

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 242

**SENATE BILL 1374**

AN ACT

AMENDING SECTIONS 32-3251, 32-3252 AND 32-3253, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3255; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, TO "ACADEMIC REVIEW COMMITTEES"; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 32-3261 AND 32-3262, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-3261; AMENDING SECTIONS 32-3272, 32-3273, 32-3274, 32-3275, 32-3281, 32-3282, 32-3284, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311 AND 32-3321, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3013.11, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3017.14; 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 32-3251, Arizona Revised Statutes, is amended to  
3 read:

4 32-3251. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the board of behavioral health examiners.

7 2. "Client" means a patient who receives behavioral health services  
8 from a person licensed pursuant to this chapter.

9 ~~3. "Credentialing committee" means a committee established pursuant to  
10 this chapter.~~

11 3. "DIRECT CLIENT CONTACT" MEANS, BEGINNING NOVEMBER 1, 2015, THE  
12 PERFORMANCE OF THERAPEUTIC OR CLINICAL FUNCTIONS RELATED TO THE APPLICANT'S  
13 PROFESSIONAL PRACTICE LEVEL OF PSYCHOTHERAPY THAT INCLUDES DIAGNOSIS,  
14 ASSESSMENT AND TREATMENT AND THAT MAY INCLUDE PSYCHOEDUCATION FOR MENTAL,  
15 EMOTIONAL AND BEHAVIORAL DISORDERS BASED PRIMARILY ON VERBAL OR NONVERBAL  
16 COMMUNICATIONS AND INTERVENTION WITH, AND IN THE PRESENCE OF, ONE OR MORE  
17 CLIENTS.

18 4. "EQUIVALENT" MEANS COMPARABLE IN CONTENT AND QUALITY BUT NOT  
19 IDENTICAL.

20 5. "INDIRECT CLIENT SERVICE" MEANS, BEGINNING NOVEMBER 1, 2015,  
21 TRAINING FOR, AND THE PERFORMANCE OF, FUNCTIONS OF AN APPLICANT'S  
22 PROFESSIONAL PRACTICE LEVEL IN PREPARATION FOR OR ON BEHALF OF A CLIENT FOR  
23 WHOM DIRECT CLIENT CONTACT FUNCTIONS ARE ALSO PERFORMED, INCLUDING CASE  
24 CONSULTATION AND RECEIPT OF CLINICAL SUPERVISION. INDIRECT CLIENT SERVICE  
25 DOES NOT INCLUDE THE PROVISION OF PSYCHOEDUCATION.

26 ~~4.~~ 6. "Letter of concern" means a nondisciplinary written document  
27 sent by the board to notify a licensee that, while there is insufficient  
28 evidence to support disciplinary action, the board believes that continuation  
29 of the activities that led to the investigation may result in further board  
30 action against the licensee.

31 ~~5.~~ 7. "Licensee" means a person WHO IS licensed pursuant to this  
32 chapter.

33 ~~6.~~ 8. "Practice of behavioral health" means the practice of marriage  
34 and family therapy, professional counseling, social work and substance abuse  
35 counseling pursuant to this chapter.

36 ~~7.~~ 9. "Practice of marriage and family therapy" means the  
37 professional application of family systems theories, principles and  
38 techniques to treat interpersonal relationship issues and nervous, mental and  
39 emotional disorders that are cognitive, affective or behavioral. The  
40 practice of marriage and family therapy includes:

41 (a) Assessment, appraisal and diagnosis.

42 (b) The use of psychotherapy for the purpose of evaluation, diagnosis  
43 and treatment of individuals, couples, families and groups.

1           ~~8.~~ 10. "Practice of professional counseling" means the professional  
2 application of mental health, psychological and human development theories,  
3 principles and techniques to:

4           (a) Facilitate human development and adjustment throughout the human  
5 life span.

6           (b) Assess and facilitate career development.

7           (c) Treat interpersonal relationship issues and nervous, mental and  
8 emotional disorders that are cognitive, affective or behavioral.

9           (d) Manage symptoms of mental illness.

10          (e) Assess, appraise, evaluate, diagnose and treat individuals,  
11 couples, families and groups through the use of psychotherapy.

12          ~~9.~~ 11. "Practice of social work" means the professional application  
13 of social work ~~theory~~ THEORIES, principles, methods and techniques to:

14          (a) Treat mental, BEHAVIORAL and emotional disorders.

15          (b) Assist individuals, families, groups and communities to enhance or  
16 restore the ability to function physically, socially, emotionally, mentally  
17 and economically.

18          (c) Assess, appraise, diagnose, evaluate and treat individuals,  
19 couples, families and groups through the use of psychotherapy.

20          ~~10.~~ 12. "Practice of substance abuse counseling" means the  
21 professional application of general counseling theories, principles and  
22 techniques as specifically adapted, based on research and clinical  
23 experience, to the specialized needs and characteristics of persons who are  
24 experiencing substance abuse, chemical dependency and related problems and to  
25 the families of those persons. The practice of substance abuse counseling  
26 includes the following as they relate to substance abuse and chemical  
27 dependency issues:

28          (a) Assessment, appraisal and diagnosis.

29          (b) The use of psychotherapy for the purpose of evaluation, diagnosis  
30 and treatment of individuals, couples, families and groups.

31          13. "PSYCHOEDUCATION" MEANS THE EDUCATION OF A CLIENT AS PART OF A  
32 TREATMENT PROCESS THAT PROVIDES THE CLIENT WITH INFORMATION REGARDING MENTAL  
33 HEALTH, EMOTIONAL DISORDERS OR BEHAVIORAL HEALTH.

34          ~~11.~~ 14. "Psychotherapy" means a variety of treatment methods  
35 developing out of generally accepted theories about human behavior and  
36 development.

37          ~~12.~~ 15. "Unprofessional conduct" includes the following, whether  
38 occurring in this state or elsewhere:

39          (a) Conviction of a felony. Conviction by a court of competent  
40 jurisdiction or a plea of no contest is conclusive evidence of the  
41 conviction.

42          (b) Use of fraud or deceit in connection with rendering services as a  
43 licensee or in establishing qualifications pursuant to this chapter.

44          (c) Any oral or written misrepresentation of a fact by an applicant or  
45 licensee:

1 (i) To secure or attempt to secure the issuance or renewal of a  
2 license.

3 (ii) In any statements provided during an investigation or  
4 disciplinary proceeding by the board.

5 (iii) Regarding the licensee's skills or the value of any treatment  
6 provided or to be provided.

7 (d) Any false, fraudulent or deceptive statement connected with the  
8 practice of behavioral health, including false or misleading advertising by  
9 the licensee or the licensee's staff or a representative compensated by the  
10 licensee.

11 (e) Securing or attempting to secure the issuance or renewal of a  
12 license by knowingly taking advantage of the mistake of another person or the  
13 board.

14 (f) Active habitual intemperance in the use of alcohol or active  
15 habitual substance abuse.

16 (g) Using a controlled substance that is not prescribed for use during  
17 a prescribed course of treatment.

18 (h) Obtaining a fee by fraud, deceit or misrepresentation.

19 (i) Aiding or abetting a person who is not licensed pursuant to this  
20 chapter to purport to be a licensed behavioral health professional in this  
21 state.

22 (j) Conduct that the board determines is gross negligence or repeated  
23 negligence in the licensee's profession.

24 (k) Any conduct or practice that is contrary to recognized standards  
25 of ethics in the behavioral health profession or that constitutes a danger to  
26 the health, welfare or safety of a client.

27 (l) Any conduct, practice or condition that impairs the ability of the  
28 licensee to safely and competently practice the licensee's profession.

29 (m) Engaging or offering to engage as a licensee in activities that  
30 are not congruent with the licensee's professional education, training or  
31 experience.

32 (n) Failing to comply with or violating, attempting to violate or  
33 assisting in or abetting the violation of any provision of this chapter, any  
34 rule adopted pursuant to this chapter, any lawful order of the board, or any  
35 formal order, consent agreement, term of probation or stipulated agreement  
36 issued under this chapter.

37 (o) Failing to furnish information within a specified time to the  
38 board or its investigators or representatives if legally requested by the  
39 board.

40 (p) Failing to conform to minimum practice standards as developed by  
41 the board.

42 (q) Failing or refusing to maintain adequate records of behavioral  
43 health services provided to a client.

1 (r) Providing behavioral health services that are clinically  
2 unjustified or unsafe or otherwise engaging in activities as a licensee that  
3 are unprofessional by current standards of practice.

4 (s) Terminating behavioral health services to a client without making  
5 an appropriate referral for continuation of care for the client if continuing  
6 behavioral health services are indicated.

7 (t) Disclosing a professional confidence or privileged communication  
8 except as may otherwise be required by law or permitted by a valid written  
9 release.

10 (u) Failing to allow the board or its investigators on demand to  
11 examine and have access to documents, reports and records in any format  
12 maintained by the licensee that relate to the licensee's practice of  
13 behavioral health.

14 (v) Any sexual conduct between a licensee and a client or former  
15 client.

16 (w) Providing behavioral health services to any person with whom the  
17 licensee has had sexual contact.

18 (x) Exploiting a client, former client or supervisee. For the  
19 purposes of this subdivision, "exploiting" means taking advantage of a  
20 professional relationship with a client, former client or supervisee for the  
21 benefit or profit of the licensee.

22 (y) Engaging in a dual relationship with a client that could impair  
23 the licensee's objectivity or professional judgment or create a risk of harm  
24 to the client. For the purposes of this subdivision, "dual relationship"  
25 means a licensee simultaneously engages in both a professional and  
26 nonprofessional relationship with a client that is avoidable and not  
27 incidental.

28 (z) Engaging in physical contact between a licensee and a client if  
29 there is a reasonable possibility of physical or psychological harm to the  
30 client as a result of that contact.

31 (aa) Sexually harassing a client, former client, research subject,  
32 supervisee or coworker. For the purposes of this subdivision, "sexually  
33 harassing" includes sexual advances, sexual solicitation, requests for sexual  
34 favors, unwelcome comments or gestures or any other verbal or physical  
35 conduct of a sexual nature.

36 (bb) Harassing, exploiting or retaliating against a client, former  
37 client, research subject, supervisee, coworker or witness or a complainant in  
38 a disciplinary investigation or proceeding involving a licensee.

39 (cc) Failing to take reasonable steps to inform potential victims and  
40 appropriate authorities if the licensee becomes aware during the course of  
41 providing or supervising behavioral health services that a client's condition  
42 indicates a clear and imminent danger to the client or others.

43 (dd) Failing to comply with the laws of the appropriate licensing or  
44 credentialing authority to provide behavioral health services by electronic

1 means in all governmental jurisdictions where the client receiving these  
2 services resides.

3 (ee) Giving or receiving a payment, kickback, rebate, bonus or other  
4 remuneration for a referral.

5 (ff) Failing to report in writing to the board information that would  
6 cause a reasonable licensee to believe that another licensee is guilty of  
7 unprofessional conduct or is physically or mentally unable to provide  
8 behavioral health services competently or safely. This duty does not extend  
9 to information provided by a licensee that is protected by the behavioral  
10 health professional-client privilege unless the information indicates a clear  
11 and imminent danger to the client or others or is otherwise subject to  
12 mandatory reporting requirements pursuant to state or federal law.

13 (gg) Failing to follow federal and state laws regarding the storage,  
14 use and release of confidential information regarding a client's personal  
15 identifiable information or care.

16 (hh) Failing to retain records pursuant to section 12-2297.

17 (ii) Violating any federal or state law, rule or regulation applicable  
18 to the practice of behavioral health.

19 (jj) Failing to make client records in the licensee's possession  
20 available in a timely manner to another health professional or licensee on  
21 receipt of proper authorization to do so from the client, a minor client's  
22 parent, the client's legal guardian or the client's authorized  
23 representative.

24 (kk) Failing to make client records in the licensee's possession  
25 promptly available to the client, a minor client's parent, the client's legal  
26 guardian or the client's authorized representative on receipt of proper  
27 authorization to do so from the client, a minor client's parent, the client's  
28 legal guardian or the client's authorized representative.

29 (ll) Being the subject of the revocation, suspension, surrender or any  
30 other disciplinary sanction of a professional license, certificate or  
31 registration or other adverse action related to a professional license,  
32 certificate or registration in another jurisdiction or country, including the  
33 failure to report the adverse action to the board. The action taken may  
34 include refusing, denying, revoking or suspending a license or certificate,  
35 the surrendering of a license or certificate, otherwise limiting, restricting  
36 or monitoring a licensee OR CERTIFICATE HOLDER or placing a licensee OR  
37 CERTIFICATE HOLDER on probation.

38 (mm) Any CONDUCT THAT RESULTS IN A sanction imposed by an agency of  
39 the federal government that involves restricting, suspending, limiting or  
40 removing the licensee's ability to obtain financial remuneration for  
41 behavioral health services.

42 (nn) Violating the security of any licensure examination materials.

43 (oo) The use of fraud or deceit in connection with taking or assisting  
44 another person in taking a licensure examination.

1           Sec. 2. Section 32-3252, Arizona Revised Statutes, is amended to read:  
2           32-3252. Board of behavioral health examiners; appointment;  
3                           qualifications; terms; compensation; immunity;  
4                           training program

5           A. The board of behavioral health examiners is established consisting  
6 of ~~one professional member from each credentialing committee established~~  
7 ~~pursuant to this chapter and four public members~~ THE FOLLOWING MEMBERS  
8 appointed by the governor: —

9           1. THE FOLLOWING PROFESSIONAL MEMBERS:

10           (a) TWO MEMBERS WHO ARE LICENSED IN SOCIAL WORK PURSUANT TO THIS  
11 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED CLINICAL SOCIAL WORKER.

12           (b) TWO MEMBERS WHO ARE LICENSED IN COUNSELING PURSUANT TO THIS  
13 CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED PROFESSIONAL COUNSELOR.

14           (c) TWO MEMBERS WHO ARE LICENSED IN MARRIAGE AND FAMILY THERAPY  
15 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED MARRIAGE AND  
16 FAMILY THERAPIST.

17           (d) TWO MEMBERS WHO ARE LICENSED IN SUBSTANCE ABUSE COUNSELING  
18 PURSUANT TO THIS CHAPTER, AT LEAST ONE OF WHOM IS A LICENSED INDEPENDENT  
19 SUBSTANCE ABUSE COUNSELOR.

20           2. FOUR PUBLIC MEMBERS.

21           B. Each professional board member shall:

22           1. Be a resident of this state for not less than one year before  
23 appointment.

24           2. Be an active licensee in good standing.

25           3. Have at least five years of experience in an area of behavioral  
26 health licensed pursuant to this chapter.

27           C. Each public member shall:

28           1. Be a resident of this state for not less than one year before  
29 appointment.

30           2. Be at least twenty-one years of age.

31           3. ~~Not be or have ever been a behavioral health professional or the~~  
32 ~~spouse of a behavioral health professional.~~

33           4. ~~Not have or have ever had any financial interest in the provision~~  
34 ~~of behavioral health services.~~

35           5. ~~Not have engaged in any activity directly related to the practice~~  
36 ~~of behavioral health.~~

37           3. NOT BE LICENSED OR ELIGIBLE FOR LICENSURE PURSUANT TO THIS CHAPTER  
38 UNLESS THE PUBLIC MEMBER HAS BEEN RETIRED FROM ACTIVE PRACTICE FOR AT LEAST  
39 FIVE YEARS.

40           4. NOT CURRENTLY HAVE A SUBSTANTIAL FINANCIAL INTEREST IN AN ENTITY  
41 THAT DIRECTLY PROVIDES BEHAVIORAL HEALTH SERVICES.

42           5. NOT HAVE A HOUSEHOLD MEMBER WHO IS LICENSED OR ELIGIBLE FOR  
43 LICENSURE PURSUANT TO THIS CHAPTER UNLESS THE HOUSEHOLD MEMBER HAS BEEN  
44 RETIRED FROM ACTIVE PRACTICE FOR AT LEAST FIVE YEARS.

1 D. The term of office of board members is three years to begin and end  
2 on the third Monday in January. A member shall not serve more than two full  
3 consecutive terms.

4 E. The board shall annually elect a chairman and secretary-treasurer  
5 from its membership.

6 F. Board members are eligible to receive compensation as ~~determined~~  
7 ~~pursuant to section 38-611~~ OF NOT MORE THAN EIGHTY-FIVE DOLLARS for each day  
8 actually and necessarily spent in the performance of their duties.

9 G. Board members and personnel are personally immune from suit with  
10 respect to all acts done and actions taken in good faith and in furtherance  
11 of the purposes of this chapter.

12 H. EACH BOARD MEMBER MUST COMPLETE A TWELVE-HOUR TRAINING PROGRAM THAT  
13 EMPHASIZES RESPONSIBILITIES FOR ADMINISTRATIVE MANAGEMENT, LICENSURE,  
14 JUDICIAL PROCESSES AND TEMPERAMENT WITHIN ONE YEAR AFTER APPOINTMENT TO THE  
15 BOARD.

16 Sec. 3. Section 32-3253, Arizona Revised Statutes, is amended to read:

17 32-3253. Powers and duties

18 A. The board shall:

19 1. Adopt rules consistent with and necessary or proper to carry out  
20 the purposes of this chapter.

21 2. Administer and enforce this chapter, rules adopted pursuant to this  
22 chapter and orders of the board.

23 3. Issue a license by examination, ~~reciprocity~~ ENDORSEMENT or  
24 temporary recognition to, and renew the license of, each person who is  
25 qualified to be licensed pursuant to this chapter. The board must issue or  
26 deny a license within one hundred eighty days after the applicant submits a  
27 completed application.

28 4. Establish a licensure fee schedule annually, by a formal vote at a  
29 regular board meeting.

30 5. Collect fees and spend monies.

31 6. Keep a record of all persons licensed pursuant to this chapter,  
32 actions taken on all applications for licensure, actions involving renewal,  
33 suspension, revocation or denial of a license or probation of licensees and  
34 the receipt and disbursal of monies.

35 7. Adopt an official seal for attestation of licensure and other  
36 official papers and documents.

37 ~~8. Subject to title 41, chapter 4, article 4, employ personnel as it~~  
38 ~~deems necessary.~~

39 ~~9.~~ 8. Conduct investigations and determine on its own motion if a  
40 licensee or an applicant has engaged in unprofessional conduct, is  
41 incompetent or is mentally or physically unable to engage in the practice of  
42 behavioral health.

43 ~~10.~~ 9. Conduct disciplinary actions pursuant to this chapter and board  
44 rules.

1       ~~11.~~ 10. Establish and enforce standards or criteria of programs or  
2 other mechanisms to ensure the continuing competence of licensees.

3       ~~12.~~ 11. Establish and enforce compliance with professional standards  
4 and rules of conduct for licensees.

5       ~~13.~~ 12. Engage in a full exchange of information with the licensing  
6 and disciplinary boards and professional associations for behavioral health  
7 professionals in this state and other jurisdictions.

8       ~~14.~~ 13. Subject to section 35-149, accept, expend and account for  
9 gifts, grants, devises and other contributions, money or property from any  
10 public or private source, including the federal government. Monies received  
11 under this paragraph shall be deposited, pursuant to sections 35-146 and  
12 35-147, in special funds for the purpose specified, which are exempt from the  
13 provisions of section 35-190 relating to lapsing of appropriations.

14       14. ADOPT RULES REGARDING THE APPLICATION FOR AND APPROVAL OF  
15 EDUCATIONAL CURRICULA OF REGIONALLY ACCREDITED COLLEGES OR UNIVERSITIES WITH  
16 A PROGRAM NOT OTHERWISE ACCREDITED BY AN ORGANIZATION OR ENTITY RECOGNIZED BY  
17 THE BOARD THAT ARE CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER AND  
18 MAINTAIN A LIST OF THOSE PROGRAMS. APPROVALS SHALL BE VALID FOR A PERIOD OF  
19 FIVE YEARS IF NO CHANGES OF CURRICULA ARE MADE THAT ARE INCONSISTENT WITH THE  
20 REQUIREMENTS OF THIS CHAPTER OR BOARD RULE.

21       15. MAINTAIN A REGISTRY OF LICENSEES WHO HAVE MET THE EDUCATIONAL  
22 REQUIREMENTS TO PROVIDE SUPERVISION AS REQUIRED PURSUANT TO THIS CHAPTER TO  
23 APPLICANTS IN THE SAME PROFESSION.

24       16. ADOPT RULES TO ALLOW APPROVAL OF PERSONS WHO WISH TO PROVIDE  
25 SUPERVISION PURSUANT TO THIS CHAPTER AND WHO ARE NOT LICENSED BY THE BOARD  
26 AND WHO ARE LICENSED IN A PROFESSION OTHER THAN THE PROFESSION IN WHICH THE  
27 APPLICANT IS SEEKING LICENSURE.

28       17. RECOGNIZE NOT MORE THAN FOUR HUNDRED HOURS OF PSYCHOEDUCATION FOR  
29 WORK EXPERIENCE REQUIRED PURSUANT TO SECTIONS 32-3293, 32-3301, 32-3311 AND  
30 32-3321.

31       B. The board may join professional organizations and associations  
32 organized exclusively to promote the improvement of the standards of the  
33 practice of behavioral health, protect the health and welfare of the public  
34 or assist and facilitate the work of the board.

35       C. THE BOARD MAY ENTER INTO STIPULATED AGREEMENTS WITH A LICENSEE FOR  
36 THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF CHEMICAL  
37 DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH  
38 DISORDERS IN A PROGRAM PROVIDED PURSUANT TO SUBSECTION D OF THIS SECTION. A  
39 LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM SHALL BE TERMINATED  
40 FROM THE CONFIDENTIAL PROGRAM. ANY RECORDS OF THE LICENSEE WHO IS TERMINATED  
41 FROM A CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE  
42 PUBLIC RECORDS LAW, NOTWITHSTANDING ANY LAW TO THE CONTRARY. STIPULATED  
43 AGREEMENTS ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

44       1. THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL  
45 PROGRAM.

1           2. THE LICENSEE COMPLIES WITH ALL TREATMENT REQUIREMENTS OR  
2 RECOMMENDATIONS INCLUDING PARTICIPATION IN APPROVED PROGRAMS.

3           3. THE LICENSEE REFRAINS FROM PROFESSIONAL PRACTICE UNTIL THE RETURN  
4 TO PRACTICE HAS BEEN APPROVED BY THE TREATMENT PROGRAM AND THE BOARD.

5           4. THE LICENSEE COMPLIES WITH ALL MONITORING REQUIREMENTS OF THE  
6 STIPULATED AGREEMENT, INCLUDING RANDOM BODILY FLUID TESTING.

7           5. THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S  
8 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL  
9 HEALTH DISORDERS AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS  
10 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

11           ~~C.~~ D. The board ~~may~~ SHALL establish a confidential program for the  
12 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,  
13 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT  
14 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program  
15 that meets the criteria prescribed by the board. THE LICENSEE SHALL BE  
16 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND  
17 MONITORING. The board may take further action if a licensee refuses to enter  
18 into a stipulated agreement or fails to comply with the terms of a stipulated  
19 agreement. In order to protect the public health and safety, the  
20 confidentiality requirements of this subsection do not apply if a licensee  
21 does not comply with the stipulated agreement.

22           E. THE BOARD SHALL AUDIO RECORD ALL MEETINGS AND MAINTAIN ALL AUDIO  
23 AND VIDEO RECORDINGS OR STENOGRAPHIC RECORDS OF INTERVIEWS AND MEETINGS FOR A  
24 PERIOD OF THREE YEARS FROM WHEN THE RECORD WAS CREATED.

25           Sec. 4. Title 32, chapter 33, article 1, Arizona Revised Statutes, is  
26 amended by adding section 32-3255, to read:

27           32-3255. Executive director; compensation; duties

28           A. ON OR AFTER JANUARY 31, 2014 AND SUBJECT TO TITLE 41, CHAPTER 4,  
29 ARTICLE 4, THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL SERVE AT  
30 THE PLEASURE OF THE BOARD. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE  
31 COMPENSATION SET BY THE BOARD WITHIN THE RANGE DETERMINED UNDER SECTION  
32 38-611.

33           B. THE EXECUTIVE DIRECTOR SHALL:

34           1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

35           2. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL AS THE  
36 EXECUTIVE DIRECTOR DEEMS NECESSARY, INCLUDING PROFESSIONAL CONSULTANTS AND  
37 AGENTS NECESSARY TO CONDUCT INVESTIGATIONS. AN INVESTIGATOR MUST COMPLETE A  
38 NATIONALLY RECOGNIZED INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE  
39 DATE OF HIRE. UNTIL THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE  
40 INVESTIGATOR MUST WORK UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS  
41 COMPLETED A TRAINING PROGRAM.

42           Sec. 5. Heading change

43           The article heading of title 32, chapter 33, article 2, Arizona Revised  
44 Statutes, is changed from "PROFESSIONAL CREDENTIALING COMMITTEES" to  
45 "ACADEMIC REVIEW COMMITTEES".



1           Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:  
2           32-3272. Fees

3           A. For issuance of a license pursuant to this chapter, INCLUDING  
4 APPLICATION FEES, the board shall establish and charge reasonable fees not to  
5 exceed five hundred dollars.

6           B. For renewal of a license pursuant to this chapter, the board shall  
7 establish and charge reasonable fees of:

8           1. ~~Until June 30, 2011, not to exceed three hundred fifty dollars.~~

9           2. ~~Beginning July 1, 2011, not to exceed five hundred dollars.~~ The  
10 board shall not increase fees pursuant to this paragraph SUBSECTION more than  
11 twenty-five dollars each year.

12           C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF  
13 EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH  
14 15.

15           ~~C.~~ D. The board shall establish fees to produce monies that  
16 approximate the cost of maintaining the board and the credentialing  
17 committees.

18           Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:  
19           32-3273. License renewal; continuing education

20           A. Except as provided in section 32-4301, a license issued pursuant to  
21 this chapter is renewable ~~biennially~~ EVERY TWO YEARS by paying the renewal  
22 fee prescribed by the board and submitting ~~evidence satisfactory to the~~  
23 ~~appropriate credentialing committee~~ DOCUMENTATION PRESCRIBED BY THE BOARD BY  
24 RULE of completion of relevant continuing education experience as determined  
25 by the ~~appropriate credentialing committee~~ BOARD during the previous  
26 twenty-four month period.

27           B. The board shall send notice in writing of required relevant  
28 continuing education experience to each licensee at least ninety days before  
29 the renewal date.

30           C. A licensee must satisfy the continuing education requirements that  
31 are prescribed by the board by rule and that are designed to provide the  
32 necessary understanding of ethics, cultural competency, current developments,  
33 skills, procedures and treatments related to behavioral health and to ensure  
34 the continuing competence of licensees. The board shall adopt rules to  
35 prescribe the manner of documenting compliance with this subsection.

36           D. AT THE REQUEST OF A LICENSEE WHO HAS BEEN ISSUED TWO OR MORE  
37 LICENSES, THE BOARD SHALL ESTABLISH THE SAME RENEWAL DATES FOR THOSE  
38 LICENSES. THE BOARD MAY PRORATE ANY FEES DUE AS NECESSARY TO SYNCHRONIZE THE  
39 DATES.

40           Sec. 10. Section 32-3274, Arizona Revised Statutes, is amended to  
41 read:

42           32-3274. Licensure by endorsement

43           A. The board may issue a ~~reciprocal~~ license BY ENDORSEMENT to a person  
44 in that person's particular behavioral health profession if the person is  
45 licensed or certified by ~~another state~~ THE regulatory agency OF ONE OR MORE

1 OTHER STATES at an equivalent or higher practice level as determined by the  
2 board, pays the fee prescribed by the board and meets all of the following  
3 requirements:

4 1. The person is currently licensed or certified in behavioral health  
5 by ~~another state~~ THE regulatory agency OF ONE OR MORE OTHER STATES and the  
6 EACH license or certification is current and in good standing.

7 2. The person has been licensed or certified in the discipline applied  
8 for and at the same practice level as determined by the board for a minimum  
9 of ~~five~~ THREE years.

10 3. The person was engaged in the practice of behavioral health in the  
11 ~~state~~ ONE OR MORE STATES issuing the license or certification used by the  
12 person to qualify for a ~~reciprocal~~ license BY ENDORSEMENT pursuant to this  
13 section for a minimum of ~~six thousand hours during the five years before~~  
14 ~~applying for reciprocal licensure~~ THREE THOUSAND SIX HUNDRED HOURS IN A  
15 PERIOD OF NOT MORE THAN FIVE YEARS PRIOR TO APPLYING FOR LICENSURE BY  
16 ENDORSEMENT. THE THREE THOUSAND SIX HUNDRED HOURS MUST BE IN THE DISCIPLINE  
17 AND AT LEAST IN THE PRACTICE LEVEL FOR WHICH THE PERSON IS APPLYING.

18 4. ~~There were minimum~~ THE PERSON MET THE education, work experience  
19 and clinical supervision requirements in effect at the time the person was  
20 licensed or certified by the ~~other state~~ regulatory agency OF THE OTHER STATE  
21 OR STATES and the licensing or certifying ~~state~~ agency OF THE OTHER STATE OR  
22 STATES verifies that the person met those requirements in order to be  
23 licensed or certified in the other state OR STATES.

24 5. The person passed an examination required for the license sought  
25 pursuant to article 5, 6, 7 or 8 of this chapter.

26 6. The person meets the basic requirements for licensure prescribed by  
27 section 32-3275.

28 ~~7. The person meets any other requirements prescribed by the board.~~

29 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY  
30 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR  
31 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION  
32 TAKEN BY ANY REGULATORY AGENCY OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN  
33 SURRENDERED IN LIEU OF DISCIPLINE AND VERIFICATION OF LICENSURE OR  
34 CERTIFICATION FROM EVERY STATE IN WHICH THE PERSON IS LICENSED OR CERTIFIED  
35 FOR THE PARTICULAR HEALTH PROFESSION FOR WHICH THE PERSON APPLIES.

36 B. IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, A  
37 PERSON SEEKING LICENSE BY ENDORSEMENT FOR THE FOLLOWING PRACTICE LEVELS MUST  
38 HAVE EARNED A MASTER'S OR HIGHER DEGREE IN THE APPLICABLE FIELD OF PRACTICE  
39 GRANTED BY A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY:

- 40 1. LICENSED CLINICAL SOCIAL WORKER.  
41 2. LICENSED PROFESSIONAL COUNSELOR.  
42 3. LICENSED MARRIAGE AND FAMILY THERAPIST.  
43 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

1           B. C. EXCEPT FOR LICENSES BY ENDORSEMENT ISSUED IN THE PRACTICE  
2 LEVELS PRESCRIBED IN SUBSECTION B OF THIS SECTION, a person issued a license  
3 pursuant to this section shall practice behavioral health only under the  
4 direct supervision of a licensee.

5           ~~C. A person issued a reciprocal license pursuant to this section may  
6 apply for a regular license if the person meets all of the following  
7 requirements:~~

8           ~~1. The person has completed a minimum of one thousand six hundred  
9 hours of supervised work experience in the practice of behavioral health in  
10 this state within at least twelve months after issuance of the reciprocal  
11 license.~~

12           ~~2. During the supervised work experience period required in  
13 paragraph 1 of this subsection, the person receives at least fifty hours of  
14 qualifying clinical supervision as determined by the board.~~

15           ~~3. The person demonstrates competency to practice behavioral health as  
16 determined by the board.~~

17           D. The board by rule may prescribe a procedure to issue licenses  
18 pursuant to this section.

19           Sec. 11. Section 32-3275, Arizona Revised Statutes, is amended to  
20 read:

21           32-3275. Requirements for licensure; withdrawal of application

22           A. An applicant for licensure must meet all of the following  
23 requirements:

24           1. Submit an application as prescribed by the board.

25           2. Be at least twenty-one years of age.

26           3. Be of good moral character. The board's standard to determine good  
27 moral character shall not violate federal discrimination laws.

28           4. Pay all applicable fees prescribed by the board.

29           5. Have the physical and mental capability to safely and competently  
30 engage in the practice of behavioral health.

31           6. Not have committed any act or engaged in any conduct that would  
32 constitute grounds for disciplinary action against a licensee pursuant to  
33 this chapter.

34           7. Not have had a professional license or certificate refused,  
35 revoked, suspended or restricted in BY THIS STATE OR any OTHER regulatory  
36 jurisdiction in the United States or in ~~another~~ ANY OTHER country for reasons  
37 that relate to unprofessional conduct. ~~If the board finds that the applicant  
38 committed an act or engaged in conduct that would constitute grounds for  
39 disciplinary action in this state, the board shall determine to its  
40 satisfaction that the conduct has been corrected, monitored and resolved. If  
41 the matter has not been resolved, the board shall determine to its  
42 satisfaction that mitigating circumstances exist that prevent its resolution.~~

43           8. Not have voluntarily surrendered a PROFESSIONAL license or  
44 certificate in THIS STATE OR another regulatory jurisdiction in the United  
45 States or any other country while under investigation for conduct that

1 ~~relates to unprofessional conduct. If another jurisdiction has taken~~  
2 ~~disciplinary action against an applicant, the board shall determine to its~~  
3 ~~satisfaction that the cause for the action was corrected and the matter~~  
4 ~~resolved. If the matter has not been resolved by that jurisdiction, the~~  
5 ~~board shall determine to its satisfaction that mitigating circumstances exist~~  
6 ~~that prevent its resolution.~~

7 9. Not have a complaint, allegation or investigation pending before  
8 THE BOARD OR another regulatory jurisdiction in the United States or another  
9 country that relates to unprofessional conduct. If an applicant has any such  
10 complaints COMPLAINT, allegations ALLEGATION or investigations INVESTIGATION  
11 pending, the board shall suspend the application process and may not issue or  
12 deny a license to the applicant until the complaint, allegation or  
13 investigation is resolved.

14 B. IF THE BOARD FINDS THAT AN APPLICANT IS SUBJECT TO SUBSECTION A,  
15 PARAGRAPHS 5 THROUGH 8 OF THIS SECTION, THE BOARD MAY DETERMINE TO ITS  
16 SATISFACTION THAT THE CONDUCT OR CONDITION HAS BEEN CORRECTED, MONITORED AND  
17 RESOLVED AND MAY ISSUE A LICENSE. IF THE CONDUCT OR CONDITION HAS NOT BEEN  
18 RESOLVED, THE BOARD MAY DETERMINE TO ITS SATISFACTION THAT MITIGATING  
19 CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION AND MAY ISSUE A LICENSE.

20 C. IF AN APPLICANT HAS A DEFICIENCY PURSUANT TO SUBSECTION A OF THIS  
21 SECTION, THE BOARD SHALL NOTIFY THE APPLICANT OF THE DEFICIENCY AND THE TIME  
22 WHEN THE BOARD WILL REVIEW THE APPLICATION AT A PUBLIC MEETING. THIS MEETING  
23 MUST TAKE PLACE WITHIN THIRTY-FIVE DAYS AFTER THE NOTIFICATION. AT THE TIME  
24 OF THE MEETING, THE APPLICANT MAY PROVIDE IN PERSON, BY COUNSEL OR IN WRITTEN  
25 FORM INFORMATION AND EVIDENCE RELATED TO ANY DEFICIENCY, INCLUDING  
26 INFORMATION RELATED TO WHETHER THE CONDUCT THAT WAS THE BASIS FOR AN ACTION  
27 PURSUANT TO SUBSECTION A, PARAGRAPH 6, 7 OR 8 OF THIS SECTION HAS BEEN  
28 CORRECTED, MONITORED AND RESOLVED OR IF MITIGATING CIRCUMSTANCES EXIST THAT  
29 PREVENT ITS RESOLUTION. IN A NOTICE OF DENIAL THE BOARD SHALL PROVIDE  
30 NOTIFICATION OF THE RIGHT TO A HEARING PURSUANT TO TITLE 41, CHAPTER 6,  
31 ARTICLE 10. IF THE APPLICANT DOES NOT PRESENT INFORMATION AT THE PUBLIC  
32 BOARD MEETING, THE APPLICANT MAY STILL SEEK ALL AVAILABLE ADMINISTRATIVE  
33 REMEDIES.

34 D. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION UNLESS THE  
35 BOARD HAS SENT TO THE APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN  
36 INVESTIGATION CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING THAT  
37 NOTIFICATION THE APPLICANT MAY REQUEST THAT THE BOARD REVIEW THE APPLICANT'S  
38 REQUEST TO WITHDRAW THE APPLICATION. IN CONSIDERING THE REQUEST THE BOARD  
39 SHALL DETERMINE WHETHER IT IS PROBABLE THAT THE INVESTIGATION WOULD RESULT IN  
40 AN ADVERSE ACTION AGAINST THE APPLICANT.

41 E. AFTER A FINAL BOARD ORDER OF DENIAL HAS BEEN ISSUED, THE BOARD  
42 SHALL REPORT THE DENIAL IF REQUIRED BY THE HEALTH CARE QUALITY IMPROVEMENT  
43 ACT OF 1986 (42 UNITED STATES CODE SECTION 111.01). FOR THE PURPOSES OF THIS  
44 SUBSECTION AND EXCEPT AS REQUIRED BY FEDERAL LAW, "FINAL BOARD ORDER" MEANS:

1 1. FOR AN APPLICANT WHO SEEKS A HEARING PURSUANT TO TITLE 41,  
2 CHAPTER 6, ARTICLE 10, WHEN A FINAL ADMINISTRATIVE DECISION HAS BEEN MADE.

3 2. FOR AN APPLICANT WHO DOES NOT TIMELY FILE A NOTICE OF APPEAL, AFTER  
4 THE TIME FOR THE FILING EXPIRES PURSUANT TO SECTION 41-1092.03.

5 Sec. 12. Section 32-3281, Arizona Revised Statutes, is amended to  
6 read:

7 32-3281. Disciplinary action; investigations; hearings; civil  
8 penalty; timely complaints; burden of proof

9 A. ~~A credentialing committee~~ THE BOARD, on its own motion or on a  
10 complaint, may investigate any evidence that appears to show that a licensee  
11 is or may be incompetent, is or may be guilty of unprofessional conduct or is  
12 or may be mentally or physically unable to safely engage in the practice of  
13 behavioral health. As part of its investigation, ~~a credentialing committee~~  
14 THE BOARD may hold an investigational meeting pursuant to this chapter. Any  
15 person may, and a licensee and any entity licensed by the office of  
16 behavioral health licensure shall, report to the board any information that  
17 would cause a reasonable licensee to believe that another licensee is guilty  
18 of unprofessional conduct or is physically or mentally unable to provide  
19 behavioral health services competently or safely. Any person or entity that  
20 reports or provides information to the board in good faith is not subject to  
21 an action for civil damages. It is an act of unprofessional conduct for any  
22 licensee to fail to report as required by this section. The board shall  
23 report to the office of behavioral health licensure in the department of  
24 health services any entity licensed by the office of behavioral health  
25 licensure that fails to report as required by this section. FOR COMPLAINTS  
26 RELATED TO CONDUCT THAT IS INCONSISTENT WITH PROFESSIONAL STANDARDS OR  
27 ETHICS, SCOPE OF PRACTICE OR STANDARD OF CARE, THE BOARD MAY CONSULT WITH ONE  
28 OR MORE LICENSED OR RETIRED BEHAVIORAL HEALTH PROFESSIONALS OF THE SAME  
29 PROFESSION AS THE LICENSEE TO REVIEW COMPLAINTS AND MAKE RECOMMENDATIONS TO  
30 THE BOARD.

31 B. ~~A credentialing committee~~ ON DETERMINATION OF REASONABLE CAUSE THE  
32 BOARD shall require, AT THE LICENSEE'S OWN EXPENSE, any combination of  
33 mental, physical or ~~oral or written competency examinations, at the~~  
34 ~~licensee's own expense,~~ PSYCHOLOGICAL EXAMINATIONS, ASSESSMENTS OR SKILLS  
35 EVALUATIONS NECESSARY TO DETERMINE THE LICENSEE'S COMPETENCE OR ABILITY TO  
36 SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH and conduct necessary  
37 investigations, including investigational interviews between representatives  
38 of the board and the licensee, to fully inform itself with respect to any  
39 information filed with the board under subsection A of this section. These  
40 examinations may include biological fluid testing. ~~The credentialing~~  
41 ~~committee~~ BOARD may require the licensee, at the licensee's expense, to  
42 undergo assessment by a rehabilitative, retraining or assessment program  
43 approved by the ~~credentialing committee~~ BOARD.

1 C. If the board finds, based on the information received pursuant to  
2 subsection A or B of this section, that the public health, safety or welfare  
3 imperatively requires emergency action, and incorporates a finding to that  
4 effect in its order, the board may restrict, limit or order a summary  
5 suspension of a license pending proceedings for revocation or other action.  
6 If the board takes action pursuant to this subsection, it must also serve the  
7 licensee with a written notice that states the charges and that the licensee  
8 is entitled to a formal hearing before the board or an administrative law  
9 judge within sixty days.

10 D. If after completing an ~~investigational meeting~~ INVESTIGATION the  
11 ~~credentialing committee~~ BOARD finds that the information provided is not of  
12 sufficient seriousness to merit disciplinary action against the licensee, the  
13 ~~credentialing committee~~ BOARD shall either:

14 1. Dismiss the complaint if, in the opinion of the ~~credentialing~~  
15 ~~committee~~ BOARD, the complaint is without merit.

16 ~~2. Recommend any of the following actions to the board:~~

17 ~~(a) Dismiss if, in the opinion of the credentialing committee, the~~  
18 ~~complaint is without merit.~~

19 ~~(b) 2. File a letter of concern and dismiss the complaint. THE~~  
20 ~~LICENSEE MAY FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN THIRTY DAYS AFTER~~  
21 ~~THE LICENSEE RECEIVES THE LETTER OF CONCERN.~~

22 ~~(c) 3. Issue a nondisciplinary order requiring the licensee to~~  
23 ~~complete a prescribed number of hours of continuing education in an area or~~  
24 ~~areas prescribed by the board to provide the licensee with the necessary~~  
25 ~~understanding of current developments, skills, procedures or treatment.~~

26 E. A complaint dismissed by the ~~credentialing committee~~ BOARD pursuant  
27 to subsection D, paragraph 1 of this section is not a complaint of  
28 unprofessional conduct and shall not be disclosed by the board as a complaint  
29 on the licensee's complaint history.

30 F. If after completing its investigation the ~~credentialing committee~~  
31 BOARD believes that the information is or may be true, ~~the credentialing~~  
32 ~~committee may recommend that~~ the board MAY enter into a consent agreement  
33 with the licensee to limit or restrict the licensee's practice or to  
34 rehabilitate the licensee, protect the public and ensure the licensee's  
35 ability to safely engage in the practice of behavioral health. A consent  
36 agreement may also require the licensee to successfully complete a board  
37 approved rehabilitative, retraining or assessment program.

38 ~~G. If on receipt of a credentialing committee's recommendation the~~  
39 ~~board finds that the information provided pursuant to subsection A of this~~  
40 ~~section is not of sufficient seriousness to merit direct action against the~~  
41 ~~licensee, the board may take any of the following actions:~~

42 ~~1. Dismiss if, in the opinion of the board, the complaint is without~~  
43 ~~merit.~~

1           ~~2. File a letter of concern and dismiss the complaint. The licensee~~  
2 ~~may file a written response with the board within thirty days after the~~  
3 ~~licensee receives the letter of concern.~~

4           ~~3. Issue a nondisciplinary order requiring the licensee to complete a~~  
5 ~~prescribed number of hours of continuing education in an area or areas~~  
6 ~~prescribed by the board to provide the licensee with the necessary~~  
7 ~~understanding of current developments, skills, procedures or treatment.~~

8           ~~H. If on receipt of a credentialing committee's recommendation the~~  
9 ~~board finds that the information provided pursuant to subsection A of this~~  
10 ~~section is or may be true, the board may enter into an agreement with the~~  
11 ~~licensee to limit or restrict the licensee's practice or to rehabilitate the~~  
12 ~~licensee, protect the public and ensure the licensee's ability to safely~~  
13 ~~engage in the practice of behavioral health. The board may also require the~~  
14 ~~licensee to successfully complete a board approved rehabilitative, retraining~~  
15 ~~or assessment program.~~

16           ~~I. G. If on receipt of a credentialing committee's recommendation the~~  
17 ~~board finds that the information provided pursuant to subsection A of this~~  
18 ~~section is or may be true, the board may request a formal interview with the~~  
19 ~~licensee. If the licensee refuses the invitation for a formal interview or~~  
20 ~~accepts and the results indicate that grounds may exist for revocation or~~  
21 ~~suspension of the licensee's license for more than twelve months, the board~~  
22 ~~shall issue a formal complaint and order that a hearing be held pursuant to~~  
23 ~~title 41, chapter 6, article 10. If after completing a formal interview the~~  
24 ~~board finds that the protection of the public requires emergency action, the~~  
25 ~~board may order a summary suspension of the licensee's license pending formal~~  
26 ~~revocation proceedings or other action authorized by this section.~~

27           ~~J. H. If after completing the formal interview the board finds the~~  
28 ~~information provided is not of sufficient seriousness to merit suspension for~~  
29 ~~more than twelve months or revocation of the license, the board may take the~~  
30 ~~following actions:~~

31           ~~1. Dismiss if, in the opinion of the board, the information is without~~  
32 ~~merit.~~

33           ~~2. File a letter of concern and dismiss the complaint. The licensee~~  
34 ~~may file a written response with the board within thirty days after the~~  
35 ~~licensee receives the letter of concern.~~

36           ~~3. Issue a decree of censure. A decree of censure is an official~~  
37 ~~action against the licensee's license and may include a requirement for~~  
38 ~~restitution of fees to a client resulting from violations of this chapter or~~  
39 ~~rules adopted pursuant to this chapter.~~

40           ~~4. Fix a period and terms of probation best adapted to protect the~~  
41 ~~public health and safety and rehabilitate or educate the licensee concerned.~~  
42 ~~Probation may include temporary suspension not to exceed twelve months,~~  
43 ~~restriction of the licensee's license to practice behavioral health, a~~  
44 ~~requirement for restitution of fees to a client or education or~~  
45 ~~rehabilitation at the licensee's own expense. If a licensee fails to comply~~

1 with the terms of probation, the board shall serve the licensee with a  
2 written notice that states that the licensee is subject to a formal hearing  
3 based on the information considered by the board at the formal interview and  
4 any other acts or conduct alleged to be in violation of this chapter or rules  
5 adopted by the board pursuant to this chapter, including noncompliance with  
6 the terms of probation or a consent agreement.

7 5. Issue a nondisciplinary order requiring the licensee to complete a  
8 prescribed number of hours of continuing education in an area or areas  
9 prescribed by the board to provide the licensee with the necessary  
10 understanding of current developments, skills, procedures or treatment.

11 ~~K~~. I. If the board finds that the information provided in subsection  
12 A or ~~F~~ G of this section warrants suspension or revocation of a license  
13 issued under this chapter, the board shall initiate formal proceedings  
14 pursuant to title 41, chapter 6, article 10.

15 ~~L~~. J. In a formal interview pursuant to subsection ~~F~~ G of this  
16 section or in a hearing pursuant to subsection ~~K~~ I of this section, the  
17 board in addition to any other action may impose a civil penalty not to  
18 exceed one thousand dollars for each violation of this chapter or a rule  
19 adopted under this chapter.

20 ~~M~~. K. A letter of concern is a public document.

21 ~~N~~. L. A licensee who after a formal hearing is found by the board to  
22 be guilty of unprofessional conduct, to be mentally or physically unable to  
23 safely engage in the practice of behavioral health or to be professionally  
24 incompetent is subject to censure, probation as provided in this section,  
25 suspension of license or revocation of license or any combination of these,  
26 including a stay of action, and for a period of time or permanently and under  
27 conditions as the board deems appropriate for the protection of the public  
28 health and safety and just in the circumstance. The board may charge all  
29 costs incurred in the course of the investigation and formal hearing to the  
30 licensee it finds is in violation of this chapter. The board shall deposit,  
31 pursuant to sections 35-146 and 35-147, monies collected pursuant to this  
32 subsection in the board of behavioral health examiners fund established by  
33 section 32-3254.

34 ~~O~~. M. If the board during the course of any investigation determines  
35 that a criminal violation may have occurred involving the delivery of  
36 behavioral health services, the board shall make the evidence of violations  
37 available to the appropriate criminal justice agency for its consideration.

38 ~~P~~. N. The board shall deposit, pursuant to sections 35-146 and  
39 35-147, all monies collected from civil penalties paid pursuant to this  
40 chapter in the state general fund.

41 ~~Q~~. O. Notice of a complaint and hearing is effective by a true copy  
42 of the notice being sent by certified mail to the licensee's last known  
43 address of record in the board's files. Notice of the complaint and hearing  
44 is complete on the date of its deposit in the mail.

1           ~~R.~~ P. In determining the appropriate disciplinary action under this  
2 section, the board shall consider all previous nondisciplinary and  
3 disciplinary actions against a licensee.

4           ~~S.~~ Q. The board may defer action with regard to an impaired licensee  
5 who voluntarily signs an agreement, in a form satisfactory to the board,  
6 agreeing to practice restrictions and treatment and monitoring programs  
7 deemed necessary by the board to protect the public health and safety. A  
8 licensee who is impaired and who does not agree to enter into an agreement  
9 with the board is subject to other action as provided pursuant to this  
10 chapter.

11           ~~T.~~ R. Subject to an order duly entered by the board, a person whose  
12 license to practice behavioral health has been suspended or restricted  
13 pursuant to this chapter, whether voluntarily or by action of the board, may  
14 at reasonable intervals apply to the board for reinstatement of the license.  
15 The person shall submit the application in writing and in the form prescribed  
16 by the board. After conducting an investigation and hearing, the board may  
17 grant or deny the application or modify the original finding to reflect any  
18 circumstances that have changed sufficiently to warrant modification. The  
19 board may require the applicant to pass an examination or complete board  
20 imposed continuing education requirements or may impose any other sanctions  
21 the board deems appropriate for reentry into the practice of behavioral  
22 health.

23           ~~U.~~ S. A person whose license is revoked, suspended or not renewed  
24 must return the license to the offices of the board within ten days after  
25 notice of that action.

26           ~~V.~~ T. The board may enforce a civil penalty imposed pursuant to this  
27 section in the superior court in Maricopa county.

28           ~~W.~~ U. For complaints being brought before ~~a credentialing committee~~  
29 ~~or~~ the full board, the information released to the public regarding an  
30 ongoing investigation must clearly indicate that the investigation is a  
31 pending complaint and must include the following statement:

32           Pending complaints represent unproven allegations. On  
33 investigation, many complaints are found to be without merit or  
34 not of sufficient seriousness to merit disciplinary action  
35 against the licensee and are dismissed.

36           V. THE BOARD SHALL NOT ACT ON ANY COMPLAINT IN WHICH AN ALLEGATION OF  
37 UNPROFESSIONAL CONDUCT OR ANY OTHER VIOLATION OF THIS CHAPTER OCCURRED MORE  
38 THAN SEVEN YEARS BEFORE THE COMPLAINT IS RECEIVED BY THE BOARD. THE TIME  
39 LIMITATION DOES NOT APPLY TO MALPRACTICE SETTLEMENTS OR JUDGEMENTS.

40           W. THE BOARD SHALL NOT OPEN AN INVESTIGATION IF IDENTIFYING  
41 INFORMATION REGARDING THE COMPLAINANT IS NOT PROVIDED.

42           X. EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION  
43 32-3251, PARAGRAPH 15, SUBDIVISION (v), THE BOARD HAS THE BURDEN OF PROOF BY  
44 CLEAR AND CONVINCING EVIDENCE FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO  
45 THIS CHAPTER.

1           Sec. 13. Section 32-3282, Arizona Revised Statutes, is amended to  
2 read:

3           32-3282. Right to examine and copy evidence; summoning  
4                           witnesses and documents; taking testimony; right to  
5                           counsel; confidentiality

6           A. In connection with information received pursuant to section  
7 32-3281, subsection A, the board ~~or a credentialing committee~~ or the board's  
8 ~~or committee's~~ authorized agents or employees at all reasonable times have  
9 access to, for the purpose of examination, and the right to copy any  
10 psychotherapy notes, documents, reports, records or other physical evidence  
11 of any person being investigated, or the reports, records and any other  
12 documents maintained by and in possession of any hospital, clinic,  
13 physician's office, laboratory, pharmacy or health care institution as  
14 defined in section 36-401 or any other public or private agency, if the  
15 psychotherapy notes, documents, reports, records or evidence relate to the  
16 specific complaint.

17           B. For the purpose of all investigations and proceedings conducted by  
18 ~~a credentialing committee~~ THE BOARD:

19           1. The board ~~or a credentialing committee~~ on its own initiative may  
20 issue subpoenas compelling the attendance and testimony of witnesses or  
21 demanding the production for examination or copying of documents or any other  
22 physical evidence if the evidence relates to the unauthorized practice of  
23 behavioral health or to the competence, unprofessional conduct or mental or  
24 physical ability of a licensee to safely practice. Within five days after  
25 the service of a subpoena on any person requiring the production of any  
26 evidence in that person's possession or under that person's control, the  
27 person may petition the board ~~or the credentialing committee~~ to revoke, limit  
28 or modify the subpoena. The board ~~or the credentialing committee~~ shall  
29 revoke, limit or modify a subpoena if in its opinion the evidence required  
30 does not relate to unlawful practices covered by this chapter or is not  
31 relevant to the charge that is the subject matter of the hearing or  
32 investigation or the subpoena does not describe with sufficient particularity  
33 the physical evidence required to be produced. Any member of the board ~~or a~~  
34 ~~credentialing committee~~ and any agent designated by the board may administer  
35 oaths, examine witnesses and receive evidence.

36           2. Any person appearing before the board ~~or a credentialing committee~~  
37 may be represented by counsel.

38           3. THE BOARD SHALL MAKE AVAILABLE TO THE LICENSEE WHO IS THE SUBJECT  
39 OF THE INVESTIGATION, OR THE LICENSEE'S DESIGNATED REPRESENTATIVE, FOR  
40 INSPECTION AT THE BOARD'S OFFICE THE INVESTIGATIVE FILE AT LEAST FIVE  
41 BUSINESS DAYS BEFORE A BOARD MEETING AT WHICH THE BOARD CONSIDERS THE  
42 COMPLAINT. THE BOARD MAY REDACT ANY CONFIDENTIAL INFORMATION BEFORE  
43 RELEASING THE FILE TO THE LICENSEE.

1           3- 4. The superior court, on application by the board ~~or a~~  
2 ~~credentialing committee~~ or by the person subpoenaed, has jurisdiction to  
3 issue an order either:

4           (a) Requiring the person to appear before the board ~~or a credentialing~~  
5 ~~committee~~ or the BOARD'S authorized agent to produce evidence relating to the  
6 matter under investigation.

7           (b) Revoking, limiting or modifying the subpoena if in the court's  
8 opinion the evidence demanded does not relate to unlawful practices covered  
9 by this chapter or is not relevant to grounds for disciplinary action that  
10 are the subject matter of the hearing or investigation or the subpoena does  
11 not describe with sufficient particularity the physical evidence required to  
12 be produced. Any failure to obey an order of the court may be punished by  
13 the court as contempt.

14           C. Records, including clinical records, reports, files or other  
15 reports or oral statements relating to examinations, findings or treatments  
16 of clients, any information from which a client or the client's family might  
17 be identified or information received and records kept by the board ~~or a~~  
18 ~~credentialing committee~~ as a result of the investigation procedure prescribed  
19 by this chapter are not available to the public.

20           D. This section and any other law that makes communications between a  
21 licensee and the licensee's client a privileged communication do not apply to  
22 investigations or proceedings conducted pursuant to this chapter. The board  
23 and ~~a credentialing committee~~ and the board's ~~and committee's~~ employees,  
24 agents and representatives shall keep in confidence the names of any clients  
25 whose records are reviewed during the course of investigations and  
26 proceedings pursuant to this chapter.

27           Sec. 14. Section 32-3284, Arizona Revised Statutes, is amended to  
28 read:

29           32-3284. Cease and desist orders; injunctions

30           A. The board ~~or a credentialing committee~~ may issue a cease and desist  
31 order or request that an injunction be issued by the superior court to stop a  
32 person from engaging in the unauthorized practice of behavioral health or  
33 from violating or threatening to violate a statute, rule or order that the  
34 board has issued or is empowered to enforce. If the board seeks an  
35 injunction to stop the unauthorized practice of behavioral health, it is  
36 sufficient to charge that the respondent on a day certain in a named county  
37 engaged in the practice of behavioral health without a license and without  
38 being exempt from the licensure requirements of this chapter. It is not  
39 necessary to show specific damages or injury. The cease and desist order  
40 must state the reason for its issuance and give notice of the person's right  
41 to request a hearing under applicable procedures prescribed in title 41,  
42 chapter 6, article 10.

43           B. Violation of an injunction shall be punished as for contempt of  
44 court.

1           Sec. 15. Section 32-3291, Arizona Revised Statutes, is amended to  
2 read:

3           32-3291. Licensed baccalaureate social worker; licensure;  
4                                   qualifications; supervision

5           A. A person who wishes to be licensed by the board to engage in the  
6 practice of social work as a licensed baccalaureate social worker shall:

7           1. ~~Furnish evidence satisfactory to the social work credentialing~~  
8 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the person  
9 has earned a baccalaureate degree in social work from a regionally accredited  
10 college or university in a program accredited by the council on social work  
11 education or a degree from a foreign school based on a program of study that  
12 the board determines is substantially equivalent.

13           2. Pass an examination approved by the ~~social work credentialing~~  
14 ~~committee~~ BOARD.

15           B. A licensed baccalaureate social worker shall only engage in  
16 clinical practice under direct supervision as prescribed by the board.

17           ~~C. A licensed baccalaureate social worker shall only engage in~~  
18 ~~nonclinical practice under direct supervision as prescribed by the board~~  
19 ~~unless the licensed baccalaureate social worker has obtained two years of~~  
20 ~~supervised work experience acceptable to the board.~~

21           Sec. 16. Section 32-3292, Arizona Revised Statutes, is amended to  
22 read:

23           32-3292. Licensed master social worker; licensure;  
24                                   qualifications; supervision

25           A. A person who wishes to be licensed by the board to engage in the  
26 practice of social work as a licensed master social worker shall:

27           1. ~~Furnish evidence~~ DOCUMENTATION satisfactory to the ~~social work~~  
28 ~~credentialing committee~~ BOARD that the person has earned a master's or higher  
29 degree in social work from a regionally accredited college or university in a  
30 program accredited by the council on social work education or a degree from a  
31 foreign school based on a program of study that the board determines is  
32 substantially equivalent.

33           2. Pass an examination approved by the ~~social work credentialing~~  
34 ~~committee~~ BOARD.

35           B. A licensed master social worker shall only engage in clinical  
36 practice under direct supervision as prescribed by the board.

37           Sec. 17. Section 32-3293, Arizona Revised Statutes, is amended to  
38 read:

39           32-3293. Licensed clinical social worker; licensure;  
40                                   qualifications

41           A person who wishes to be licensed by the board to engage in the  
42 practice of social work as a licensed clinical social worker shall:

43           1. ~~Furnish evidence satisfactory to the social work credentialing~~  
44 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the person  
45 has:

1 (a) Earned a master's or higher degree in social work from a  
2 regionally accredited college or university in a program accredited by the  
3 council on social work education or a degree from a foreign school based on a  
4 program of study that the board determines is substantially equivalent.

5 (b) Received at least ~~two years of full-time or the equivalent~~  
6 ~~part-time~~ THREE THOUSAND TWO HUNDRED HOURS OF post-master's degree experience  
7 IN NOT LESS THAN TWENTY FOUR MONTHS under supervision ~~satisfactory to the~~  
8 ~~social work credentialing committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY  
9 THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT  
10 LEAST ONE THOUSAND SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN  
11 ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT CLIENT SERVICE AND AT LEAST ONE  
12 HUNDRED HOURS OF CLINICAL SUPERVISION AS PRESCRIBED BY THE BOARD BY  
13 RULE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS  
14 MAY BE IN PSYCHOEDUCATION. THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF  
15 HOURS REQUIRED FOR FUNCTIONS RELATED TO DIRECT CLIENT CONTACT AND INDIRECT  
16 CLIENT SERVICE.

17 2. Pass an examination approved by the ~~social work credentialing~~  
18 ~~committee~~ BOARD.

19 Sec. 18. Section 32-3301, Arizona Revised Statutes, is amended to  
20 read:

21 32-3301. Licensed professional counselor; licensure;  
22 requirements

23 A. A person who wishes to be licensed by the board to engage in the  
24 practice of professional counseling as a licensed professional counselor  
25 shall:

26 1. Meet the education requirements of subsection B OF THIS SECTION and  
27 the work experience requirements of subsection ~~E~~ F OF THIS SECTION.

28 2. Pass an examination approved by the ~~counseling credentialing~~  
29 ~~committee~~ BOARD.

30 B. An applicant for licensure shall furnish ~~evidence satisfactory to~~  
31 ~~the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE  
32 BOARD BY RULE that the person has received ~~either~~ A MASTER'S OR HIGHER DEGREE  
33 WITH A MAJOR EMPHASIS IN COUNSELING FROM A REGIONALLY ACCREDITED COLLEGE OR  
34 UNIVERSITY IN A PROGRAM OF STUDY THAT INCLUDES AT LEAST SIXTY SEMESTER CREDIT  
35 HOURS OR NINETY QUARTER CREDIT HOURS AT ONE of the following:

36 ~~1. A master's degree or higher degree with a major emphasis in~~  
37 ~~counseling from a regionally accredited college or university in a program of~~  
38 ~~study that includes a minimum of forty eight semester credit hours or the~~  
39 ~~equivalent in a curriculum approved by the counseling credentialing~~  
40 ~~committee. Beginning on January 1, 2008, the program of study must include a~~  
41 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~  
42 ~~approved by the counseling credentialing committee.~~

43 ~~2. 1. A master's degree or higher degree with a major emphasis in~~  
44 ~~counseling from a program accredited by the council for the accreditation of~~  
45 ~~counseling and related educational programs or the national council on~~

1 rehabilitation education. ~~that includes a minimum of forty-eight credit~~  
2 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~  
3 ~~include a minimum of sixty semester credit hours.~~

4 2. A PROGRAM WITH A CURRICULUM THAT HAS BEEN APPROVED BY THE BOARD  
5 PURSUANT TO SECTION 32-3253.

6 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY  
7 THE BOARD BY RULE.

8 C. A PROGRAM THAT IS NOT ACCREDITED BY THE COUNCIL FOR THE  
9 ACCREDITATION OF COUNSELING AND RELATED EDUCATIONS PROGRAMS OR THE NATIONAL  
10 COUNCIL ON REHABILITATION EDUCATION MUST REQUIRE SEVEN HUNDRED HOURS OF  
11 SUPERVISED CLINICAL HOURS AND TWENTY-FOUR SEMESTER HOURS OR THIRTY-TWO  
12 QUARTER HOURS IN COURSES IN THE FOLLOWING EIGHT CORE CONTENT AREAS AS  
13 PRESCRIBED BY THE BOARD BY RULE:

- 14 1. PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
- 15 2. SOCIAL AND CULTURAL DIVERSITY.
- 16 3. HUMAN GROWTH AND DEVELOPMENT.
- 17 4. CAREER DEVELOPMENT.
- 18 5. HELPING RELATIONSHIPS.
- 19 6. GROUP WORK.
- 20 7. ASSESSMENT.
- 21 8. RESEARCH AND PROGRAM EVALUATION.

22 D. CREDIT HOURS OFFERED ABOVE THOSE PRESCRIBED PURSUANT TO SUBSECTION  
23 C OF THIS SECTION MUST BE IN STUDIES THAT PROVIDE A BROAD UNDERSTANDING IN  
24 COUNSELING RELATED SUBJECTS AS PRESCRIBED BY THE BOARD BY RULE.

25 E. THE BOARD MAY ACCEPT EQUIVALENT COURSEWORK IN WHICH CORE CONTENT  
26 AREA SUBJECT MATTER IS EMBEDDED OR CONTAINED WITHIN ANOTHER COURSE, INCLUDING  
27 ANOTHER SUBJECT MATTER.

28 ~~G.~~ F. An applicant for licensure shall furnish ~~evidence satisfactory~~  
29 ~~to the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE  
30 BOARD BY RULE that the applicant has received at least ~~two years of full-time~~  
31 ~~or the equivalent part-time~~ THREE THOUSAND TWO HUNDRED HOURS IN AT LEAST  
32 TWENTY-FOUR MONTHS IN post-master's degree work experience in the practice of  
33 professional counseling under supervision ~~approved by the credentialing~~  
34 ~~committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. An  
35 applicant may use a doctoral-clinical internship to satisfy the requirement  
36 for one year of work experience under supervision.

37 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO  
38 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED  
39 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS  
40 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL  
41 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE. FOR THE DIRECT CLIENT  
42 CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION.  
43 THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS  
44 RELATED TO DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

1           ~~D.~~ H. An applicant who is deficient in ~~curricular areas or credit~~  
2 hours required pursuant to subsection B, ~~paragraph 1 or 2~~ OF THIS SECTION may  
3 satisfy the ~~curriculum and credit hours~~ THOSE requirements of ~~those~~  
4 ~~paragraphs~~ by successfully completing post-master's degree ~~course work~~  
5 COURSEWORK.

6           ~~E.~~ I. An applicant who completed a degree before July 1, 1989 and  
7 whose course of study did not include a practicum may substitute a one-year  
8 doctoral-clinical internship or an additional year of documented  
9 post-master's degree work experience in order to satisfy the requirements of  
10 subsection B, ~~paragraph 1~~ OF THIS SECTION.

11           Sec. 19. Section 32-3303, Arizona Revised Statutes, is amended to  
12 read:

13           32-3303. Licensed associate counselor; licensure; requirements;  
14 supervision

15           A. A person who wishes to be licensed by the board to engage in the  
16 practice of professional counseling as a licensed associate counselor shall  
17 satisfy the requirements of section 32-3301, subsections B, ~~D~~ and ~~E~~ H AND I  
18 and pass an examination approved by the ~~counseling credentialing committee~~  
19 BOARD.

20           B. A licensed associate counselor shall only practice under direct  
21 supervision as prescribed by the board.

22           Sec. 20. Section 32-3311, Arizona Revised Statutes, is amended to  
23 read:

24           32-3311. Licensed marriage and family therapist; licensure;  
25 qualifications

26           A. A person who wishes to be licensed by the board to engage in the  
27 practice of marriage and family therapy as a licensed marriage and family  
28 therapist shall furnish ~~evidence satisfactory to~~ DOCUMENTATION AS PRESCRIBED  
29 BY the board BY RULE that the person has:

30           1. Earned a master's or doctorate degree in behavioral science,  
31 including, but not limited to, marriage and family therapy, psychology,  
32 sociology, counseling and social work, granted by a regionally accredited  
33 college or university in a program accredited by the commission on  
34 accreditation for marriage and family therapy education or a degree based on  
35 a program of study that the board determines is substantially equivalent.

36           2. Completed ~~two years of full-time or the equivalent part-time~~ THREE  
37 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice  
38 of marriage and family therapy under supervision ~~as approved by the marriage~~  
39 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS  
40 PRESCRIBED BY THE BOARD BY RULE, including a ~~minimum of~~ AT LEAST one thousand  
41 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND  
42 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX  
43 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT  
44 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD

1 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO  
2 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

3 3. Passed an examination approved by the ~~marriage and family therapy~~  
4 ~~credentialing committee~~ BOARD.

5 B. The curriculum for the master's or doctorate degree in behavioral  
6 science accepted by the board pursuant to subsection A, paragraph 1 OF THIS  
7 SECTION shall include a specified number of graduate courses as ~~approved by~~  
8 ~~the marriage and family therapy credentialing committee~~ PRESCRIBED BY THE  
9 BOARD BY RULE and shall be consistent with national standards of marriage and  
10 family therapy. Part of this course of study may be taken in a post-master's  
11 degree program as approved by the ~~marriage and family therapy credentialing~~  
12 ~~committee~~ BOARD.

13 C. The one thousand hours of clinical experience required by  
14 subsection A, paragraph 2 OF THIS SECTION shall include a combination of two  
15 hundred hours of group or individual supervision in the practice of marriage  
16 and family therapy. The one thousand hours may include one year in an  
17 approved marriage and family internship program.

18 Sec. 21. Section 32-3321, Arizona Revised Statutes, is amended to  
19 read:

20 32-3321. Licensed substance abuse technician; licensed  
21 associate substance abuse counselor; licensed  
22 independent substance abuse counselor; licensure;  
23 qualifications; supervision

24 A. A person who wishes to be licensed by the board to engage in the  
25 practice of substance abuse counseling as a licensed substance abuse  
26 technician shall present ~~evidence satisfactory to~~ DOCUMENTATION AS PRESCRIBED  
27 BY the board BY RULE that the person has:

28 1. Received one of the following:

29 (a) An associate ~~of applied science~~ degree in chemical dependency OR  
30 SUBSTANCE ABUSE with an emphasis on counseling, ~~as determined by the~~  
31 ~~substance abuse credentialing committee~~ THAT MEETS THE REQUIREMENTS AS  
32 PRESCRIBED BY THE BOARD BY RULE, from a regionally accredited college or  
33 university.

34 (b) Beginning January 1, 2009, a bachelor's degree in a behavioral  
35 science with an emphasis on counseling, ~~as determined by the substance abuse~~  
36 ~~credentialing committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE  
37 BOARD BY RULE, from a regionally accredited college or university.

38 2. Passed an examination approved by the ~~substance abuse credentialing~~  
39 ~~committee~~ BOARD.

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

42 C. The board may waive the education requirement for an applicant  
43 requesting licensure as a substance abuse technician if the applicant  
44 provides services pursuant to contracts or grants with the federal government  
45 under the authority of Public Law 93-638 (25 United States Code sections 450

1 through 450(n)) or Public Law 94-437 (25 United States Code sections 1601  
2 through 1683). A person who becomes licensed as a substance abuse technician  
3 pursuant to this subsection shall only provide substance abuse services to  
4 those persons who are eligible for services pursuant to Public Law 93-638 (25  
5 United States Code sections 450 through 450(n)) or Public Law 94-437 (25  
6 United States Code section 1601 through 1683).

7 D. A person who wishes to be licensed by the board to engage in the  
8 practice of substance abuse counseling as a licensed associate substance  
9 abuse counselor shall present evidence ~~satisfactory to~~ AS PRESCRIBED BY the  
10 board BY RULE that the person has:

11 1. Received one of the following:

12 (a) A bachelor's degree in a behavioral science with an emphasis on  
13 counseling, ~~as determined by the substance abuse credentialing committee~~ THAT  
14 MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE, from a regionally  
15 accredited college or university and present ~~evidence satisfactory to that~~  
16 ~~credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that  
17 the applicant has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED  
18 HOURS of work experience in substance abuse counseling under supervision  
19 ~~approved by the substance abuse credentialing committee~~ THAT MEETS THE  
20 REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. THE THREE THOUSAND TWO HUNDRED  
21 HOURS MUST INCLUDE A MINIMUM OF ONE THOUSAND SIX HUNDRED HOURS OF DIRECT  
22 CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS OF INDIRECT  
23 CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR  
24 HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD BY RULE MAY PRESCRIBE THE  
25 NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO DIRECT CLIENT CONTACT AND  
26 INDIRECT CLIENT SERVICE.

27 (b) A master's degree or a higher degree in a behavioral science with  
28 an emphasis on counseling, ~~as determined~~ PRESCRIBED by the ~~substance abuse~~  
29 ~~credentialing committee~~ BOARD BY RULE, from a regionally accredited college  
30 or university.

31 2. Passed an examination approved by the ~~substance abuse credentialing~~  
32 ~~committee~~ BOARD.

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

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

38 1. Have received a master's degree or higher degree in a behavioral  
39 science with an emphasis on counseling, ~~as determined by the substance abuse~~  
40 ~~credentialing committee~~ IN A PROGRAM THAT IS APPROVED BY THE BOARD PURSUANT  
41 TO SECTION 32-3253 OR THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD  
42 BY RULE, from a regionally accredited college or university.

43 2. Present ~~evidence satisfactory to the substance abuse credentialing~~  
44 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the applicant  
45 has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED HOURS of work

1 experience in substance abuse counseling under supervision approved by the  
2 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.  
3 THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT LEAST ONE THOUSAND SIX  
4 HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX  
5 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT  
6 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD  
7 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO  
8 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

9 3. Pass an examination approved by the ~~substance abuse credentialing~~  
10 ~~committee~~ BOARD.

11 Sec. 22. Repeal

12 Section 41-3013.11, Arizona Revised Statutes, is repealed.

13 Sec. 23. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
14 amended by adding section 41-3017.14, to read:

15 41-3017.14. Board of behavioral health examiners; termination  
16 July 1, 2017

17 A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY  
18 1, 2017.

19 B. TITLE 32, CHAPTER 33 IS REPEALED ON JANUARY 1, 2018.

20 Sec. 24. Purpose

21 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
22 the legislature continues the board of behavioral health examiners to promote  
23 the safe and professional practice of behavioral health services.

24 Sec. 25. Task force on patient consent and documentation best  
25 practices; rule adoption; delayed repeal

26 A. The task force on patient consent and documentation best practices  
27 is established consisting of the following members:

28 1. A representative of the board of behavioral health examiners  
29 appointed by the board.

30 2. A representative of the department of health services, appointed by  
31 the director of the department of health services.

32 3. A person who is employed by a licensed qualifying community health  
33 center as defined in section 42-5001, Arizona Revised Statutes, and who is  
34 not licensed by the board of behavioral health examiners. The director of  
35 the department of health services shall appoint this member.

36 4. A person who provides behavioral health services who is employed by  
37 a health care institution, as defined in section 36-401, Arizona Revised  
38 Statutes, and who is not licensed by the board of behavioral health  
39 examiners. The director of the department of health services shall appoint  
40 this member.

41 5. A person who is employed by a licensed qualifying community health  
42 center as defined in section 42-5001, Arizona Revised Statutes, or a health  
43 care institution as defined in section 36-401, Arizona Revised Statutes, and  
44 who is licensed by the board of behavioral health examiners. The board shall  
45 appoint this member.

1           6. A representative of the Arizona health care cost containment  
2 system, appointed by the director of the Arizona health care cost containment  
3 system administration.

4           B. The director of the department of health services shall appoint one  
5 member of the task force to serve as the task force chairperson.

6           C. The task force shall:

7           1. Examine and evaluate the present requirements of the board of  
8 behavioral health examiners and the requirements of the department of health  
9 services regarding the form and content of patient consent and documentation  
10 required of practitioners licensed by the board of behavioral health  
11 examiners and employed in facilities licensed by the department of health  
12 services.

13           2. Make recommendations for best practices for the form and content of  
14 patient consent and documentation for practitioners licensed by the board of  
15 behavioral health examiners that assure consistent regulation by the board  
16 and the department of health services.

17           3. Submit a written report that contains the task force's  
18 recommendations and findings by March 31, 2014, to the governor, the speaker  
19 of the house of representatives and the president of the senate. The task  
20 force shall provide a copy of the report to the secretary of state.

21           D. The task force may use the services and expertise of the staff of  
22 the department of health services.

23           E. The board of behavioral health examiners and the department of  
24 health services shall adopt the recommendations in its rules by March 31,  
25 2015.

26           F. This section is repealed from and after May 31, 2014.

27           Sec. 26. Board membership

28           Notwithstanding section 32-3252, Arizona Revised Statutes, as amended  
29 by this act, the appointed members of the board of behavioral health  
30 examiners who are currently serving shall continue to serve until their terms  
31 expire.

32           Sec. 27. Exemption from rule making

33           A. For the purposes of this act, the board of behavioral health  
34 examiners is exempt from the rule making requirements of title 41, chapter 6,  
35 Arizona Revised Statutes, until November 1, 2015.

36           B. Notwithstanding subsection A of this section, the board shall allow  
37 interested parties to provide written comments or testimony on proposed rules  
38 to the board as provided in section 41-1023, Arizona Revised Statutes, and  
39 have the board adequately address those comments as provided in section  
40 41-1052, subsection D, Arizona Revised Statutes, including comments or  
41 testimony concerning the information contained in the economic, small  
42 business and consumer impact statement. The board shall prepare a mailing  
43 list of persons who wish to be notified of hearings relating to proposed rule  
44 changes. The board shall hold at least two public hearings on its proposed

1 rules before adoption and shall testify before the joint legislative budget  
2 committee regarding the proposed rules.

3 Sec. 28. Quarterly progress reports on implementation; repeal

4 A. Beginning January 1, 2014, the board of behavioral health examiners  
5 shall provide the speaker of the house of representatives, the president of  
6 the senate, the members of the house and senate health committees or their  
7 successor committees and the auditor general's office with a quarterly  
8 progress report on the implementation of this act. The report shall include:

9 1. Information regarding difficulties and delays in implementing this  
10 act.

11 2. Information on problems with specific statutory provisions and  
12 recommendations for solutions.

13 3. The progress of the adoption of rules as required by this act.

14 B. The first report shall be provided on or before January 31, 2014  
15 and quarterly thereafter.

16 C. This section is repealed from and after June 30, 2017.

17 Sec. 29. Retroactivity

18 Sections 22 and 23 of this act are effective retroactively to July 1,  
19 2013.

20 Sec. 30. Effective date

21 A. Section 32-3252, Arizona Revised Statutes, as amended by this act,  
22 is effective from and after September 30, 2013.

23 B. Sections 32-3253, 32-3273, 32-3291, 32-3292, 32-3293, 32-3301,  
24 32-3303, 32-3311 and 32-3321, Arizona Revised Statutes, as amended by this  
25 act, are effective from and after October 31, 2015.

26 C. Section 32-3261, Arizona Revised Statutes, as added by this act, is  
27 effective from and after October 31, 2015.

28 D. Section 5 of this act, relating to the heading change of title 32,  
29 chapter 33, article 2, Arizona Revised Statutes, is effective from and after  
30 October 31, 2015.

APPROVED BY THE GOVERNOR JUNE 20, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 20, 2013.

Passed the House June 13, 2013,

by the following vote: 48 Ayes,

10 Nays, 2 Not Voting

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
Cheryl Laube  
Chief Clerk of the House

Passed the Senate March 4, 2013,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Chaemin Bellington  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1374

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate June 14, 2013

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

17 day of June, 2013

at 8:25 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 20<sup>th</sup> day of

[Signature]

at 11:35 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20<sup>th</sup> day of June, 2013

at 2:12 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1374