a security acknowledgment form ~~stating that they shall~~ and agree to maintain examination security.

**R4-26-205. Renewal of License**

- A.** A license issued by the Board, whether active or inactive, expires on April 30 of every odd-numbered year unless renewed.
- ~~A-B.~~ The Board considers a license renewal application packet timely filed submitted if delivered or mailed to the Board's office and date stamped or postmarked on or before ~~May 1~~ April 30 of the odd-numbered year that in which the license expires.
- ~~B-C.~~ An applicant To renew a license, a licensee shall file with submit to the Board a renewal application form, which is available from provided by the Board office and on its website, signed and dated by the licensee, that contains and provide the following:
- 1. Personal information about the applicant:
    - ~~1-a.~~ The applicant's name, business and home addresses, Social Security number, license number, business and home telephone numbers, e-mail address, gender, date of birth, and a designated preference for directory and mailing addresses Full name;
    - b. Other names by which the applicant is or ever has been known;
    - c. License number;
    - d. Home address and telephone number;
    - e. Business name and address;
    - f. Work telephone and fax numbers;
    - g. E-mail address;
    - h. Gender;
    - i. Date of birth;
    - j. Place of birth; and
    - k. Social Security number;
  - 2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;
  - 3. An indication whether the applicant is active military;
  - 4. A statement of whether the applicant:
    - a. Is in compliance with or exempt from the requirements of A.R.S. § 32-3211 regarding secure storage, transfer, and access to client or patient records and if not, explain;
    - 2. ~~b.~~ Whether the applicant is Is currently licensed or certified as a psychologist in another a regulatory jurisdiction other than Arizona; and if so, identification the name of the regulatory jurisdiction and license number;
    - 3. ~~c.~~ Whether the applicant is currently Is a licensed or certified member of another profession; and if so, identification of the name of the profession, and the regulatory jurisdiction, and license number;
    - 4.d. ~~Whether the applicant is Is~~ a member of any a hospital staff or provider panel and if so, identification the name of the

Notices of Proposed Rulemaking

- hospital or panel;
5. ~~e. Whether the applicant has~~ Has completed the required ~~60~~ 40 hours of continuing education; and if not, an explanation of ~~the reasons why the required hours have not been completed;~~
  6. ~~f. Whether the applicant has~~ Has, during the last license period, been denied a license or certificate to practice any profession by any ~~state or Canadian province~~ regulatory jurisdiction and if so, ~~the name of the profession and regulatory jurisdiction and the reason for denial or a copy of the notice of denial;~~
  7. ~~g. Whether the applicant has ever~~ Has, during the last license period, relinquished responsibilities, resigned a position, or been terminated while a complaint against the applicant was being investigated or adjudicated ~~and if so, the dates and entity conducting the investigation or adjudication;~~
  8. ~~h. Whether the applicant has ever~~ Has, during the last license period, resigned or been terminated from a professional organization, hospital staff, the military, or provider panel or surrendered a license while a complaint against the applicant was being investigated or adjudicated ~~and if so, the dates and entity conducting the investigation or adjudication;~~
  9. ~~i. Whether the applicant has~~ Has, during the last license period, been disciplined by ~~any an agency or regulatory board of in~~ any regulatory jurisdiction including the Arizona Board of Psychologist Examiners, the military, or a health care institution, provider panel, or ethics panel for acts pertaining to the applicant's conduct as a psychologist or as a professional in any other field; and if so, ~~a report of those actions including~~ the name and address of the disciplinary agency, the nature and date of the disciplinary action, and a statement of the charges and findings;
  10. ~~j. Whether the applicant~~ Is currently awaiting trial, has, during the last license period, been convicted of ~~or pled no contest or guilty to a~~ any felony or a misdemeanor, other than a minor traffic offense ~~(a DUI is not a minor traffic offense), or ever entered into a diversion program instead of prosecution, including any conviction that was expunged, deleted, or set aside in any state or country and if so, the convicting jurisdiction, offense, date of offense, status of resolution, expected resolution, a narrative explanation, and copies of relevant documents;~~
  11. ~~k. Whether the applicant is~~ Is currently under investigation by any professional organization, the military, health care institution, or provider panel of which the applicant is a member or on staff, or regulatory ~~board or~~ agency concerning the ethical propriety or legality of the applicant's conduct ~~and if so, name of the entity involved and conduct at issue;~~
  12. ~~l. Whether the applicant has~~ Has, during the last license period, been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a license or certificate in another profession, or the applicant's work as a member of a profession in which the applicant was not licensed or certified ~~and if so, the name of the jurisdiction, allegation involved, date, and copies of relevant documents;~~
  13. ~~m. Whether the applicant is~~ Is delinquent in payment of a judgment for child support ~~and if so, the court that issued and date of the support order;~~
  14. ~~n. Whether the applicant has~~ Has, during the last license period, had an application for membership in any professional organization rejected, or has had any professional organization suspend or revoke the applicant's membership, place the applicant on probation, or otherwise censure the applicant for unethical or unprofessional conduct or other violation of eligibility or membership requirements ~~and if so, name of the professional organization and date of the action;~~
    - ~~o. Currently uses alcohol or another drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently;~~
  15. ~~p. Whether the applicant has~~ Has a medical, physical, or psychological condition that ~~in any way may impairs impair or limits~~ limit the applicant's ability to ~~safely and effectively practice psychology safely and competently;~~ ~~and~~
    - ~~q. Is submitting the renewal application timely and if not, whether the applicant has practiced psychology in Arizona since the license expired and if so, a complete explanation~~
  16. ~~Whether the applicant is requesting any of the following inactive status options:~~
    5. ~~The license status for which application is made;~~
      - ~~a. Active,~~
      - ~~b. Inactive due to mental or physical disability,~~
      - ~~c. Voluntary inactive,~~
      - ~~a. Mental or physical disability,~~
      - ~~b. Voluntary inactive status, or~~
      - ~~e.d. Medical or inactive continuation, or~~
      - ~~e. Retired. If retired status is requested, the applicant shall designate whether retired status is to be achieved by allowing the license to expire or requesting voluntary inactive status;~~
    17. ~~Whether the applicant is requesting retired status;~~
    18. ~~Whether the applicant has prepared a written protocol for the secure storage, transfer, and access of the medical records of the psychologist's patients, in accordance with the provisions of A.R.S. § 32-3211;~~

**Notices of Proposed Rulemaking**

- 6. The following information about the continuing education completed during the previous license period:
  - a. Title of the continuing education;
  - b. Date completed;
  - c. Sponsoring organization, publication, or educational institution;
  - d. Number of hours in the continuing education; and
  - e. Brief description of the continuing education;

~~19-7.~~ A signed attestation of the veracity of the information provided; and  
~~20-8.~~ Any other information authorized by statute.

**D.** Additionally, to renew a license, a licensee shall submit to the Board:

- 1. The license renewal fee required under R4-26-108;
- 2. If the documentation previously submitted under R4-26-203(B)(3) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
- 3. The Board's Mandatory Confidential Information form.

~~C.E.~~ If a licensee applies for renewal in a timely manner, but fails to complete the required 60 hours of continuing education completed application, including the information about continuing education completed, is timely submitted under subsections (C) and (D), the licensee may continue to practice psychology under the active license until notified by the Board that the application for renewal has been approved or denied. If the Board denies license renewal, the licensee may continue to practice psychology until the last day for seeking review of the Board's decision or a later date fixed by a reviewing court, the license shall expire. A licensee may reinstate the expired license and continue practicing between May 1 and July 1 by:

- 1. Paying by July 1 the reinstatement fee in R4-26-108, in addition to the regular renewal fee under A.R.S. § 32-2074(B); and
- 2. Completing the continuing education requirements by July 1 of the same year.

**F.** Under A.R.S. § 32-2074(B), the license of a licensee who fails to submit a renewal application, including the information about continuing education completed, on or before April 30 of an odd-numbered year expires and the licensee shall immediately stop practicing psychology.

**G.** A psychologist whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board on or before June 30 of the year in which the license expired:

- 1. The license renewal application required under subsection (C), including the information about continuing education completed, and the documents required under subsections (D)(2) and (3); and
- 2. The license renewal and reinstatement fees required under R4-26-108.

~~D.H.~~ A person who fails to complete the required 60 hours of continuing education by July 1 and reinstate a license under subsection (C); A psychologist whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) may have the license reinstated by:

- a. Shall not practice psychology until the license is reinstated; Complying with subsections (G)(1) through (3) on or before the following April 30th, and
- b. Has from July 1 of the renewal year to May 1 of the next year to complete the continuing education requirements; and
- e.b. Shall pay the reinstatement fee and Paying the delinquent compliance fee in R4-26-108.

**L.** A psychologist whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) or (H) may be licensed again only by complying with R4-26-203.

~~E.J.~~ If as a result of an audit of the Board audits the continuing education records of a licensee and determines that some of the hours do not, the Board disallows some or all of a licensee's credit hours for failure to conform to the standards listed in R4-26-207, the Board shall disallow the non-conforming hours. And If the remaining hours are less than the number required, the Board shall deem the licensee as failing to satisfy the continuing education requirements and provide notice of the disallowance to the licensee. The licensee has 90 days from the mailing date of the Board's notification of disallowance to complete the continuing education requirements for the past reporting period and shall provide the Board with an affidavit documenting completion. If the Board does not receive an affidavit within 90 days of the mailing date of notification of disallowance or the Board deems the affidavit insufficient, the Board may take disciplinary action under A.R.S. § 32-2081.

**R4-26-206. Reinstatement of License from Inactive to Active Status; Cancellation of License**

- A.** Except as provided in subsection (C), when considering reinstatement of a psychologist from inactive status to active status, the Board shall presume that the psychologist has maintained and updated the psychologist's professional knowledge and capability to practice as a psychologist if the psychologist presents to the Board documentation of completion of a prorated amount of continuing education, calculated under subsection (B).
- B.** Except as provided in subsection (C), to calculate the minimum number of continuing education hours required for reinstatement to active status, the Board shall divide the 60 hours of continuing education required by 24 and multiply by the number of months that have elapsed since the licensee began inactive status.

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

~~C.B.~~ A psychologist who ~~began is on~~ inactive status ~~before July 2, 2005~~ may reinstate ~~a the~~ license to active status by ~~demonstrating presenting to the Board documentation of completion of a minimum of 60 at least 40~~ hours of continuing education ~~that consistent with meets~~ the requirements of standards in R4-26-207 ~~and completed during the previous two-year license renewal period.~~

C. A psychologist may request that the Board cancel the psychologist's license if the psychologist is not under investigation by any regulatory jurisdiction. Fees paid to obtain a license are not refundable when the license is cancelled. If an individual whose request for license cancellation is approved by the Board subsequently decides to practice psychology, the individual shall submit a new application under R4-26-203 and meet the requirements in A.R.S. § 32-2071.

**R4-26-207. Continuing Education**

~~A.~~ A licensee shall complete ~~a minimum of 60 at least 40~~ hours of continuing education during each ~~two-year~~ license renewal period. ~~One Unless specified otherwise, one~~ clock hour of instruction, training, ~~preparation of a published book or journal article,~~ or making a presentation equals one hour of continuing education ~~credit.~~

~~B.1.~~ Continuing During the license period in which an individual is initially licensed, the Board shall pro-rate the number of continuing education hours ~~are prorated from the date of the Board correspondence notifying an applicant of approval for licensure, including a pro-rated number of hours addressing ethics, domestic violence, intimate partner abuse, abuse of vulnerable adults, child abuse, and bullying that the new licensee must complete during the initial license period.~~ To calculate the ~~minimum~~ number of continuing education hours that a new licensee must obtain, the Board shall divide the ~~60 40~~ hours of continuing education required in a license period by 24 and multiply ~~that amount~~ the quotient by the number of whole months that remain from the date of initial licensure until the next biennial renewal date end of the license period. To determine the number of ethics hours required during the first license period, the licensee shall complete one hour of ethics for every six months from the month of license issuance to the end of the license period.

~~2.~~ The Board uses the same method specified in subsection (A)(1) to calculate the minimum number of continuing education hours required in each of the categories listed in subsection (C).

~~B.C.~~ A licensee shall obtain a minimum of eight of the 40 hours required under Category I in subsection (C) as follows ensure that the continuing education hours obtained include at least four hours in each of the following:

1. ~~At least four hours in professional~~ Professional ethics; and
2. ~~Beginning May 1, 2005, at least four hours in domestic~~ Domestic violence, intimate partner abuse, ~~or child abuse, or abuse of vulnerable adults.~~ The topic of bullying satisfies the requirement for child abuse.

~~C.D.~~ During the two-year license period, a licensee shall obtain a minimum of 40 hours from Category I. The remaining 20 required continuing education hours may be from Category I or Category H. If the standards in subsection (F) are met, the Board shall accept the following for continuing education hours. In completing the continuing education requirement, a licensee shall ensure that hours are obtained from participating in at least two of the following:

1. Category I consists of:
  - ~~a.~~ Post-doctoral study sponsored by a ~~regionally accredited~~ university or college that is regionally accredited as listed in under A.R.S. § 32-2071(A)(1); that and provides a graduate-level degree program, or;
  - ~~2.~~ a A course, seminar, workshop, or home study with for which a certificate of completion is provided; or a
  - ~~3.~~ continuing A continuing education program offered by a national, international, regional, or state association, society, board, or continuing education provider, ~~if:~~
    - ~~i.~~ At least 75 percent of the program is related to the "practice of psychology" as defined in A.R.S. § 32-2061(A)(8); and
    - ~~ii.~~ The program's instructor meets the qualifications in subsection (D);
4. Teaching a graduate-level course in applied psychology at a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1). A licensee who teaches a graduate-level course in applied psychology receives the same number of continuing education hours as number of classroom hours for those who take the graduate-level course;
5. Organizing and presenting a continuing education activity. A licensee who organizes and presents a continuing education activity receives the same number of continuing education hours as those who attend the continuing education activity;
6. ~~b.~~ Attending a Board meeting or serving as a member of the Board. A licensee receives four up to six continuing education hours in professional ethics ~~as required under subsection (B)(1) for attending eight hours or more both morning and afternoon sessions of a Board meeting and two three~~ continuing education hours for attending between four and eight hours either the morning or afternoon session or at least four hours of a Board meeting. A licensee shall complete documentation provided by the Board at the time the licensee attends a Board meeting. The During a license period, the Board shall not accept from a licensee more than 10 continuing education hours obtained by attending a Board meeting ~~from a licensee for each renewal period; and~~
7. ~~e.~~ Serving as a complaint consultant. A During a license period, a licensee who serves as a Board complaint consultant to review Board complaints and provide a written report to the Board, receives may receive continuing education hours equal to the actual number of hours served as a complaint consultant ~~up to a maximum of 20 hours per renewal period.~~

Notices of Proposed Rulemaking

8. Having an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published. A licensee who has an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published receives 10 continuing education hours in the year of publication;
  9. Participating in a study group for professional growth and development as a psychologist. A licensee receives one hour of continuing education for each hour of participation to a maximum of 10 continuing education hours for participating in a study group. The Board shall allow continuing education hours for participating in a study group only if the licensee maintains the documentation required under subsection (G)(5);
  10. Presenting a symposium or paper at a state, regional, national, or international psychology meeting. A licensee who presents a symposium or paper receives the same number of continuing education hours as hours of the session, as published in the agenda of the meeting, at which the symposium or paper is presented to a maximum of 10 continuing education hours in a license period;
  11. Presenting a poster during a poster session at a state, regional, national, or international psychology meeting. A licensee who presents a poster receives an hour of continuing education for each hour the licensee is physically present with the poster during the poster session, as published in the agenda of the meeting, to a maximum of 10 continuing education hours in a license period; and
  12. Serving as an elected officer of an international, national, regional, or state psychological association or society. A licensee who serves as an elected officer may receive continuing education hours equal to the actual number of hours served to a maximum of 10 continuing education hours in a license period.
2. Category II consists of:
- a. ~~Self-study or study groups for professional growth and development as a psychologist;~~
  - b. ~~Preparation that results in publication of an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal;~~
  - e. ~~Presentation of a symposium or paper at a state, regional, national, or international psychology meeting;~~
  - d. ~~Attendance at or participation in a case conference; or~~
  - e. ~~A course, workshop, seminar, or symposium for professional growth and development as a psychologist or enhancement of psychological practice, education, or administration.~~
- E.** The Board shall not allow continuing education credit more than once in a license period for:
1. Teaching the same graduate-level course,
  2. Organizing and presenting a continuing education activity on the same topic or content area, or
  3. Presenting the same symposium or paper at a state, regional, national, or international psychology meeting.
- D,F.** ~~The Board shall not approve Standards for continuing education. To be acceptable for continuing education credit, an activity identified in subsections (D)(1) through (4) shall: unless the continuing education instructor:~~
1. Focus on the practice of psychology, as defined at A.R.S. § 32-2061(8), for at least 75 percent of the program hours; and
  2. Be taught by an instructor who is:
    1. ~~Is a currently~~ Currently licensed or certified in the instructor's profession or works at least 20 hours each week as a faculty member at a regionally accredited college or university, as listed in A.R.S. § 32-2071(A);
    2. ~~Is a A fellow as defined in R4-26-101 or a diplomate, or specialist as defined in R4-26-101; or~~
    3. ~~Demonstrates competence and expertise~~ Readily identifiable as competent in the subject ~~or material the instructor teaches~~ of the continuing education by having an advanced degree, teaching experience, work history, ~~authored published professional publication~~ articles, or having previously presented seminars in that continuing education on the same subject or material.
- E.** ~~A licensee who organizes and presents a continuing education activity receives the same number and category of continuing education hours described in subsection (C) as those persons attending the continuing education activity. The Board shall not allow credit more than once in a two-year license renewal period for organizing and presenting a continuing education function on the same topic or content area.~~
- F.** ~~A licensee elected to an officer position in an international, national, regional, or state psychological association or society, or appointed to a government psychology board or committee, receives Category I continuing education hours equal to the actual number of hours served in the position up to a maximum of 10 hours per renewal period.~~
- G.** ~~Each~~ The Board shall accept ~~licensee shall keep~~ the following documents ~~that substantiate~~ as evidence of completion of continuing education hours ~~for the previous license renewal period:~~
1. A certificate of attendance;
  2. Statement signed by the provider verifying participation in the activity;
  3. Official transcript;
  4. Documents indicating a licensee's participation as an elected officer or appointed member as specified in subsection ~~(F)~~ (D)(12); or
  5. ~~A signed affidavit to document self-study activity~~ An attestation signed by all participants of a study group under subsection (D)(9) that includes a description of the activity, ~~the~~ subject covered, ~~the~~ dates, and ~~the~~ number of hours

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

involved.

- H.** A licensee shall maintain the documents listed in subsection (G) through the license period following the license period in which the documents were obtained.
- H-I.** The Board may audit a licensee's compliance with continuing education requirements. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding continuing education hours.
- I-J.** A licensee who cannot meet the continuing education requirement for good cause may seek an extension of time to complete the continuing education requirement by submitting a written request to the Board, ~~including the renewal fee with the timely submission of the renewal application required under R4-26-205.~~
1. Good cause includes but is not limited to ~~licensee illness; or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child,~~ military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license ~~renewal~~ period.
  2. A licensee shall submit a request for extension ~~on or before the expiration of a license.~~ The Board shall not grant a ~~time an~~ extension longer than one year.
  3. A licensee who cannot complete the continuing education requirement within the ~~time~~ extension may apply to the Board for inactive license status under A.R.S. § 32-2073~~(E)~~ (G).
- J-K.** ~~The Board shall not allow continuing education hours in excess of the 60 required hours to be carried beyond the two-year renewal period in which the hours were accrued. No continuing education hours may be carried over to the next licensing period.~~
- K-L.** ~~A~~ The Board shall not accept for continuing education hours a course, workshop, seminar, or symposium designed to increase income or office efficiency is not eligible for continuing education hours.

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

- A.** ~~The overall time frame described in A.R.S. § 41-1072(2) for each type of approval granted by~~ For the purpose of A.R.S. § 41-1073, the Board is establishes the time-frames listed in Table 1. An applicant or a person requesting an approval from the Board and the Board's Executive Director may agree in writing to extend the substantive review time-frame and the overall time-frame time-frames. An extension shall not exceed by no more than 25 percent of the overall time-frame.
- B.** ~~The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1~~ begins when the Board receives an application packet or request for approval. During the administrative completeness review time-frame, the Board shall notify the applicant or person requesting approval that the application packet or request for approval is either complete or incomplete. If the application packet or request for approval is incomplete, the Board shall specify in the notice what information is missing.
1. ~~The administrative completeness review time frame begins, for approval or denial of:~~
    - a. ~~An application to take the national examination, on the date the Board receives an application packet and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
    - b. ~~An application for licensure from an applicant licensed in another jurisdiction who is applying for an examination waiver under A.R.S. § 32-2072(A), on the date the Board receives an application packet and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
    - c. ~~An application for licensure by credential, on the date the Board receives an application packet and ends on the date the Board sends a notice of administrative completeness and if the application does not require substantive review, a request for payment of licensing fee;~~
    - d. ~~An application to take an additional examination, on the date the Board receives an application packet for the additional examination, and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
    - e. ~~A license renewal application, on the date the Board receives a renewal application packet and ends on the date the Board sends an applicant a written renewal receipt;~~
    - f. ~~A request for reinstatement of an expired license, on the date the Board receives the request for reinstatement and ends on the date the Board sends an applicant a written renewal receipt; and~~
    - g. ~~A request for an extension in which to complete continuing education requirements, on the date the Board receives a request for extension, and ends on the date the Board sends an applicant written notice of completeness of the request.~~
  2. ~~If an application packet is incomplete, the Board shall send an applicant a written notice specifying the deficiencies applicant or person requesting approval receives a notice of incompleteness under subsection (B), the applicant or person requesting approval shall submit the missing information to the Board within the time to complete listed in Table 1. The Both the administrative completeness review time-frame and the overall time-frame time-frames are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the Board's notice under subsection (B) until the Board receives all of the missing information. If the applicant fails to do so, the Board may close the file unless the applicant requests a denial of the application within 30 days from the date of the notice.~~

Notices of Proposed Rulemaking

3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time-frame and the overall time-frame are suspended from the date of mailing this notice until the date that the Board receives a complete application packet from the applicant.
- D.4.** ~~When an application packet is complete~~ Upon receipt of all missing information, the Board shall send a written notice of administrative completeness to ~~an~~ the applicant or person requesting approval. The Board shall not send a separate notice of completeness if the Board grants or denies a license or approval within the administrative completeness time-frame listed in Table 1.
- C.E.** ~~The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1~~ begins on the date of the Board's notice of administrative completeness sent under subsection (D).
1. ~~The substantive review time-frame begins for approval or denial of:~~
    - a. ~~An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;~~
    - b. ~~An application for licensure from an applicant licensed in another jurisdiction, who is applying for an examination waiver under A.R.S. § 32-2072(A), on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;~~
    - c. ~~An application for licensure by credential that requires substantive review, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;~~
    - d. ~~An application to take an additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;~~
    - e. ~~An application for license renewal that is deficient under subsection (B)(3), on the date an applicant submits the missing information, and ends on the date the Board approves or denies the renewal application;~~
    - f. ~~A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and~~
    - g. ~~A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.~~
  2. ~~During~~ If the Board determines during the substantive review time-frame, ~~the Board may make one comprehensive written request for that additional information or documentation is needed, the Board shall send the applicant or person requesting approval.~~ The Board and an applicant may mutually agree in writing to allow the Board to submit supplemental requests for additional information. If the Board issues a comprehensive written request or a supplemental request for additional information by mutual written agreement, the time-frame for the Board to complete the substantive review is suspended from the date of mailing the request until the Board receives the additional information or documentation.
- G.** An applicant or person requesting approval who receives a request under subsection (F) shall submit the additional information to the Board within the time for response listed in Table 1. Both the substantive review and overall time-frames are suspended from the date of the Board's request until the Board receives the additional information.
- H.** An applicant or person requesting approval may receive a 30-day extension of the time provided under subsection (C) or (G) by providing written notice to the Board before the time expires. If an applicant or person requesting approval fails to submit to the Board the missing or additional information within the time provided under Table 1 or the time as extended, the Board shall administratively close the applicant's or person's file.
- D.** The Board shall close the file of an applicant who is approved to sit for the national examination before completion of 3,000 hours of supervised training experience and who fails to document:
1. Completion of the national examination, or
  2. The minimum required amount of training within the time from the date of the Board's approval to the date of the expiration of the time-frame specified under R4-26-210(B).
- E.I.** An applicant whose file has been closed and who later wishes to pursue licensure shall reapply and pay the applicable fee. At any time before the overall time-frame provided in Table 1 expires, an applicant or person requesting approval may, with approval by the Board, withdraw the application or request.
- F.J.** The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. §§ 32-2071 through 32-2076, as applicable. Within the overall time-frame listed in Table 1, the Board shall:
1. Grant a license or approval if the Board determines that the applicant or person requesting approval meets all criteria required by statute and this Chapter; or
  2. Deny a license or approval if the Board determines that the applicant or person requesting approval does not meet all criteria required by statute and this Chapter.
- G.H.** The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-2071 through 32-2076, as applicable. If the Board denies a license or approval, the Board shall send the applicant or person requesting approval a written notice explaining:
1. The reason for denial, with citations to supporting statutes or rules;

*Arizona Administrative Register / Secretary of State*

**Notices of Proposed Rulemaking**

- 2. The right to appeal the denial by filing an appeal under A.R.S. Title 41, Chapter 6, Article 10;
- 3. The time for appealing the denial; and
- 4. The right to request an informal settlement conference.
- ~~H.~~ ~~The Board shall send a renewal receipt to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.~~
- ~~I.~~ ~~The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last address of record in the Board's file.~~
- ~~J.~~ ~~If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the time-frame ends on the next business day.~~

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

<b>Type of Time-frame Application or Request</b>	<b>Statutory or Rule Authority</b>	<b>Administrative Completeness Time-frame</b>	<b>Time to Respond to Notice of Deficiency</b>	<b>Substantive Review Time-frame</b>	<b>Time to Respond to Request for Additional Information</b>	<b>Overall Time-frame</b>
Approval or denial to take the national examination	A.R.S. §§ <del>32-2071, 32-2071.01, 32-2072;</del> and A.A.C. <del>R4-26-204</del>	30	240	90	240	420
Approval or denial of application <u>Application for initial licensure by examination waiver license</u>	A.R.S. §§ 32-2071, 32-2071.01, 32-2072(A), and R4-26-203	30	240	90	240	120
Approval or denial of application <u>Application for licensure by credential</u>	A.R.S. §§ 32-2071.01, 32-2072; and A.A.C. R4-26-203.01	30	240	90	240	120
<u>Application to Take National Examination before Completing Experience Required for Licensure</u>	A.R.S. §§ <u>32-2072(C)</u> and A.A.C. <u>R4-26-203.02</u>	<u>30</u>	<u>240</u>	<u>90</u>	<u>240</u>	<u>120</u>
<u>Reapplication for Licensure</u>	A.R.S. §§ <u>32-2067</u> and A.A.C. <u>R4-26-203.03</u>	<u>30</u>	<u>240</u>	<u>90</u>	<u>240</u>	<u>120</u>
Approval or denial to take additional examination	A.R.S. §§ <del>32-2071, 32-2071.01, 32-2072;</del> and A.A.C. <del>R4-26-204</del>	30	240	90	240	420
Approval or denial of application <u>Application for renewal of license renewal</u>	A.R.S. § 32-2074; A.A.C. R4-26-205	60	N/A	90	N/A	150
Approval or denial of application <u>Application for reinstatement of expired license</u>	A.R.S. § 32-2074; A.A.C. R4-26-206	60	N/A	90	N/A	150

**Notices of Proposed Rulemaking**

Approval or denial of Request for extension of time to complete for continuing education requirement	A.R.S. § 32-2074 A.A.C. R4-26-207	60	N/A	90	N/A	150
--	--------------------------------------	----	-----	----	-----	-----

**R4-26-209. General Supervision**

- A.** Under A.R.S. § 32-2071(D), an applicant is required to obtain 3,000 hours of supervised professional experience.
- B.** a ~~A~~ supervising psychologist shall not supervise a member of the psychologist's immediate family, an individual with whom the psychologist has any substantial financial interest as defined by A.R.S. § 38-502(H), or the psychologist's employer or business partner.
- C.** Payment between a supervisor and supervisee.
  - 1. A supervising psychologist may pay a monetary stipend or fee to a supervisee if the amount paid by the supervisor is not based on the supervisee's productivity or revenue generated by the supervisee;
  - 2. A supervising psychologist who accepts a fee for providing the supervisory service in Arizona may be subject to disciplinary action by the Board; and
  - 3. The Board shall look to the law of the state in which the supervision occurred to determine whether to include as part of the 3,000 hours of supervised professional experience required under A.R.S. § 32-2071(D) hours for which an applicant paid the supervisor.
- D.** A psychologist who supervises the professional experience of an unlicensed individual is professionally responsible for all work done by the individual during the supervised experience.
- E.** The Board shall include in the 3,000 hours of supervised professional experience required under A.R.S. § 32-2071(D), hours obtained through a training program only if the training program provides the supervision required under A.R.S. § 32-2071(F)(2).

**R4-26-210. ~~Internship or Training~~ Supervised Professional Experience**

- A.** The Board shall use the following criteria to determine ~~if internship or training~~ whether an applicant's supervised preinternship professional experience complies with A.R.S. § 32-2071~~(D)~~ (E):
  - 1. The supervised preinternship professional experience was part of the applicant's doctoral program from an institution of higher education that meets the standards in A.R.S. § 32-2071(A);
  - 2. The applicant completed appropriate academic preparation before beginning the supervised preinternship professional experience. The Board shall not include any assessment or treatment conducted as part of the required academic preparation in the hours of supervised preinternship professional experience; and
  - 3. For each supervised preinternship professional experience training site, the applicant has a written training plan with both the training site and the institution of higher education at which the applicant is pursuing a doctoral degree that includes at least the following:
    - a. Training activities included and the amount of time allotted to each activity,
    - b. Goals and objectives of each training activity,
    - c. Methods of evaluating the supervisee and the supervised preinternship professional experiences provided,
    - d. Approval of all individuals providing supervision at sites external to the training site,
    - e. Total number of hours to be accrued during the supervised preinternship professional experience,
    - f. Total number of hours of face-to-face contact hours with clients or patients during the supervised preinternship professional experience,
    - g. Total number of hours of supervision during the supervised preinternship professional experience,
    - h. Qualifications of all individuals who provide supervision during the supervised preinternship professional experience, and
    - i. Acknowledgement that ethics training will be included in all activities.
- B.** The Board shall use the following criteria to determine whether an applicant's internship or training program qualifies as supervised professional experience under A.R.S. § 32-2071(F):
  - 1. ~~That the~~ The written statement required in under A.R.S. § 32-2071~~(D)~~(9) (F)(9):
    - a. Was established no later than the time the applicant entered the internship or training program; and
    - b. ~~corresponds~~ Corresponds to the internship or training program that the applicant completed;
  - 2. ~~That a~~ A supervisor was directly available to the person being supervised applicant when decisions were made regarding emergency psychological services provided to a client or patient as required in under A.R.S. § 32-2071~~(D)~~(2) (F)(2);
  - 3. ~~That course~~ Course work used to satisfy the requirements of A.R.S. § 32-2071(A) or dissertation time is not credited toward the face-to-face, individual supervision time required by A.R.S. § 32-2071~~(D)~~(6) (F)(6);

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

4. ~~That the~~ The two hours a week of other learning activities required ~~in~~ under A.R.S. § 32-2071~~(D)(6)~~ (F)(6) ~~includes~~ include one or more of the following
    - a. Case conferences involving a case in which the ~~trainee~~ applicant was actively involved,
    - b. Seminars involving clinical issues,
    - c. Co-therapy with a professional staff person including discussion,
    - d. Group supervision, or
    - e. Additional individual supervision;
  5. ~~That a~~ The training program had the ~~trainee~~ applicant work with other doctoral level psychology trainees and included in the written statement required ~~in~~ under A.R.S. § 32-2071~~(D)(9)~~ (F)(9) a description of the program policy specifying the opportunities and resources provided to the ~~trainee~~ applicant for working or interacting with other doctoral level psychology trainees in the same or other sites; and
  6. ~~That time~~ Time spent fulfilling academic degree requirements, such as course work applied to the doctoral degree, practicum, field laboratory, dissertation, or thesis credit, is not credited toward the 1,500 hours of supervised professional experience hours required by A.R.S. § 32-2071~~(D)~~ (F). This ~~rule subsection~~ does not restrict a student from participating in activities designed to fulfill other doctoral degree requirements; however, However, the Board shall not credit ~~such time spent participating in activities to fulfill academic degree requirements~~ toward the hours required by under A.R.S. § 32-2071~~(D)~~ (F); ~~and.~~
  7. ~~That to satisfy the first 1,500 hours required by A.R.S. § 32-2071(D), the written statement required under A.R.S. § 32-2071(D)(9) was established by the time the student began training. The Board shall not accept experience or credit for the past activities as a training program or a pre-doctoral internship.~~
- B.** ~~Training deadlines. Under A.R.S. § 32-2072(C), an applicant approved to take the national examination before completion of the applicant's entire 3,000 hours of supervised training experience shall complete the remaining training required within the following time frames:~~
1. ~~36 consecutive months for an applicant who has only completed the first 1,500 hours of supervised internship training; or~~
  2. ~~60 consecutive months for an applicant who has completed neither the first 1,500 hours of supervised internship training nor the second 1,500 hours of supervised postdoctoral training.~~
- C.** Under A.R.S. § 32-2071(G)(5), at least 40 percent of an applicant's supervised postdoctoral experience shall involve direct client or patient contact. If an applicant's supervised postdoctoral hours applied toward licensure include less than 40 percent direct contract hours, the applicant shall work additional time to achieve the required percentage of direct contact hours.
- R4-26-211. Foreign Graduates**
- A.** Under A.R.S. § 32-2071(B), an applicant for licensure whose application is based on graduation from ~~a foreign~~ an institution of higher education located outside the U.S. and its territories shall ~~provide the Board with documents and evidence to establish~~ demonstrate that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited educational institution as described in A.R.S. § 32-2071(A).
- B.** The Board shall find that the institution of higher education from which an applicant under subsection (A) graduated is equivalent to a regionally accredited education institution only if the institution of higher education is included in one of the following:
1. International Handbook of Universities, published for the International Association of Universities by Stockton Press, 345 Park Avenue South, 10th floor, New York, NY 10010-1708;
  2. Commonwealth Universities Yearbook, published for the Association of Commonwealth Universities by John Foster House, 36 Gordon Square, London, England, WC1H 0PF; or
  3. Another source the Board determines provides reliable information.
- ~~**B.C.** An~~ The academic transcript of an applicant shall provide the following information to the Board: under subsection (A) who graduated from an institution included under subsection (B) shall be translated into English and evaluated by a member organization of the National Association of Credential Evaluation Services (NACES). The applicant is responsible for paying all expenses incurred to obtain a translation and review of the academic transcript. An applicant can find information about obtaining a professional credential review at [www.naces.org](http://www.naces.org).
1. ~~An original and a copy of the doctoral diploma or certificate of graduation. The original shall be returned, and the copy shall be retained by the Board;~~
  2. ~~An official transcript or comparable document recording all course work completed, containing an original university seal;~~
  3. ~~A certified English translation of all documents submitted;~~
  4. ~~Evidence of completion of the requirements of A.R.S. § 32-2071(C), (D), and (E); and~~
  5. ~~Evidence that the doctoral dissertation or project was primarily psychological. The Board may require the applicant to submit the doctoral dissertation or project.~~
- D.** When the credential review required under subsection (C) is completed, the NACES member organization shall submit

Notices of Proposed Rulemaking

the review report to the Board. The Board shall review the report and determine whether the applicant's education meets the standard in subsection (A).

- E. Upon written request, the Board may waive the credential review required under subsection (C) for an applicant who graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.
- F. After the Board determines that the formal education of an applicant under subsection (A) is equivalent to a doctoral degree in psychology from a regionally accredited educational institution, the applicant shall provide evidence to the Board that the applicant has met all other requirements for licensure.

ARTICLE 3. REGULATION

**R4-26-301. Rules of Professional Conduct**

- A. The Board incorporates by reference ~~A psychologist shall practice psychology in accordance with the ethical standards contained in standards 1.01 through 10.10 of the "Ethical Principles of Psychologists and Code of Conduct" adopted by the American Psychological Association, effective June 1, 2003, the provisions of which are incorporated by reference. This incorporation does~~ The incorporated materials do not include any later amendments or editions of the incorporated matter. Copies of these A copy of the standards are is available from the American Psychological Association Order Department, 750 First Street, NE, Washington, DC 20002-4242, [www.apa.org/ethics/code](http://www.apa.org/ethics/code), or the Board office ~~of the Board of Psychologist Examiners~~.
- B. A licensee shall practice psychology in accordance with the standards incorporated under subsection (A).

**R4-26-302. Informal Interviews**

- A. ~~The Board shall, when investigating~~ When a complaint is scheduled for informal interview, the Board shall send written notice of an informal interview to a the licensee who is the subject of the complaint, by personal service or certified mail, return receipt requested, at least 20 days before ~~the an~~ informal interview.
- B. The Board shall include the following in the written notice ~~shall contain~~ of an informal interview:
  1. The time, date, and place of the interview;
  2. An explanation of the informal nature of the proceedings;
  3. The licensee's right to appear at the informal interview with legal counsel licensed in Arizona or without legal counsel;
  4. A statement of the allegations and issues involved;
  5. The licensee's right to a formal hearing instead of the informal interview; and
  6. Notice that the Board may take disciplinary action ~~as a result of the deliberations~~ at the conclusion of the informal interview;
- C. ~~An informal~~ The procedure used during an informal interview shall proceed as follows may include the following:
  1. ~~Introduction of the licensee and, if applicable, legal counsel for~~ Swearing in and taking testimony from the licensee, complainant, and witnesses, if any;
  2. ~~Introduction of the Board members, staff, and Assistant Attorney General present~~ Optional opening and closing remarks by the licensee;
  3. An opportunity for the complainant to address the Board, if requested;
  - 3.4. Swearing in of the licensee Board questions to the licensee, complainant, and witnesses, if any; and
  - 4.5. Brief summary of the allegations and purpose of the informal interview Deliberation and discussion by the Board;
  5. Optional opening comments by licensee;
  6. Interviewing of the licensee;
  7. Swearing in of the complainant, if complainant is present and wishes to speak;
  8. Optional additional comments by licensee;
  9. If desired by the licensee, questioning of the complainant by the licensee through the Board Chairperson; and
  10. ~~Deliberation and deciding the case by the Board.~~
    - a. ~~The Board Chairperson shall decide whether to allow clarifying information as defined in R4-26-101 during deliberations.~~
    - b. ~~The Board Chairperson may reopen and repeat the steps in subsections (C)(6) through (8) if the clarifying information suggests a need for further questioning of the licensee.~~

**R4-26-303. Titles**

A person shall not use a ~~designation title~~ that claims a potential or future degree or qualification such as "Ph.D. (Cand)," "Ph.D. (ABD)," "License Eligible," "Candidate for Licensure," or "Board Eligible." The use of a title that claims a potential or future degree or qualification is a violation of A.R.S. § 32-2061 et seq.

**R4-26-304. Representation ~~Before~~ before the Board by Attorney Not Admitted to State Bar of Arizona**

An attorney who is not a member of the State Bar of Arizona shall not represent a party before the Board unless the attorney is

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

---

admitted to practice pro hac vice before the Board under Rule 38(a) of the ~~Arizona~~ Rules of the Supreme Court of Arizona.

**R4-26-305. Confidentiality of Investigative Materials**

- A. A psychologist shall not disclose a confidential ~~records record~~, as defined by R4-26-101, that ~~are related~~ relates to a Board investigation to any person or entity, other than the psychologist's attorney, except:
1. ~~For A~~ redacted ~~summaries summary~~ that ~~ensure~~ ensures the anonymity of the client or patient;
  2. Information regarding the nature of a complaint, the processes utilized by the Board, and the outcomes of a case;
  3. As required by ~~federal or Arizona~~ law;
  4. As required by a court order compelling production; or
  5. If disclosure is protected under the United States or Arizona Constitutions.
- B. A psychologist who violates this Section commits an act of unprofessional conduct.

**R4-26-308. Rehearing or Review of Decision**

- A. Except as provided in subsection (G), any party in a contested case or appealable agency action before the Board who is aggrieved by a Board order or decision ~~rendered in the case~~ may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for rehearing or review. For purposes of this subsection, service is complete on personal service or five days after the date that a Board order or decision is mailed to the party's last known address.
- B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Board. A party may file a response within 15 days after service of the motion or amended motion by any other party. The Board may require written briefs upon regarding the issues raised in the motion and may provide for oral argument. ~~A party who files pleadings or other documents with the Board shall file an original and 11 three-hole punched copies.~~
- C. The Board may grant rehearing or review of a Board order or decision for any of the following causes materially affecting the moving party's rights:
1. An irregularity in the administrative proceedings of the agency, its hearing officer, or the prevailing party, or any order or abuse of discretion, ~~whereby~~ that caused the moving party ~~was to be~~ deprived of a fair hearing;
  2. Misconduct of the Board, its hearing officer, or the prevailing party;
  3. An accident or surprise that could not be prevented by ordinary prudence;
  4. Newly discovered material evidence that could not with reasonable diligence be discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. An error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the case; or
  7. ~~A Board~~ The order or decision ~~that~~ is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify a Board order or decision or grant a rehearing or review to all or any of the parties, ~~and~~ on all or part of the issues, for any of the reasons ~~set forth~~ specified in subsection (C). An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only ~~those~~ the matters specified.
- E. Not later than 30 days after a Board order or decision is rendered, the Board may on its own initiative order a rehearing or review of its order or decision for any reason specified in subsection (C). After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- F. When a motion for rehearing or review is based ~~upon~~ on affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board for good cause or by written agreement of all parties may extend ~~for not more than 20 days~~ the period for service of opposing affidavits to a total of 20 days. Reply affidavits are permitted.
- G. If the Board finds that the immediate effectiveness of a Board order or decision is necessary ~~for the immediate preservation of the~~ to preserve public peace, health, ~~and or~~ and safety and that a rehearing or review of the Board order or decision is impracticable, unnecessary, or contrary to the public interest, the Board order or decision may be issued as a final order or decision without an opportunity for a rehearing or review. If a Board order or decision is issued as a final order or decision without an opportunity for rehearing or review, any application for judicial review of the order or decision shall be made within the time permitted for final orders or decisions.
- H. For purposes of this Section, "contested case" is defined in A.R.S. § 41-1001 and "appealable agency action" is defined in A.R.S. § 41-1092.
- I. A person who files a complaint with the Board against a licensee:**
1. Is not a party to:
    - a. A Board administrative action, decision, or proceeding; or
    - b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and
  2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.

Notices of Proposed Rulemaking

**R4-26-309. Complaints against Judicially Appointed Psychologists**

- A.** A.R.S. § 32-2081(B) applies when a complaint is filed against a psychologist who conducts an evaluation, treatment, or psycho-education under a court order even if the psychologist is not specifically named in the court order.
- B.** If a complaint is filed against a psychologist who conducts an evaluation, treatment, or psycho-education under a court order, the Board shall return the complaint to the complainant with instructions that the court issuing the order must find there is a substantial basis to refer the complaint for consideration by the Board.

**R4-26-310. Disciplinary Supervision**

- A.** If the Board determines, after a hearing conducted under A.R.S. Title 41, Chapter 6, Article 10, after an informal interview under A.R.S. § 32-2081(I), or through an agreement with the Board, that to protect public health and safety and ensure a licensee's ability to engage safely in the practice of psychology, it is necessary to require that the licensee practice psychology for a specified term under the supervision of another licensee, the Board shall enter into an agreement with the licensee regarding the disciplinary supervision.
- B.** Payment between a supervisor and supervisee.
  - 1. A licensed psychologist who enters into an agreement with the Board or is ordered by the Board to practice psychology under the supervision of another licensee may pay the supervising licensee for the supervisory service; and
  - 2. A licensed psychologist who provides supervisory service to a licensed psychologist who has been ordered by the Board or entered into an agreement with the Board to practice psychology under supervision may accept payment for the supervisory service.
- C.** A licensed psychologist who supervises a licensed psychologist who has entered an agreement with the Board or been ordered by the Board to practice psychology under supervision is professionally responsible only for work specified in the agreement or order.