

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 134

HOUSE BILL 2325

AN ACT

AMENDING SECTIONS 32-3253, 32-3272, 32-3274 AND 32-3321, ARIZONA REVISED STATUTES; REPEALING LAWS 2006, CHAPTER 291, SECTION 5; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-3253, Arizona Revised Statutes, is amended to
3 read:
4 32-3253. Powers and duties
5 A. The board shall:
6 1. Adopt rules consistent with and necessary or proper to carry out
7 the purposes of this chapter.
8 2. Administer and enforce this chapter, rules adopted pursuant to this
9 chapter and orders of the board.
10 3. Issue a license by examination, reciprocity or temporary
11 recognition to, and renew the license of, each person who is qualified to be
12 licensed pursuant to this chapter. The board must issue or deny a license
13 within one hundred eighty days after the applicant submits a completed
14 application.
15 4. Establish a licensure fee schedule annually, by a formal vote at a
16 regular board meeting.
17 5. Collect fees and spend monies.
18 6. Keep a record of all persons licensed pursuant to this chapter,
19 actions taken on all applications for licensure, actions involving renewal,
20 suspension, revocation or denial of a license or probation of licensees and
21 the receipt and disbursal of monies.
22 7. Adopt an official seal for attestation of licensure and other
23 official papers and documents.
24 8. Employ temporary or permanent personnel as it deems necessary.
25 9. Conduct investigations and determine on its own motion if a
26 licensee or an applicant has engaged in unprofessional conduct, is
27 incompetent or is mentally or physically unable to engage in the practice of
28 behavioral health.
29 10. Conduct disciplinary actions pursuant to this chapter and board
30 rules.
31 11. Establish and enforce standards or criteria of programs or other
32 mechanisms to ensure the continuing competence of licensees.
33 12. Establish and enforce compliance with professional standards and
34 rules of conduct for licensees.
35 13. Engage in a full exchange of information with the licensing and
36 disciplinary boards and professional associations for behavioral health
37 professionals in this state and other jurisdictions.
38 14. SUBJECT TO SECTION 35-149, ACCEPT, EXPEND AND ACCOUNT FOR GIFTS,
39 GRANTS, DEVICES AND OTHER CONTRIBUTIONS, MONEY OR PROPERTY FROM ANY PUBLIC OR
40 PRIVATE SOURCE, INCLUDING THE FEDERAL GOVERNMENT. MONIES RECEIVED UNDER THIS
41 PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN
42 SPECIAL FUNDS FOR THE PURPOSE SPECIFIED, WHICH ARE EXEMPT FROM SECTION 35-190
43 RELATING TO LAPSING OF APPROPRIATIONS.

1 B. The board may join professional organizations and associations
2 organized exclusively to promote the improvement of the standards of the
3 practice of behavioral health, protect the health and welfare of the public
4 or assist and facilitate the work of the board.

5 C. THE BOARD MAY ESTABLISH A CONFIDENTIAL PROGRAM FOR THE MONITORING
6 OF LICENSEES WHO ARE CHEMICALLY DEPENDENT AND WHO ENROLL IN A REHABILITATION
7 PROGRAM THAT MEETS THE CRITERIA PRESCRIBED BY THE BOARD. THE BOARD MAY TAKE
8 FURTHER ACTION IF A LICENSEE REFUSES TO ENTER INTO A STIPULATED AGREEMENT OR
9 FAILS TO COMPLY WITH THE TERMS OF A STIPULATED AGREEMENT. IN ORDER TO
10 PROTECT THE PUBLIC HEALTH AND SAFETY, THE CONFIDENTIALITY REQUIREMENTS OF
11 THIS SUBSECTION DO NOT APPLY IF A LICENSEE DOES NOT COMPLY WITH THE
12 STIPULATED AGREEMENT.

13 Sec. 2. Section 32-3272, Arizona Revised Statutes, is amended to read:

14 32-3272. Fees

15 ~~A. The board shall establish and charge reasonable fees of not to~~
16 ~~exceed two hundred fifty dollars for issuance and renewal of a license issued~~
17 ~~pursuant to this chapter.~~

18 A. FOR ISSUANCE OF A LICENSE PURSUANT TO THIS CHAPTER, THE BOARD SHALL
19 ESTABLISH AND CHARGE REASONABLE FEES NOT TO EXCEED FIVE HUNDRED DOLLARS.

20 B. FOR RENEWAL OF A LICENSE PURSUANT TO THIS CHAPTER, THE BOARD SHALL
21 ESTABLISH AND CHARGE REASONABLE FEES OF:

22 1. UNTIL JUNE 30, 2011, NOT TO EXCEED THREE HUNDRED FIFTY DOLLARS.

23 2. BEGINNING JULY 1, 2011, NOT TO EXCEED FIVE HUNDRED DOLLARS. THE
24 BOARD SHALL NOT INCREASE FEES PURSUANT TO THIS PARAGRAPH MORE THAN
25 TWENTY-FIVE DOLLARS EACH YEAR.

26 ~~B-~~ C. The board shall establish fees to produce monies that
27 approximate the cost of maintaining the board and the credentialing
28 committees.

29 Sec. 3. Section 32-3274, Arizona Revised Statutes, is amended
30 effective from and after August 31, 2009, to read:

31 32-3274. Reciprocity

32 A. The board may issue a RECIPROCAL license to a person in that
33 person's particular behavioral health profession if the person is licensed or
34 certified by another state regulatory agency at an equivalent or higher
35 practice level as determined by the board, pays the fee prescribed by the
36 board and meets all of the following requirements:

37 ~~1. Submits a written application prescribed by the board.~~

38 ~~2. Is of good moral character. The board's standard to determine good~~
39 ~~moral character shall not violate federal discrimination laws.~~

40 ~~3. Documents to the board's satisfaction proof of initial licensure or~~
41 ~~certification at an equivalent designation for which the applicant is seeking~~
42 ~~licensure in this state and proof that the license or certificate is current~~
43 ~~and in good standing.~~

1 ~~4. Documents to the board's satisfaction proof that any other license~~
2 ~~or certificate issued to the applicant by another state has not been~~
3 ~~suspended or revoked. If a licensee or certificate holder has been subjected~~
4 ~~to any other disciplinary action, the board may assess the magnitude of that~~
5 ~~action and make a decision regarding reciprocity based on this assessment.~~

6 1. THE PERSON IS CURRENTLY LICENSED OR CERTIFIED IN BEHAVIORAL HEALTH
7 BY ANOTHER STATE REGULATORY AGENCY AND THE LICENSE OR CERTIFICATION IS
8 CURRENT AND IN GOOD STANDING.

9 2. THE PERSON HAS BEEN LICENSED OR CERTIFIED IN THE DISCIPLINE APPLIED
10 FOR AND AT THE SAME PRACTICE LEVEL AS DETERMINED BY THE BOARD FOR A MINIMUM
11 OF FIVE YEARS.

12 3. THE PERSON WAS ENGAGED IN THE PRACTICE OF BEHAVIORAL HEALTH IN THE
13 STATE ISSUING THE LICENSE OR CERTIFICATION USED BY THE PERSON TO QUALIFY FOR
14 A RECIPROCAL LICENSE PURSUANT TO THIS SECTION FOR A MINIMUM OF SIX THOUSAND
15 HOURS DURING THE FIVE YEARS BEFORE APPLYING FOR RECIPROCAL LICENSURE.

16 4. THERE WERE MINIMUM EDUCATION, WORK EXPERIENCE AND CLINICAL
17 SUPERVISION REQUIREMENTS IN EFFECT AT THE TIME THE PERSON WAS LICENSED OR
18 CERTIFIED BY THE OTHER STATE REGULATORY AGENCY AND THE LICENSING OR
19 CERTIFYING STATE AGENCY VERIFIES THAT THE PERSON MET THOSE REQUIREMENTS IN
20 ORDER TO BE LICENSED OR CERTIFIED IN THE OTHER STATE.

21 5. THE PERSON PASSED AN EXAMINATION REQUIRED FOR THE LICENSE SOUGHT
22 PURSUANT TO ARTICLE 5, 6, 7 OR 8 OF THIS CHAPTER.

23 6. THE PERSON MEETS THE BASIC REQUIREMENTS FOR LICENSURE PRESCRIBED BY
24 SECTION 32-3275.

25 ~~5-~~ 7. THE PERSON meets any other requirements prescribed by the
26 board.

27 B. A PERSON ISSUED A LICENSE PURSUANT TO THIS SECTION SHALL PRACTICE
28 BEHAVIORAL HEALTH ONLY UNDER THE DIRECT SUPERVISION OF A LICENSEE.

29 C. A PERSON ISSUED A RECIPROCAL LICENSE PURSUANT TO THIS SECTION MAY
30 APPLY FOR A REGULAR LICENSE IF THE PERSON MEETS ALL OF THE FOLLOWING
31 REQUIREMENTS:

32 1. THE PERSON HAS COMPLETED A MINIMUM OF ONE THOUSAND SIX HUNDRED
33 HOURS OF SUPERVISED WORK EXPERIENCE IN THE PRACTICE OF BEHAVIORAL HEALTH IN
34 THIS STATE WITHIN AT LEAST TWELVE MONTHS AFTER ISSUANCE OF THE RECIPROCAL
35 LICENSE.

36 2. DURING THE SUPERVISED WORK EXPERIENCE PERIOD REQUIRED IN
37 PARAGRAPH 1 OF THIS SUBSECTION, THE PERSON RECEIVES AT LEAST FIFTY HOURS OF
38 QUALIFYING CLINICAL SUPERVISION AS DETERMINED BY THE BOARD.

39 3. THE PERSON DEMONSTRATES COMPETENCY TO PRACTICE BEHAVIORAL HEALTH AS
40 DETERMINED BY THE BOARD.

41 D. THE BOARD BY RULE MAY PRESCRIBE A PROCEDURE TO ISSUE LICENSES
42 PURSUANT TO THIS SECTION.

1 Sec. 4. Section 32-3321, Arizona Revised Statutes, is amended to read:
2 32-3321. Licensed substance abuse technician; licensed
3 associate substance abuse counselor; licensed
4 independent substance abuse counselor; licensure;
5 qualifications; supervision

6 A. A person who wishes to be licensed by the board to engage in the
7 practice of substance abuse counseling as a licensed substance abuse
8 technician shall present evidence satisfactory to the board that the person
9 has:

10 1. Received ONE OF THE FOLLOWING:

11 (a) An associate of applied science degree in chemical dependency with
12 an emphasis on counseling, as determined by the substance abuse credentialing
13 committee, from a regionally accredited college or university.

14 (b) BEGINNING JANUARY 1, 2009, A BACHELOR'S DEGREE IN A BEHAVIORAL
15 SCIENCE WITH AN EMPHASIS ON COUNSELING, AS DETERMINED BY THE SUBSTANCE ABUSE
16 CREDENTIALING COMMITTEE, FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

17 2. Passed an examination approved by the substance abuse credentialing
18 committee.

19 B. A licensed substance abuse technician shall only practice under
20 direct supervision as prescribed by the board.

21 C. The board may waive the education requirement for an applicant
22 requesting licensure as a substance abuse technician if the applicant
23 provides services pursuant to contracts or grants with the federal government
24 under the authority of ~~P.L.~~ PUBLIC LAW 93-638, (25 United States Code
25 sections 450 through 450(n)) or ~~P.L.~~ PUBLIC LAW 94-437, (25 United States
26 Code sections 1601 through 1683). A person who becomes licensed as a
27 substance abuse technician pursuant to this subsection shall only provide
28 substance abuse services to those PERSONS WHO ARE eligible for services
29 pursuant to ~~P.L.~~ PUBLIC LAW 93-638, (25 United States Code sections 450
30 through 450(n)) or ~~P.L.~~ PUBLIC LAW 94-437, (25 United States Code section
31 1601 through 1683).

32 D. A person who wishes to be licensed by the board to engage in the
33 practice of substance abuse counseling as a licensed associate substance
34 abuse counselor shall present evidence satisfactory to the board that the
35 person has:

36 1. Received one of the following:

37 (a) A bachelor's degree in a behavioral science with an emphasis on
38 counseling, as determined by the substance abuse credentialing committee,
39 from a regionally accredited college or university and present evidence
40 satisfactory to that credentialing committee that the applicant has received
41 at least two years of work experience in substance abuse counseling under
42 supervision approved by the substance abuse credentialing committee.

43 (b) A master's degree or a higher degree in a behavioral science with
44 an emphasis on counseling, as determined by the substance abuse credentialing
45 committee, from a regionally accredited college or university.

1 2. Passed an examination approved by the substance abuse credentialing
2 committee.

3 E. A licensed associate substance abuse counselor shall only practice
4 under direct supervision as prescribed by the board.

5 F. A person who wishes to be licensed by the board to engage in the
6 practice of substance abuse counseling as a licensed independent substance
7 abuse counselor shall:

8 1. Have received a master's degree or higher degree in a behavioral
9 science with an emphasis on counseling, as determined by the substance abuse
10 credentialing committee, from a regionally accredited college or university.

11 2. Present evidence satisfactory to the substance abuse credentialing
12 committee that the applicant has received at least two years of work
13 experience in substance abuse counseling under supervision approved by that
14 committee.

15 3. Pass an examination approved by the substance abuse credentialing
16 committee.

17 Sec. 5. Repeal

18 Laws 2006, chapter 291, section 5 is repealed.

19 Sec. 6. Exemption from rule making

20 For the purposes of this act, the board of behavioral health examiners
21 is exempt from the rule making requirements of title 41, chapter 6, Arizona
22 Revised Statutes, for two years after the effective date of this act.

23 Sec. 7. Requirements for enactment; two-thirds vote

24 Pursuant to article IX, section 22, Constitution of Arizona, this act
25 is effective only on the affirmative vote of at least two-thirds of the
26 members of each house of the legislature and is effective immediately on the
27 signature of the governor or, if the governor vetoes this act, on the
28 subsequent affirmative vote of at least three-fourths of the members of each
29 house of the legislature.

APPROVED BY THE GOVERNOR APRIL 29, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2008.

Passed the House March 11, 20 08

Passed the Senate April 21, 20 08

by the following vote: 48 Ayes,

by the following vote: 20 Ayes,

12 Nays, 0 Not Voting

9 Nays, 11 Not Voting

Article IX, Section 22

Art. IX, Sec. 22

Speaker of the House

President of the Senate

Pro Tempore

Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2325

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2008,

by the following vote: 42 Ayes,

8 Nays, 10 Not Voting

Article IX, Section 22

Norman L. Moore
Speaker of the House
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
24th day of April, 2008

at 1:00 o'clock P. M.

Jennifer Ibarra
Secretary to the Governor

Approved this 29 day of

April, 2008,

at 1:50 o'clock P. M.

J. R. ...
Governor of Arizona

H.B. 2325

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 29 day of April, 2008,

at 4:00 o'clock P. M.

Janice K. Brewer
Secretary of State