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DOUGLAS A. DUCEY  
Governor

TOBI ZAVALA  
Executive Director

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November 22, 2019

VIA EMAIL: [grrc@azdoa.gov](mailto:grrc@azdoa.gov)  
Nicole Sornsin, Chair  
Governor's Regulatory Review Council  
100 North 15<sup>th</sup> Ave, Suite 305  
Phoenix, AZ 85007

RE: Arizona Board of Behavioral Health Examiners  
A.A.C. Title 4, Chapter 6, Articles 1 through 11  
Five-year Review Report

Dear Ms. Sornsin,

Pursuant to A.R.S. § 41-1056, following is the Five-year Review Report of the Arizona Board of Behavioral Health Examiners ("Board") for Arizona Administrative Code Title 4, Chapter 6 which is due under an approved extension by November 29, 2019.

The Board hereby certifies it is in compliance with A.R.S. § 41-1091. Should there be any questions, please contact Donna Dalton at (602) 542-1811 or [donna.dalton@azbbhe.us](mailto:donna.dalton@azbbhe.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Tobi Zavala".

Tobi Zavala  
Executive Director  
(602) 542-1617  
[Tobi.zavala@azbbhe.us](mailto:Tobi.zavala@azbbhe.us)



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# ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

Five-year Review Report

November 2019

## INTRODUCTION

The Arizona Board of Behavioral Health Examiners (“Board”) was established by law in 1989 to certify professionals in the fields of Social Work, Professional Counseling, Marriage and Family Therapy, and Substance Abuse Counseling. Voluntary certification changed to mandatory licensure on July 1, 2004.

As of November 2019, the Board’s licensee counts are as follows:

Licensed Baccalaureate Social Worker	104
Licensed Master Social Worker	2578
Licensed Clinical Social Worker	2486
Licensed Associate Counselor	1670
Licensed Professional Counselor	3340
Licensed Associate Marriage and Family Therapist	213
Licensed Marriage and Family Therapist	510
Licensed Substance Abuse Technician	42
Licensed Associate Substance Abuse Counselor	286
Licensed Independent Substance Abuse Counselor	<u>1023</u>
Total Licensees as of November 22, 2019	12252

The Board’s previous five-year review report was submitted in January of 2015. At that time, the Board was in an exempt rulemaking period and was working on proposed rules to meet the updated statutory requirements in Laws 2013, Ch. 242 which significantly changed the statutes that govern the Board. The Board was granted an exemption from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, through November 1, 2015. The Notice of Final Exempt Rulemaking (“NFER 2015”) was filed in October of 2015 with an effective date of November 1, 2015. NFER 2015 modified regulations in every Article in Title 4, Chapter 6, Arizona Administrative Code. Changes of note included:

- Eliminating the Credentialing Committees and establishing Academic Review Committees
- Eliminating reciprocal licensure and replacing it with licensure by endorsement
- Adopting rules for regionally accredited colleges and universities with unaccredited programs to submit their curricula for review and approval
- Modifying the clinical supervisor requirements during the period of supervised work experience to require hours from the same discipline

- Updating the clinical supervision requirements and establishing a process to request exemptions
- Defining the process to be included on the registry of individuals who have met the educational requirements to provide clinical supervision and clarifying the training required
- Adopting the Board's fees in rule
- Updating the license by exam and license by endorsement requirements
- Expanding the examinations accepted for social work licensure
- Allowing for the provision of psychoeducation as part of the supervised work experience
- The Board shall not act on a complaint that is received anonymously or in which the alleged unprofessional conduct occurred more than seven years ago
- Updating the curriculum requirements for licensure
- Expanding the opportunities to complete post-degree coursework to meet curriculum requirements
- Defining the process of synchronizing license expiration dates
- Modifying the continuing education requirements to include a tutorial on the Board's rules and statutes
- Adding a regulation regarding telepractice

Laws 2015, Chapter 154 further revised the Board's statutes and extended the Board's rulemaking exemption through November 1, 2016, so the Board did an additional exempt rulemaking to provide clarification to NFER 2015 and make technical corrections to reduce burdens for applicants and licensees regulated by the Board. A Notice of Final Exempt Rulemaking ("NFER 2016") was filed in October of 2016 with an effective date of November 1, 2016. NFER 2016 modified regulations in Title 4, Chapter 6, Articles 1-8, Arizona Administrative Code including:

- Requiring applicants and licensees to maintain contact information for all places of employment
- Clarified individuals eligible to provide direct supervision
- Clarified the amount of individual and group clinical supervision hours needed for licensure

- Expanded the ability for supervisees to hire outside clinical supervisors
- Established a continuing education clock hour value for the Board approved tutorials
- Clarified the requirements for licensure by endorsement
- Extended the term of temporary licenses to allow for additional time to test
- Allowed for granting extensions to the testing period for licensure
- Clarified the curriculum requirements for marriage and family therapy and substance abuse counselor licensure

In April of 2017, the Board received a petition pursuant to A.R.S. § 41-1093.02(A) from an individual who believed they were harmed by the Board’s regulations A.A.C. R4-6-210(3) and R4-6-211(A) which established the guidelines for practice restrictions for non-independent level licensees, and the settings in which they can work under direct supervision.

The Board reviewed the petition at its meetings in September, October and November of 2017, and voted to move forward with the rulemaking process to modify A.A.C. R4-6-211. In November of 2017, the Board requested and was granted an exemption to the rulemaking moratorium to accomplish several regulatory updates:

- Modify A.A.C. R4-6-306 to expire rather than revoke a temporary license issued to an applicant upon their failure to take or pass the required exam
- Modify A.A.C. R4-6-211 to establish the requirements for supervision of masters level non-independent licensees to practice in which they have ownership interest
- Modify multiple references in rule to allow for additional digital records/signatures/notifications as permitted by statute
- Develop an exemption for supervised work experience acquired outside of Arizona so the Board may consider it based on meeting the other state’s requirements
- Revisions necessitated by statutory changes
- Technical corrections discovered since the previous rulemaking

In March of 2018, the Board requested and was granted approval to expand the scope of the exempt rulemaking to include the reduction of three Board fees.

The Notice of Final Rulemaking (“NFR 2018”) was filed in November of 2018, with an effective date of January 12, 2019.

**Arizona Board of Behavioral Health Examiners**  
**5 YEAR REVIEW REPORT**  
**A.A.C. Title 4. Professions and Occupations**  
**Chapter 6. Board of Behavioral Health Examiners**  
**Submitted for November 2019**

**1. Authorization of the rule by existing statutes:**

General Statutory Authority: A.R.S. § 32-3253(A)(1)

Specific Statutory Authority:

Rule	Authorizing Statute
R4-6-101. Definitions	A.R.S. § 32-3253
R4-6-201. Board Meetings; Elections	A.R.S. § 32-3253
R4-6-203. Academic Review Committee Meetings; Elections	A.R.S. § 32-3262
R4-6-205. Change of Contact Information	A.R.S. § 32-3276
R4-6-206. Change of Name	A.R.S. § 32-3253
R4-6-207. Confidential Records	A.R.S. §§ 32-3253 and 32-3282
R4-6-208. Conviction of a Felony or Prior Disciplinary Action	A.R.S. §§ 32-3251(16) and 32-3275
R4-6-209. Deadline Extensions	A.R.S. §§ 32-3253, 32-3277, and 41-1073
R4-6-210. Practice Limitations	A.R.S. §§ 32-3253, 32-3279, 32-3291, 32-3292, 32-3303, 32-3313 and 32-3321
R4-6-211. Direct Supervision; Supervised Work Experience: General	A.R.S. §§ 32-3253, 32-3279, 32-3291, 32-3292, 32-3303, 32-3313 and 32-3321
R4-6-212. Clinical Supervision Requirements	A.R.S. §§ 32-3253, 32-3293, 32-3301, 32-3311 and 32-3321
R4-6-212.01. Exemptions to Clinical Supervision Requirements	A.R.S. §§ 32-3253, 32-3293, 32-3301, 32-3311 and 32-3321
R4-6-213. Registry of Clinical Supervisors	A.R.S. § 32-3253
R4-6-214. Clinical Supervisor Educational Requirements	A.R.S. § 32-3253

Rule	Authorizing Statute
R4-6-215. Fees and Charges	A.R.S. §§ 32-3253 and 32-3272
R4-6-216. Foreign Equivalency Determination	A.R.S. §§ 32-3253, 32-3291, 32-3292, 32-3293, 32-3301, 32-3311 and 32-3321
R4-6-301. Application for a License by Examination	A.R.S. §§ 32-3253, 32-3275, 32-3280, 41-1080(A), 25-320(P), and 25-502(K)
R4-6-302. Licensing Time-frames	A.R.S. §§ 41-1073 and 32-3253(A)(3)
Table 1. Time Frames (in Days)	A.R.S. §§ 41-1073 and 32-3253(A)(3)
R4-6-304. Application for a License by Endorsement	A.R.S. §§ 32-3274 and 32-4302
R4-6-305. Inactive Status	A.R.S. § 32-3278
R4-6-306. Application for a Temporary License	A.R.S. § 32-3279
R4-6-307. Approval of an Educational Program	A.R.S. § 32-3253
R4-6-401. Curriculum	A.R.S. §§ 32-3291, 32-3292, and 32-3293
R4-6-402. Examination	A.R.S. §§ 32-3291, 32-3292, and 32-3293
R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure	A.R.S. § 32-3293
R4-6-404. Clinical Supervision for Clinical Social Worker Licensure	A.R.S. § 32-3293
R4-6-501. Curriculum	A.R.S. §§ 32-3301 and 32-3303
R4-6-502. Examination	A.R.S. §§ 32-3301 and 32-3303
R4-6-503. Supervised Work Experience for Professional Counselor Licensure	A.R.S. § 32-3301
R4-6-504. Clinical Supervision for Professional Counselor Licensure	A.R.S. § 32-3301
R4-6-505. Post-degree Programs	A.R.S. §§ 32-3301 and 32-3303
R4-6-601. Curriculum	A.R.S. §§ 32-3311 and 32-3313
R4-6-602. Examination	A.R.S. §§ 32-3311 and 32-3313
R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure	A.R.S. § 32-3311

Rule	Authorizing Statute
R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure	A.R.S. § 32-3311
R4-6-605. Post-degree Programs	A.R.S. §§ 32-3311 and 32-3313
R4-6-701. Licensed Substance Abuse Technician Curriculum	A.R.S. § 32-3321
R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum	A.R.S. § 32-3321
R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum	A.R.S. § 32-3321
R4-6-704. Examination	A.R.S. § 32-3321
R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure	A.R.S. § 32-3321
R4-6-706. Clinical Supervision for Substance Abuse Counselor Licensure	A.R.S. § 32-3321
R4-6-707. Post-degree Programs	A.R.S. § 32-3321
R4-6-801. Renewal of Licensure	A.R.S. §§ 32-3273 and 32-4301
R4-6-802. Continuing Education	A.R.S. § 32-3273
R4-6-803. Continuing Education Documentation	A.R.S. § 32-3273
R4-6-901. Appeal Process for Licensure Ineligibility	A.R.S. §§ 32-3253, 32-3275, and 41-1092
R4-6-902. Appeal Process for Licensure Renewal Ineligibility	A.R.S. §§ 32-3253, 32-3275, and 41-1092
R4-6-1001. Disciplinary Process	A.R.S. §§ 32-3253, 32-3281 and 32-3282
R4-6-1002. Review or Rehearing of a Board Decision	A.R.S. §§ 32-3253, 32-3281 and 32-3282
R4-6-1101. Consent for Treatment	A.R.S. § 32-3253
R4-6-1102. Treatment Plan	A.R.S. § 32-3253
R4-6-1103. Client Record	A.R.S. §§ 32-3253, 12-2293, and 12-2297
R4-6-1104. Financial and Billing Records	A.R.S. § 32-3253
R4-6-1105. Confidentiality	A.R.S. §§ 32-3253 and 32-3283

Rule	Authorizing Statute
R4-6-1106. Telepractice	A.R.S. § 32-3253

**2. The objective of each rule:**

Rule	Objective
R4-6-101. Definitions	The objective of this rule is to provide uniform definitions of the words used in the Board's rules to ensure the rules are clear and understandable.
R4-6-201. Board Meetings; Elections	The objective of this rule is to mandate when and how often the Board will meet, how meetings are convened, that a quorum is necessary to conduct official business, and how officers are elected.
R4-6-203. Academic Review Committee Meetings; Elections	The objective of this rule is to mandate when and how often each Academic Review Committee will meet, how meetings are convened, that a quorum is necessary to conduct official business, and how officers are elected.
R4-6-205. Change of Contact Information	The objective of this rule is to require licensees and applicants for licensure to notify the Board in writing within 30 days of any change of home or employment contact information.
R4-6-206. Change of Name	The objective of this rule is to require licensees and applicants for licensure to notify the Board in writing within 30 days of any name change.
R4-6-207. Confidential Records	The objective of this rule is to designate Board and Committee records which are confidential and not open to public inspection and provide guidance regarding the limited access that may be available to inspect those records.
R4-6-208. Conviction of a Felony or Prior Disciplinary Action	The objective of this rule is to designate the factors the Board shall consider to determine whether a felony conviction or prior disciplinary action will result in the Board issuing disciplinary sanctions, denying a renewal application, or refusing to issue a license.
R4-6-209. Deadline	The objective of this rule is to establish how deadlines contained

Rule	Objective
Extensions	in the Board rules may be extended.
R4-6-210. Practice Limitations	The objective of this rule is to set the practice limitation for licensees not allowed to practice independently.
R4-6-211. Direct Supervision: Supervised Work Experience: General	The objective of this rule is to establish the practice settings for licensees restricted from practicing independently, and the requirements for acquiring supervised work experience to be used in achieving independent level licensure.
R4-6-212. Clinical Supervision Requirements	The objective of this rule is to establish the minimum requirements for clinical supervision for an applicant for independent level licensure.
R4-6-212.01. Exemptions to Clinical Supervision Requirements	The objective of this rule is to establish an exemption process for an applicant seeking clinical supervision from a supervisor precluded by the rule from providing the clinical supervision.
R4-6-213. Registry of Clinical Supervisors	The objective of this rule is to establish the requirements to be included on the registry of licensees who have met the educational requirements to provide supervision.
R4-6-214. Clinical Supervisor Educational Requirements	The objective of this rule is to establish the educational requirements for individuals providing clinical supervision to applicants for independent level licensure.
R4-6-215. Fees and Charges	The objective of this rule is to establish the Board's fees and charges, and the method of payment permitted.
R4-6-216. Foreign Equivalency Determination	The objective of this rule is to establish the requirements for a qualifying degree earned in a foreign country and the process to have the degree evaluated for equivalency of educational standards.
R4-6-301. Application for a License by Examination	The objective of this rule is to establish the processes required for licensure applications for applicants qualifying by education and examination.
R4-6-302. Licensing Time Frames	The objective of this rule is to establish overall, administrative, and substantive time frames for the types of licenses issued by

Rule	Objective
	the Board.
R4-6-304. Application for a License by Endorsement	The objective of this rule is to establish the standards under which an applicant with a license to practice behavioral health in another jurisdiction may qualify for a license by endorsement.
R4-6-305. Inactive Status	The objective of this rule is to establish the requirements for a licensee to place their license on inactive status and postpone renewal of licensure.
R4-6-306. Application for a Temporary License	The objective of this rule is to establish the standards under which an applicant for licensure may be granted a temporary license to practice pending completion of the application and examination process.
R4-6-307. Approval of an Educational Program	The objective of this rule is to establish the process under which regionally accredited colleges or universities with academic programs not otherwise accredited may submit their programs to be reviewed to determine if they are consistent with the curriculum requirements for licensure.
R4-6-401. Curriculum	The objective of this rule is to establish the curriculum requirements for social work licensure.
R4-6-402. Examination	The objective of this rule is to establish the examination requirements for social work licensure.
R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure	The objective of this rule is to clarify the supervised work experience requirements for clinical social worker licensure.
R4-6-404. Clinical Supervision for Clinical Social Worker Licensure	The objective of this rule is to clarify the clinical supervision requirements for clinical social worker licensure.
R4-6-501. Curriculum	The objective of this rule is to establish the curriculum requirements for counseling licensure.
R4-6-502. Examination	The objective of this rule is to establish the examination requirements for counseling licensure.

Rule	Objective
R4-6-503. Supervised Work Experience for Professional Counselor Licensure	The objective of this rule is to clarify the supervised work experience requirements for professional counselor licensure.
R4-6-504. Clinical Supervision for Professional Counselor Licensure	The objective of this rule is to clarify the clinical supervision requirements for professional counselor licensure.
R4-6-505. Post-degree Programs	The objective of this rule is to clarify the amount of coursework that can be taken after attaining a master's degree to qualify for counseling licensure.
R4-6-601. Curriculum	The objective of this rule is to establish the curriculum requirements for marriage and family therapy licensure.
R4-6-602. Examination	The objective of this rule is to establish the examination requirements for marriage and family therapy licensure.
R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure	The objective of this rule is to clarify the supervised work experience requirements for marriage and family therapy licensure.
R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure	The objective of this rule is to clarify the clinical supervision requirements for marriage and family therapy licensure.
R4-6-605. Post-degree Programs	The objective of this rule is to clarify the amount of coursework that can be taken after attaining a master's degree to qualify for marriage and family therapy licensure.
R4-6-701. Licensed Substance Abuse Technician Curriculum	The objective of this rule is to establish the curriculum requirements for substance abuse technician licensure.
R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum	The objective of this rule is to establish the curriculum requirements for associate substance abuse counselor licensure.
R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum	The objective of this rule is to establish the curriculum requirements for independent substance abuse counselor licensure.

Rule	Objective
R4-6-704. Examination	The objective of this rule is to establish the examination requirements for substance abuse licensure.
R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure	The objective of this rule is to clarify the supervised work experience requirements for associate substance abuse counselor licensure and independent substance abuse counselor licensure.
R4-6-706. Clinical Supervision for Substance Abuse Counselor Licensure	The objective of this rule is to clarify the clinical supervision requirements for associate substance abuse counselor licensure and independent substance abuse counselor licensure
R4-6-707. Post-degree Programs	The objective of this rule is to clarify the amount of coursework that can be taken after attaining the degree required to qualify for substance abuse licensure.
R4-6-801. Renewal of Licensure	The objective of this rule is to establish the process for licensees to renew their licensure.
R4-6-802. Continuing Education	The objective of this rule is to establish the general continuing education requirements for licensure renewal.
R4-6-803. Continuing Education Documentation	The objective of this rule is to establish the continuing education documentation requirements for licensure renewal.
R4-6-901. Appeal Process for Licensure Ineligibility	The objective of this rule is to establish an appeal process for applicants with regard to licensure application denial.
R4-6-902. Appeal Process for Licensure Renewal Ineligibility	The objective of this rule is to establish the process for licensees to appeal Board decisions denying renewal eligibility.
R4-6-1001. Disciplinary Process	The objective of this rule is to establish the disciplinary process for unprofessional practices by licensees and applicants.
R4-6-1002. Review or Rehearing of a Board Decision	The objective of this rule is to establish the process for review or rehearing of a Board decision after a formal administrative hearing.
R4-6-1101. Consent for Treatment	The objective of this rule is to establish the requirements for the minimum elements to be contained in a consent for treatment.
R4-6-1102. Treatment Plan	The objective of this rule is to establish the requirements for the minimum elements to be contained in a treatment plan.

Rule	Objective
R4-6-1103. Client Record	The objective of this rule is to establish the requirements for the minimum elements to be contained in a client record.
R4-6-1104. Financial and Billing Records	The objective of this rule is to establish the requirements for the minimum elements to be contained in the financial and billing records for a client.
R4-6-1105. Confidentiality	The objective of this rule is to designate client records which are confidential and not open to public inspection and provide guidance regarding release of those records.
R4-6-1106. Telepractice	The objective of this rule is to establish guidelines for telepractice.

3. **Are the rules effective in achieving their objectives?** Yes X No \_\_\_

Each rule is effective in achieving its objective.

4. **Are the rules consistent with other rules and statutes?** Mostly Yes

All of the rules except the following are consistent with other state and federal rules and statutes:

Rule	Explanation
R4-6-304. Application for a License by Endorsement	This Section refers to A.R.S. § 32-3274 to establish the requirements for licensure by endorsement for applicants licensed in another state. With the recently enacted A.R.S. § 32-4302, this rule needs to be amended to account for another path to licensure for applicants licensed in another state.

5. **Are the rules enforced as written?** Mostly Yes

All of the rules except the following are enforced as written:

Rule	Explanation
R4-6-304. Application for a License by	This Section refers to A.R.S. §§ 32-3274 and 32-4302 to establish the requirements for licensure for applicants licensed in another state. One of the requirements in both statutes is that the

Rule	Explanation
Endorsement	applicants' state(s) of licensure verify that the applicant does not have unresolved or pending complaints. The Board is finding an increasing number of states will not release this information until a final disposition of the complaint. In Arizona, A.R.S. § 32-3214(A) mandates that pending complaints/investigations may not be disclosed to the public. Because of the difficulty in enforcing other states' release of information, the Board has opted to issue licenses based on the applicants' signed attestation that they are not the subject of a pending investigation by any state regulatory board or other credentialing authority.

**6. Are the rules clear, concise, and understandable?**

**Mostly Yes**

All of the rules except the following are clear, concise, and understandable:

Rule	Explanation
R4-6-211. Direct Supervision: Supervised Work Experience: General	This rule was modified in NFR 2018 to establish the requirements for supervision of masters level non-independent licensees to practice in which they have ownership interest. As the rule has been implemented, additional clarification is needed.
R4-6-214. Clinical Supervisor Educational Requirements	In NFER 2015, the educational requirements for clinical supervisors were modified (among other things) to be 6 hours in a two year period to 6 hours in a three year period and completion of a "Board approved tutorial". The rule does not fully clarify the change and has caused confusion. In addition, the Board has approved a tutorial for endorsement licensure and licensure renewal, and a separate tutorial to meet the Clinical Supervisor Educational Requirements (above). This will be clarified in an upcoming rulemaking.
R4-6-304. Application for a License by Endorsement	The rule refers to the requirement for an applicant to complete a "Board approved tutorial". The Board has approved a tutorial for endorsement licensure and licensure renewal, and a separate tutorial to meet the Clinical Supervisor Educational Requirements (above). This will be clarified in an upcoming rulemaking.

Rule	Explanation
R4-6-802. Continuing Education	The rule refers to the requirement for an applicant to complete a “Board approved tutorial”. The Board has approved a tutorial for endorsement licensure and licensure renewal, and a separate tutorial to meet the Clinical Supervisor Educational Requirements (above). This will be clarified in an upcoming rulemaking.

7. **Has the agency received written criticisms of the rules within the last five years? Yes X**

FEEDBACK RECEIVED WITH NFER 2015

COMMENT	BOARD’S ANALYSIS	BOARD’S RESPONSE
R4-6-101. Definition of direct supervision: Remove “immediate” from definition because it implies the supervisee has access to the direct supervisor in a matter of time rather than responsibility.	The Board agrees with the comment.	The word “immediate” was deleted from the definition of direct supervision.
R4-6-101. Definition of clinical supervision: Add “and educate” to the phrase “...qualified to evaluate, guide, and direct all behavioral health services...”	The definition is about “clinical supervision.” It is not about the supervisor providing the supervision. The Board believes the definition is adequate.	No change
R4-6-101. Definition of clinical supervisor: Change the definition to read: “Means an individual who is licensed and educationally qualified as per R4-6-214 and provides oversight, education, and assessment to	The definition of “clinical supervisor” references the definition of “clinical supervision.” The definition of “clinical supervision” contains the information requested.	No change

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
a supervisee.”		
<p>R4-6-101.Definition of supervised work experience: It is good that the rules require a link between clinical supervision and supervised work experience. Unfortunately, many agencies in position to provide clinical supervision do not require those providing the clinical supervision to have the training required to be qualified to provide the clinical supervision.</p>	<p>The concern is outside the Board's ability to influence.</p>	<p>No change</p>
<p>R4-6-207(B). Confidential Records: Delete this subsection, which allows a licensee to view an investigative file so close to the time the Board will consider a complaint against the licensee. Also cite statute regarding Board's authorization to redact confidential information.</p>	<p>The Board believes subsection (B) more appropriately belongs in R4-6-1001.</p>	<p>Subsection (B) was moved and is now subsection (C) of R4-6-1001. The statute cited in the lead to the subsection references the Board's authority to redact information.</p>
<p>R4-6-212(A)(2). Clinical Supervision Requirements: If psychiatric nurses are not allowed to provide clinical</p>	<p>The Board agrees with the comment.</p>	<p>Psychiatrists were removed from the listed of qualified individuals under this subsection. Both</p>

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
<p>supervision, psychiatrists should also not be allowed to provide clinical supervision because they lack treatment experience.</p>		<p>psychiatrists and psychiatric nurses were added to R4-6-212.01 as individuals for whom an exemption from the clinical supervision requirements could be granted.</p>
<p>R4-6-212(D). Clinical Supervision Requirements: Two hours of face-to-face clinical supervision in a six-month period is too little. The requirement should align with that of DHS, which requires one hour of face-to-face supervision for every 40 hours worked.</p>	<p>This is a minimum standard. More face-to-face clinical supervision is allowed.</p>	<p>No change</p>
<p>R4-6-212(D). Clinical Supervision Requirements: Increase the number of hours of clinical supervision allowed by videoconference and telephone. This is important in rural areas where supervision is hard to locate.</p>	<p>The Board understands the concern and agrees that increasing the hours of clinical supervision allowed by videoconference and telephone is appropriate.</p>	<p>The hours of clinical supervision allowed by videoconference and telephone was increased to 90 from 70.</p>
<p>R4-6-212(D). Clinical Supervision Requirements: Require one face-to-face session between the clinical supervisor and supervisee</p>	<p>This is an option for any clinical supervisor but the Board believes it is not a necessary requirement.</p>	<p>No change</p>

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
before any hours are conducted by electronic means.		
R4-6-212(D)(4). Clinical Supervision Requirements: A clinical supervision session should be 15 minutes rather than 30 minutes, especially in a crisis situation.	The Board believes 30 minutes per clinical supervision session is the minimum necessary for the needed observation, guidance, and learning to occur.	No change
R4-6-212(F). Clinical Supervision Requirements: Add a provision that the Board may accept hours of clinical supervision from more than four supervisors if death or disability of a supervisor made it necessary to obtain hours from another supervisor. Limiting hours to four supervisors does not consider the high rate of turnover in staff at behavioral health agencies.	The Board agrees with the concern.	R4-6-212(F) was changed to allow clinical supervision by up to six supervisors.
R4-6-212(G). Clinical Supervision Requirements: The percentage of hours of clinical supervision obtained in individual sessions should be increased.	This is a minimum standard. Additional hours of individual clinical supervision are acceptable.	No change

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
The percentage of hours obtained with one or two supervisees should be changed to "Not more than 75 percent...."	The Board agrees.	The suggested change was made to R4-6-212(G)(2).
R4-6-212.01. Exemptions to the Clinical Supervision Requirements: Advance Practice Nurses should be considered for exemption.	The Board agrees.	The exemption was added.
R4-6-213. Registry of Clinical Supervisors: Requests the Board add a provision that gives licensees an idea of when their supervision will be reviewed.	The Board believes including a clinical supervisor on the registry does not require a time frame expectation.	No change
R4-6-214. Clinical Supervision Educational Requirements: Having to pass a jurisprudence examination every three years is burdensome; hours of CE should be substituted for the jurisprudence examination; changing from a two year to a three year renewal of clinical supervision qualification complicates the process.	It is important that licensees know the applicable statutes and rules. However, to reduce the regulatory burden, the Board decided to change jurisprudence examination to a Board-approved tutorial that must be completed every three years.	The requirement that licensees take a jurisprudence examination was changed to a Board-approved tutorial that must be completed every three years.
R4-6-214(A)(1). Clinical Supervision Educational	Because of the important role played by clinical	No change

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
<p>Requirements: The 12 hours of required education should include the required training regarding statutes and rules.</p> <p>Twelve hour courses are not offered often enough.</p>	<p>supervisors, the Board believes the required education is minimal. The Board did, however, change the jurisprudence examination to a Board-approved tutorial.</p> <p>The training does not have to be obtained in one course.</p>	<p>No change</p>
<p>R4-6-307(H). Approval of an Educational Program: The requirement to notify the Board when course objectives change is burdensome. Universities use a percentage to track significant changes.</p>	<p>The Board understands the concern and clarified the requirement.</p>	<p>The subsection was amended to require notice to the Board only if more than 25 percent of course competencies or learning objectives change.</p>
<p>R4-6-403(A), R4-6-503(A), R4-6-603(A) and R4-6-705(A). Supervised Work Experience for ... Licensure: Delete the following sentence, "Supervised work experience in the practice of ... is limited to the use of psychotherapy for the purpose of assessing, diagnosing, and treating individuals, couples,</p>	<p>The Board agrees.</p>	<p>The sentence was deleted.</p>

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
families, and groups.”		
<p>R4-6-404(B) and R4-6-504(B). Clinical Supervision for ... Licensure:  Recommends leaving the hours of clinical supervision required to be supervised by a LCSW or LPC at 25 or fewer. Most supervisors are licensed counselors so the requirement is hard to meet.</p> <p>Requiring so many hours of supervision by provided from the same discipline will have an economic impact on agencies because they will need to contract out more supervision.</p>	<p>The Board believes it is important that supervision is provided by someone licensed in the field for which application is going to be made. The requirement allows 50 percent of the supervision to be provided by someone licensed in another field and R4-6-212.01 provides a procedure for obtaining an exemption to the clinical supervision requirements.</p> <p>The Board believes any economic impact will be minimal</p>	<p>No change</p> <p>No change</p>
<p>R4-6-404(B), R4-6-504(B), and R4-6-604(B). Clinical Supervision for ... Licensure:  An LCSW, LPC, and LMFT approved as a supervisor should be able to supervise any of three disciplines.</p>	<p>The Board believes it is important that supervision is provided by someone licensed in the field for which application is going to be made. The requirement allows 50 percent of the supervision to be provided</p>	<p>No change</p>

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
	by someone licensed in another field and R4-6-212.01 provides a procedure for obtaining an exemption to the clinical supervision requirements.	
R4-6-501. Curriculum: Requiring catalogs is outdated. Some universities no longer publish hard-copy catalogs.	The Board agrees.	The requirement was changed to require only a university-published description of a course.
R4-6-601(B) and R4-6-701(B). Curriculum: Indicate that the core content is to include but is not limited to the areas listed.	The Board agrees.	The phrase was added throughout the subsection.
R4-6-604(B). Clinical Supervision for Marriage and Family Therapy Licensure: Rather than requiring that 75 percent of supervision be provided by a LMFT, allow supervision to be provided by a LMFT or another licensed discipline with a national supervision certification.	The Board believes it is important that supervision is provided by someone licensed in the field for which application is going to be made. R4-6-212.01 provides a procedure for obtaining an exemption to the clinical supervision requirements.	No change
R4-6-702(D)(2). Licensed Associate Substance Abuse Counselor Curriculum: Amend the sentence to read, "Met the curriculum	The Board agrees.	The word "curriculum" was added to the subsection.

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
requirements with a bachelor's degree at the time the LSAT license was issued.”		
R4-6-703(E)(2). Licensed Independent Substance Abuse Counselor Curriculum: Amend the sentence to read, “Met the curriculum requirements with a master's degree at the time the LASAC license was issued.”	The Board agrees.	The word “curriculum” was added to the subsection.
R4-6-704(A)(2) and (B)(2). Examination: Even though the acronym does not work, the NAADAC is now called the Association of Addiction Professionals.	The comment is correct.	In both places, the rule was amended to read, “...NAADAC, the Association for Addiction Professionals.”
R4-6-801. Renewal of License: Allow licensees to certify compliance with the CE requirement rather than have a staff person review all classes individually.	Ensuring compliance with the CE requirement is an important way the Board protects public health and safety.	No change
R4-6-1106. Telepractice: Recommends adding “except as otherwise provided by statute” to allow for future interstate compacts.	The Board agrees.	The phrase was added to both subsections (A) and (B).
R4-6-1106(B). Telepractice:	The Board believes the	No change

<b>COMMENT</b>	<b>BOARD'S ANALYSIS</b>	<b>BOARD'S RESPONSE</b>
Practice occurs where the professional is. This provision is not legally defensible.	provision is necessary to protect clients/patients.	
A.R.S. § 32-3253(C) and (D): The Board should establish in rule a program for impaired professionals; the Board does not need a rule regarding a program for impaired professionals. The Nursing Board has had a program for more than a decade and it is not in rule.	Statute provides that the Board may enter into stipulated agreement with an impaired licensee. No rule is necessary.	No change
The Board should count medical social work in a nephrology setting towards supervised work experience in clinical social work.	The Board believes clinical experience is missing from this work.	No change

**FEEDBACK RECEIVED WITH NFER 2016**

<b>COMMENT</b>	<b>BOARD'S ANALYSIS</b>	<b>BOARD'S RESPONSE</b>
R4-6-205. Change of Contact Information: Clarified "office addresses and telephone numbers" to "Address and telephone number for all places of employment"	The Board agrees with the comment.	Language changed.
R4-6-212.01(1)(b). Exemptions to the Clinical Supervision Requirements:	The Board agrees with the comment.	Removed requirement (i) and revised (ii) and (iii).

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
Previous language was too stringent regarding a written contract.		
R4-6-214(C). Clinical Supervisor Educational Requirements: Proposed language did not flow correctly and could be misinterpreted.	The Board agrees with the comment.	The language was reorganized however no substance was changed.
R4-6-304(3). Application for a License by Endorsement: "An individual who can independently verify" did not clarify who could provide verification of supervised work experience.	The Board agrees with the comment.	The verification should be from an individual whose objective assessment is not limited by a relationship with the applicant.
R4-6-306(A)(3)(c). Application for a Temporary License: Previous rulemaking inadvertently left out the word "regulatory" as a requirement when looking at another state for a temporary license.	The Board agrees with the comment.	An applicant for a license by examination may be eligible for a temporary license if they are licensed or certified by another state behavioral health regulatory entity.
R4-6-601(B). Curriculum: Clarify that three courses must collectively include the competencies not three individual courses.	The Board agrees with the comment.	Language revised to provide clarity and update competencies.
R4-6-802(C). Continuing Education: Need to clarify	The Board agrees with the comment.	Continuing education requirements clarified to

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
that the Board approved tutorial on statutes and rules cannot be used to meet the requirement for 3 clock hours in behavioral health ethics or mental health law.		reflect Board approved tutorial is in addition to the 3 clock hours in behavioral health ethics or mental health law.
R4-6-1106(C)(2)(b). Telepractice: Need to clarify "physical location of the client during the session"	The Board believes physical location is specific enough.	No change

**FEEDBACK RECEIVED WITH NFR 2018**

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
R4-6-211. Direct Supervision: Supervised Work Experience: General: There needs to be tighter controls on the supervisor and supervisee responsibilities and clarification on the Board's ability to approve the agreement between the two parties. There should be clarification that when supervision is discontinued by either party, there needs to be appropriate supervision established in a reasonable time frame, or the supervisee ceases practicing.	The Board agrees with the comment.	Language changed.

OTHER FEEDBACK RECEIVED (NOT RELATED TO A PUBLISHED RULEMAKING)

COMMENT	BOARD'S ANALYSIS	BOARD'S RESPONSE
<p>R4-6-504. Clinical Supervision for Professional Counselor Licensure: Supervisees should be able to receive supervision from the most qualified supervisors regardless of licensure type.</p>	<p>The Board agrees the current limitations on clinical supervision is creating a hardship for some supervisees who cannot find an appropriate supervisor or qualify for an exemption.</p>	<p>Begin informal rulemaking to consider other solutions to be incorporated into rule.</p>
<p>R4-6-701 through R4-6-703. Curriculum for Substance Abuse Counselor Licensure: The curriculum is so specific, it is hard for people to find education to meet it which restricts opportunities to increase the pool of licensed substance abuse professionals.</p>	<p>The Board agrees the curriculum changes in NFER 2015 have caused additional challenges to those trying to meet substance abuse licensure requirements.</p>	<p>Begin informal rulemaking to consider other solutions to be incorporated into rule.</p>
<p>R4-6-211. Direct Supervision: Supervised Work Experience: General: The new regulations allowing lower level licensees to do supervised private practice is unfair and irresponsible.</p>	<p>The Board feels it has put appropriate restrictions in place.</p>	<p>The success of supervised private practice will be analyzed for an upcoming rulemaking to determine if clarification is needed.</p>
<p>R4-6-215. Fees: The Board's fees are too high.</p>	<p>The Board is working with OSPB to determine if further lowering of fees is feasible.</p>	<p>Consider in upcoming rulemaking.</p>

**8. Economic, small business, and consumer impact comparison:**

The majority of current rules were made under exempt rulemaking, so an EIS was not prepared, however with the sweeping legislative changes and subsequent rulemakings in NFER 2015 and NFER 2016, the Board has consistently reduced regulatory burdens on applicants and licensees, eliminated antiquated processes where possible and decreased fees. The EIS submitted with NFR 2018 indicated that those rule changes again reduced regulatory burdens and reduced fees for applicants and licensees, including:

- Removing several requirements for licensure by endorsement, which expanded licensure opportunities for applicants licensed in another state.
- The issuance fee was reduced which benefits applicants for licensure, and renewal fees were reduced which benefits active licensees.
- For applicants applying by examination, a third testing attempt was added which benefits those who fail to pass the exam in two attempts.
- Allowing for additional opportunities for the public and applicants/licensees to interact electronically with the Board.
- Allow greater flexibility to licensees limited to practicing under direct supervision, specifically allowing non-independent level licensees to acquire supervised work experience toward independent licensure in an entity that they own or manage which was previously prohibited. This allows more licensees to open small businesses for private practice of behavioral health.

The Board has seen an increase in applications received of over 15% for the last several years which can be attributed to the reduced regulatory burdens. This influx in licensed behavioral health professionals increases the Arizona qualified workforce and expands the public's access to mental health treatment.

**9. Has the agency received any business competitiveness analyses of the rules? Yes    No X**

No analysis has been submitted.

**10. Has the agency completed the course of action indicated in the agency's previous five-year review report? Yes X No**

All courses of action mentioned in the 2015 five-year review report were incorporated into rule in the exempt rulemaking package effective on November 1, 2015 including:

- Establishing Academic Review Committees and removal of the Credentialing Committees
- Changing the Board's authority to grant reciprocal licenses to licensure by endorsement
- Increasing the composition of the Board from eight members to twelve.
- Requiring the Board to adopt rules for regionally accredited colleges and universities with unaccredited programs to submit their curricula for review and approval.
- Requiring the Board to establish an Impaired Professional Program.
- The Board shall maintain a registry of individuals who have met the educational requirements to provide clinical supervision.
- Allowing for an applicant to withdraw an application unless the Board has sent notification that an investigation has been initiated.
- The Board shall not act on a complaint that is received anonymously or in which the alleged unprofessional conduct occurred more than seven years ago.
- Substantial changes to the curriculum required for licensure in counseling.

**11. A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

These rules are necessary to protect the health and safety of the public. Behavioral health professionals are in increasing demand and work with a very vulnerable population. As such, the rules are necessary to ensure behavioral health professionals have the necessary education, experience and training to provide adequate treatment. The rules also provide for review of criminal background checks to ensure the Board doesn't license those who pose a threat to clients.

The Board has been working with OSPB to develop revenue projections based on fee reductions set forth in NFR 2018 and also additional fee reductions in the proposed rulemaking described in the above paragraph. The Board's objective is to reduce the burden

of regulation where possible while increasing the benefits to public health and safety, and establishing fees that are fair, and adequately maintain Board operations.

**12. Are the rules more stringent than corresponding federal laws? Yes    No   X**

There is not a corresponding Federal law.

**13. For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Board does not issue general permits, but issues licenses as required by the Board's statutes to individuals qualifying for licensure, so this provision does not apply to the Board's rules. Thus A.R.S. § 41-1037 does not apply.

**14. Proposed course of action:**

The Board received preliminary approval from the Governor's office to proceed with informal rulemaking/drafting, and expects to open a docket in January 2020. The goal of the proposed rulemaking will be to reduce the regulatory burdens while still achieving the same regulatory objectives, and/or comply with a state statutory requirement. A copy of the preliminary approval is attached to this report for GRRC consideration.

