

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 179

SENATE BILL 1077

AN ACT

AMENDING SECTION 32-3275, ARIZONA REVISED STATUTES; RELATING TO LICENSURE OF BEHAVIORAL HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3275, Arizona Revised Statutes, is amended to
3 read:

4 32-3275. Requirements for licensure; withdrawal of application

5 A. An applicant for licensure must meet all of the following
6 requirements:

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

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

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

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

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

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

17 7. Not have had a professional license or certificate refused,
18 revoked, suspended or restricted by this state or any other regulatory
19 jurisdiction in the United States or any other country for reasons that
20 relate to unprofessional conduct.

21 8. Not have voluntarily surrendered a professional license or
22 certificate in this state or another regulatory jurisdiction in the United
23 States or any other country while under investigation for conduct that
24 relates to unprofessional conduct.

25 9. Not have a complaint, allegation or investigation pending before
26 the board or another regulatory jurisdiction in the United States or another
27 country that relates to unprofessional conduct. If an applicant has any such
28 complaint, allegation or investigation pending, the board shall suspend the
29 application process and may not issue or deny a license to the applicant
30 until the complaint, allegation or investigation is resolved.

31 B. If the board finds that an applicant is subject to subsection A,
32 paragraphs 5 through 8 of this section, the board may determine to its
33 satisfaction that the conduct or condition has been corrected, monitored and
34 resolved and may issue a license. If the conduct or condition has not been
35 resolved, the board may determine to its satisfaction that mitigating
36 circumstances exist that prevent its resolution and may issue a license.

37 C. If an applicant has a deficiency pursuant to subsection A,
38 PARAGRAPHS 5 THROUGH 8 of this section, the board shall notify the applicant
39 of the deficiency and the time when the board will review the application at
40 a public meeting. This meeting must take place within thirty-five days after
41 the notification. At the time of the meeting, the applicant may provide in
42 person, by counsel or in written form information and evidence related to any
43 deficiency, including information related to whether the conduct that was the
44 basis for an action pursuant to subsection A, paragraph 6, 7 or 8 of this
45 section has been corrected, monitored and resolved or if mitigating

1 circumstances exist that prevent its resolution. In a notice of denial the
2 board shall provide notification of the right to a hearing pursuant to title
3 41, chapter 6, article 10. If the applicant does not present information at
4 the public board meeting, the applicant may still seek all available
5 administrative remedies.

6 D. An applicant for licensure may withdraw the application unless the
7 board has sent to the applicant notification that the board has initiated an
8 investigation concerning professional misconduct. Following that
9 notification the applicant may request that the board review the applicant's
10 request to withdraw the application. In considering the request the board
11 shall determine whether it is probable that the investigation would result in
12 an adverse action against the applicant.

13 E. After a final board order of denial has been issued, the board
14 shall report the denial if required by the health care quality improvement
15 act of 1986 (42 United States Code section ~~111.01~~ 11101). For the purposes
16 of this subsection and except as required by federal law, "final board order"
17 means:

18 1. For an applicant who seeks a hearing pursuant to title 41,
19 chapter 6, article 10, when a final administrative decision has been made.

20 2. For an applicant who does not timely file a notice of appeal, after
21 the time for the filing expires pursuant to section 41-1092.03.

22 Sec. 2. Behavioral health professions; reciprocal licenses;
23 delayed repeal

24 A. The board of behavioral health examiners shall reclassify the
25 license of a person who meets all of the following requirements:

26 1. Held an active reciprocal license on September 12, 2013, and has
27 not subsequently been approved for another license since that date.

28 2. Was granted the reciprocal license pursuant to the requirements of
29 section 32-3274, Arizona Revised Statutes, that were in effect on September
30 12, 2013.

31 3. Meets the requirements of section 32-3275, subsection A, paragraphs
32 2, 3 and 5 through 9, Arizona Revised Statutes.

33 B. The board shall issue a license pursuant to this section in the
34 same discipline and at an equivalent practice level as the reciprocal license
35 previously issued by the board as follows:

36 1. Reciprocal licensed associate counselor as licensed associate
37 counselor.

38 2. Reciprocal licensed professional counselor as licensed professional
39 counselor.

40 3. Reciprocal licensed associate marriage and family therapist as
41 licensed associate marriage and family therapist.

42 4. Reciprocal licensed marriage and family therapist as licensed
43 marriage and family therapist.

44 5. Reciprocal licensed baccalaureate social worker as licensed
45 baccalaureate social worker.

1 6. Reciprocal licensed master social worker as licensed master social
2 worker.

3 7. Reciprocal licensed clinical social worker as licensed clinical
4 social worker.

5 8. Reciprocal licensed substance abuse technician as licensed
6 substance abuse technician.

7 9. Reciprocal licensed associate substance abuse counselor as licensed
8 associate substance abuse counselor.

9 10. Reciprocal licensed independent substance abuse counselor as
10 licensed independent substance abuse counselor.

11 C. A license issued pursuant to this section has the same expiration
12 date as the active reciprocal license held on September 12, 2013.

13 D. This section is repealed from and after January 1, 2017.

14 Sec. 3. Emergency

15 This act is an emergency measure that is necessary to preserve the
16 public peace, health or safety and is operative immediately as provided by
17 law.

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.

Passed the House April 17, 20 14,

Passed the Senate February 3, 20 14,

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting
with emergency

0 Nays, 1 Not Voting
with Emergency

Speaker of the House

President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
21 day of April, 2014,

at 11:30 o'clock A M.

Mubhala Howard
Secretary to the Governor

Approved this 23rd day of
April, 20 14,

at 11:23 o'clock P. M.
Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 24th day of April, 2014,

at 8:57 o'clock a M.
Kyle Blumett
Secretary of State

S.B. 1077