



amending its rules to achieve biennial license renewal and licensing fees.

Exemptions from Executive Order 2015-01 were provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in e-mails dated April 20 and May 7, 2015.

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

The Board did not review or rely on a study in its evaluation of or justification for this rulemaking.

8. 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

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

The economic impact of this rulemaking on licensed cosmetologists, nail technicians, and aestheticians will be minimal. The change from annual to biennial license renewal does not change the cost of licensure. The cost for delinquent renewal of licensure actually decreases. As authorized by A.R.S. § 32-504(A)(3), the Board contracts with a national professional organization, which currently is Professional Credential Services, Inc. (PCS), to administer and grade the licensing examinations, which are prepared by the National-interstate Council of State Boards of Cosmetology. PCS charges to administer and grade the licensing examinations. An applicant pays the examination charge directly to PCS.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

Three minor changes were made between the proposed and final rules.

- R4-10-102(A)(1) and (2) were deleted and subsection (B) was added to clarify that the charge for the licensing examinations is paid directly to the national professional organization with which the Board contracts rather than the Board. Under the standard at A.R.S. § 41-1025(B), this change is not substantial. Persons affected by the rule, applicants, understood there is a charge for the licensing examinations. The subject matter of the rule, the charge for the licensing examinations, remains the same. The only change is the entity to which the charge for the licensing examinations is paid. This is a change does not impact public health and safety.
- In R4-10-102(A)(5), language was added to clarify that the fee for delinquent personal license renewal is composed of two parts—the fee for personal license renewal and the fee for delinquent renewal.
- R4-10-107(B)(2)(c) was deleted because the language duplicated that already in subsection (B).

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

Two individuals attended the oral proceeding on October 14, 2015. They expressed support for the rulemaking.

12. All agencies shall list any 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:

A renewed cosmetologist, aesthetician, nail technician, or instructor license is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals 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:

There are no federal laws uniquely applicable to the subject of this 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.

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

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 10. BOARD OF COSMETOLOGY

ARTICLE 1. GENERAL PROVISIONS

Section

R4-10-102. Fees and Charges

R4-10-107. License Renewal

R4-10-110. Reactivating an Inactive License

ARTICLE 1. GENERAL PROVISIONS

R4-10-102. Fees and Charges

A. Subject Under the specific authority provided by A.R.S. § 32-507(A) and subject to R4-10-103(E), the Board establishes and shall collect the following fees:

1. Written examination: \$50.00

2. Practical examination: \$50.00

3-1. Initial personal license: \$40.00 \$70.00

4-2. Personal licensing renewal fees: \$30.00 \$60.00

5-3. Delinquent personal license renewal: \$90.00 (\$60 for personal license renewal as specified under subsection (A)(4) plus \$30 for delinquent renewal) for each year every two years or portion of a year two years for which that the license is inactive to a maximum of four years delinquent fees: \$50.00

6. Duplicate license: \$20.00

7-4. Personal reciprocity license: \$110.00 \$140.00

8-5. Salon initial license: \$110.00

9-6. Salon renewal: \$50.00

10-7. Salon delinquent renewal: \$80.00

11-8. School license: \$600.00

12-9. School renewal: \$500.00

13-10. Delinquent school renewal: \$600.00

B. An applicant for licensure by examination shall pay directly to the national professional organization with which the Board contracts the amount charged to administer and grade the written and practical examinations.

C. Under the specific authority provided by A.R.S. § 32-507(B) and subject to R4-10-103(E), the Board establishes and shall collect the following charges for the services provided:

14-1. Board administered educational classes: \$25.00

15-2. Review of examination: \$50.00

16-3. Re-grading Re-grading of examination: \$25.00

17-4. Certification of licensure or hours: \$30.00

18-5. Service charge for For use of an alternative payment method of payment: \$3.00 per transaction: 2.5% of applicable fee

19-6. The fee for For copying public documents: is 50¢ per page. The fee for

7. For audiotapes, videotapes, computer discs, or other media used for recording sounds, images, or information, is \$15 per tape, disc, page, or other medium:

20-8. The fee for providing For a list of licensees' names and addresses: is 25¢ per name-

9. Duplicate license: \$20.00

21-D. The As authorized by A.R.S. § 44-6852, the Board shall charge a service fee of \$20.00 for the return of a dishonored check or the failure of any other means of payment to be honored plus the actual charges assessed by the financial institution dishonoring the check or other means of payment.

R4-10-107. License Renewal

A. An aesthetician, cosmetologist, nail technician, or instructor licensee shall postmark or electronically submit an application for renewal to the Board on or before the licensee's birthday every two years.

1. If an applicant's a licensee's birthday falls on a Saturday, Sunday, or legal holiday, the applicant licensee may file the renewal application on the next business day following the applicant's licensee's birthday.

2. A A renewal application consists of:

a. A form provided by the Board that contains: the applicant's licensee's name, address, Social Security number, and signature or Personal Identification Number (PIN) supplied by the Board if filed electronically;

b. A statement of whether the applicant licensee has changed the applicant's licensee's name since the previous application and, if name has changed, a copy of a legal document, such as a marriage license or divorce decree, showing the name change; and

c. The fee required in R4-10-102.

B. An establishment licensee shall annually postmark or electronically submit to the Board an application for renewal and



the fee required in R4-10-102 on or before the license renewal date.

1. If the license renewal date falls on a Saturday, Sunday, or legal holiday, the ~~applicant~~ licensee may file the application on the next business day following the license renewal date.
2. ~~A~~ A renewal application consists of a form provided by the Board that contains:
 - a. The establishment's name and license number; and
 - b. If the owner is an individual or partnership, the signature and tax identification number of the owner; if the owner is a corporation, the signature of the authorized signer and the tax identification number of the corporation; if filed electronically, the Personal Identification Number (PIN) supplied by the Board may be used in place of the signature; ~~and~~
 - e. ~~The fee required in R4-10-102.~~

R4-10-110. Reactivating an Inactive License

- A. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for less than ~~one year~~ two years may be reactivated by paying the delinquent renewal fee.
- B. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than ~~one year~~ two years, but less than five years, may be reactivated by the licensee paying the delinquent renewal fee and paying for and completing the infection protection class and law review class, offered by the Board, ~~but paid for by the licensee.~~
- C. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than five years, but less than 10 years, may be reactivated by the licensee if the licensee does all of the following:
 1. Provides a certification of licensure;
 2. Completes the infection protection class and law review class given by the Board;
 3. Takes and passes the Board examination pertaining to the type of license formerly held; and
 4. Pays for the classes required under subsection (C)(2) and the delinquent renewal fee.
- D. If a cosmetology, nail technology, aesthetics, or instructor license has been inactive for more than 10 years, the licensee shall comply with all application requirements in R4-10-104 before practicing or teaching cosmetology in Arizona.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R15-193]

PREAMBLE

<u>1. Articles, Parts, and Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
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 both 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. The effective date for the rules:

January 30, 2016

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 20 A.A.R. 2933, November 7, 2014
Notice of Proposed Rulemaking: 20 A.A.R. 3411, December 12, 2014
Notice of Oral Proceeding on Proposed Rulemaking: 21 A.A.R. 1199, July 24, 2015

5. 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
Web site: www.psychboard.az.gov

6. 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 (See Laws 2009, Chapter 160 and Laws 2015, Law 168), and Board practice. The Board is also making the rules more clear, concise, and understandable.

The Board's statutes were also amended by Laws 2014, Chapter 258. These amendments deal with telepractice and provide that the Board make rules regarding telepractice by June 30, 2016. The Board has required an exemption from Executive Order 2015-01 to do the rulemaking and will complete it as directed. However, telepractice is not part of this rulemaking.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 1, 2015.

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

The Board reviewed and relied on the following study when making the decision to reduce the number of hours of continuing education required. A copy of the study may be obtained at <http://www.asppb.net>.

ASPPB Guidelines for Continuing Professional Development, published by the Association of State and Provincial Psychology Boards, revised August 2014.

8. 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



9. A 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
- 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

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

A non-substantive change was made to R4-26-106(B). It is described in item 11.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

The Board posted a draft of the Notice of Proposed Rulemaking on its web site in August 2014 and requested informal comments. Comments were received and incorporated into the proposed rules published in the *Arizona Administrative Register* on December 12, 2014. An oral proceeding scheduled for January 14, 2015, was postponed in response to Executive Order 2015-01.

No one attended the oral proceeding held on September 10, 2015. However, written comments were submitted by twelve individuals: John T. Beck, Andy Bernstein, Beat Bisenz, Heather Caples, Sean Flynn, John B. Fulton, Michael S. Lavoie, M. Elicia Nademin, Christopher Nicholls, Jamee N. Nicoletti, Kathy Thomas, and John J. Toma.

COMMENT	ANAYLSIS	RESPONSE
R4-26-101(B)(14): Indicates that “diploma or specialist” is a status bestowed by the American Board of Professional Psychology. There are two other board certifying organizations recognized at a national level and by many states. These are the American Board of Professional Neuropsychology and the American Board of Pediatric Neuropsychology. The Board should include these two organizations in the rule.	The American Board of Professional Psychology is the only specialty board referenced in statute (A.R.S. § 32-2071.01(D)(3)). To include the American Board of Professional Neuropsychology and the American Board of Pediatric Neuropsychology in rule would require a statutory change.	No change
R4-26-106(A): The rule appears to forbid the use in an administrative or forensic evaluation of a fee agreement that indicates the psychologist will not release the report until the account is paid in full.	The Board licenses psychologists. Neither statues nor rules include special regulations for specialty areas such as forensic psychology. A.R.S. § 12-2293(B) (release of medical records) identifies specific instances in which a health care provider may deny a request for access to or copies of medical or payment records. Lack of payment is not included. Additionally, the Code (Standard 6.03) addresses withholding records for nonpayment when emergency treatment is needed. The Board does not regulate or prescribe business models of management payment for services.	No change



<p>R4-26-106(B): Requires inclusion of raw test data when a client or patient’s record is provided to the client or patient who has given written consent. The provision has been in rule since 2009. All commenters oppose this provision for the following reasons: it makes the data available to those who are not licensed to practice psychology; it is contrary to public safety; it is at odds with practice standards and ethical requirements for test security; it jeopardizes the validity of tests; it potentially violates U.S. copyright laws; it places a licensee in position to have to choose between violating the law or violating professional ethical guidelines; and it could alter the performance of another client or patient who obtains access to the released raw test data.</p>	<p>Since September 29, 2009, A.R.S. § 32-2061(15)(cc) has stated that it is unprofessional conduct for a licensee to fail to provide a client or patient (or representative) “...on written request, a copy of the client’s or patient’s record, including raw test data, psychometric testing materials or other information as provided by law.” A review of minutes from previous Board meetings that led to the current statute indicates the Board believed this statutory change was in compliance with A.R.S. § 12-2293 regarding release of medical and payment records to patients and health care decision makers.</p>	<p>The Board understands the concerns and agrees that release of raw test data and psychometric test materials is problematic if the materials released are copyrighted. The Board will make a non-substantive change to the rule that clarifies a licensee is not required to release materials if the release would violate copyright or other laws or the ethical code adopted by reference in R4-26-301 (with which all psychologists are required to abide). At a future date the Board will consider seeking to have A.R.S. § 32-2061(15)(cc) amended.</p>
<p>R4-26-301: Incorporates by reference Ethical Principles of Psychologists and Code of Conduct (Code) adopted by the APA effective June 1, 2003. The rule says the incorporated materials do not include later amendments or editions. The Code was updated in 2015. By saying the materials do not include later amendments or editions, the Board is saying a psychologist in Arizona can practice unethically according to the APA Code but still abide by the state law. It would be better if the rule said the incorporated materials <u>include</u> later amendments or editions.</p>	<p>Standards 1.01 through 10.10 of the Code became effective June 1, 2003. Effective July 7, 2007, the Board adopted the Code by reference. In 2010, the APA adopted two amendments to the Code. The Board discussed the amendments on two occasions and determined the Board would not adopt the amendments. The commenter stated the Code was updated by the APA in 2015 but later determined there is no 2015 update. A.R.S. § 41-1028(B) provides that when an agency incorporates materials by reference, the agency “...shall state that the rule does not include any later amendments or editions of the incorporated matter.”</p>	<p>No change</p>

12. All agencies shall list any 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:

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.

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

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

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R4-26-102.	Board Officers
R4-26-103.	Official Signatures Repealed
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R4-26-105.	Board Records
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R4-26-203.01	Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)
R4-26-203.02.	<u>Application to Take National Examination before Completing Supervised Professional Experience Required for Licensure</u>
R4-26-203.03.	<u>Reapplication for License; Applying Anew</u>
R4-26-204.	Examinations
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R4-26-207.	Continuing Education
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R4-26-302.	Informal Interviews
R4-26-303.	Titles
R4-26-304.	Representation Before <u>before</u> 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.	<u>Complaints against Judicially Appointed Psychologists</u>
R4-26-310.	<u>Disciplinary Supervision</u>

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

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

B. ~~In~~ 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(S) (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) (H) 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;~~
 - ~~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; 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:
 - a. Review the literature on the psychology topic being investigated; and state each research question and hypothesis under investigation; and state each hypothesis investigated;
 - b. Describe the method or procedure used to investigate each research question or each hypothesis;
 - c. Describe and summarize the findings and results of the investigation;
 - d. Discuss the findings and compare them to the relevant literature presented in the literature review section; and
 - e. List the references used in the various sections of the dissertation, a majority of 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.~~
- ~~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 unless the release violates copyright or other laws or violates one of the standards incorporated by reference at R4-26-301. 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 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 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.
 - E. 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.
- 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 85;
 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 graduation 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:
 - 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 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:
- 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;
 - 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
 - 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:~~
- ~~beginning~~ Beginning and ending dates of employment,
 - ~~number~~ Number of hours worked per week,
 - ~~name~~ Name and address of employer,
 - ~~name~~ Name and address of supervisor, and
 - ~~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(~~D~~) (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(~~E~~) (G). 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~~ 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. § 32-2071-~~ 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 reopen 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:
 - 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.
 - 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;
 - 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 examiner 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. ~~A~~ 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 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 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;~~
- 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-1. Shall not practice psychology until the license is reinstated; Complying with subsections (G)(1) through (2) 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-2. Shall pay the reinstatement fee and Paying the delinquent compliance fee in R4-26-108.
- I.** 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.~~
- ~~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.~~
- ~~A.~~ 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 license 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;~~
- ~~b.~~6.** ~~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 morn-~~



ing 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

- e-7. 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;
- 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-a. Is 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-b. Is a A fellow as defined in R4-26-101 or a diplomate, or specialist as defined in R4-26-101; or
 - 3-c. 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 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.I.~~** 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 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 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~~ time frame 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;~~
 - e. ~~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.C.~~** 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.

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.

~~4.D.~~ 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 time frame 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.E.~~ 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;
 - 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.L.~~ If a time frame's the last day of a time frame falls on a Saturday, Sunday, or an official state holiday, the time frame time frame ends on the next business day.

Table 1. ~~Time frames~~ Time Frames (in days) for Processing Applications

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



Approval or denial of application for reinstatement of expired license	A.R.S. § 32-2074; A.A.C. R4-26-206	60	N/A	90	N/A	150
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(11), 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 jurisdiction 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);
 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~~ 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.
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 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 not include any later amendments or editions of the incorporated matter. Copies of these standards are available from the American Psychological Association Order Department, 750 First Street, NE, Washington, DC 20002-4242, 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 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~~ 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.

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.



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

A study was not referenced or relied upon when revising these regulations.

8. 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

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

The Administration anticipates a moderate economic impact on the implementing agency, small businesses and consumers. The proposed rulemaking intends to calculate the maximum payment for the indirect cost of graduate medical education. The rulemaking will benefit hospitals operating GME programs because the proposed rule amendment, which will not require additional State funding, will expand payments in support of graduate medical education. Payments to Arizona training hospitals are expected to increase or enhance payments by approximately \$81,000,000 annually without use of additional State funds.

Minimal impact = \$0 - \$1M

Moderate impact = \$1M - \$100M

Maximum impact = \$100M on up

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

No changes were made between the proposed rulemaking and the final rulemaking.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The following comments were received as of the close of the comment period of October 13, 2015.

#	Commenter	Subsection	Comment	Response
1.	Linda Hunt Dignity Health	R9-22-712.05	On behalf of Dignity Health I would like to express our support for the Proposed Amendment to R9-22-712.05 pursuant to A.R.S. 36-2903.01 amending the Graduate Medical Education fund Allocation. I sincerely appreciate Governor Ducey's foresight and commitment to ensuring the needs of our healthcare workforce is met and your leadership on this desperately needed Rule change.	The AHCCCS Administration appreciates the support provided.
2.	Linda Hunt Dignity Health	R9-22-712.05	Our Creighton University School of Medicine Regional Campus at St Joseph's Medical Center is an accredited Graduate Medical Education (GME) program which provides 3 rd and 4 th year medical students the training they need to become successful physicians. Dignity Health is committed to training and recruiting the best physician's. We are able to do this through many of our own resources but would not be able to accomplish it without the assistance of the GME program. The proposed Rule change to GME allocation will have a distinct positive impact on our program as well as attracting and keeping physicians in our great state.	The AHCCCS Administration appreciates the support provided.
3.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	It is not clear how the CHGME payment program or other future specialty specific funding is factored in the calculation methodology paragraph (D) section (4) subsection (b). This could be a factor for specialty hospitals considering opening a residency in Psychiatry or Physical Medicine and Rehabilitation.	It is not factored into the calculation methodology; it is an element of eligibility to receive the payment.



4.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	Institutions that either sponsor a free-standing residency that is not fully under Medicare reimbursement (e.g., Pediatrics, Psychiatry, Physical Medicine and Rehabilitation, Medical genetics, etc.) or by their demography have a low Medicare population may be disadvantaged in the methodology.	Under this provision if there are any indirect costs at all reported on the Medicare Cost Report or that are reimbursable by CHGME, then the hospital will be eligible to receive reimbursement of indirect costs.
5.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	While the federal GME funding program for Pediatrics (CHGME) addresses this inequity, and will be used as a replacement in the AHCCCS GME methodology, new hospitals considering sponsoring one of the residencies as described above may be at a disadvantage.	The proposed changes clarify that children's hospitals that incur indirect costs are qualified for reimbursement even though the costs may not appear on the Medicare Cost Report but are otherwise reflected in the CHGME program. The proposed changes in (D)(1)(b) do not replace or alter elements for the IME calculation; this section merely describes the hospitals which are eligible to receive IME payments.
6.	Barbara Fanning Director, Government Affairs AzHHA	R9-22-712.05	The Arizona Hospital and Healthcare Association would like to thank Governor Ducey, Director Betlach and their staffs for the proposed changes to the indirect Graduate Medical Education (GME) formula. We are very supportive of this change that will make additional funding available to hospitals with residency programs. As I am sure you know, the GME program is vital to ensuring the state has adequately trained physicians who are ready to meet the increasingly critical needs of Arizona's patients. This change will not only allow hospitals to continue to do this, but will help strengthen existing residency programs.	The AHCCCS Administration appreciates the support provided.

12. 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:

No other matters are 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:

Not applicable

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:

Not applicable. There are no federal laws that specify how to structure GME payments; also there are no federal laws that prohibit it. There is limited language in 42 CFR 438.6 stating we must take into account GME payments when making capitation payments. Our State Plan authorizes us to make GME payments.

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:

Not applicable

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

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION



ARTICLE 7. STANDARDS FOR PAYMENTS

Section

R9-22-712.05. Graduate Medical Education Fund Allocation

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-712.05. Graduate Medical Education Fund Allocation

- A. Graduate medical education (GME) reimbursement as of September 30, 1997. Subject to legislative appropriation, the Administration shall make a distribution based on direct graduate medical education costs as described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a).
- B. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(b)~~ 36-2903.01(G)(9)(b). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (B)(3).
1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (B) if all of the following apply:
 - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
 - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
 - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
 2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (B)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
 - a. Filled resident positions in approved programs established as of October 1, 1999 at hospitals that receive funding as described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) that are additional to the number of resident positions that were filled as of October 1, 1999; and
 - b. All filled resident positions in approved programs other than GME programs described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) that were established before July 1, 2006.
 3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (B) shall provide the applicable information listed in this subsection to the Administration:
 - a. A GME program shall provide all of the following:
 - i. The program name and number assigned by the accrediting organization;
 - ii. The original date of accreditation;
 - iii. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
 - iv. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
 - v. For programs established as of October 1, 1999, the number of resident positions that were filled as of October 1, 1999, if the program has not already provided this information to the Administration;
 - b. A hospital seeking a distribution under subsection (B) shall provide all of the following that apply:
 - i. If the hospital uses the Intern and Resident Information System (IRIS) for tracking and reporting its resident activity to the fiscal intermediary, copies of the IRIS master and assignment files for the hospital's two most recently completed Medicare cost reporting years as filed with the fiscal intermediary;
 - ii. If the hospital does not use the IRIS or has less than two cost reporting years available in the form of the IRIS master and assignment files, the information normally contained in the IRIS master and assignment files in an alternative format for the hospital's two most recently completed Medicare cost reporting years;
 - iii. At the request of the Administration, a copy of the hospital's Medicare Cost Report or any part of the report for the most recently completed cost reporting year.
 4. Allocation of expansion funds. Annually the Administration shall allocate available funds to each approved GME program in the following manner:
 - a. Information provided by hospitals under subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided under subsections (B)(3)(b)(i) and (ii).
 - b. The number of eligible residents allocated to each participating institution within each approved GME program shall be determined as follows:
 - i. Total the number of days determined for each participating institution under subsection (B)(4)(a) and divide each total by 365.
 - ii. Proportionally adjust the result of subsection (B)(4)(b)(i) for each participating institution within each program according to the number of residents determined to be eligible under subsection (B)(2).



- c. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) shall be adjusted for Arizona Medicaid utilization using the most recent Medicare Cost Report information on file with the Administration as of the date of reporting under subsection (B)(3) and the Administration’s inpatient hospital claims and encounter data for the time period corresponding to the Medicare Cost Report information for each hospital. The Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were adjudicated by the Administration as of the date of reporting under subsection (B)(3). The Medicaid-adjusted eligible residents shall be determined as follows:
 - i. For each hospital, the total AHCCCS inpatient hospital days of care shall be divided by the total Medicare Cost Report inpatient hospital days, multiplied by 100 and rounded up to the nearest multiple of 5 percent.
 - ii. The number of allocated eligible residents determined for each participating hospital under subsection (B)(4)(b)(ii) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for that hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is not a hospital and not a health care facility made ineligible under subsection (B)(1)(c) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for the program’s sponsoring institution or, if the sponsoring institution is not a hospital, the sponsoring institution’s affiliated hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is made ineligible under subsection (B)(1)(c) shall be multiplied by zero percent.
- d. The total allocation for each approved program shall be determined by multiplying the Medicaid-adjusted eligible residents determined under subsection (B)(4)(c)(ii) by the per resident conversion factor determined below and totaling the resulting dollar amounts for all participating institutions in the program. The per resident conversion factor shall be determined as follows:
 - i. Calculate the total direct GME costs from the most recent Medicare Cost Reports on file with the Administration for all hospitals that have reported such costs.
 - ii. Calculate the total allocated residents determined under subsection (B)(4)(b)(i) for those hospitals described under subsection (B)(4)(d)(i).
 - iii. Divide the total GME costs calculated under subsection (B)(4)(d)(i) by the total allocated residents calculated under subsection (B)(4)(d)(ii).
- 5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (B)(4) in the following manner:
 - a. The allocated amounts shall be distributed in the following order of priority:
 - i. To eligible hospitals that do not receive funding in accordance with A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
 - ii. To eligible hospitals that receive funding in accordance with A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
 - b. The allocated amounts shall be distributed to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each hospital within that program under subsection (B)(4)(c)(ii).
 - c. If funds are insufficient to cover all distributions within any priority group described under subsection (B)(5)(a), the Administration shall adjust the distributions proportionally within that priority group.
- C. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(c)(i)~~ 36-2903.01(G)(9)(c)(i). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (C)(3).
 - 1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (C) if it meets all the conditions of subsections (B)(1)(a) through (c).
 - 2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (C)(4), the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
 - a. All filled resident positions in approved programs established on or after July 1, 2006; and
 - b. For approved programs established on or after July 1, 2006 that have been established for less than one year as of the date of reporting under subsection (C)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
 - 3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (C) shall provide to the Administration:
 - a. A GME program shall provide all of the following:
 - i. The requirements of subsections (B)(3)(a)(i) through (iv);
 - ii. The academic year rotation schedule on file with the program current as of the date of reporting; and



- iii. For programs described under subsection (C)(2)(b), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
 - b. A hospital seeking a distribution under subsection (C) shall provide the requirements of subsection (B)(3)(b).
 4. Allocation of expansion funds. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
 - a. Information provided by hospitals in accordance with subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided in accordance with subsections (B)(3)(b)(i) and (ii).
 - b. For approved programs whose resident activity is not represented in the information provided in accordance with subsection (B)(3)(b), information provided by GME programs under subsection (C)(3)(a) shall be used to determine the number of days that each eligible resident is expected to work at each participating institution.
 - c. The number of eligible residents allocated to each participating institution for each approved GME program shall be determined by totaling the number of days determined under subsections (C)(4)(a) and (b) and dividing the totals by 365.
 - d. The number of allocated residents determined under subsection (C)(4)(c) shall be adjusted for Arizona Medicaid utilization in accordance with subsection (B)(4)(c).
 - e. The total allocation for each approved program shall be determined in accordance with subsection (B)(4)(d).
 5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (C)(4) to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each within that program under subsection (C)(4)(d).
 - D. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for GME programs approved by the Administration to hospitals for indirect program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(c)(ii)~~ 36-2903.01(G)(9)(c)(ii). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (D)(3).
 1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (D) if all of the following apply:
 - a. It is a hospital in Arizona that is the sponsoring institution of or a participating institution in, one or more of the GME programs in Arizona or is the base hospital for one or more of the GME programs in Arizona whose sponsoring institutions are not hospitals;
 - b. It incurs indirect program costs for the training of residents in the GME programs, which are or will be calculated on the hospital's Medicare Cost Report or are reimbursable under the Children's Hospitals Graduate Medical Education Payment Program administered by HRSA;
 - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
 2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (D)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (D)(1)(c):
 - a. Any filled resident position in an approved program that includes a rotation of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule;
 - b. For approved programs that have been established for less than one year as of the date of reporting under subsection (D)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match who will perform rotations of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule.
 3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (D) shall provide to the Administration:
 - a. A GME program shall provide all of the following:
 - i. The requirements of subsections (B)(3)(a)(i) through (iv);
 - ii. The academic year rotation schedule on file with the program current as of the date of reporting;
 - iii. For programs described under subsection (D)(2)(c), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
 - b. A hospital seeking a distribution under subsection (D) shall provide the requirements of subsection (B)(3)(b)(iii).
 4. Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds to approved GME programs in the following manner:



- a. Using the information provided by programs under subsection (D)(3), the Administration shall determine for each program the number of residents in the program who are eligible under subsection (D)(2) and the number of months per year that each eligible resident will perform rotations in counties described by subsection (D)(2), multiply the number of eligible residents by the number of months and multiply the result by the per resident per month conversion factor determined under subsection (D)(4)(b).
- b. Using the most recent Medicare Cost Reports on file with the Administration for all hospitals that have calculated a Medicare indirect medical education payment, the Administration shall determine a per resident per month conversion factor as follows:
 - i. Calculate each hospital’s Medicaid share by dividing the AHCCCS inpatient hospital days of care by the total inpatient hospital days from the Medicare Cost Report. For this purpose, the Administration shall use the information described by subsection (B)(4)(c) for adjusting allocated residents for Arizona Medicaid utilization.
 - ii. Calculate each hospital’s Medicare share by dividing the Medicare inpatient days on the Medicare Cost Report by the total inpatient hospital days on the Medicare Cost Report.
 - iii. Divide the Medicaid share by the Medicare share and multiply the resulting ratio by the indirect medical education payment calculated on the Medicare Cost Report.
 - iv. Total the results for all hospitals, divide the result by the total allocated residents determined under subsection (B)(4)(b)(ii) for these hospitals, and divide that result by 12.
- 5. ~~Distribution of funds for indirect program costs. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (D)(4) to the program’s sponsoring hospital or the program’s base hospital if the sponsoring institution is not a hospital, up to but not exceeding:~~
 - ~~a. The amount calculated for the hospital at subsection (D)(4)(b)(iii), or~~
 - ~~b. The median of all amounts calculated at subsection (D)(4)(b)(iii) if no amount was calculated for the hospital.~~
- E. Reallocation of funds. If funds appropriated for subsection (B) are not allocated by the Administration and funds appropriated for subsections (C) and (D) are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the funds not allocated under subsection (B) shall be allocated under subsections (C) and (D) to the extent of the calculated distributions. If funds are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the Administration shall adjust the distributions proportionally. If funds appropriated for subsections (C) and (D) are not allocated by the Administration and funds appropriated for subsection (B) are insufficient to cover all distributions under subsection (B)(5), the funds not allocated under subsections (C) and (D) shall be allocated under subsection (B) to the extent of the calculated distributions.
- F. The Administration may enter into intergovernmental agreements with local, county, and tribal governments wherein local, county and tribal governments may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will be used to qualify for additional federal funds. Those funds will be used for the purposes of reimbursing hospitals that are eligible under subsection (D)(1) and specified by the local, county, or tribal government for indirect program costs other than those reimbursed under subsection (D). ~~The Administration shall allocate available funds. Funds transferred and available under this subsection shall be distributed in accordance with subsection (D) except that reimbursement with such funds is not limited to resident positions or rotations in counties with populations of less than 500,000 persons. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the greatest among the following amounts, less any amounts distributed under subsection (D)(5):~~
 - 1. The amount that results from multiplying the total number of eligible residents allocated to the hospital under subsection (B)(4)(b)(ii) by 12 by the per resident per month conversion factor determined under subsection (D)(4)(b);
 - 2. The amount calculated for the hospital at subsection (D)(4)(b)(iii); or
 - 3. The median of all amounts calculated at subsection (D)(4)(b)(iii) if the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report.



NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION

[R15-195]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R9-22-712.07 Amend
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 36-2903.01
Implementing statute: A.R.S. §§ 36-2905.02
3. **The effective date of the rule:**
January 30, 2016
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
Notice of Rulemaking Docket Opening: 21 A.A.R. 1791, September 4, 2015
Notice of Proposed Rulemaking: 21 A.A.R. 1768, September 4, 2015
5. **The agency's contact person who can answer questions about the rulemaking:**
Name: Mariaelena Ugarte
Address: 701 E. Jefferson St.
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
Web site: www.azahcccs.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The AHCCCS Administration is proposing to amend A.A.C. R9-22-712.07 to fix an unintended effect of recent budget bills, eliminate Disproportionate Share Hospital (DSH) payments from the Rural Hospital Inpatient Fund (RHIF) calculation, and to make RHIF clarifications consistent with the current protocol.

The State Fiscal Year (SFY) 2015 budget increased the Critical Access Hospital (CAH) supplemental payments from \$1,700,000 annually to \$10,491,000, and the SFY 2016 budget retained the higher appropriation. Since the RHIF calculation is based on the proportion of AHCCCS inpatient service payments from one-year prior data-including the inpatient portion of the CAH supplemental payments and the DSH payments- an increase in CAH supplemental payments has the effect of increasing the RHIF payments for CAHs. Since the total funds available for the RHIF payments are fixed, an increase in RHIF payments for CAHs provides a corresponding decrease in aggregate payments for the non-CAHs receiving a RHIF payment. An additional increase in RHIF payments for CAHs and a corresponding decrease to non-CAH RHIF hospitals will also occur if hospitals are able to find a partnering political subdivision to provide a state match for the voluntary CAH payments enacted in the SFY 2016 Health Budget Reconciliation Bill (Laws 2015, Chapter 14, Section 4).

In addition to eliminating the inpatient portion of the CAH payment from the RHIF calculation, the Agency proposes eliminating the requirement to account for DSH payments in the RHIF calculation. The RHIF rule was created prior to the creation of "Pool 5" DSH payments (the payments which can only be received if a hospital is able to find a partnering political subdivision to provide the non-federal share of the payment). The continued inclusion of DSH in the calculation in current rules allows hospitals which are able to find a partner to obtain both a higher DSH payment and a higher RHIF payment.

Finally, the Agency proposes amending the rule to clarify that RHIF payments are only made to acute care hospitals which are neither an Indian Health Services nor a tribal owned and operated facility and that "PPS beds" do not include subprovider beds. These changes are consistent with the current protocol.

These changes have been presented to all hospitals currently receiving a RHIF payment, and hospitals (including both CAHs and non-CAHs) have expressed widespread support for this change.



- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
A study was not referenced or relied upon when revising the regulations.
- 8. **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
- 9. **A summary of the economic, small business, and consumer impact:**
The Administration does not anticipate an overall economic impact since the aggregate payments made from the Rural Hospital Inpatient Fund remains the same. However, there may be an economic impact to individual providers as the money will be distributed in a more equitable manner than if there were no rule change.
- 10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
No changes were made between the proposed rulemaking and the final rulemaking.
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
No comments were received as of the close of the comment period of October 5, 2015.
- 12. **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:**
 - 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:**
Not applicable
 - 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:**
Not applicable
 - 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:**
Not applicable
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
None
- 14. **Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-712.07. Rural Hospital Inpatient Fund Allocation

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-712.07. Rural Hospital Inpatient Fund Allocation

- A. For purposes of this Section, the following words and phrases have the following meanings unless the context specifically requires another meaning:
 - 1. "Calculated inpatient costs" means the sum of inpatient covered charges multiplied by the Milliman study's implied cost-to-charge ratio of .8959.
 - 2. "Claims paid amount" means the sum of all claims paid by the Administration and contractors, as reported by the contractor to the Administration, to a rural hospital for covered inpatient services rendered for dates of service during the previous state fiscal year.
 - 3. "Fund" means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching the state funds.



4. "Inpatient covered charges" means the sum of all covered charges billed by a hospital to the Administration or contractors, as reported by the contractors to the Administration, for inpatient services rendered during the previous state fiscal year.
 5. "Milliman study" means the report issued by Milliman USA on March 11, 2004, to the Arizona Hospital and Healthcare Association that updated a portion of a cost study entitled "Evaluation of the AHCCCS Inpatient Hospital Reimbursement System" prepared by Milliman USA for AHCCCS on November 15, 2002. A copy of each report is on file with the Administration.
 6. "Rural hospital" means a health care institution that is licensed as a an acute care hospital by the Arizona Department of Health Services for the previous state fiscal year and is not an IHS hospital or a tribally owned or operated facility ~~a hospital operated by IHS or a special hospital that limits the care provided to rehabilitation service~~ and:
 - a. Has 100 or fewer PPS beds, not including beds reported as sub provider beds on the hospital's Medicare Cost Report, and is located in a county with a population of less than 500,000 persons, or
 - b. Is designated as a critical access hospital for the majority of the previous state fiscal year.
 7. ~~"Total inpatient payments" means the sum of:~~
 - a. ~~The claims paid amount~~
 - b. ~~Any disproportionate share hospital payments for the previous fiscal year, and~~
 - e. ~~The inpatient component of any Critical Access Hospital payments made to the hospital for the previous state fiscal year.~~
- B.** Each February, the Administration shall allocate the Fund to the following three pools for the fiscal year:
1. Rural hospitals with ~~fewer than 26~~ 25 or fewer PPS beds not including sub provider beds and all Critical Access Hospitals, regardless of the number of beds in the Critical Access Hospital;
 2. Rural hospitals other than Critical Access Hospitals with 26 to 75 PPS beds not including sub provider beds; and
 3. Rural hospitals other than Critical Access Hospitals with 76 to 100 PPS beds not including sub provider beds.
- C.** The Administration shall allocate the Fund to each pool according to the ratio of ~~total inpatient payments to claims paid amount for~~ all hospitals assigned to the pool to total inpatient payments to claims paid amount for all rural hospitals.
- D.** The Administration shall determine each hospital's claims paid amount and allocate the funds in each pool to each hospital in the pool based on the ratio of each hospital's claims paid amount to the sum of the claims paid amount for all hospitals assigned to the pool.
- E.** The Administration shall not make a Fund payment to a hospital that will result in the hospital's ~~total inpatient payments~~ claims paid amount plus that hospital's Fund payment being greater than that hospital's calculated inpatient costs.
1. If a hospital's ~~total inpatient payments~~ claims paid amount plus the hospital's Fund payment would be greater than the hospital's calculated inpatient costs, the Administration shall make a Fund payment to the hospital equal to the difference between the hospital's calculated inpatient costs and the hospital's ~~total inpatient payments~~ claims paid amount.
 2. The Administration shall reallocate any portion of a hospital's Fund allocation that is not paid to the hospital due to the reason in subsection (E)(1) to the other eligible hospitals in the pool based upon the ratio of the claims paid amount for each hospital remaining in the pool to the sum of the claims paid amount for each hospital remaining in the pool.
- F.** If funds remain in a pool after allocations to each hospital in the pool under subsections (D) and (E), the Administration shall reallocate the remaining funds to the other pools based upon the ratio of each pool's original allocation of the Fund as determined under subsection (C) to the sum of the remaining pools' original Fund allocations under subsection (C). The Administration shall allocate remaining funds to the hospitals in the remaining pools under subsection (D) and (E). See Exhibit 1 for an example.
- G.** Subject to CMS approval of the method and distribution of the Fund, the administration or its contractors will distribute the Fund as a lump sum allocation to the rural hospitals in either one or two installments by the end of each state fiscal year.

Exhibit 1. Pool Example

Pool A receives \$2,000,000. Pool B receives \$7,000,000. Pool C receives \$3,000,000.

If all of the funds in Pool B are paid to eligible hospitals and there is \$1,000,000 remaining, the remaining funds would be allocated to Pool A and Pool C based on the ratio of each pool's original allocation (original allocations of \$2,000,000 and \$3,000,000) to the total of their original allocation (\$2,000,000 + \$3,000,000 = \$5,000,000).

Pool A would receive 2/5 of the remaining funds (\$400,000) and Pool C would receive 3/5 of the remaining funds (\$600,000).