DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
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Rhonda Paschal

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From the Publisher

ABOUT THIS PUBLICATION
The paper copy of the Administrative Register (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the Arizona Administrative Register or Code. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The Register is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the Register contains the full text of the Governor’s Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor’s appointments of state officials and members of state boards and commissions.

ABOUT RULES
Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the Register includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the Register. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A “CLEAN” COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?
The Arizona Administrative Code (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor’s Regulatory Review Council. The Code also contains rules exempt from the rulemaking process.

The printed Code is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The Code is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS
On the cover: Each agency is assigned a Chapter in the Arizona Administrative Code under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the Arizona Administrative Code; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the Arizona Administrative Code. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking.

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the Register. The original filed document is available for 10 cents a page.
Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the Arizona Administrative Register. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency’s website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the Register. Be prepared to speak, attend the meeting, and make an oral comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the Register publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor’s Regulatory Review Council written comments that are relevant to the Council’s power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process

START HERE
APA, statute or ballot proposition is passed. It gives an agency authority to make rules.

It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.
Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.

Agency opens comment period.

Agency decides not to act and closes docket.
The agency may let the docket lapse by not filing a Notice of Proposed rulemaking within one year.

Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).

Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).


Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing

Agency decides not to proceed; files Notice of Termination of Rulemaking. May open a new Docket.

Substantial change?
If no change then

Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
Definitions


**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azsos.gov.

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

**Chapter:** A division in the codification of the Code designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.


**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the Register.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the Register but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor’s Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The Federal Register is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or “Laws”:** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.”, and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

**Acronyms**

- A.A.C. – Arizona Administrative Code
- A.A.R. – Arizona Administrative Register
- APA – Administrative Procedure Act
- A.R.S. – Arizona Revised Statutes
- CFR – Code of Federal Regulations
- EIS – Economic, Small Business, and Consumer Impact Statement
- FR – Federal Register
- G.R.R.C. – Governor’s Regulatory Review Council

**About Preambles**

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.
NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

[R18-95]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
--- | ---
R4-6-101 | Amend
R4-6-211 | Amend
R4-6-212 | Amend
R4-6-212.01 | Amend
R4-6-215 | Amend
R4-6-301 | Amend
R4-6-304 | Amend
R4-6-306 | Amend
R4-6-402 | Amend
R4-6-502 | Amend
R4-6-602 | Amend
R4-6-704 | Amend
R4-6-1101 | Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-3253

Implementing statutes: A.R.S. §§ 32-3253, 32-3272, 32-3274, 32-3275, 32-3279, 32-3291, 32-3292, 32-3301, 32-3303, 32-3311, 32-3313, 32-3321

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 24 A.A.R. 1620, June 1, 2018 (in this issue)

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Donna Dalton, Deputy Director
Address: Board of Behavioral Health Examiners
        1740 W. Adams St., Suite 3600
        Phoenix, AZ 85007
Telephone: (602) 542-1882
Fax: (602) 364-0890
E-mail: donna.dalton@azbbhe.us
Web site: www.azbbhe.us

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

An exemption from the rulemaking moratorium in Executive Order 2017-02 was approved by Mara Mellstrom, Policy Advisor, Governor’s Office, in an email dated November 12, 2017. The approval to expand the rulemaking was subsequently approved in an email dated March 22, 2018 from Emily Rajakovich, Policy Advisor, Governor’s Office. The proposed rulemaking will amend and clarify rules to reduce burdens on applicants and licensees as follows:
• Allow greater flexibility to licensees who are practicing under direct supervision. In particular, this rulemaking provides for non-independent masters level licensees to own, operate or manage a behavioral health entity with immediate responsibility for their behavioral health services provided they receive appropriate clinical supervision. In addition, allows supervised practice hours acquired in other jurisdictions to be considered for meeting the requirements for independent licensure provided they met the requirements in the jurisdiction where they occurred.

• Align regulatory requirements necessitated by statutory changes in Laws 2018, Chapter 55 (SB1246), and Laws 2018, Chapter 241 (HB2411) which reduce burdens to licensure and expand opportunities for meeting licensing requirements.

• Reduce three Board fees assessed to applicants and licensees.

• Expire rather than revoke a temporary license from a licensee based on a failure to take/pass the exam required for licensure.

• Expand abilities to conduct business electronically for applicants, licensees and the public to align with the Governor’s initiative toward digital reporting where possible.

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

The Board did not review or rely on any study relevant to the rules.

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

The rules do not diminish the authority of political subdivisions of this state.

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

The proposed rule changes will reduce costs and therefore should be a positive economic impact for small businesses and consumers. The increased flexibility in supervised practice settings and testing will also reduce burdens to the licensees therefore reducing the economic impact of becoming licensed in Arizona.

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

Name: Donna Dalton, Deputy Director
Address: Board of Behavioral Health Examiners
1740 W. Adams St., Suite 3600
Phoenix, AZ 85007
Telephone: (602) 542-1882
Fax: (602) 364-0890
E-mail: donna.dalton@azbbhe.us
Web site: www.azbbhe.us

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

Oral proceedings regarding the proposed rules will be held as follows:
Date: Tuesday, July 17, 2018
Time: 2:00 p.m. – 5:00 p.m.
Location: Board of Behavioral Health Examiners
1740 W. Adams St., Board room C
Phoenix, AZ 85007
Date: Wednesday, August 1, 2018
Time: 8:00 a.m. – 11:00 a.m.
Location: Board of Behavioral Health Examiners
1740 W. Adams St., Board room B
Phoenix, AZ 85007

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

None

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

For all four disciplines, the licenses issued by the Board are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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

None of the rules is more stringent than federal law. No federal law is directly applicable to the subject of any of the rules in this rulemaking.

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

No analysis was submitted.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

ARTICLE 1. DEFINITIONS

Section
R4-6-101. Definitions

ARTICLE 2. GENERAL PROVISIONS

Section
R4-6-211. Direct supervision: Supervised Work Experience: General
R4-6-212. Clinical Supervision Requirements
R4-6-212.01. Exemptions to the Clinical Supervision Requirements
R4-6-215. Fees and Charges

ARTICLE 3. Licensure

R4-6-301. Application for a License by Examination
R4-6-304. Application for a License by Endorsement
R4-6-306. Application for a Temporary License

ARTICLE 4. SOCIAL WORK

R4-6-402. Examination

ARTICLE 5. COUNSELING

R4-6-502. Examination

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-602. Examination

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-704. Examination

ARTICLE 11. STANDARDS OF PRACTICE

R4-6-1101. Consent for Treatment

ARTICLE 1. DEFINITIONS

R4-6-101. Definitions

The definitions at A.R.S. § 32-3251 apply to this Chapter. Additionally, the following definitions apply to this Chapter, unless otherwise specified:

1. No change
   a. No change
   b. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
21. No change
22. No change
23. "Direct client contact" means beginning November 1, 2015, the performance of therapeutic or clinical functions related to the applicant's professional practice level of psychotherapy that includes diagnosis, assessment and treatment and that may include psychoeducation for mental, emotional and behavioral disorders based primarily on verbal or nonverbal communications and intervention with, and in the presence of, one or more clients. A.R.S. § 32-3251.
24. No change
25. No change
26. No change
27. No change
a. No change
b. No change
28. No change
29. No change
30. No change
31. No change
32. No change
33. No change
34. "Indirect client service" means beginning November 1, 2015, training for, and the performance of, functions of an applicant's professional practice level in preparation for or on behalf of a client for whom direct client contact functions are also performed, including case consultation and receipt of clinical supervision. Indirect client service does not include the provision of psychoeducation. A.R.S. § 32-3251.
35. No change
36. No change
a. No change
b. No change
c. No change
37. No change
38. No change
39. No change
40. No change
41. No change
42. No change
a. No change
b. No change
43. No change
a. No change
b. No change
c. No change
d. No change
e. No change
44. No change
a. No change
b. No change
c. No change
45. No change
a. No change
b. No change
c. No change
46. No change
47. No change
48. No change
49. No change
a. No change
b. No change
c. No change
d. No change
e. No change
f. No change
50. No change
51. No change
52. No change
53. No change
54. No change
55. No change
B. For the purposes of this Chapter, notifications or communications required to be “written” or “in writing” may be transmitted or received by mail, electronic transmission, facsimile transmission or hand delivery and may not be transmitted or received orally. Documents requiring a signature may include a written signature or electronic signature as defined in subsection (A)(28).

R4-6-211. Direct supervision: Supervised Work Experience: General

A. A licensee working under direct supervision shall not subject to practice limitations pursuant to R4-6-210 shall practice in an entity with responsibility and clinical oversight of the behavioral health services provided by the licensee.

1. Have an ownership interest in, operate, or manage the entity with immediate responsibility for the behavioral health services provided by the licensee;

2. Receive supervision from:
   a. A family member;
   b. An individual whose objective assessment may be limited by a relationship with the licensee; or
   c. An individual not employed or contracted by the same behavioral health entity as the licensee;

3. Engage in the independent practice of behavioral health;

4. Be directly compensated by behavioral health clients.

B. A masters level licensee working under direct supervision who operates or manages their own entity with immediate responsibility for the behavioral health services provided by the licensee shall provide the following to the board prior to providing behavioral health services:

1. The name of their clinical supervisor who meets the following:
   a. Is independently licensed by the board in the same discipline as the supervisee;
   b. Is in compliance with the clinical supervisor educational requirements specified in R4-6-214;
   c. Is not prohibited from providing clinical supervision by a board consent agreement; and

2. A copy of the agreement between the clinical supervisor and supervisee demonstrating:
   a. The supervisee and supervisor will meet individually for one hour for every 20 hours of direct client contact provided, to include an onsite meeting every 60 days; a family member;
   b. Supervisee’s clients will be notified of clinical supervisor’s involvement in their treatment and the means to contact the supervisor. An individual whose objective assessment may be limited by a relationship with the licensee, or
   c. Supervision reports will be submitted to the board every six months; an individual not employed or contracted by the same behavioral health entity as the licensee; and

   d. The supervisor and supervisee will notify the board within 10 days if the clinical supervisor discontinues supervision;

3. Engage in the independent practice of behavioral health;

4. Be directly compensated by behavioral health clients.

C. To meet the supervised work experience requirements for licensure, supervision shall:

1. Meet the specific supervised work experience requirements contained in Articles 4, 5, 6, and 7;

2. Be acquired after completing the degree required for licensure and receiving certification or licensure from a state regulatory entity;

3. Be acquired before January 1, 2006, if acquired as an unlicensed professional practicing under an exemption provided in A.R.S. § 32-3271;

4. Meet the direct supervision requirements specified in subsections (A);

5. Involve the practice of behavioral health; and

6. Be for a term of no fewer than 24 months.

D. An applicant who acquired supervised work experience outside of Arizona may submit that experience for approval as it relates to the qualifications of the supervisor and the entity in which the supervision was acquired. The board may accept the supervised work experience as it relates to the supervisor and the entity if it met the requirements of the state in which the supervised work experience occurred. Nothing in this provision shall apply to the supervision requirements set forth in R4-6-403, R4-6-503, R4-6-603 and R4-6-705.

E. If the Board determines that an applicant engaged in unprofessional conduct related to services rendered while acquiring hours under supervised work experience, including clinical supervision, the Board shall not accept the hours to satisfy the requirements of R4-6-403, R4-6-503, R4-6-603, or R4-6-706. Hours accrued before and after the time during which the conduct that was the subject of the finding of unprofessional conduct occurred, as determined by the Board, may be used to satisfy the requirements of R4-6-403, R4-6-503, R4-6-603, or R4-6-706 so long as the hours are not the subject of an additional finding of unprofessional conduct.

R4-6-212. Clinical Supervision Requirements

A. No change

1. No change
  a. No change
  b. No change

2. No change

3. No change
  a. No change
  b. No change
   i. No change
   ii. No change
  c. No change

B. No change

1. No change

2. No change
C. No change
   1. No change
   2. No change
   3. No change
   4. No change
      a. No change
      b. No change
      c. No change
      d. No change
      e. No change
   5. No change
   6. Verifying that no conflict of interest exists between the clinical supervisor and the supervisee’s clients;
   7. Verifying that clinical supervision was not acquired
      a. From a family member as prescribed in R4-6-101(A)(29) or other individual whose objective assessment of the supervisee’s performance may be limited by a relationship with the supervisee, or
      b. In a professional setting in which the supervisee has an ownership interest or operates or manages.
   8. No change
   9. No change
      a. No change
      b. No change
      c. No change
      d. No change
   10. No change
   11. No change

D. No change
   1. No change
   2. No change
   3. No change
   4. No change

E. No change
   1. No change
   2. No change
   3. No change
   4. No change

F. No change

G. No change
   1. No change
   2. No change
      a. No change
      b. No change

H. No change

R4-6-212.01. Exemptions to the Clinical Supervision Requirements
The Board shall accept hours of clinical supervision submitted by an applicant if the clinical supervision meets the requirements specified in R4-6-212 and R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, unless an exemption is granted as follows:
   1. No change
      a. No change
         i. No change
         ii. No change
      b. No change
         i. No change
         ii. No change
      c. No change
   2. An individual using supervised work experience acquired outside of Arizona may apply to the Board for an exemption from the supervision requirements in R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made. The Board may grant an exemption for supervised work experience acquired outside of Arizona if the Board determines that:
      a. Clinical supervision was provided by a behavioral health professional qualified by education, training, and experience to provide supervision; and
      b. The behavioral health professional providing the supervision met one of the following:
         i. Complied with the educational requirements specified in R4-6-214,
         ii. Complied with the clinical supervisor requirements of the state in which the supervision occurred, or
         iii. Was approved to provide supervision to the applicant by the state in which the supervision occurred.

R4-6-215. Fees and Charges
A. Under the authority provided by A.R.S. § 32-3272, the Board establishes and shall collect the following fees:
1. No change
2. No change
3. Issuance of license for non-independent level of practice (LBSW, LMSW, LAC, LSAT, LASAC, and LAMFT): $100;
4. Issuance of license for independent level of practice (LCSW, LPC, LISAC, and LMFT): $250;
5. Application for a temporary license: $50;
6. Application for approval of educational program: $500;
7. Application for approval of an educational program change: $250
8. Biennial renewal of first area of licensure: $250;
9. Biennial renewal of each additional area of licensure if all licenses are renewed at the same time: $125;
10. Late renewal penalty: $100 in addition to the biennial renewal fee;
11. Inactive status request: $100; and
12. Late inactive status request: $100 in addition to the inactive status request fee.

B. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change
   7. No change
   8. No change
   9. No change

C. No change

D. No change
   1. No change
   2. No change
   3. No change
      a. No change
      b. No change
      c. No change

E. No change

R4-6-301. Application for a License by Examination
An applicant for a license by examination shall submit a completed application packet that contains the following:
1. A notarized statement signed by the applicant, certifying that all information submitted in support of the application is true and correct;
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
   a. No change
   b. No change
   c. No change
8. No change
9. A list of every entity for which the applicant has worked during the last 10 years;
10. No change
11. No change
12. No change
13. No change
14. No change

R4-6-304. Application for a License by Endorsement
An applicant who meets the requirements specified under A.R.S. § 32-3274 for a license by endorsement shall submit a completed application packet, as prescribed in R4-6-301, and the following:
1. The name of one or more other states jurisdictions where the applicant is certified or licensed as a behavioral health professional by a state or federal regulatory entity, and has been for at least three years;
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
3. An affidavit verifying the work experience required under A.R.S. § 32-3274(A)(3) from an individual whose objective assessment is not limited by a relationship with the applicant; and
34. If applying at a practice level listed in A.R.S. § 32-3274(B), include:
   a. An official transcript as prescribed in R4-6-301(6); and
   b. If applicable, a foreign degree evaluation prescribed in R4-6-216 or R4-6-401; and
4. Documentation of completion of the board-approved tutorial on board statutes and rules.

R4-6-306. Application for a Temporary License
A. No change
1. No change
2. No change
3. No change
   a. No change
   b. No change
      i. No change
      ii. No change
      iii. No change
   c. No change
B. No change
1. No change
2. No change
3. No change
4. No change
C. No change
D. A temporary license issued to an applicant who has not previously passed the required examination for licensure is revoked expires immediately if the temporary licensee:
1. No change
2. No change
E. No change
F. No change
G. No change
H. No change
I. No change
J. No change
K. No change

R4-6-402. Examination
A. No change
B. No change
C. No change
D. An applicant for baccalaureate, master, or clinical social worker licensure shall receive a passing score on an approved examination for the level of licensure requested within 12 months after receiving written examination authorization from the Board. An applicant shall not take an approved licensure examination more than three times during the 12-month testing period.
E. No change
F. No change
G. No change
1. No change
2. No change
3. No change

R4-6-502. Examination
A. No change
B. No change
C. An applicant shall pass an approved examination within 12 months after receiving written examination authorization from the Board. An applicant shall not take the examination more than three times during the 12-month testing period.
D. No change
E. No change

R4-6-602. Examination
A. No change
B. No change
C. An applicant shall pass the approved examination within 12 months after receiving written examination authorization from the Board. An applicant shall not take the examination more than three times during the 12-month testing period.
D. No change
E. No change

R4-6-704. Examination
A. No change
1. No change
2. No change

B. No change
1. No change
2. No change
3. No change

C. No change
D. No change
1. No change
2. No change
3. No change

E. An applicant shall pass an approved examination within 12 months after receiving written examination authorization from the Board. An applicant shall not take an approved examination more than three times during the 12-month testing period.

F. No change
G. No change

R4-6-1101. Consent for Treatment
A licensee shall:
1. No change
2. No change
   a. No change
   b. No change
c. No change
d. No change
e. No change
f. No change
g. No change
h. No change
3. Obtain a dated and signed informed consent for treatment from a client or the client’s legal representative before providing treatment to the client and when a change occurs in an element listed in subsection (2) that might affect the client’s consent for treatment; and
4. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION
CHAPTER 2. CORPORATION COMMISSION - FIXED UTILITIES

[18-93]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R14-2-803 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
   Notice of Rulemaking Docket Opening: 24 A.A.R. 1620, June 1, 2018 (in this issue)

4. The agency's contact person who can answer questions about the rulemaking:
   Name: Robin Mitchell, Assistant Director Legal Division
   Address: Arizona Corporation Commission
             1200 W. Washington St.
             Phoenix, AZ 85007
   Telephone: (602) 542-3402
   Fax: (602) 542-4780
   E-mail: RMitchell@azcc.gov
   Web site: www.azcc.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
   On July 25, 2016, in Decision No. 75626 the Arizona Corporation Commission (“Commission”) directed the Utilities Division (“Staff”) to begin a rulemaking process to consider a change to the Arizona Administrative Code (“A.A.C.”) R14-2-803 which would alleviate the regulatory burden that currently exists for utilities seeking to purchase and sell smaller systems. If the change to the rules is approved, the current 120-day notice requirement in A.A.C. R-14-2-803 would not apply to a reorganization of an
existing Arizona water or wastewater public utility holding company when that reorganization is due to a purchase of or merger with a Class D or E water or wastewater utility. The modification proposed will assist in the consolidation of smaller water utilities with large utilities, which can provide professional management and capital for system improvements.

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

   The Commission investigated potential improvements to its water policies in Docket No. W-00000C-16-0151. The Commission considered many filings and written comments. The Commission determined that encouragement of consolidation of smaller water companies was good policy. The elimination of the requirement for acquiring companies to file a notice of intent to acquire will result in more efficient and faster consolidation.

   All filings and comments in the docket are available on the Commission website using the E-docket search function.

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

   Not applicable

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

   Delays in the acquisition of Class D and Class E water and wastewater companies can prevent timely resolution of operational problems of small water companies arising from lack of capital and expertise.

   The proposed rule would eliminate a notification of reorganization when a utility acquires the shares of or merges with a Class D or Class E water or wastewater company. This would facilitate faster acquisition of smaller companies and provision of professional management and capital investments in infrastructure.

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

   Name: Laurie Woodall
   Address: Arizona Corporation Commission
   1200 W. Washington St.
   Phoenix, AZ 85007
   Telephone: (602) 542-0831
   Fax: (602) 542-4251
   E-mail: lawoodall@azcc.gov
   Web site: www.azcc.gov

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

   The Commission has scheduled the following oral proceeding for public comments:
   Date: July 16, 2018
   Time: 10:00 a.m.
   Location: Arizona Corporation Commission
   Hearing Room No. 1
   1200 W. Washington St.
   Phoenix, AZ 85007
   Nature: Public Comment Hearing

   Written comments can be submitted on or before July 6, 2018, to the Commission’s Docket Control at the address listed above. Please reference Docket No. RU-00000A-16-0300 on all documents.

   Oral comments may be provided at the proceedings on July 16, 2018, at 10:00 a.m.

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

   None

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

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
   Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
   Not applicable

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

   None

13. The full text of the rules follows:
ARTICLE 8. PUBLIC UTILITY HOLDING COMPANIES AND AFFILIATED INTERESTS

R14-2-803. Organization of Public Utility Holding Companies

A. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change
   7. No change
   8. No change
   9. No change
   10. No change
   11. No change

B. No change

C. No change

D. A notice of intent under this section is not required when the reorganization of an existing Arizona water or wastewater public utility holding company is due to the purchase of the shares of (or merger with) a Class D or E water or wastewater utility.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening. A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules. When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF BEHAVIORAL HEALTH EXAMINERS

1. Title and its heading:
   4, Professions and Occupations

Chapter and its heading:
   6, Board of Behavioral Health Examiners

Article and its heading:
   1, Definitions
   2, General Provisions
   3, Licensure
   4, Social Work
   5, Counseling
   6, Marriage and Family Therapy
   7, Substance Abuse Counseling
   11, Standards of Practice

Section numbers:
   R4-6-101, R4-6-211, R4-6-212, R4-6-212.01, R4-6-215, R4-6-301,
   R4-6-304, R4-6-306, R4-6-402, R4-6-502, R4-6-602, R4-6-704 and
   R4-6-1101 (The Agency may add, delete, or modify other Sections as
   necessary.)

2. The subject matter of the proposed rule:
The Board is updating rules to conform to statutory requirements passed in Laws 2018, Chapter 55 (SB1246) and Laws 2018, Chapter 241 (HB2411). Additionally, the Board is clarifying language regarding the expiration of temporary licenses, reducing several Board fees, and allowing greater flexibility to licensees who are practicing under direct supervision.

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 24 A.A.R. 1609, June 1, 2018 (in this issue)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
   Name: Donna Dalton, Deputy Director
   Address: Board of Behavioral Health Examiners
   1740 W. Adams St., Suite 3600
   Phoenix, AZ 85007
   Telephone: (602) 542-1882
   Fax: (602) 364-0890
   E-mail: donna.dalton@azbbhe.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
   To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA CORPORATION COMMISSION

1. Title and its heading:
   14, Public Service Corporations; Corporations and Associations;
   Securities Regulation

Chapter and its heading:
   2, Corporation Commission – Fixed Utilities

Article and its heading:
   8, Public Utility Holding Companies and Affiliated Interests

Section numbers:
   R14-2-803
2. **The subject matter of the proposed rule:**
   The agency docket number, if applicable: RU-00000A-16-00300

3. **A citation to all published notices relating to the proceeding:**
   Notice of Proposed Rulemaking: 24 A.A.R. 1617, June 1, 2018 *(in this issue)*

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
   Name: Robin Mitchell, Assistant Legal Division Director
   Address: Arizona Corporation Commission
   1200 W. Washington St.
   Phoenix, AZ 85007
   Telephone: (602) 542-3402
   Fax: (602) 542-4870
   E-mail: RMitchell@azcc.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
   The Commission has scheduled the following oral proceeding for public comments:
   Date: July 16, 2018
   Time: 10:00 a.m.
   Location: Arizona Corporation Commission
   Hearing Room No. 2
   1200 W. Washington St.
   Phoenix, AZ 85007
   Nature: Public Comment Hearing
   Written comments can be submitted on or before July 6, 2018, to the Commission’s Docket Control at the address listed above. Please reference Docket No. RU-00000A-16-0300 on all documents.
   Oral comments may be provided at the proceedings on July 16, 2018, at 10:00 a.m.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
   Has not been determined.
REGISTER INDEXES

The Register is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**
- PN = Proposed new Section
- PM = Proposed amended Section
- PR = Proposed repealed Section
- P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**
- SPN = Supplemental proposed new Section
- SPM = Supplemental proposed amended Section
- SPR = Supplemental proposed repealed Section
- SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**
- FN = Final new Section
- FM = Final amended Section
- FR = Final repealed Section
- F# = Final renumbered Section

**SUMMARY RULEMAKING**
- PSMN = Proposed Summary new Section
- PSMM = Proposed Summary amended Section
- PSMR = Proposed Summary repealed Section
- PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**
- FSMN = Final Summary new Section
- FSMM = Final Summary amended Section
- FSMR = Final Summary repealed Section
- FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING**

**PROPOSED EXPEDITED**
- PEN = Proposed Expedited new Section
- PEM = Proposed Expedited amended Section
- PER = Proposed Expedited repealed Section
- PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**
- SPEN = Supplemental Proposed Expedited new Section
- SPEM = Supplemental Proposed Expedited amended Section
- SPER = Supplemental Proposed Expedited repealed Section
- SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**
- FEN = Final Expedited new Section
- FEM = Final Expedited amended Section
- FER = Final Expedited repealed Section
- FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING**

**EXEMPT PROPOSED**
- PXN = Proposed Exempt new Section
- PXM = Proposed Exempt amended Section
- PXR = Proposed Exempt repealed Section
- PX# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**
- SPXN = Supplemental Proposed Exempt new Section
- SPXR = Supplemental Proposed Exempt repealed Section
- SPXM = Supplemental Proposed Exempt amended Section
- SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULEMAKING**
- FXN = Final Exempt new Section
- FXM = Final Exempt amended Section
- FXR = Final Exempt repealed Section
- FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**
- EN = Emergency new Section
- EM = Emergency amended Section
- ER = Emergency repealed Section
- E# = Emergency renumbered Section
- EEXP = Emergency expired

**RECODIFICATION OF RULES**
- RC = Recodified

**REJECTION OF RULES**
- RJ = Rejected by the Attorney General

**TERMINATION OF RULES**
- TN = Terminated proposed new Sections
- TM = Terminated proposed amended Section
- TR = Terminated proposed repealed Section
- T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**
- EXP = Rules have expired
  See also “emergency expired” under emergency rulemaking

**CORRECTIONS**
- C = Corrections to Published Rules
## RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the Register issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

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A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State’s Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

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**REGISTER PUBLISHING DEADLINES**

The Secretary of State’s Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

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GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines as a courtesy.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

<table>
<thead>
<tr>
<th>DEADLINE FOR PLACEMENT ON AGENDA*</th>
<th>FINAL MATERIALS SUBMITTED TO COUNCIL</th>
<th>DATE OF COUNCIL STUDY SESSION</th>
<th>DATE OF COUNCIL MEETING</th>
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* Materials must be submitted by 5 PM on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.