



Arizona Administrative REGISTER

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~ Administrative Register Contents ~

May 22, 2020

Information 994

Rulemaking Guide 995

RULES AND RULEMAKING

Proposed Rulemaking, Notices of

 4 A.A.C. 6 Board of Behavioral Health Examiners 997

Final Rulemaking, Notices of

 4 A.A.C. 26 Board of Psychologist Examiners 1010

 4 A.A.C. 26 Board of Psychologist Examiners 1017

 14 A.A.C. 5 Corporation Commission - Transportation 1024

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking

 4 A.A.C. 6 Board of Behavioral Health Examiners 1028

GOVERNOR'S OFFICE

Governor's Executive Order 2020-02

 Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies 1029

INDEXES

 Register Index Ledger 1031

 Rulemaking Action, Cumulative Index for 2020 1032

 Other Notices and Public Records, Cumulative Index for 2020 1036

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 1038

 Register Publishing Deadlines 1040

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines 1041

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

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

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 notices of rules terminated by the agency and rules that have expired.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. 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.

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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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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.

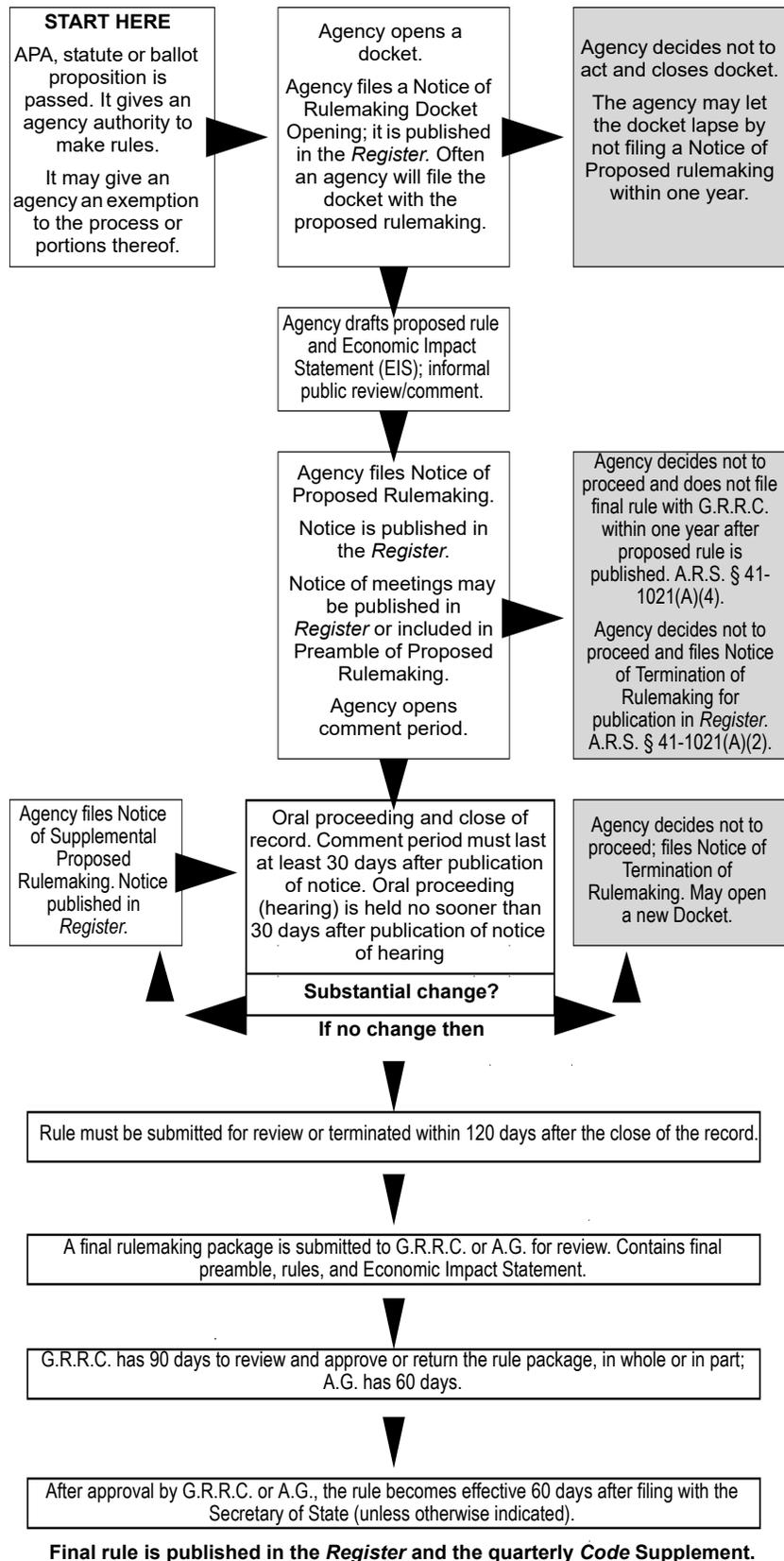
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

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.azleg.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.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

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*

U.S.C. – *United States Code*

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 Rulemakings.

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 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**

[R20-78]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R4-6-101 | Amend |
| R4-6-211 | Amend |
| R4-6-212 | Amend |
| R4-6-212.01 | Amend |
| R4-6-214 | Amend |
| R4-6-215 | Amend |
| R4-6-216 | Amend |
| R4-6-304 | Amend |
| R4-6-402 | Amend |
| R4-6-501 | Amend |
| R4-6-502 | Amend |
| R4-6-504 | Amend |
| R4-6-601 | Amend |
| R4-6-602 | Amend |
| R4-6-604 | Amend |
| R4-6-701 | Amend |
| R4-6-704 | Amend |
| R4-6-706 | Amend |
| R4-6-802 | Amend |
| R4-6-1101 | Amend |
| R4-6-1106 | 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, 32-3273, 32-3274, 32-3275, 32-3279, 32-3291, 32-3292, 32-3301, 32-3303, 32-3311, 32-3313, 32-3321, 32-4302
- 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: 26 A.A.R. 1028, May 22, 2020 (*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 2019-01 was informally approved by Emily Rajakovich, Director, Boards and Commissions, Governor's Office, in an email dated September 19, 2019. Following submission of the initial proposed language, the exemption request was formally approved in an email dated March 17, 2020 from Trista Guzman Glover, Director, Boards and Commissions, Governor's Office. The proposed rulemaking will amend and clarify rules to reduce burdens on applicants and licensees as follows:

- Expand the options for non-independent licensees to obtain clinical supervision from behavioral health professionals outside their discipline.
- Modify the curriculum requirements for licensure for substance abuse counselors.
- Provide clarification regarding the tutorials approved by the Board.
- Clarify the process of applying for an independent licensure by exam with a non-independent license earned through the endorsement process.
- Reduce fees collected by the Board.
- Update the telepractice rule to align with national trends.
- Other technical corrections found since the last rulemaking.

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 removal of the issuance fee will decrease the initial cost of licensure in Arizona which financially benefits those seeking licensure. Expanding the clinical supervision options for licensees who are required to work under supervision gives greater access to training by qualified independently licensed behavioral health professionals. The increased flexibility for supervision reduces some of the burdens faced by non-independent licensees seeking supervision from independently licensed professionals in the same discipline, allowing them to become independently licensed quicker.

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:

The close of record is June 30, 2020, at 5 p.m. Oral proceedings regarding the proposed rules will be held as follows:

Date: Monday, June 22, 2020
 Time: 2:00 p.m. – 4:00 p.m.
 Location: Board of Behavioral Health Examiners
 1740 W. Adams St., Board room C
 Phoenix, AZ 85007
 Call in option: (877) 820-7831, passcode 502148

Date: Thursday, June 25, 2020
 Time: 9:00 a.m. – 11:00 a.m.
 Location: Board of Behavioral Health Examiners
 1740 W. Adams St., Board room B
 Phoenix, AZ 85007
 Call in option: (877) 820-7831, passcode 502148



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.

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:

**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 Clinical Supervision Requirements
R4-6-214. Clinical Supervisor Educational Requirements
R4-6-215. Fees and Charges
R4-6-216. Foreign Equivalency Determination

ARTICLE 3. LICENSURE

Section
R4-6-304. Application for a License by Endorsement

ARTICLE 4. SOCIAL WORK

Section
R4-6-402. Examination

ARTICLE 5. COUNSELING

Section
R4-6-501. Curriculum
R4-6-502. Examination
R4-6-504. Clinical Supervision for Professional Counselor Licensure

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

Section
R4-6-601. Curriculum
R4-6-602. Examination
R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

Section
R4-6-701. Licensed Substance Abuse Technician Curriculum
R4-6-704. Examination
R4-6-706. Clinical Supervision for Substance Abuse Counselor Licensure



ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

Section R4-6-802. Continuing Education

ARTICLE 11. STANDARDS OF PRACTICE

Section R4-6-1101. Consent for Treatment
R4-6-1106. Telepractice

ARTICLE 1. DEFINITIONS

R4-6-101. Definitions

A. 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. No change
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. "Independent contractor" means a licensed behavioral health professional whose contract to provide services on behalf of a behavioral health entity qualifies for independent contractor status under the codes, rules, and regulations of the Internal Revenue Service of the United States.
3332.No change
3433.No change
3534.No change
3635.No change
a. No change
b. No change
c. No change
3736.No change
3837.No change
3938.No change
4039.No change
4140.No change
4241.No change
4342.No change
a. No change



b. No change

~~4443~~.No change

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change

~~4544~~.No change

- a. No change
- b. No change
- c. No change

~~4645~~.No change

- a. No change
- b. No change

~~4746~~.No change

~~4847~~.No change

~~4948~~. “Regionally accredited college or university” means ~~approved~~ the institution has been approved by an entity recognized by the Council for Higher Education Accreditation as a regional accrediting organization.

- ~~a. New England Association of Schools and Colleges,~~
- ~~b. Middle States Commission on Higher Education,~~
- ~~c. North Central Association,~~
- ~~d. Northwest Commission on Colleges and Universities,~~
- ~~e. Southern Association of Colleges and Schools, or~~
- ~~f. Western Association of Schools and Colleges.~~

~~5049~~.No change

~~5150~~.No change

~~5251~~.No change

~~5352~~.No change

~~5453~~.No change

~~5554~~.No change

~~5655~~.No change

B. No change

ARTICLE 2. GENERAL PROVISIONS

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

A. No change

B. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change

~~C.~~ A licensee complying with subsection (B) shall not provide clinical oversight and responsibility for the behavioral health services of another licensee subject to the practice limitations pursuant to R4-6-210.

~~D.~~ No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

~~E.~~ No change

~~F.~~ No change

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. Under a contract or grant with the federal government under the authority of 25 U.S.C. § ~~450-450(n)~~5301 or § 1601-1683, or
 - 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. Contemporaneously written documentation by the clinical supervisor of at least the following for each clinical supervision session at each entity:
 - a. No change
 - b. ~~A detailed Description~~ description of topics discussed and instruction provided. ~~Identifying information regarding clients is not required;~~
 - c. No change
 - d. No change
 - e. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 9. No change
 - 10. 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. Qualifications of the clinical supervisor. The Board may grant an exemption to the supervisor qualification requirements in R4-6-212(A) and R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, if the Board determines the behavioral health professional who provided or will provide the clinical supervision has ~~education, training and experience necessary to provide clinical supervision and has complied with the educational requirements specified in R4-6-214 and:~~
 - i. ~~A qualified supervisor is not available because of the size and geographic location of the professional setting in which the clinical supervision will occur;~~ Education, training and experience necessary to provide clinical supervision;
 - ii. Complied with the educational requirements specified in R4-6-214; and
 - iii. ~~The behavioral health professional who provided or will provide the clinical supervision holds an An~~ active and unrestricted license issued under A.R.S. Title 32 as a physician under Chapter 13 or 17 with certification in psychiatry or addiction medicine or as a nurse practitioner under Chapter 15 with certification in mental health;
 - b. No change



- i. The supervisor and behavioral health entity have a written contract providing the supervisor the same access to the supervisee's clinical records provided to employees of the behavioral health entity, that is signed and dated by both parties, and
 - 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 clinical 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 clinical supervision ~~supervised work experience~~ acquired outside of Arizona if the Board determines that the behavioral health professional providing the supervision met one of the following:
 - a. No change
 - b. No change
 - c. No change

R4-6-214. Clinical Supervisor Educational Requirements

- A.** No change
1. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - b. No change
 - c. No change
 - d. No change
 2. ~~Beginning January 1, 2018, completes a~~ Completes the three clock hour Board approved tutorial on Board statutes and rules-Clinical Supervision Tutorial on Arizona Statutes/Regulations.
- B.** ~~Through December 31, 2017, the Board shall consider hours of clinical supervision submitted by an applicant if the individual who provided the clinical supervision was licensed at an independent level, qualified under R4-6-212(A), and the supervision was provided during the first two years the individual was licensed at the independent level.~~
1. ~~For the Board to continue to accept hours of clinical supervision provided by the individual described under subsection (B), the individual shall have obtained at least 12 hours of training described in subsection (A)(1)(a):~~
 - a. ~~Before the individual's license expired for the first time; or~~
 - b. ~~Before providing supervision if the 12 hours of training described in subsection (A)(1)(a) were obtained after the individual's license expired;~~
 2. ~~For the Board to continue to accept hours of clinical supervision provided by the individual described under subsection (B)(1), the individual shall have obtained at least six hours of training described in subsection (A)(1)(a) before the individual's license expires again and during each subsequent license period expiring before January 1, 2018;~~
 3. ~~For the Board to continue to accept hours of clinical supervision provided by the individual described under subsection (B)(2), the individual shall comply fully with subsection (C) before the individual's license expires for the first time on or after January 1, 2018.~~
- CB.** To continue providing clinical supervision, an individual qualified under subsection (A)(1)(a) shall, at least every three years, complete a minimum of nine hours of continuing training that:
1. Meets the standard specified in R4-6-802(D);
 2. Concerns clinical supervision;
 3. Addresses the topics listed in subsection (A)(1)(a); and
 4. ~~Beginning January 1, 2018, includes three clock hours of a Board approved tutorial on Board statutes and rules~~ Includes the three clock hour Clinical Supervision Tutorial on Arizona Statutes/Regulations.
- BC.** To continue providing clinical supervision, an individual qualified under subsections (A)(1)(b) through (d) shall:
1. Provide documentation that the national certification or designation was renewed before it expired, and
 2. ~~Beginning January 1, 2018, complete a three clock hour Board approved tutorial on Board statutes and rules~~ Complete the Clinical Supervision Tutorial on Arizona Statutes/Regulations.
- D.** An applicant submitting hours of clinical supervision by an individual qualified by meeting the clinical supervision education requirements in effect before the effective date of this Section shall provide documentation that the clinical supervisor was compliant with the education requirements during the period of supervision.

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 \$100;~~
 4. ~~Application for a temporary license: \$50;~~
 5. ~~Application for approval of educational program: \$500;~~
 6. ~~Application for approval of an educational program change: \$250~~
 7. ~~Biennial renewal of first area of licensure: \$325;~~
 8. ~~Biennial renewal of each additional area of licensure if all licenses are renewed at the same time: \$163;~~
 9. ~~Late renewal penalty: \$100 in addition to the biennial renewal fee;~~
 10. ~~Inactive status request: \$100; and~~



~~10.~~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. An applicant shall make payment for a criminal history background check separate from payment for other fees and charges.~~

R4-6-216. Foreign Equivalency Determination

The Board shall accept as qualification for licensure a degree from an institution of higher education in a foreign country if the degree is substantially equivalent to the educational standards required in this Chapter for professional counseling, marriage and family therapy, and substance abuse counseling licensure. To enable the Board to determine whether a foreign degree is substantially equivalent to the educational standards required in this Chapter, the applicant shall, at the applicant’s expense, have the foreign degree evaluated by an ~~entity approved by the Board~~ evaluation service that is a member of the National Association of Credential Evaluation Services, Inc.

1. Any document that is in a language other than English shall be accompanied by a translation with notarized verification of the translation’s accuracy and completeness;
2. The translation shall be completed by an individual, other than the applicant, and demonstrate no conflict of interest; and
3. The individual providing the translation may be college or university language faculty, a translation service, or an American consul.

ARTICLE 3. LICENSURE

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. No change
2. No change
 - a. No change
 - b. No change
 - c. Whether the applicant has been the subject of disciplinary proceedings by a state regulatory entity ~~including whether there are any unresolved complaints pending against the applicant;~~ and
 - d. No change
3. No change
 - a. No change
 - b. No change
4. Documentation of completion of the ~~board approved tutorial on board statutes and rules~~ Arizona Statutes/Regulations Tutorial.

ARTICLE 4. SOCIAL WORK

R4-6-402. Examination

- A. No change
- B. No change
- C. ~~Except as specified in subsection (G)(2), to~~ To be licensed as a clinical social worker, an applicant shall receive a passing score on the clinical examination offered by ASWB.
- D. No change
- E. No change
- F. No change
- G. ~~To be licensed by endorsement as a clinical social worker, an applicant shall receive a passing score on:~~
 1. ~~The clinical examination offered by ASWB; or~~
 2. ~~The advanced generalist examination offered by ASWB if the applicant:~~
 - a. ~~Was licensed as a clinical social worker before July 1, 2004;~~
 - b. ~~Met the examination requirement of the state being used to qualify for licensure by endorsement; and~~
 - c. ~~Has been licensed continuously at the same level since passing the examination.~~



ARTICLE 5. COUNSELING

R4-6-501. Curriculum

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 2. No change
 - a. No change
 - b. No change
 - 3. No change
 - a. No change
 - b. No change
 - 4. No change
 - a. No change
 - b. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - 6. No change
 - a. No change
 - b. No change
 - c. No change
 - 7. No change
 - a. No change
 - b. No change
 - c. No change
 - 8. No change
 - a. No change
 - b. No change
- D. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- F. No change
- G. No change
- H. The Board shall deem that an applicant who holds an active associate counselor license issued by the Board and in good standing to ~~meets~~ meet the curriculum requirements for professional counselor licensure if the applicant:-
 - 1. Holds an active and in good standing associate counselor license issued by the Board; and
 - 2. Met the curriculum requirements with a master's degree in a behavioral health field from a regionally accredited university when the associate counselor license was issued.

R4-6-502. Examination

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
- B. An applicant for counselor licensure shall receive a passing score on an approved licensure examination.
- C.B. ~~Except as specified in subsection (E), An~~ an applicant shall pass an approved examination within 12 months after receiving written examination authorization from the Board. An applicant shall not take an examination more than three times during the 12-month testing period.



~~DC.~~ If an applicant does not receive a passing score as required under subsection (B) within the 12 months referenced in subsection (C), the Board shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, an applicant whose file is closed shall submit a new application and fee.

~~ED.~~ No change

~~E.~~ The Board shall deem an applicant for professional counselor licensure to meet the exam requirement if the applicant holds an active and in good standing associate counselor license issued by the Board according to A.R.S. § 32-3274 or A.R.S. § 32-4302.

R4-6-504. Clinical Supervision for Professional Counselor Licensure

A. An applicant for professional counselor licensure shall demonstrate that the applicant received at least 100 hours of clinical supervision that meet the requirements specified in subsection (B) and R4-6-212 during the supervised work experience required under R4-6-503.

B. The Board shall accept hours of clinical supervision for professional counselor licensure from the following behavioral health professionals who meet the educational requirements under R4-6-214if:

1. ~~At least 50 hours are supervised by a professional counselor licensed by the Board, and~~ A licensed professional counselor;
2. ~~The remaining hours are supervised by an individual qualified under R4-6-212(A), or~~ A licensed clinical social worker;
3. A licensed marriage and family therapist;
4. A licensed psychologist; or
5. ~~The hours are supervised by an~~ An individual for whom an exemption was obtained under R4-6-212.01.

C. No change

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum

A. No change

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

B. No change

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
4. No change
 - a. No change
 - b. No change
5. No change
6. No change

C. No change

D. No change

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

E. No change

~~F.~~ The Board shall deem an applicant who holds an active associate marriage and family therapist license issued by the Board and in good standing ~~meets~~ to meet the curriculum requirements for marriage and family therapist licensure if the applicant:-

1. Holds an active and in good standing associate marriage and family therapist license issued by the Board; and
2. Met the curriculum requirements with a master's degree in a behavioral health field from a regionally accredited university when the associate marriage and family therapist license was issued.

R4-6-602. Examination

A. The Board approves the marriage and family therapy licensure examination offered by the Association of Marital and Family Therapy Regulatory Boards.

~~B.~~ An applicant for associate marriage and family therapist or marriage and family therapist licensure shall receive a passing score on the approved licensure examination.

~~CB.~~ Except as specified in subsection (E), ~~An~~ 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.



- DC.** If an applicant does not receive a passing score as ~~required under subsection (B)~~ within the 12 months referenced in subsection (~~CB~~), the Board shall close the applicant's file with no recourse to appeal. To receive further consideration for licensure, an applicant whose file is closed shall submit a new application and fee.
- ED.** The Board may grant a one-time 90-day examination extension request to an applicant who demonstrates good cause as specified under R4-6-305(G).
- E.** The Board shall deem an applicant for marriage and family therapist licensure to meet the examination requirement if the applicant holds an active and in good standing associate marriage and family therapist license issued by the Board pursuant to A.R.S. § 32-3274 or A.R.S. § 32-4302.

R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure

- A. No change
- B. No change
1. No change
 2. At least ~~75~~50 of the hours are supervised by: ~~a marriage and family therapist licensed by the Board, and~~
 - a. A marriage and family therapist licensed by the Board or
 - b. An independently licensed behavioral health professional who holds an Approved Supervisor designation from the American Association for Marriage and Family Therapy; and
 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 4. No change
- C. No change

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-701. Licensed Substance Abuse Technician Curriculum

- A. No change
1. No change
 2. No change
 3. No change
- B. An associate's or bachelor's degree under subsection (A)(3), shall include at least three semester or four quarter credit hours in each of the following core content areas:
1. Psychopharmacology, including but not limited to:
 - a. ~~Nature of psychoactive chemicals;~~
 - b. ~~Behavioral, psychological, physiological, and social effects of psychoactive substance use;~~
 - e. ~~Symptoms of intoxication, withdrawal, and toxicity;~~
 - d. ~~Toxicity screen options, limitations, and legal implications; and~~
 - e. ~~Use of pharmacotherapy for treatment of addiction effects on mood, behavior, cognition and physiology;~~
 2. Models of treatment and relapse prevention: ~~Including including~~ but not limited to philosophies and practices of generally accepted and ~~scientifically~~ evidence-supported models of:
 - a. ~~Treatment;~~
 - b. ~~Recovery;~~
 - e. ~~Relapse prevention, and~~
 - d. ~~Continuing care for addiction and other substance use related problems;~~
 3. No change
 4. No change
 5. Co-occurring disorders, including but not limited to philosophies and practices of generally accepted and evidence-supported models:
 - a. ~~Symptoms of mental health and other disorders prevalent in individuals with substance use disorders or addictions;~~
 - b. ~~Screening and assessment tools used to detect and evaluate the presence and severity of co-occurring disorders; and~~
 - e. ~~Evidence-based strategies for managing risks associated with treating individuals who have co-occurring disorders;~~
 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 7. No change
- C. No change
1. The applicant provides services under a contract or grant with the federal government under the authority of 25 U.S.C. § ~~450—450(n)5301~~ or § 1601 – 1683;
 2. No change
 3. No change
 4. No change
- 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. For an applicant for associate or independent substance abuse counselor licensure who received written examination authorization from the Board before the effective date of this Section, the Board shall accept an examination listed in subsection (A) through expiration of the written examination authorization provided by the Board.~~

~~DC.~~ No change

- 1. No change
- 2. No change
- 3. No change

~~ED.~~ No change

~~FE.~~ No change

~~GF.~~ No change

R4-6-706. Clinical Supervision for Substance Abuse Counselor Licensure

A. No change

B. The Board shall accept hours of clinical supervision for substance abuse licensure if the focus of the supervised hours relates to substance use disorder and addiction and:

- 1. At least 50 hours are supervised by: ~~an independent substance abuse counselor licensed by the Board, and~~
 - a. An independent substance abuse counselor licensed by the Board; or
 - b. An independently licensed behavioral health professional who:
 - i. Provides evidence of knowledge and experience in substance use disorder treatment; and
 - ii. Is approved by the ARC or designee, and
- 2. No change
- 3. No change

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-802. Continuing Education

A. No change

B. No change

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

C. No change

- 1. No change
 - a. No change
 - b. No change
- 2. ~~Beginning January 1, 2018, in addition to the requirement under subsection (C)(1), complete~~ Completion of a the three clock hour Board approved tutorial on Board statutes and rules Arizona Statutes/Regulations Tutorial.

D. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change

E. 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

ARTICLE 11. STANDARDS OF PRACTICE

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. Obtain a dated and signed informed consent for treatment from a client or the client's legal representative before audio or video taping the client or permitting a third party to observe treatment provided to the client; ~~and~~
5. Include a dated signature from an authorized representative of the behavioral health entity.

R4-6-1106. Telepractice

- A. No change
- B. No change
- C. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 2. In addition to complying with the requirements in R4-6-1103, include the following in the progress note required under R4-6-1103(H):
 - a. Mode of session, whether interactive audio, video, or electronic communication; ~~and~~
 - b. Physical location of the client during the session; ~~and~~
 - c. Client's local emergency contacts.



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R20-82]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rules:
4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:



Emily Rajakovich, of the Governor’s Office, in an e-mail dated January 10, 2020.

- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **A summary of the economic, small business, and consumer impact:**
The Board expects the rulemaking to have minimal economic impact because none of the amendments is substantive. They only make the rules clearer and more useful. Deleting R4-26-207(B)(2) removed a burdensome requirement.
- 10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**
No changes were made between the proposed and final rules.
- 11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**
The Board received no written comments regarding the rulemaking. No one commented at the oral proceeding on March 17, 2020.
- 12. **All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
None
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board’s statutes to each person that is qualified by statute (See A.R.S. § 32-2071) and rule.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal law does not apply to the specific subject matter of this rulemaking.
 - c. **Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted.
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
None
- 14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.
- 15. **The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

ARTICLE 2. LICENSURE

Section	
R4-26-203.	Application for Initial License
R4-26-203.01.	Application for Licensure by Credential
R4-26-205.	Renewal of License
R4-26-207.	Continuing Education
Table 1.	Time Frames (in days) for Processing Applications

ARTICLE 2. LICENSURE

R4-26-203. Application for Initial License

- A. An individual who wishes to be licensed as a psychologist shall submit an application packet to the Board that includes an application form approved by the Board, which is available from the Board office and on its website, with an attestation that is signed and dated by the applicant, and provide the following:
 - 1. Personal information about the applicant:
 - a. Full name;
 - b. Other names by which the applicant is or ever has been known;
 - c. Residential address and telephone number;
 - d. Business name and address;
 - e. Work telephone and fax numbers;
 - f. E-mail address;



- g. Gender;
- h. Date of birth;
- i. Place of birth; and
- j. Social Security number;
- 2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;
- 3. An indication whether the applicant is active military;
- 4. A statement of whether the applicant:
 - a. Holds a Certificate of Professional Qualification in Psychology, a National Register of Health Service Providers in Psychology credential, or is a diplomate or specialist of the American Board of Professional Psychology;
 - b. Is or ever has been licensed as a psychologist in another regulatory jurisdiction and if so, the name of the regulatory jurisdiction and license number;
 - c. Has applied for and been rejected or denied licensure as a psychologist in a regulatory jurisdiction and if so, the name of each regulatory jurisdiction, date of each application, and reason given for the rejection or denial;
 - d. Is or ever has been licensed or certified in a profession or occupation other than psychology and if so, the names of the professions or occupations, regulatory jurisdictions, and license numbers;
 - e. Has ever taken the national examination and if so, the name of each regulatory jurisdiction in which the examination was taken and each date of examination;
 - f. Has ever had an application for a professional license, certification, or registration other than psychology denied or rejected by a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, type of license, certification, or registration denied or rejected, and date of denial or rejection;
 - g. Has ever withdrawn an application for a professional license, certification, or registration in lieu of administrative proceedings and if so, the reason for the withdrawal;
 - h. Has ever had disciplinary action initiated against the applicant's professional license, certification, or registration, or had a professional license, certification, or registration suspended or revoked by a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, date of the disciplinary action, and license number;
 - i. Has ever entered into a consent agreement or stipulation arising from a complaint against any professional license, certification, or registration and if so, the name of the regulatory jurisdiction, date, and license number;
 - j. Is a member of any professional association in the field of psychology and if so, name of the association;
 - k. Has ever had membership in a professional association in the field of psychology denied or revoked and if so, the name of the professional association and date of denial or revocation;
 - l. Is currently under investigation for or has been found guilty of violating a code of professional ethics of any professional organization and if so, the name of the professional organization and date of investigation;
 - m. Is currently under investigation for or has been found to have violated a professional code of conduct by a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of investigation;
 - n. Has ever been sanctioned or placed on probation by a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of action;
 - o. Is currently awaiting trial, has been convicted of, or pled no contest or guilty to any felony or a misdemeanor other than a minor traffic offense (a DUI is not a minor traffic offense), or ever entered into a diversion program instead of prosecution, including any convictions that have been expunged, deleted, or set aside and if so, the name of the jurisdiction, offense involved, date of offense, status of resolution, expected resolution date, and a narrative explanation;
 - p. Has been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a certificate or license in another profession, or the applicant's work as a member of a profession in which the applicant was not certified or licensed and if so, the name of the jurisdiction, allegation involved, and date;
 - q. Has ever been involuntarily terminated or resigned instead of termination from any psychological or behavioral health position or related employment and if so, the name of the employer involved and date;
 - r. Currently uses alcohol or another drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently; and
 - s. Has a medical, physical, or psychological condition that may impair or limit the applicant's ability to practice psychology safely and competently;
- 5. Information about the applicant's education and training:
 - a. Name and address of each university or college from which the applicant graduated, dates attended, date of graduation, degree received, name of department, and major subject area of study;
 - b. Name and department of the applicant's major advisor;
 - c. Title of the applicant's dissertation or Psy.D. project for the doctoral degree;
 - d. Official title of the applicant's doctoral degree program or predoctoral specialty area;
 - e. Whether the doctoral degree program that the applicant attended was accredited by the American Psychological Association at the time of graduation;
 - f. Whether the applicant's internship training program was an American Psychological Association-accredited program or a member of the Association of Psychology and Postdoctoral Internship Centers;
 - g. Location of each internship training program in which the applicant participated and each supervisor's name and contact information; and
 - h. Documentation demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;
- 6. Areas of professional competence;
- 7. Intended area of professional practice in psychology;
- 8. Name, position, and address of at least two individuals to serve as references who:



- a. Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;
 - b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of application. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
 - e. Recommend the applicant for licensure;
9. History of employment for the past 10 years in the field of psychology including, for each position held, the:
- a. Beginning and ending dates of employment;
 - b. Number of hours worked per week;
 - e. Name and address of employer;
 - d. Name and address of supervisor, and
 - e. Type of employment; and
10. Information demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;
11. An attestation by the applicant, that the information on the application is about the applicant, is true and correct, and is not being submitted fraudulently;
- B.** Additionally, an applicant shall submit:
1. No change
 2. The results of a self-query from the National Practitioner Data Bank ~~Healthcare Integrity and Protection Data Bank~~;
 3. No change
 4. No change
 5. Name, position, and address of at least two individuals to serve as references who:
 - a. Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;
 - b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of application. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
 - c. Recommend the applicant for licensure;
 - 5.6. The fee required under R4-26-108; and
 - 6.7. Any other information authorized by statute.
- C.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change

R4-26-203.01. Application for Licensure by Credential

- A.** An applicant for a psychologist license by credential under A.R.S. § 32-2071.01(D) shall submit an application packet to the Board that includes:
1. An application form approved by the Board, which is available from the Board office and on its website, ~~signed and dated by the applicant, that contains the information required by R4-26-203(A)(1) through (4), (A)(5)(a) through (f), (A)(6), (A)(7), (A)(10), and R4-26-203 (B)(2) through (6) with an attestation that is signed and dated by the applicant;~~
 2. Verification sent directly to the Board by the credentialing agency that the applicant:
 - a. Holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
 - b. Holds a current National Register of Health Service Providers in Psychology (NRHSPP) credential and has practiced psychology independently at the doctoral level for at least five years; or
 - c. Is a diplomate or specialist of the American Board of Professional Psychology (ABPP); and
 3. Verification of all other psychology licenses or certificates ever held in any jurisdiction.
- B.** An applicant for a psychologist license by credential based on a National Register of Health Service Providers in Psychology credential shall have notification that the applicant ~~obtain~~ obtained a passing score on the national examination sent directly to the Board by the Association of State and Provincial Psychology Boards or by the regulatory jurisdiction in which the applicant originally passed the examination.
- C.** If the Board determines ~~that~~ an application for licensure by credential requires clarification, the Board may require ~~that~~ an applicant submit or cause the applicant's credentialing agency to submit directly to the Board any documentation including transcripts, course descriptions, catalogues, brochures, supervised experience verifications, examination scores, application for credential, or any other information ~~that is~~ deemed necessary by the Board.

R4-26-205. Renewal of License

- A.** No change
- B.** No change



- C. To renew a license, a licensee shall submit to the Board a renewal application form approved by the Board, which is available from the Board office and on its website, signed and dated by the licensee, and provide the following: with an attestation that is signed and dated by the licensee.
 - 1. Personal information about the applicant:
 - a. Full name;
 - b. Other names by which the applicant is or ever has been known;
 - c. License number;
 - d. Home address and telephone number;
 - e. Business name and address;
 - f. Work telephone and fax numbers;
 - g. E-mail address;
 - h. Gender;
 - i. Date of birth;
 - j. Place of birth; and
 - k. Social Security number;
 - 2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;
 - 3. An indication whether the applicant is active military;
 - 4. A statement of whether the applicant:
 - a. Is in compliance with or exempt from the requirements of A.R.S. § 32-3211 regarding secure storage, transfer, and access to client or patient records and if not, explain;
 - b. Is currently licensed or certified as a psychologist in a regulatory jurisdiction other than Arizona and if so, the name of the regulatory jurisdiction and license number;
 - c. Is a licensed or certified member of another profession and if so, the name of the profession, regulatory jurisdiction, and license number;
 - d. Is a member of a hospital staff or provider panel and if so, the name of the hospital or panel;
 - e. Has completed the required 40 hours of continuing education and if not, an explanation of why the required hours have not been completed;
 - f. Has, during the last license period, been denied a license or certificate to practice any profession by any regulatory jurisdiction and if so, the name of the profession and regulatory jurisdiction and the reason for denial or a copy of the notice of denial;
 - g. Has, during the last license period, relinquished responsibilities, resigned a position, or been terminated while a complaint against the applicant was being investigated or adjudicated and if so, the dates and entity conducting the investigation or adjudication;
 - h. Has, during the last license period, resigned or been terminated from a professional organization, hospital staff, the military, or provider panel or surrendered a license while a complaint against the applicant was being investigated or adjudicated and if so, the dates and entity conducting the investigation or adjudication;
 - i. Has, during the last license period, been disciplined by an agency in any regulatory jurisdiction including the Arizona Board of Psychologist Examiners, the military, or a health care institution, provider panel, or ethics panel for acts pertaining to the applicant's conduct as a psychologist or as a professional in any other field and if so, the name and address of the agency, nature and date of the disciplinary action, and statement of the charges and findings;
 - j. Is currently awaiting trial, has, during the last license period, been convicted of or pled no contest or guilty to any felony or a misdemeanor, other than a minor traffic offense (a DUI is not a minor traffic offense), or ever entered into a diversion program instead of prosecution, including any conviction that was expunged, deleted, or set aside in any state or country and if so, the convicting jurisdiction, offense, date of offense, status of resolution, expected resolution, a narrative explanation, and copies of relevant documents;
 - k. Is currently under investigation by any professional organization, the military, health care institution, or provider panel of which the applicant is a member or on staff, or regulatory agency concerning the ethical propriety or legality of the applicant's conduct and if so, name of the entity involved and conduct at issue;
 - l. Has, during the last license period, been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a license or certificate in another profession, or the applicant's work as a member of a profession in which the applicant was not licensed or certified and if so, the name of the jurisdiction, allegation involved, date, and copies of relevant documents;
 - m. Is delinquent in payment of a judgment for child support and if so, the court that issued and date of the support order;
 - n. Has, during the last license period, had an application for membership in any professional organization rejected, or has had any professional organization suspend or revoke the applicant's membership, place the applicant on probation, or otherwise censure the applicant for unethical or unprofessional conduct or other violation of eligibility or membership requirements and if so, name of the professional organization and date of the action;
 - o. Currently uses alcohol or another drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently;
 - p. Has a medical, physical, or psychological condition that may impair or limit the applicant's ability to practice psychology safely and competently; and
 - q. Is submitting the renewal application timely and if not, whether the applicant has practiced psychology in Arizona since the license expired and if so, a complete explanation;
 - 5. The license status for which application is made:
 - a. Active;
 - b. Inactive due to mental or physical disability;



- e. ~~Voluntary inactive;~~
- d. ~~Medical or inactive continuation; or~~
- e. ~~Retired. If retired status is requested, the applicant shall designate whether retired status is to be achieved by allowing the license to expire or requesting voluntary inactive status;~~
- 6. ~~The following information about the continuing education completed during the previous license period:~~
 - a. ~~Title of the continuing education;~~
 - b. ~~Date completed;~~
 - e. ~~Sponsoring organization, publication, or educational institution;~~
 - d. ~~Number of hours in the continuing education; and~~
 - e. ~~Brief description of the continuing education;~~
- 7. ~~A signed attestation of the veracity of the information provided; and~~
- 8. ~~Any other information authorized by statute.~~
- D. Additionally, to renew a license, a licensee shall submit to the Board:
 1. The license renewal fee required under R4-26-108;
 2. If the documentation previously submitted under R4-26-203(B)(3) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; ~~and~~
 3. ~~The Board's Mandatory Confidential Information form.~~ The following information about the continuing education completed during the previous license period:
 - a. Title of the continuing education;
 - b. Date completed;
 - c. Sponsoring organization, publication, or educational institution;
 - d. Number of hours in the continuing education; and
 - e. Brief description of the continuing education; and
 4. Any other information authorized by statute.
- E. If a completed application, ~~including the information about continuing education completed,~~ is timely submitted under subsections (C) and (D), the licensee may continue to practice psychology under the active license until notified by the Board that the application for renewal has been approved or denied. If the Board denies license renewal, the licensee may continue to practice psychology until the last day for seeking review of the Board's decision or a later date fixed by a reviewing court.
- F. No change
- G. A psychologist whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board within two months after the last day of the licensee's birth month during the licensee's renewal year:
 1. The license renewal application required under subsection (C), ~~including the information about continuing education completed,~~ and the documents required under subsections (D)(2) and (3); and
 2. The license renewal and reinstatement fees required under R4-26-108.
- H. No change
 1. No change
 2. Paying the fee for reinstatement of an active or inactive license as specified in R4-26-108(A)(7).
- I. No change
- J. No change

R4-26-207. Continuing Education

- A. No change
- B. A licensee shall ensure the continuing education hours obtained include at least four hours in ~~each of the following:~~
 1. ~~Professional professional ethics; and~~
 2. ~~Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults. The topic of bullying satisfies the requirement for child abuse.~~
- C. During the license period in which an individual is initially licensed, the Board shall pro-rate the number of continuing education hours, including a pro-rated number of hours addressing ethics, ~~domestic violence, intimate partner abuse, abuse of vulnerable adults, child abuse, and bullying~~ that the new licensee must complete during the initial license period. To calculate the number of continuing education hours that a new licensee must obtain, the Board shall divide the 40 hours of continuing education required in a license period by 24 and multiply the quotient by the number of whole months from the date of initial licensure until the end of the license period. During the first license period, for every six months from the month of license issuance to the end of the license period, the Board shall require one hour of continuing education in ~~ethics:~~
 1. ~~Ethics, as specified under subsection (B)(1); and~~
 2. ~~Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults, as specified under subsection (B)(2).~~
- D. No change
 1. No change
 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
 - d. No change



- e. No change
- f. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
- F. No change
 - 1. Focus on the practice of psychology, as defined at A.R.S. § 32-2061(9), for at least 75 percent of the program hours; and
 - 2. No change
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
- H. No change
- I. No change
- J. No change
 - 1. No change
 - 2. No change
 - 3. No change
- K. No change
- L. No change

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

Type of Application or Request	Statutory or Rule Authority	Administrative Completeness Time Frame	Time to Respond to Notice of Deficiency	Substantive Review Time Frame	Time to Respond to Request for Additional Information	Overall Time Frame
Application for initial license	A.R.S. §§ 32-2071, 32-2071.01, 32-2072, and R4-26-203	30	240	90	240 365	120
Application for licensure by credential	A.R.S. §§ 32-2071.01, 32-2072; and A.A.C. R4-26-203.01	30	240	90	240	120
Application to Take National Examination before Completing Experience Required for Licensure	A.R.S. §§ 32-2072(C) and A.A.C. R4-26-203.02	30	240	90	240	120
Reapplication for Licensure	A.R.S. §§ 32-2067 and A.A.C. R4-26-203.03	30	240	90	240	120
Application for license renewal	A.R.S. § 32-2074; A.A.C. R4-26-205	60	N/A	90	N/A	150
Application for reinstatement of expired license	A.R.S. § 32-2074; A.A.C. R4-26-206	60	N/A	90	N/A	150



- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **A summary of the economic, small business, and consumer impact:**
The Board expects the minor changes made will have minimal economic impact.
- 10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**
No changes were made between the proposed and final rules.
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**
The Board received no written comments regarding the rulemaking. No one commented at the oral proceeding on March 17, 2020.
- 12. **All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
None
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board's statutes to each person that is qualified by statute (See A.R.S. § 32-2091.02) and rule.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal law does not apply to the subject matter of the rules.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted.
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
None
- 14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
No rule in the rulemaking was previously made, amended, or repealed as an emergency rule.
- 15. **The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

ARTICLE 4. BEHAVIOR ANALYSTS

Section	
R4-26-401.	Definitions
R4-26-403.	Application for Initial License
R4-26-404.1	Education Requirement
R4-26-404.2	Supervised Experience Requirement
R4-26-406.	Ethical Standard
R4-26-407.	License by Reciprocity <u>Repealed</u>
R4-26-408.	License Renewal
R4-26-415.	Informal Interview

ARTICLE 4. BEHAVIOR ANALYSTS

- R4-26-401. Definitions**
- A. The definitions in A.R.S. § 32-2091 apply in this Article.
 - B. Additionally, in this Article:
 - 1. "Accredited" means an institution of higher education:
 - a. In the U.S. is listed with the Council for Higher Education Accreditation,
 - b. In Canada is a member of the Universities Canada, and
 - c. Outside of the U.S. or Canada is determined by a member of the National Association of Credential Evaluation Services to have standards substantially similar to those of an institution of higher education in the U.S. or Canada.
 - 2. "Advertising" means any media used to disseminate information regarding the qualifications of a behavior analyst in order to solicit clients for behavior analysis services, regardless of whether the behavior analyst pays for the advertising.
 - 3. "Applicant" means an individual who applies to the Board for an initial or renewal license.
 - 4. "BACB" means the Behavior Analyst Certification Board, Inc.[®].
 - 5. "Confidential information" means:
 - a. Minutes of an executive session of the Board except as provided under A.R.S. § 38-431.03(B);
 - b. A record that is classified as confidential by a statute or rule applicable to the Board;



- c. Materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, and any information relating to a client's diagnosis, treatment, or personal family life; and
- d. The following regarding an applicant or licensee:
 - i. College or university transcripts if requested from the Board by a person other than the applicant or licensee;
 - ii. Home address, telephone number, and e-mail address;
 - iii. Test scores;
 - iv. Date of birth;
 - v. Place of birth; and
 - vi. Social Security number.
- 6. "Gross negligence" means an extreme departure from the ordinary standard of care.
- 7. "Inactive status" means a behavior analyst maintains a license as a behavior analyst but is prohibited from practicing behavior analysis or holding oneself out as practicing behavior analysis in Arizona.
- 8. "License period" means:
 - a. For a licensee who holds an odd-numbered license, the two years between the first day of the month after the licensee's birth month of one odd-numbered year and the last day of the licensee's birth month of the next odd-numbered year; and
 - b. For a licensee who holds an even-numbered license, the two years between the first day of the month after the licensee's birth month of one even-numbered year and the last day of the licensee's birth month of the next even-numbered year.
- 9. "Mitigating circumstances that prevent resolution" means factors the Board considers in reviewing allegations against an applicant or licensee of unprofessional conduct occurring in another regulatory jurisdiction when the allegations would not prohibit licensure in Arizona. The factors may include:
 - a. Nature of the alleged conduct,
 - b. Severity of the alleged conduct,
 - c. Recentness of the alleged conduct,
 - d. Actions taken by the applicant to remedy potential violations, and
 - e. Whether the alleged conduct was an isolated incident or part of a recurring pattern.
- 10. "Party" means the Board, an applicant, a licensee, or the state.
- 11. "Psychometric testing materials" means manuals, instruments, protocols, and questions or stimuli used in testing.
- 12. "Raw test data" means test scores, client responses to test questions or stimuli, and a behavior analyst's notes and recordings concerning client statements and behavior during examination.
- 13. "Regulatory jurisdiction" means a state or territory of the United States, the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.
- 14. "Renewal year" means:
 - a. Each odd-numbered year for a licensee who holds an odd-numbered license, and
 - b. Each even-numbered year for a licensee who holds an even-numbered license.
- 15. "Supervised experience" means supervised independent fieldwork, practicum, or intensive practicum.

R4-26-403. Application for Initial License

- A. An individual who wishes to practice as a behavior analyst and is qualified under A.R.S. § 32-2091.02 shall complete and submit an application form, which is available from the Board office and on its website, ~~and provide the following information:~~
 - 1. ~~Full name;~~
 - 2. ~~Other names by which the applicant is or ever has been known;~~
 - 3. ~~Home address and telephone number;~~
 - 4. ~~Business name and address;~~
 - 5. ~~Work telephone and fax numbers;~~
 - 6. ~~E-mail address;~~
 - 7. ~~Gender;~~
 - 8. ~~Date of birth;~~
 - 9. ~~Social Security number;~~
 - 10. ~~An indication of the address and telephone number to be listed in the agency's public directory and used in correspondence;~~
 - 11. ~~Place of birth;~~
 - 12. ~~A statement of whether the applicant:~~
 - a. ~~Is or ever has been licensed or certified as a behavior analyst in any regulatory jurisdiction and if so, the jurisdictions and license numbers;~~
 - b. ~~Is or ever has been certified as a behavior analyst by the BACB and if so, the date of original certification and if not, whether the applicant has ever taken the examination required under R4 26 404;~~
 - e. ~~Is or ever has been licensed or certified in other fields or professions and if so, the name of the professions, regulatory jurisdictions, and license numbers;~~
 - d. ~~Is or ever has been a member of a hospital staff or provider panel and if so, the name of the hospital or provider and dates of service;~~
 - e. ~~Is or ever has been a member of a professional association and if so, the name of the professional association and dates of membership;~~
 - f. ~~Has ever had a professional license, certification, or registration refused, revoked, suspended, or restricted in any regulatory jurisdiction for reasons relating to unprofessional conduct;~~
 - g. ~~Has ever voluntarily surrendered a license, certification, or registration, relinquished responsibilities, resigned a position in lieu of termination, or been involuntary terminated in any regulatory jurisdiction while under investigation or in lieu of administrative proceedings for reasons relating to unprofessional conduct;~~



- h. Has ever resigned or been terminated from a professional organization, hospital staff, or provider panel while a complaint against the applicant was investigated or adjudicated;
- i. Is or ever has been under investigation by any professional organization, health care institution, provider panel of which the applicant is a member or staff, or a regulatory agency in any jurisdiction, including the Arizona Board of Psychologist Examiners, concerning the ethical propriety or legality of the applicant's conduct and if so, the entity doing and dates of the investigation;
- j. Has ever been disciplined by a regulatory agency in any jurisdiction, including the Arizona Board of Psychologist Examiners, health care institution, provider panel, or ethics panel for acts pertaining to the applicant's conduct as a behavior analyst or as a professional in any field and if so, the regulatory agency, jurisdiction, and date of discipline;
- k. Has ever been convicted of, pled no contest or guilty to, entered into a diversion program to avoid prosecution, or is under indictment or awaiting trial for a felony or misdemeanor, other than a minor traffic offense, including any conviction that has been expunged, pardoned, reversed, or set aside;
- l. Has ever been sued in a civil court or charged in a criminal court for an act or omission relating to practice as a behavior analyst or work under a license or certificate in another profession, or work as a member of a profession;
- m. Currently uses alcohol or another drug that in any way impairs or limits the applicant's ability to practice behavior analysis safely and competently; and
- n. Has a medical, physical, or psychological condition that limits the applicant's ability to practice behavior analysis safely and competently; and

13. The applicant's signature attesting that all statements in the application are true in every respect.

B. Additionally, an applicant shall submit:

- 1. An original, un-retouched, passport-quality photograph that is no larger than 1.5 X 2 inches in size and taken no more than 60 days before the date of application;
- 2. The application fee required under R4-26-402;
- 3. A written request that Board staff verify with the BACB that the applicant passed the examination referenced in R4-26-404;
- 3.4. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law; and
- 4.5. The Board's Mandatory Confidential Information form.

C. Additionally, an applicant shall ensure that the following is submitted directly to the Board:

- 1. ~~Verification the applicant passed the examination referenced in R4-26-404 submitted by the BACB;~~
- 2.1. Verification of supervised experience that meets the standards specified in R4-26-404.2. For the purpose of licensure, the Board shall accept the following as verification of supervised experience:
 - a. From the supervisor of the experience:
 - i. A copy of the BACB final experience verification form, signed by the supervisor, submitted by the applicant to the BACB when the applicant applied to the BACB for certification; or
 - ii. A completed Board verification form; or
 - b. From the applicant. If the applicant demonstrates to the Board that a supervisor cannot be located, or at the request of the Board, the applicant may submit a copy of each BACB final experience verification form the applicant submitted to the BACB when the applicant applied to the BACB for certification; and
 - c. If the Board requires additional information, the Board shall accept from the applicant or supervisor of the experience:
 - i. A copy of the plan required under R4-26-404.2(C)(6), and
 - ii. Letters or other documentation from third parties who observed the supervisory relationship;
- 3.2. Official transcript for the graduate degree required under R4-26-404.1 submitted by the accredited institution of higher education that awarded the degree;
- 4.3. Official transcript or other official document demonstrating the applicant completed the coursework required under R4-26-405 submitted by the accredited institution of higher education or BACB-approved program in which the coursework was completed; and
- 5.4. Verification of licensure, certification, or registration by another regulatory jurisdiction submitted by the regulatory jurisdiction.

R4-26-404.1. Education Requirement

- A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.
- B. To be licensed as a behavior analyst in Arizona, an individual shall have a master's degree or higher completed; from
 - 1. From an accredited institution of higher education; and
 - 2. In a program that meets the requirements specified by the BACB.
 - 1. ~~Behavior analysis, education, psychology, or another subject area related to behavior analysis acceptable to the Board; or~~
 - 2. ~~A degree program in which the applicant completed a BACB-approved course sequence.~~

R4-26-404.2. Supervised Experience Requirement

- A. Application of this Section:
 - 1. This Section does not apply to an individual who was certified by the BACB with at least 1500 hours of supervised experience before January 1, 2015; and
 - 2. This Section applies in part to an individual who was certified by the BACB with fewer than 1500 hours of supervised experience before January 1, 2015. To be licensed in Arizona, the individual shall complete additional hours of supervised experience to the meet the 1500-hour requirement under A.R.S. § 32-2091.03 and ensure all hours of supervised experience obtained after December 31, 2014, meet the requirements of this Section.
- B. To be licensed as a behavior analyst in Arizona, an individual shall have completed 1500 hours of supervised experience. The Board shall accept, for the purpose of licensure, hours of supervised experience obtained on or after January 1, 2015, that meet the following standards:



1. Supervised independent fieldwork. The supervisee shall be supervised at a frequency that meets the standards of the BACB at the time of supervision;
 2. Practicum. The supervisee shall:
 - a. Participate in a practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the practicum;
 - c. Obtain graduate-level academic credit for the practicum; and
 - d. Be supervised at a frequency that meets the standard of the BACB at the time of supervision;
 3. Intensive practicum. The supervisee shall:
 - a. Participate in an intensive practicum in behavior analysis within a program approved by the BACB;
 - b. Achieve a passing grade in the intensive practicum;
 - c. Obtain graduate-level academic credit for the intensive practicum; and
 - d. Be supervised at a frequency that meets the standards of the BACB at the time of supervision;
 4. Combination of experience categories. The supervisee may accrue hours of supervised experience in a single category or may combine any two or three categories listed in subsections (B)(1) through (3). However, the supervisee shall accrue supervised experience in only one category in each supervisory period; and
 5. For all categories of supervised experience, the supervisee shall accrue:
 - a. No fewer than 20 hours and no more than 130 hours, including time spent in supervision, each month; or
 - b. The number of hours that meets the standards of the BACB at the time of supervision.
- C. Standards for supervised experience.
1. Onset of supervised experience. The Board shall not accept, for the purpose of licensure, hours of supervised experience completed before attending courses required under R4-26-405. However, the Board shall accept hours of supervised experience completed concurrent with attending courses required under R4-26-405.
 2. Appropriate activities. The Board shall accept, for the purpose of licensure, hours of supervised experience that demonstrate participation in supervised experiences with various populations, at various sites, with multiple supervisors, and including all of the following activity areas:
 - a. Conducting assessments related to behavioral intervention;
 - b. Designing, implementing, and monitoring skill-acquisition and behavior-reduction programs;
 - c. Overseeing implementation of behavior-analytic programs by others;
 - d. Training, designing behavioral systems, and managing performance; and
 - e. Performing other activities directly related to behavior analysis such as attending planning meetings regarding the behavior analytic program, researching literature related to the program, and talking with others about the program.
 3. Appropriate clients. The Board shall accept, for the purpose of licensure, hours of supervised experience with appropriate clients.
 - a. An appropriate client is one for whom behavior-analytic services are suitable.
 - b. A client is not appropriate if:
 - i. The client is related to the supervisee,
 - ii. The client's primary caretaker is related to the supervisee, or
 - iii. The supervisee is the client's primary caretaker.
 4. Supervisor qualifications. The Board shall accept, for the purpose of licensure, hours of supervised experience only if the supervisor:
 - a. Was licensed by the state in which the supervision occurred during the period of supervised experience; or
 - b. If licensure of behavior analysts was not available or not in effect in the state in which the supervision occurred or during the period of supervised experience, was certified as a behavior analyst by the BACB; and
 - c. Was not related to, subordinate to, or employed by the supervisee during the period of supervised experience. Employment does not include payment made to the supervisor by the supervisee for supervisory services.
 5. Nature of supervision. The Board shall accept, for the purpose of licensure, hours of supervised experience that are effective in improving and maintaining the behavior-analytic, professional, and ethical skills of the supervisee.
 - a. Effective supervision includes:
 - i. Developing performance expectations for the supervisee;
 - ii. Observing the supervisee and providing performance feedback on behavior-analytic activities with clients in the natural environment. In person, on-site observation is preferred but use of web cameras, ~~videotape~~ video record, videoconferencing, or a similar means that provides synchronous observation is acceptable;
 - iii. Modeling technical, professional, and ethical behavior for the supervisee;
 - iv. Guiding behavioral case conceptualization, problem solving, and decision making skills of the supervisee;
 - v. Reviewing written materials prepared by the supervisee such as behavior programs, data sheets, and reports;
 - vi. Providing oversight and evaluation of the effects of the supervisee's delivery of behavioral service; and
 - vii. Evaluating the effects of supervising the supervisee; and
 - b. Effective supervision may be conducted:
 - i. Individually for at least half of the total supervised hours in each supervisory period; and
 - ii. In groups of two to 10 supervisees for no more than half of the total supervised hours in each supervisory period.
 6. Supervision plan. The Board shall accept, for the purpose of licensure, hours of supervised experience for which the supervisee and supervisor executed a written plan before starting the supervised experience, which includes the following:
 - a. States the responsibilities of both the supervisor and supervisee;
 - b. Requires the supervisor to complete eight hours of supervision training provided by BACB;
 - c. Includes a description of appropriate activities and instructional objectives;



- d. Specifies the measurable circumstance under which the supervisor will complete the supervisee’s Experience Verification Form;
 - e. Delineates the consequences if either supervisor or supervisee does not comply with the plan;
 - f. Requires the supervisee to obtain written permission from the supervisee’s employer or manager when applicable; and
 - g. Requires both the supervisor and supervisee to comply with the ethical standard specified at R4-26-406.
7. ~~Documentation of supervision. If the Board determines documentation of supervision is needed to enable it to assess an applicant’s qualifications, the applicant shall submit documentation of hours of supervised experience. When requested, the Board shall accept, for the purpose of licensure:~~
- a. ~~Copies of the BACB Experience Verification Forms submitted by the applicant to the BACB when the applicant applied to the BACB for certification;~~
 - b. ~~Other documentation of supervision that includes the same data elements contained in the BACB Experience Verification Form; or~~
 - e. ~~If the applicant is unable to obtain documentation under subsection (C)(7)(a) or (C)(7)(b) or if the applicant disagrees with the total hours recorded on the documentation, the Board shall accept:~~
 - i. ~~A copy of the plan required under subsection (C)(6);~~
 - ii. ~~Copies of the documentation maintained under subsection (C)(7)(a) or (C)(7)(b), and~~
 - iii. ~~Letters or other documentation from third parties who observed the supervisory relationship.~~
8. Multiple supervisors or settings. The Board shall accept, for the purpose of licensure, hours of supervised experience provided by multiple supervisors or at multiple settings if all the hours of supervised experience meet the standards specified in subsections (C)(1) through ~~(7)~~ (6).

R4-26-406. Ethical Standard

~~The In fulfilling its responsibilities under law, the Board incorporates by reference shall rely on the most current version of the BACB Professional and Ethical Compliance Code for Behavior Analysts, January 1, 2016, published by the BACB and available for review at the Board office and online at www.BACB.com. The incorporated material includes no later editions or amendments unless the Board determines public health and safety is not sufficiently protected by the current version of the BACB Professional and Ethical Compliance Code for Behavior Analysts.~~

R4-26-407. License by Reciprocity Repealed

~~An individual who is licensed or certified as a behavior analyst in another state may apply for an initial license as a behavior analyst in Arizona by complying with R4-26-403 and submitting evidence that the individual is licensed or certified as a behavior analyst in good standing and:~~

- 1. ~~Obtained a graduate degree from an accredited institution of higher education in a subject area specified in R4-26-404.1;~~
- 2. ~~Completed a minimum of 1,500 hours of supervised experience;~~
- 3. ~~Completed a minimum of 270 classroom hours of graduate-level instruction in the content areas listed in R4-26-405 or was certified as a behavior analyst by the BACB before January 1, 2015; and~~
- 4. ~~Passed the examination referenced in R4-26-404.~~

R4-26-408. License Renewal

- A. ~~Beginning May 1, 2017, a~~ A license issued by the Board, whether active or inactive, expires on the last day of a licensee’s birth month during the licensee’s renewal year.
- B. The Board shall provide a licensee with 60 days’ notice of the license renewal deadline. Failure to receive the notice does not excuse failure to renew timely.
- C. To renew a license, a licensee shall, on or before the last day of the licensee’s birth month during the licensee’s renewal year, submit to the Board a renewal application form, which is available from the Board office and on its website, ~~and provide the following information:~~
 - 1. ~~License number;~~
 - 2. ~~Name;~~
 - 3. ~~Other names by which the licensee is or ever has been known;~~
 - 4. ~~Home address and telephone number;~~
 - 5. ~~Business name and address;~~
 - 6. ~~Work telephone and fax number;~~
 - 7. ~~E-mail address;~~
 - 8. ~~Date of birth;~~
 - 9. ~~Social Security number;~~
 - 10. ~~BACB certificate number, if applicable;~~
 - 11. ~~A statement of whether the licensee:~~
 - a. ~~Is in compliance with or exempt from the requirements of A.R.S. § 32-3211 regarding secure storage, transfer, and access of patient records and if not, explain;~~
 - b. ~~Is currently licensed or certified as a behavior analyst in any regulatory jurisdiction other than Arizona and if so, the jurisdictions and license numbers;~~
 - c. ~~Is currently licensed or certified in other fields or professions and if so, the name of the professions, regulatory jurisdictions, and license numbers;~~
 - d. ~~Is a member of a hospital staff or provider panel and if so, the name of the hospital or provider;~~
 - e. ~~Is currently a member of a professional association and if so, the name of the professional association;~~
 - f. ~~Has, during the last license period, had a professional license, certification, or registration refused, revoked, suspended, or restricted in any regulatory jurisdiction for reasons relating to unprofessional conduct;~~



- g. Has, during the last license period, voluntarily surrendered a license, certification, or registration, relinquished responsibilities, resigned a position in lieu of termination, or been involuntary terminated in any regulatory jurisdiction while under investigation or in lieu of administrative proceedings for reasons relating to unprofessional conduct;
 - h. Has, during the last license period, resigned or been terminated from a professional organization, hospital staff, or provider panel while a complaint against the licensee was investigated or adjudicated;
 - i. Has, during the last license period, been investigated by any professional organization, health care institution, provider panel of which the licensee is a member or staff, or a regulatory agency in any jurisdiction, including the Arizona Board of Psychologist Examiners, concerning the ethical propriety or legality of the licensee's conduct and if so, the entity doing and dates of the investigation;
 - j. Has, during the last license period, been disciplined by a regulatory agency in any jurisdiction, including the Arizona Board of Psychologist Examiners, health care institution, provider panel, or ethics panel for acts pertaining to the licensee's conduct as a behavior analyst or as a professional in any field and if so, the regulatory agency, jurisdiction, and date of discipline;
 - k. Has, during the last license period, been convicted of, pled no contest or guilty to, entered into a diversion program to avoid prosecution, or is under indictment or awaiting trial for a felony or misdemeanor, other than a minor traffic offense, including any conviction that has been expunged, pardoned, reversed, or set aside;
 - l. Has, during the last license period, been sued in a civil court or charged in a criminal court for an act or omission relating to practice as a behavior analyst or work under a license or certificate in another profession, or work as a member of a profession;
 - m. Currently uses alcohol or another drug that in any way impairs or limits the licensee's ability to practice behavior analysis safely and competently; and
 - n. Has a medical, physical, or psychological condition that limits the licensee's ability to practice behavior analysis safely and competently;
12. An indication whether the licensee is requesting an active license, voluntary inactive license, or medical inactive license;
13. An attestation that the licensee is in compliance with the continuing education requirement specified in R4-26-409; and
14. The licensee's signature attesting that the information provided is true in every respect.
- D.** Additionally, to renew a license, a licensee shall submit:
1. The license renewal fee required under R4-26-402; and
 2. If the documentation previously submitted under ~~R4-26-403(B)(3)~~ R4-26-404(B) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
 3. ~~The Board's Mandatory Confidential Information form.~~
- E.** If a completed application is timely submitted under subsections (C) and (D) to renew an active license, the licensee may continue to practice behavior analysis under the active license until notified by the Board that the application for renewal has been approved or denied. If the Board denies license renewal, the licensee may continue to practice behavior analysis until the last day for seeking review of the Board's decision or a later date fixed by a reviewing court.
- F.** Under A.R.S. § 32-2091.07, the license of a licensee who fails to submit a renewal application on or before the last day of the licensee's birth month during the licensee's renewal year expires and the licensee shall immediately stop practicing as a behavior analyst in Arizona.
- G.** A behavior analyst whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board within two months after last day of the licensee's birth month during the licensee's renewal year:
1. The license renewal application required under subsection (C) and the document required under subsection (D)(2),
 2. A sworn affidavit that the applicant has not practiced as a behavior analyst in Arizona since the applicant's license expired, and
 3. The license renewal and license reinstatement fees.
- H.** A behavior analyst whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) may have the license reinstated by:
1. Complying with subsection (G) within one year after the last day of the licensee's birth month during the licensee's renewal year, and
 2. Providing proof of competency and qualifications to the Board.
- I.** A behavior analyst whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) or (H) may be licensed again only by complying with R4-26-403.

R4-26-415. Informal Interview

- A.** As authorized by A.R.S. § ~~32-2091.09(H)~~ 32-2091.09, the Board may facilitate investigation of a complaint by conducting an informal interview. The Board shall send written notice of an informal interview to the individual who is the subject of the complaint, by personal service or certified mail, return receipt requested, at least 30 days before the informal interview.
- B.** The Board shall ensure that the written notice of informal interview contains the following information:
1. The time, date, and place of the informal interview;
 2. An explanation of the informal nature of the proceedings;
 3. The individual's right to appear with legal counsel who is authorized to practice law in Arizona or without legal counsel;
 4. A statement of the allegations and issues involved with a citation to relevant statutes and rules;
 5. The individual's right to a formal hearing under A.R.S. Title 41, Chapter 6, Article 10 instead of the informal interview;
 6. The licensee's right, as specified in A.R.S. § 32-3206, to request a copy of information the Board will consider in making its determination; and
 7. Notice that the Board may take disciplinary action as a result of the informal interview if it finds the individual violated A.R.S. Title 32, Chapter 19.1, Article 4, or this Article;
- C.** The Board shall ensure that an informal interview proceeds as follows:
1. Introduction of the respondent and, if applicable, the complainant, any other witnesses, and legal counsel for the respondent;



- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **A summary of the economic, small business, and consumer impact:**
Small Business Subject to the Rules: These rules do not change the responsibilities of master meter operators already established in 1970 by the adoption by the Commission of the Code of Federal Regulations, Title 49, Parts 191 and 192.
The new rules will have no effect upon consumers or users of the gas service provided by regulated public utilities as the utilities presently are required to be in compliance with all standards. This will benefit consumers, users and the general public by maintaining a safe pipeline system.
The proposed rules are the least costly method for obtaining compliance with the long-standing minimum safety standards. The rules do not impose additional standards. There is no less intrusive method.
- 10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
None
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
No member of the public provided comment with respect to this rulemaking.
- 12. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
Not applicable
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
The proposed amendments bring the state rules into conformity with federal law, thereby paralleling the federal law and are neither more nor less stringent than the federal law.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
49 CFR 191 (October 1, 2018) adopted in R14-5-202(B)
49 CFR 192 (October 1, 2018), except I(A)(2) and (3) of Appendix D to part 192 adopted in R14-5-202(B)
- 14. **Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 5. CORPORATION COMMISSION – TRANSPORTATION

ARTICLE 2. PIPELINE SAFETY

- Section
 R14-5-202. Construction and Safety Standards for Gas, LNG, and Hazardous Liquid Pipeline Systems
 R14-5-204. Annual Reports

ARTICLE 2. PIPELINE SAFETY

- R14-5-202. Construction and Safety Standards for Gas, LNG, and Hazardous Liquid Pipeline Systems**
- A. No change
 - B. Subject to the definitional changes in R14-5-201 and the modifications noted in this Section, the Commission adopts, incorporates, and approves as its own 49 CFR 40; 191; 192, except (I)(A)(2) and (3) of Appendix D to Part 192; 193; 195, except 195.1(b)(2), (3), and (4); and 199 (October 1, ~~2017~~2018), including no future editions or amendments, which are incorporated by reference; on file with the Office of Pipeline Safety; and published by and available from the U.S. Government Printing Office, 710 North Capital Street N.W., Washington DC 20401, and at <http://www.gpo.gov/fdsys/>. For purposes of 49 CFR 192, “Business District” means an area where the public congregate for economic, industrial, religious, educational, health, or recreational purposes and two or more buildings used for these purposes are located within 100 yards of each other.
 - C. No change
 - 1. No change



- 2. No change
- D.** No change
- E.** No change
 - 1. No change
 - 2. No change
- F.** No change
- G.** No change
- H.** No change
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 - 6. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
- V.** No change
- W.** No change
- X.** No change

R14-5-204. Annual Reports

- A.** An operator of an intrastate pipeline shall file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, an annual report completed using one of the following, as applicable, which are incorporated by reference; on file with the Office of Pipeline Safety; and published by and available from PHMSA as provided in R14-5-203(C)(2):



1. Form PHMSA F 7000-1.1: Annual Report for Calendar Year 20__ Hazardous Liquid Pipeline Systems (~~June 2014~~2019), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form;
 2. Form PHMSA F 7100.1-1: Annual Report for Calendar Year 20__ Gas Distribution System (~~January 2017~~October 2018), including no future editions or amendments, which shall be completed in accordance with the PHMSA instructions for the form;
 3. No change
 4. No change
- B.** No change



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

[R20-81]

- 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; 8, License Renewal and Continuing Education; 11, Standards of Practice
Section numbers: R4-6-101, R4-6-211, R4-6-212, R4-6-212.01, R4-6-214, R4-6-215, R4-6-216, R4-6-304, R4-6-402, R4-6-501, R4-6-502, R4-6-504, R4-6-601, R4-6-602, R4-6-604, R4-6-701, R4-6-704, R4-6-706, R4-6-1101, and R4-6-1106
2. The subject matter of the proposed rule: The Board is making technical corrections, clarifying confusing language, eliminating a Board fee, and expanding the opportunities to receive clinical supervision for licensees who are acquiring supervised work experience.
3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 26 A.A.R. 997, May 22, 2020
4. The name and address of agency personnel with whom persons may communicate regarding the rule: Donna Dalton, Deputy Director; Board of Behavioral Health Examiners; 1740 W. Adams St., Suite 3600; Phoenix, AZ 85007
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.
6. A timetable for agency decisions or other action on the proceeding, if known: To be determined.



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

WHEREAS, government regulations should be as limited as possible; and

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015, the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016, 2017, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators \$53.9 million in operating costs in 2019 and a total of over \$134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent or abusive activities perpetrated against an agency.
 - j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least **three** existing rules to eliminate for every **one** additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term “State agencies” includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

ATTEST:
Katie Hobbs
SECRETARY OF STATE



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

PROPOSED SUMMARY

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

XN = Exempt new Section
 XM = Exempt amended Section
 XR = Exempt repealed Section
 X# = Exempt renumbered Section

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

2020 Arizona Administrative Register Volume 26 Page Guide

Issue 1, Jan. 3, 2020.....1-44	Issue 2, Jan. 10, 2020.....45-96	Issue 3, Jan. 17, 2020.....97-124
Issue 4, Jan. 24, 2020.....125-182	Issue 5, Jan. 31, 2020.....183-218	Issue 6, Feb. 7, 2020.....219-258
Issue 7, Feb. 14, 2020.....259-304	Issue 8, Feb. 21, 2020.....305-330	Issue 9, Feb. 28, 2020.....331-366
Issue 10, March 6, 2020.....367-396	Issue 11, March 13, 2020.....397-468	Issue 12, March 20, 2020.....469-524
Issue 13, March 27, 2020.....525-584	Issue 14, April 3, 2020.....585-640	Issue 15, April 10, 2020.....641-674
Issue 16, April 17, 2020.....675-718	Issue 17, April 24, 2020.....719-776	Issue 18, May 1, 2020.....777-874
Issue 19, May 8, 2020.....875-942	Issue 20, May 15, 2020.....943-992	

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and 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.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 20 OF VOLUME 26.

Accountancy, Board of

R4-1-101.	FM-339	R3-2-413.	FM-781	R3-2-1105.	FEN-916
R4-1-104.	FM-339	R3-2-501.	FM-781	R3-2-1106.	FEN-916
R4-1-115.03.	FM-339	R3-2-503.	FM-781	R3-2-1107.	FEN-916
R4-1-226.01.	FM-339	R3-2-504.	FM-781	R3-2-1108.	FEN-916
R4-1-228.	FR-339;	R3-2-505.	FM-781	R3-2-1109.	FEN-916
	FN-339	R3-2-601.	FR-781	R3-2-1110.	FEN-916
R4-1-229.	FM-339	R3-2-602.	FM-781	R3-2-1111.	FEN-916
R4-1-341.	FM-339	R3-2-603.	FR-781	R3-2-1112.	FEN-916
R4-1-344.	FM-339	R3-2-604.	FR-781	R3-2-1113.	FEN-916
R4-1-345.	FM-339	R3-2-605.	FM-781	R3-2-1114.	FEN-916
R4-1-346.	FM-339	R3-2-606.	FM-781	R3-2-1115.	FEN-916
R4-1-453.	FM-339	R3-2-607.	FM-781	R3-2-1116.	FEN-916
R4-1-454.	FM-339	R3-2-608.	FR-781	R3-2-1117.	FEN-916
R4-1-455.	FM-339	R3-2-609.	FM-781	R3-2-1118.	FEN-916
R4-1-455.01.	FM-339	R3-2-611.	FM-781	R3-2-1119.	FEN-916
R4-1-456.	FM-339	R3-2-612.	FM-781	R3-2-1120.	FEN-916
		R3-2-613.	FM-781	R3-2-1121.	FEN-916
		R3-2-614.	FM-781	R3-2-1122.	FEN-916
		R3-2-615.	FM-781	R3-2-1123.	FEN-916
		R3-2-616.	FM-781	R3-2-1124.	FEN-916
		R3-2-617.	FM-781	R3-2-1125.	FEN-916
		R3-2-618.	FM-781		

Administration, Department of - Public Buildings Maintenance

R2-11-501. FN-679

Agriculture, Department of - Animal Services Division

R3-2-101.	FM-781	R3-2-701.	FM-781
R3-2-102.	FM-781	R3-2-702.	FM-781
R3-2-208.	FM-781	R3-2-703.	FM-781
R3-2-301.	FR-781	R3-2-708.	FM-781
R3-2-302.	FM-781	R3-2-801.	FM-781
R3-2-401.	FM-781	R3-2-803.	FM-781
R3-2-402.	FM-781	R3-2-804.	FM-781
R3-2-403.	FN-781	R3-2-805.	FM-781
R3-2-404.	FM-781	R3-2-807.	FM-781
R3-2-405.	FM-781	R3-2-808.	FM-781
R3-2-406.	FM-781	R3-2-901.	FM-781
R3-2-407.	FM-781	R3-2-902.	FM-781
R3-2-408.	FM-781	R3-2-906.	FM-781
R3-2-409.	FM-781	R3-2-907.	FM-781
R3-2-410.	FR-781;	R3-2-908.	FM-781
	FN-812	R3-2-1101.	FEN-916
R3-2-411.	FR-781	R3-2-1102.	FEN-916
R3-2-412.	FR-781	R3-2-1103.	FEN-916
		R3-2-1104.	FEN-916

Agriculture, Department of - Citrus Fruit and Vegetable

R3-10-201.	XN-681
R3-10-301.	XN-681
R3-10-302.	XN-681
R3-10-303.	XN-681
R3-10-304.	XN-681
R3-10-305.	XN-681
R3-10-401.	XN-681
R3-10-402.	XN-681
R3-10-403.	XN-681
R3-10-404.	XN-681
R3-10-405.	XN-681
R3-10-406.	XN-681
R3-10-407.	XN-681
R3-10-501.	XN-681
R3-10-502.	XN-681
R3-10-503.	XN-681
R3-10-504.	XN-681
R3-10-601.	XN-681

R3-10-602. XN-681
 R3-10-603. XN-681
 R3-10-701. XN-681
 R3-10-801. XN-681
 R3-10-802. XN-681
 R3-10-803. XN-681
 R3-10-804. XN-681
 R3-10-805. XN-681
 R3-10-806. XN-681
 R3-10-807. XN-681
 R3-10-901. XN-681
 R3-10-902. XN-681
 R3-10-903. XN-681
 R3-10-1001. XN-681
 R3-10-1002. XN-681
 R3-10-1003. XN-681
 R3-10-1004. XN-681
 R3-10-1005. XN-681
 R3-10-1101. XN-681
 R3-10-1102. XN-681
 R3-10-1103. XN-681
 R3-10-1104. XN-681
 R3-10-1105. XN-681
 R3-10-1106. XN-681
 R3-10-1107. XN-681
 R3-10-1108. XN-681
 R3-10-1109. XN-681
 R3-10-1110. XN-681
 R3-10-1111. XN-681
 R3-10-1112. XN-681
 R3-10-1112. XN-681
 R3-10-1113. XN-681
 R3-10-1114. XN-681
 R3-10-1115. XN-681
 R3-10-1201. XN-681
 R3-10-1301. XN-681
 R3-10-1401. XN-681
 R3-10-1402. XN-681
 R3-10-1403. XN-681
 R3-10-1404. XN-681
 R3-10-1405. XN-681
 R3-10-1406. XN-681
 R3-10-1407. XN-681
 R3-10-1408. XN-681
 R3-10-1501. XN-681
 R3-10-1601. XN-681
 R3-10-1602. XN-681
 R3-10-1603. XN-681
 R3-10-1604. XN-681
 R3-10-1605. XN-681
 R3-10-1606. XN-681
 R3-10-1607. XN-681
 R3-10-1608. XN-681
 R3-10-1609. XN-681
 R3-10-1610. XN-681
 R3-10-1611. XN-681
 R3-10-1612. XN-681
 R3-10-1613. XN-681
 R3-10-1614. XN-681
 R3-10-1615. XN-681
 R3-10-1701. XN-681
 R3-10-1702. XN-681
 R3-10-1703. XN-681
 R3-10-1704. XN-681
 R3-10-1705. XN-681
 R3-10-1706. XN-681

R3-10-1707. XN-681
Agriculture, Department of - Pest Management Division
 R3-8-103. PEM-379
Arizona Health Care Cost Containment System - Grievance System
 R9-34-101. FM-548
Child Safety, Department of - Permanency and Support Services
 R21-5-201. FM-241
 R21-5-205. FM-241
Clean Elections Commission, Citizens
 R2-20-104. TM-114
 R2-20-113. FM-335
 R2-20-209. FM-111; FM-542
 R2-20-701. PM-101; FM-886
 R2-20-702. FM-309
 R2-20-702.01. PM-102; FM-887
 R2-20-703.01. PM-104; FM-889
 R2-20-704. FM-337
Corporation Commission - Fixed Utilities
 R14-2-2601. FN-473
 R14-2-2602. FN-473
 R14-2-2603. FN-473
 R14-2-2604. FN-473
 R14-2-2605. FN-473
 R14-2-2606. FN-473
 R14-2-2607. FN-473
 R14-2-2608. FN-473
 R14-2-2609. FN-473
 R14-2-2610. FN-473
 R14-2-2611. FN-473
 R14-2-2612. FN-473
 R14-2-2613. FN-473
 R14-2-2614. FN-473
 R14-2-2615. FN-473
 R14-2-2616. FN-473
 R14-2-2617. FN-473
 R14-2-2618. FN-473
 R14-2-2619. FN-473
 R14-2-2620. FN-473
 R14-2-2621. FN-473
 R14-2-2622. FN-473
 R14-2-2623. FN-473
 R14-2-2624. FN-473
 R14-2-2625. FN-473
 R14-2-2626. FN-473
 R14-2-2627. FN-473
 R14-2-2628. FN-473
Corporation Commission - Transportation
 R14-5-202. PM-11
 R14-5-204. PM-11
Dispensing Opticians, Board of

R4-20-120. FM-202
Economic Security, Department of - Child Support Enforcement
 R6-7-103. FM-15
Economic Security, Department of - Developmental Disabilities
 R6-6-401. P#-5; PN-5
 R6-6-402. P#-5; PM-5
 R6-6-403. PR-5; P#-5
 R6-6-404. PM-5
 R6-6-405. P#-5; PM-5
Economic Security, Department of - Food Stamps Program
 R6-14-301. FN-263
 R6-14-302. FN-263
 R6-14-303. FN-263
 R6-14-304. FN-263
 R6-14-305. FN-263
 R6-14-306. FN-263
 R6-14-307. FN-263
 R6-14-308. FN-263
 R6-14-309. FN-263
 R6-14-310. FN-263
 R6-14-311. FN-263
 R6-14-401. FN-263
 R6-14-402. FN-263
 R6-14-403. FN-263
 R6-14-404. FN-263
 R6-14-405. FN-263
 R6-14-406. FN-263
 R6-14-407. FN-263
 R6-14-408. FN-263
 R6-14-409. FN-263
 R6-14-410. FN-263
 R6-14-411. FN-263
 R6-14-412. FN-263
 R6-14-413. FN-263
 R6-14-414. FN-263
 R6-14-415. FN-263
 R6-14-416. FN-263
 R6-14-417. FN-263
 R6-14-501. FN-263
 R6-14-502. FN-263
 R6-14-503. FN-263
 R6-14-504. FN-263
 R6-14-505. FN-263
 R6-14-506. FN-263
 R6-14-507. FN-263
Education, State Board of
 R7-2-302.11. FXM-966
 R7-2-306. FXM-66
 R7-2-604. FXM-66
 R7-2-615.01. FXN-595
 R7-2-619. FXM-314
 R7-2-1001. FXM-597
 R7-2-1002. FXM-597
 R7-2-1003. FXM-597
 R7-2-1008. FXM-597
 R7-2-1018. FXM-597
 R7-2-1022. FXM-597
 R7-2-1024. FXM-597
 R7-2-1028. FXM-597

R4-25-101.	PM-645	R13-3-902.	FM-963	Secretary of State, Office of the	
R4-25-102.	PM-645	Psychologist Examiners, Board of		R2-12-1201.	F#-106; FN-106
R4-25-103.	PM-645	R4-26-203.	PM-187	R2-12-1202.	F#-106; FM-106
R4-25-104.	PM-645	R4-26-203.01.	PM-187	R2-12-1203.	F#-106
Table 1.	PM-645	R4-26-205.	PM-187	R2-12-1204.	F#-106; FM-106
R4-25-201.	PM-645	R4-26-207.	PM-187	R2-12-1205.	F#-106; FM-106
R4-25-203.	PR-645	Table 1.	PM-187	R2-12-1206.	F#-106; FM-106
R4-25-301.	PM-645	R4-26-401.	PM-187	R2-12-1207.	F#-106; FM-106
R4-25-302.	PM-645	R4-26-403.	PM-187	R2-12-1208.	FR-106; F#-106
R4-25-501.	PM-645	R4-26-404.1.	PM-187	R2-12-1209.	FR-106
R4-25-502.	PM-645	R4-26-404.2.	PM-187	R2-12-1301.	FN-537
R4-25-603.	PM-645	R4-26-406.	PM-187	R2-12-1302.	FN-537
R4-25-604.	PM-645	R4-26-407.	PR-187	R2-12-1303.	FN-537
Public Safety, Department of -		R4-26-408.	PM-187	R2-12-1304.	FN-537
Alcohol Testing		R4-26-415.	PM-187	R2-12-1305.	FN-537
		Retirement System Board, State		R2-12-1306.	FN-537
R13-10-101.	FM-723	R2-8-115.	PM-947	R2-12-1307.	FN-537
R13-10-103.	FM-723	R2-8-120.	PR-947	R2-12-1308.	FN-537
R13-10-104.	FM-723	R2-8-122.	FM-371	Transportation, Department of -	
R13-10-107.	FM-723	R2-8-126.	PM-947	Highways	
Exhibit A.	FM-723	R2-8-127.	PN-947	R17-3-801.	EXP-382
Exhibit B.	FM-723	R2-8-128.	PN-947	R17-3-802.	EXP-382
Exhibit C.	FM-723	R2-8-129.	PN-947	R17-3-803.	EXP-382
Exhibit D.	FM-723	R2-8-130.	PN-947	R17-3-804.	EXP-382
Exhibit I-1.	FN-723	R2-8-131.	PN-947	R17-3-805.	EXP-382
Exhibit I-2.	FN-723	R2-8-132.	PN-947	R17-3-806.	EXP-382
Public Safety, Department of -		R2-8-133.	PN-947	R17-3-808.	EXP-382
Tow Trucks					

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 20 OF VOLUME 26.

Agency Ombudsman, Notices of

- Child Safety, Department of; p. 384
- Chiropractic Examiners, Board of; p. 173
- Dental Examiners, Board of; p. 384
- First Things First/Early Childhood Development and Health Board; p. 456
- Osteopathic Examiners in Medicine and Surgery, Board of; p. 21
- Public Safety, Department of; p. 21

Docket Opening, Notices of Rulemaking

- Agriculture, Department of - Pest Management Division; 3 A.A.C. 8; p. 383
- Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 115-116
- Corporation Commission - Transportation; 14 A.A.C. 5; p. 19
- Economic Security, Department of - Developmental Disabilities; 6 A.A.C. 6; p. 17
- Environmental Quality, Department of - Hazardous Waste Management; 18 A.A.C. 8; p. 318

- Health Services, Department of - Administration; 9 A.A.C. 1; pp. 206-207
- Health Services, Department of - Communicable Diseases and Infestations; 9 A.A.C. 6; p. 291
- Health Services, Department of - Food, Recreational, and Institutional Sanitation; 9 A.A.C. 8; p. 356
- Health Services, Department of - Health Care Institution Facility Data; 9 A.A.C. 11; p. 569
- Health Services, Department of - Health Care Institutions: Licensing; 9 A.A.C. 10; p. 317
- Health Services, Department of - Occupational Licensing; 9 A.A.C. 16; pp. 626-627
- Health Services, Department of - Radiation Control; 9 A.A.C. 7; pp. 355-356, 762
- Health Services, Department of - Vital Records and Statistics; 9 A.A.C. 19; p. 659-660
- Manufactured Housing, Board of; 4 A.A.C. 34; p. 568

- Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners of; 4 A.A.C. 33; p. 17
- Peace Officer Standards and Training Board, Arizona; 13 A.A.C. 4; pp. 978
- Podiatry Examiners, Board of; 4 A.A.C. 25; p. 658
- Psychologist Examiners, Board of; 4 A.A.C. 26; pp. 205-206
- Public Safety, Department of - Tow Trucks; 13 A.A.C. 3; p. 18
- Public Safety, Department of - School Buses; 13 A.A.C. 13; p. 569
- Retirement System Board, State; 2 A.A.C. 8; p. 978

Governor's Office

- Executive Order 2019-01:** pp. 23-24
- Executive Order 2020-02:** pp. 174-175
- Governor's Regulatory Review Council**
- Notices of Action Taken at Monthly Meetings: pp. 217,

257-258, 302-303, 581-582,
872-873

Public Information, Notices of

- Environmental Quality, Department of; pp. 628-629
- Environmental Quality, Department of - Safe Drinking Water; p. 628-661
- Environmental Quality, Department of - Water Pollution Control; p. 706
- Health Services, Department of; pp. 246-247

Substantive Policy Statement, Notices of

- Contractors, Registrar of; p. 319
- Finance Authority, Water Infrastructure; pp. 319-321
- Land Department, State; pp. 512-513
- Real Estate, Department; p. 662
- State Lottery, Arizona; p. 117



RULES EFFECTIVE DATES CALENDAR

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.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/21
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/21	12/2	1/31/21
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/21	12/3	2/1/21
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/21	12/4	2/2/21
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/21	12/5	2/3/21
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/21	12/6	2/4/21
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/21	12/7	2/5/21
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/21	12/8	2/6/21
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/21	12/9	2/7/21
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/21	12/10	2/8/21
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/21	12/11	2/9/21
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/21	12/12	2/10/21
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/21	12/13	2/11/21
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/21	12/14	2/12/21
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/21	12/15	2/13/21
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7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/21	12/22	2/20/21
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/21	12/23	2/21/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/21	12/24	2/22/21
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/21	12/25	2/23/21
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/21	12/26	2/24/21
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/21	12/27	2/25/21
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/21	12/28	2/26/21
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/21	12/29	2/27/21
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/21	12/30	2/28/21
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/21



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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from February 7, 2020 to August 28, 2020.



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 under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	Wednesday May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

* 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.