

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

**CHAPTER 242**  
**SENATE BILL 1374**

AN ACT

AMENDING SECTIONS 32-3251, 32-3252 AND 32-3253, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3255; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, TO "ACADEMIC REVIEW COMMITTEES"; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 32-3261 AND 32-3262, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-3261; AMENDING SECTIONS 32-3272, 32-3273, 32-3274, 32-3275, 32-3281, 32-3282, 32-3284, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311 AND 32-3321, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3013.11, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3017.14; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3251, Arizona Revised Statutes, is amended to  
3 read:

4 32-3251. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

41 (a) Assessment, appraisal and diagnosis.

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

44 ~~8.~~ 10. "Practice of professional counseling" means the professional  
45 application of mental health, psychological and human development theories,  
46 principles and techniques to:

- 1 (a) Facilitate human development and adjustment throughout the human  
2 life span.
- 3 (b) Assess and facilitate career development.
- 4 (c) Treat interpersonal relationship issues and nervous, mental and  
5 emotional disorders that are cognitive, affective or behavioral.
- 6 (d) Manage symptoms of mental illness.
- 7 (e) Assess, appraise, evaluate, diagnose and treat individuals,  
8 couples, families and groups through the use of psychotherapy.
- 9 ~~9-~~ 11. "Practice of social work" means the professional application  
10 of social work ~~theory~~ THEORIES, principles, methods and techniques to:
- 11 (a) Treat mental, BEHAVIORAL and emotional disorders.
- 12 (b) Assist individuals, families, groups and communities to enhance or  
13 restore the ability to function physically, socially, emotionally, mentally  
14 and economically.
- 15 (c) Assess, appraise, diagnose, evaluate and treat individuals,  
16 couples, families and groups through the use of psychotherapy.
- 17 ~~10-~~ 12. "Practice of substance abuse counseling" means the  
18 professional application of general counseling theories, principles and  
19 techniques as specifically adapted, based on research and clinical  
20 experience, to the specialized needs and characteristics of persons who are  
21 experiencing substance abuse, chemical dependency and related problems and to  
22 the families of those persons. The practice of substance abuse counseling  
23 includes the following as they relate to substance abuse and chemical  
24 dependency issues:
- 25 (a) Assessment, appraisal and diagnosis.
- 26 (b) The use of psychotherapy for the purpose of evaluation, diagnosis  
27 and treatment of individuals, couples, families and groups.
- 28 13. "PSYCHOEDUCATION" MEANS THE EDUCATION OF A CLIENT AS PART OF A  
29 TREATMENT PROCESS THAT PROVIDES THE CLIENT WITH INFORMATION REGARDING MENTAL  
30 HEALTH, EMOTIONAL DISORDERS OR BEHAVIORAL HEALTH.
- 31 ~~11-~~ 14. "Psychotherapy" means a variety of treatment methods  
32 developing out of generally accepted theories about human behavior and  
33 development.
- 34 ~~12-~~ 15. "Unprofessional conduct" includes the following, whether  
35 occurring in this state or elsewhere:
- 36 (a) Conviction of a felony. Conviction by a court of competent  
37 jurisdiction or a plea of no contest is conclusive evidence of the  
38 conviction.
- 39 (b) Use of fraud or deceit in connection with rendering services as a  
40 licensee or in establishing qualifications pursuant to this chapter.
- 41 (c) Any oral or written misrepresentation of a fact by an applicant or  
42 licensee:
- 43 (i) To secure or attempt to secure the issuance or renewal of a  
44 license.
- 45 (ii) In any statements provided during an investigation or  
46 disciplinary proceeding by the board.

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

3 (d) Any false, fraudulent or deceptive statement connected with the  
4 practice of behavioral health, including false or misleading advertising by  
5 the licensee or the licensee's staff or a representative compensated by the  
6 licensee.

7 (e) Securing or attempting to secure the issuance or renewal of a  
8 license by knowingly taking advantage of the mistake of another person or the  
9 board.

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

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

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

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

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

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

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

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

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

33 (o) Failing to furnish information within a specified time to the  
34 board or its investigators or representatives if legally requested by the  
35 board.

36 (p) Failing to conform to minimum practice standards as developed by  
37 the board.

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

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

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

1 (t) Disclosing a professional confidence or privileged communication  
2 except as may otherwise be required by law or permitted by a valid written  
3 release.

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

8 (v) Any sexual conduct between a licensee and a client or former  
9 client.

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

12 (x) Exploiting a client, former client or supervisee. For the  
13 purposes of this subdivision, "exploiting" means taking advantage of a  
14 professional relationship with a client, former client or supervisee for the  
15 benefit or profit of the licensee.

16 (y) Engaging in a dual relationship with a client that could impair  
17 the licensee's objectivity or professional judgment or create a risk of harm  
18 to the client. For the purposes of this subdivision, "dual relationship"  
19 means a licensee simultaneously engages in both a professional and  
20 nonprofessional relationship with a client that is avoidable and not  
21 incidental.

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

25 (aa) Sexually harassing a client, former client, research subject,  
26 supervisee or coworker. For the purposes of this subdivision, "sexually  
27 harassing" includes sexual advances, sexual solicitation, requests for sexual  
28 favors, unwelcome comments or gestures or any other verbal or physical  
29 conduct of a sexual nature.

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

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

37 (dd) Failing to comply with the laws of the appropriate licensing or  
38 credentialing authority to provide behavioral health services by electronic  
39 means in all governmental jurisdictions where the client receiving these  
40 services resides.

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

43 (ff) Failing to report in writing to the board information that would  
44 cause a reasonable licensee to believe that another licensee is guilty of  
45 unprofessional conduct or is physically or mentally unable to provide  
46 behavioral health services competently or safely. This duty does not extend

1 to information provided by a licensee that is protected by the behavioral  
2 health professional-client privilege unless the information indicates a clear  
3 and imminent danger to the client or others or is otherwise subject to  
4 mandatory reporting requirements pursuant to state or federal law.

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

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

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

11 (jj) Failing to make client records in the licensee's possession  
12 available in a timely manner to another health professional or licensee on  
13 receipt of proper authorization to do so from the client, a minor client's  
14 parent, the client's legal guardian or the client's authorized  
15 representative.

16 (kk) Failing to make client records in the licensee's possession  
17 promptly available to the client, a minor client's parent, the client's legal  
18 guardian or the client's authorized representative on receipt of proper  
19 authorization to do so from the client, a minor client's parent, the client's  
20 legal guardian or the client's authorized representative.

21 (ll) Being the subject of the revocation, suspension, surrender or any  
22 other disciplinary sanction of a professional license, certificate or  
23 registration or other adverse action related to a professional license,  
24 certificate or registration in another jurisdiction or country, including the  
25 failure to report the adverse action to the board. The action taken may  
26 include refusing, denying, revoking or suspending a license or certificate,  
27 the surrendering of a license or certificate, otherwise limiting, restricting  
28 or monitoring a licensee OR CERTIFICATE HOLDER or placing a licensee OR  
29 CERTIFICATE HOLDER on probation.

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

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

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

37 Sec. 2. Section 32-3252, Arizona Revised Statutes, is amended to read:

38 32-3252. Board of behavioral health examiners; appointment;  
39 qualifications; terms; compensation; immunity;  
40 training program

41 A. The board of behavioral health examiners is established consisting  
42 of ~~one professional member from each credentialing committee established~~  
43 ~~pursuant to this chapter and four public members~~ THE FOLLOWING MEMBERS  
44 appointed by the governor: -

45 1. THE FOLLOWING PROFESSIONAL MEMBERS:

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

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

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

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

11 2. FOUR PUBLIC MEMBERS.

12 B. Each professional board member shall:

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

15 2. Be an active licensee in good standing.

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

18 C. Each public member shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Sec. 3. Section 32-3253, Arizona Revised Statutes, is amended to read:  
6 32-3253. Powers and duties

7 A. The board shall:

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

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

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

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

19 5. Collect fees and spend monies.

20 6. Keep a record of all persons licensed pursuant to this chapter,  
21 actions taken on all applications for licensure, actions involving renewal,  
22 suspension, revocation or denial of a license or probation of licensees and  
23 the receipt and disbursement of monies.

24 7. Adopt an official seal for attestation of licensure and other  
25 official papers and documents.

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

28 ~~9.~~ 8. Conduct investigations and determine on its own motion if a  
29 licensee or an applicant has engaged in unprofessional conduct, is  
30 incompetent or is mentally or physically unable to engage in the practice of  
31 behavioral health.

32 ~~10.~~ 9. Conduct disciplinary actions pursuant to this chapter and board  
33 rules.

34 ~~11.~~ 10. Establish and enforce standards or criteria of programs or  
35 other mechanisms to ensure the continuing competence of licensees.

36 ~~12.~~ 11. Establish and enforce compliance with professional standards  
37 and rules of conduct for licensees.

38 ~~13.~~ 12. Engage in a full exchange of information with the licensing  
39 and disciplinary boards and professional associations for behavioral health  
40 professionals in this state and other jurisdictions.

41 ~~14.~~ 13. Subject to section 35-149, accept, expend and account for  
42 gifts, grants, devises and other contributions, money or property from any  
43 public or private source, including the federal government. Monies received  
44 under this paragraph shall be deposited, pursuant to sections 35-146 and  
45 35-147, in special funds for the purpose specified, which are exempt from the  
46 provisions of section 35-190 relating to lapsing of appropriations.



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

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

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

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

18 B. The board may join professional organizations and associations  
19 organized exclusively to promote the improvement of the standards of the  
20 practice of behavioral health, protect the health and welfare of the public  
21 or assist and facilitate the work of the board.

22 C. THE BOARD MAY ENTER INTO STIPULATED AGREEMENTS WITH A LICENSEE FOR  
23 THE CONFIDENTIAL TREATMENT, REHABILITATION AND MONITORING OF CHEMICAL  
24 DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH  
25 DISORDERS IN A PROGRAM PROVIDED PURSUANT TO SUBSECTION D OF THIS SECTION. A  
26 LICENSEE WHO MATERIALLY FAILS TO COMPLY WITH A PROGRAM SHALL BE TERMINATED  
27 FROM THE CONFIDENTIAL PROGRAM. ANY RECORDS OF THE LICENSEE WHO IS TERMINATED  
28 FROM A CONFIDENTIAL PROGRAM ARE NO LONGER CONFIDENTIAL OR EXEMPT FROM THE  
29 PUBLIC RECORDS LAW, NOTWITHSTANDING ANY LAW TO THE CONTRARY. STIPULATED  
30 AGREEMENTS ARE NOT PUBLIC RECORDS IF THE FOLLOWING CONDITIONS ARE MET:

31 1. THE LICENSEE VOLUNTARILY AGREES TO PARTICIPATE IN THE CONFIDENTIAL  
32 PROGRAM.

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

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

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

39 5. THE LICENSEE'S PROFESSIONAL EMPLOYER IS NOTIFIED OF THE LICENSEE'S  
40 CHEMICAL DEPENDENCY OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL  
41 HEALTH DISORDERS AND PARTICIPATION IN THE CONFIDENTIAL PROGRAM AND IS  
42 PROVIDED A COPY OF THE STIPULATED AGREEMENT.

43 ~~C.~~ D. The board ~~may~~ SHALL establish a confidential program for the  
44 monitoring of licensees who are chemically dependent OR WHO HAVE MEDICAL,  
45 PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS THAT MAY IMPACT  
46 THEIR ABILITY TO SAFELY PRACTICE and who enroll in a rehabilitation program

1 that meets the criteria prescribed by the board. THE LICENSEE SHALL BE  
2 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND  
3 MONITORING. The board may take further action if a licensee refuses to enter  
4 into a stipulated agreement or fails to comply with the terms of a stipulated  
5 agreement. In order to protect the public health and safety, the  
6 confidentiality requirements of this subsection do not apply if a licensee  
7 does not comply with the stipulated agreement.

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

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

13 32-3255. Executive director; compensation; duties

14 A. ON OR AFTER JANUARY 31, 2014 AND SUBJECT TO TITLE 41, CHAPTER 4,  
15 ARTICLE 4, THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL SERVE AT  
16 THE PLEASURE OF THE BOARD. THE EXECUTIVE DIRECTOR IS ELIGIBLE TO RECEIVE  
17 COMPENSATION SET BY THE BOARD WITHIN THE RANGE DETERMINED UNDER SECTION  
18 38-611.

19 B. THE EXECUTIVE DIRECTOR SHALL:

20 1. PERFORM THE ADMINISTRATIVE DUTIES OF THE BOARD.

21 2. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL AS THE  
22 EXECUTIVE DIRECTOR DEEMS NECESSARY, INCLUDING PROFESSIONAL CONSULTANTS AND  
23 AGENTS NECESSARY TO CONDUCT INVESTIGATIONS. AN INVESTIGATOR MUST COMPLETE A  
24 NATIONALLY RECOGNIZED INVESTIGATOR TRAINING PROGRAM WITHIN ONE YEAR AFTER THE  
25 DATE OF HIRE. UNTIL THE INVESTIGATOR COMPLETES THIS TRAINING PROGRAM, THE  
26 INVESTIGATOR MUST WORK UNDER THE SUPERVISION OF AN INVESTIGATOR WHO HAS  
27 COMPLETED A TRAINING PROGRAM.

28 Sec. 5. Heading change

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

32 Sec. 6. Delayed repeal

33 Sections 32-3261 and 32-3262, Arizona Revised Statutes, are repealed  
34 from and after October 31, 2015.

35 Sec. 7. Title 32, chapter 33, article 2, Arizona Revised Statutes, is  
36 amended by adding a new section 32-3261, to read:

37 32-3261. Academic review committees; appointment;  
38 qualifications; terms; compensation; immunity

39 A. THE BOARD MAY ESTABLISH AN ACADEMIC REVIEW COMMITTEE FOR EACH  
40 PROFESSIONAL AREA LICENSED PURSUANT TO THIS CHAPTER TO DO THE FOLLOWING:

41 1. REVIEW APPLICATIONS REFERRED TO THE COMMITTEE BY THE BOARD OR THE  
42 EXECUTIVE DIRECTOR TO DETERMINE:

43 (a) IF AN APPLICANT, WHOSE CURRICULUM HAS NOT BEEN APPROVED PURSUANT  
44 TO SECTION 32-3253, SUBSECTION A, PARAGRAPH 15 OR WHOSE PROGRAM IS NOT  
45 ACCREDITED BY AN ORGANIZATION OR ENTITY APPROVED BY THE BOARD, HAS MET THE  
46 EDUCATIONAL REQUIREMENTS OF THIS CHAPTER OR BOARD RULES.

1 (b) IF AN APPLICANT HAS MET THE REQUIREMENTS OF WORK SUPERVISION  
2 REQUIRED FOR LICENSURE PURSUANT TO THIS CHAPTER OR BOARD RULES.

3 2. MAKE SPECIFIC FINDINGS CONCERNING AN APPLICATION'S DEFICIENCIES AND  
4 MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE MANNER IN WHICH THE  
5 DEFICIENCIES CAN BE ADDRESSED.

6 3. REVIEW REQUESTS AND MAKE RECOMMENDATIONS TO THE BOARD FOR  
7 CURRICULUM APPROVAL APPLICATIONS MADE PURSUANT TO SECTION 32-3253.

8 4. AT THE REQUEST OF THE BOARD, MAKE RECOMMENDATIONS REGARDING  
9 EXAMINATIONS REQUIRED PURSUANT TO THIS CHAPTER.

10 B. AN ACADEMIC REVIEW COMMITTEE SHALL BE COMPOSED OF THREE MEMBERS WHO  
11 HAVE BEEN RESIDENTS OF THIS STATE FOR AT LEAST ONE YEAR BEFORE APPOINTMENT,  
12 AT LEAST ONE BUT NOT MORE THAN TWO OF WHOM ARE LICENSED PURSUANT TO THIS  
13 CHAPTER AND HAVE FIVE YEARS OF EXPERIENCE IN THE APPLICABLE PROFESSION. AT  
14 LEAST ONE BUT NOT MORE THAN TWO MEMBERS MUST HAVE SERVED WITHIN THE PREVIOUS  
15 TEN YEARS AS CORE OR FULL-TIME FACULTY AT A REGIONALLY ACCREDITED COLLEGE OR  
16 UNIVERSITY IN A PROGRAM RELATED TO THE APPLICABLE PROFESSION.

17 C. COMMITTEE MEMBERS SERVE AT THE PLEASURE OF THE BOARD FOR TERMS OF  
18 THREE YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.  
19 THE BOARD SHALL STAGGER THE TERMS OF MEMBERS.

20 D. COMMITTEE MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION OF NOT MORE  
21 THAN EIGHTY-FIVE DOLLARS FOR EACH EIGHT HOURS ACTUALLY AND NECESSARILY SPENT  
22 IN THE PERFORMANCE OF THEIR DUTIES.

23 E. AN ACADEMIC REVIEW COMMITTEE SHALL ANNUALLY ELECT A CHAIRMAN AND  
24 SECRETARY FROM ITS MEMBERSHIP.

25 F. COMMITTEE MEMBERS ARE PERSONALLY IMMUNE FROM SUIT WITH RESPECT TO  
26 ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH AND IN FURTHERANCE OF THE  
27 PURPOSES OF THIS CHAPTER.

28 Sec. 8. Section 32-3272, Arizona Revised Statutes, is amended to read:  
29 32-3272. Fees

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

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

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

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

39 C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF  
40 EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH  
41 15.

42 ~~C.~~ D. The board shall establish fees to produce monies that  
43 approximate the cost of maintaining the board ~~and the credentialing~~  
44 ~~committees.~~

45 Sec. 9. Section 32-3273, Arizona Revised Statutes, is amended to read:  
46 32-3273. License renewal; continuing education

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

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

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

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

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

23 32-3274. Licensure by endorsement

24 A. The board may issue a ~~reciprocal~~ license BY ENDORSEMENT to a person  
25 in that person's particular behavioral health profession if the person is  
26 licensed or certified by ~~another state~~ THE regulatory agency OF ONE OR MORE  
27 OTHER STATES at an equivalent or higher practice level as determined by the  
28 board, pays the fee prescribed by the board and meets all of the following  
29 requirements:

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

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

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

44 4. ~~There were minimum~~ THE PERSON MET THE education, work experience  
45 and clinical supervision requirements in effect at the time the person was  
46 licensed or certified by the ~~other state~~ regulatory agency OF THE OTHER STATE

1 OR STATES and the licensing or certifying ~~state~~ agency OF THE OTHER STATE OR  
2 STATES verifies that the person met those requirements in order to be  
3 licensed or certified in the other state OR STATES.

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

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

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

9 7. THE PERSON SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT LISTING EVERY  
10 JURISDICTION IN THE UNITED STATES IN WHICH THE PERSON HAS BEEN LICENSED OR  
11 CERTIFIED IN THE PRACTICE OF BEHAVIORAL HEALTH AND ANY DISCIPLINARY ACTION  
12 TAKEN BY ANY REGULATORY AGENCY OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN  
13 SURRENDERED IN LIEU OF DISCIPLINE AND VERIFICATION OF LICENSURE OR  
14 CERTIFICATION FROM EVERY STATE IN WHICH THE PERSON IS LICENSED OR CERTIFIED  
15 FOR THE PARTICULAR HEALTH PROFESSION FOR WHICH THE PERSON APPLIES.

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

- 20 1. LICENSED CLINICAL SOCIAL WORKER.
- 21 2. LICENSED PROFESSIONAL COUNSELOR.
- 22 3. LICENSED MARRIAGE AND FAMILY THERAPIST.
- 23 4. LICENSED INDEPENDENT SUBSTANCE ABUSE COUNSELOR.

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

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

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

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

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

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

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

44 32-3275. Requirements for licensure; withdrawal of application

45 A. An applicant for licensure must meet all of the following  
46 requirements:

- 1           1. Submit an application as prescribed by the board.
- 2           2. Be at least twenty-one years of age.
- 3           3. Be of good moral character. The board's standard to determine good
- 4 moral character shall not violate federal discrimination laws.
- 5           4. Pay all applicable fees prescribed by the board.
- 6           5. Have the physical and mental capability to safely and competently
- 7 engage in the practice of behavioral health.
- 8           6. Not have committed any act or engaged in any conduct that would
- 9 constitute grounds for disciplinary action against a licensee pursuant to
- 10 this chapter.
- 11          7. Not have had a professional license or certificate refused,
- 12 revoked, suspended or restricted ~~in~~ BY THIS STATE OR any OTHER regulatory
- 13 jurisdiction in the United States or ~~in another~~ ANY OTHER country for reasons
- 14 that relate to unprofessional conduct. ~~If the board finds that the applicant~~
- 15 ~~committed an act or engaged in conduct that would constitute grounds for~~
- 16 ~~disciplinary action in this state, the board shall determine to its~~
- 17 ~~satisfaction that the conduct has been corrected, monitored and resolved. If~~
- 18 ~~the matter has not been resolved, the board shall determine to its~~
- 19 ~~satisfaction that mitigating circumstances exist that prevent its resolution.~~
- 20          8. Not have voluntarily surrendered a PROFESSIONAL license or
- 21 certificate in THIS STATE OR another regulatory jurisdiction in the United
- 22 States or any other country while under investigation for conduct that
- 23 relates to unprofessional conduct. ~~If another jurisdiction has taken~~
- 24 ~~disciplinary action against an applicant, the board shall determine to its~~
- 25 ~~satisfaction that the cause for the action was corrected and the matter~~
- 26 ~~resolved. If the matter has not been resolved by that jurisdiction, the~~
- 27 ~~board shall determine to its satisfaction that mitigating circumstances exist~~
- 28 ~~that prevent its resolution.~~
- 29          9. Not have a complaint, allegation or investigation pending before
- 30 THE BOARD OR another regulatory jurisdiction in the United States or another
- 31 country that relates to unprofessional conduct. If an applicant has any such
- 32 ~~complaints~~ COMPLAINT, ~~allegations~~ ALLEGATION or ~~investigations~~ INVESTIGATION
- 33 pending, the board shall suspend the application process and may not issue or
- 34 deny a license to the applicant until the complaint, allegation or
- 35 investigation is resolved.
- 36          B. IF THE BOARD FINDS THAT AN APPLICANT IS SUBJECT TO SUBSECTION A,
- 37 PARAGRAPHS 5 THROUGH 8 OF THIS SECTION, THE BOARD MAY DETERMINE TO ITS
- 38 SATISFACTION THAT THE CONDUCT OR CONDITION HAS BEEN CORRECTED, MONITORED AND
- 39 RESOLVED AND MAY ISSUE A LICENSE. IF THE CONDUCT OR CONDITION HAS NOT BEEN
- 40 RESOLVED, THE BOARD MAY DETERMINE TO ITS SATISFACTION THAT MITIGATING
- 41 CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION AND MAY ISSUE A LICENSE.
- 42          C. IF AN APPLICANT HAS A DEFICIENCY PURSUANT TO SUBSECTION A OF THIS
- 43 SECTION, THE BOARD SHALL NOTIFY THE APPLICANT OF THE DEFICIENCY AND THE TIME
- 44 WHEN THE BOARD WILL REVIEW THE APPLICATION AT A PUBLIC MEETING. THIS MEETING
- 45 MUST TAKE PLACE WITHIN THIRTY-FIVE DAYS AFTER THE NOTIFICATION. AT THE TIME
- 46 OF THE MEETING, THE APPLICANT MAY PROVIDE IN PERSON, BY COUNSEL OR IN WRITTEN

1 FORM INFORMATION AND EVIDENCE RELATED TO ANY DEFICIENCY, INCLUDING  
2 INFORMATION RELATED TO WHETHER THE CONDUCT THAT WAS THE BASIS FOR AN ACTION  
3 PURSUANT TO SUBSECTION A, PARAGRAPH 6, 7 OR 8 OF THIS SECTION HAS BEEN  
4 CORRECTED, MONITORED AND RESOLVED OR IF MITIGATING CIRCUMSTANCES EXIST THAT  
5 PREVENT ITS RESOLUTION. IN A NOTICE OF DENIAL THE BOARD SHALL PROVIDE  
6 NOTIFICATION OF THE RIGHT TO A HEARING PURSUANT TO TITLE 41, CHAPTER 6,  
7 ARTICLE 10. IF THE APPLICANT DOES NOT PRESENT INFORMATION AT THE PUBLIC  
8 BOARD MEETING, THE APPLICANT MAY STILL SEEK ALL AVAILABLE ADMINISTRATIVE  
9 REMEDIES.

10 D. AN APPLICANT FOR LICENSURE MAY WITHDRAW THE APPLICATION UNLESS THE  
11 BOARD HAS SENT TO THE APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN  
12 INVESTIGATION CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING THAT  
13 NOTIFICATION THE APPLICANT MAY REQUEST THAT THE BOARD REVIEW THE APPLICANT'S  
14 REQUEST TO WITHDRAW THE APPLICATION. IN CONSIDERING THE REQUEST THE BOARD  
15 SHALL DETERMINE WHETHER IT IS PROBABLE THAT THE INVESTIGATION WOULD RESULT IN  
16 AN ADVERSE ACTION AGAINST THE APPLICANT.

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

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

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

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

27 32-3281. Disciplinary action; investigations; hearings; civil  
28 penalty; timely complaints; burden of proof

29 A. ~~A credentialing committee~~ THE BOARD, on its own motion or on a  
30 complaint, may investigate any evidence that appears to show that a licensee  
31 is or may be incompetent, is or may be guilty of unprofessional conduct or is  
32 or may be mentally or physically unable to safely engage in the practice of  
33 behavioral health. As part of its investigation, ~~a credentialing committee~~  
34 THE BOARD may hold an investigational meeting pursuant to this chapter. Any  
35 person may, and a licensee and any entity licensed by the office of  
36 behavioral health licensure shall, report to the board any information that  
37 would cause a reasonable licensee to believe that another licensee is guilty  
38 of unprofessional conduct or is physically or mentally unable to provide  
39 behavioral health services competently or safely. Any person or entity that  
40 reports or provides information to the board in good faith is not subject to  
41 an action for civil damages. It is an act of unprofessional conduct for any  
42 licensee to fail to report as required by this section. The board shall  
43 report to the office of behavioral health licensure in the department of  
44 health services any entity licensed by the office of behavioral health  
45 licensure that fails to report as required by this section. FOR COMPLAINTS  
46 RELATED TO CONDUCT THAT IS INCONSISTENT WITH PROFESSIONAL STANDARDS OR

1 ETHICS, SCOPE OF PRACTICE OR STANDARD OF CARE, THE BOARD MAY CONSULT WITH ONE  
2 OR MORE LICENSED OR RETIRED BEHAVIORAL HEALTH PROFESSIONALS OF THE SAME  
3 PROFESSION AS THE LICENSEE TO REVIEW COMPLAINTS AND MAKE RECOMMENDATIONS TO  
4 THE BOARD.

5 B. ~~A credentialing committee~~ ON DETERMINATION OF REASONABLE CAUSE THE  
6 BOARD shall require, AT THE LICENSEE'S OWN EXPENSE, any combination of  
7 mental, physical or ~~oral or written competency examinations, at the~~  
8 ~~licensee's own expense;~~ PSYCHOLOGICAL EXAMINATIONS, ASSESSMENTS OR SKILLS  
9 EVALUATIONS NECESSARY TO DETERMINE THE LICENSEE'S COMPETENCE OR ABILITY TO  
10 SAFELY ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH and conduct necessary  
11 investigations, including investigational interviews between representatives  
12 of the board and the licensee, to fully inform itself with respect to any  
13 information filed with the board under subsection A of this section. These  
14 examinations may include biological fluid testing. The ~~credentialing~~  
15 ~~committee~~ BOARD may require the licensee, at the licensee's expense, to  
16 undergo assessment by a rehabilitative, retraining or assessment program  
17 approved by the ~~credentialing committee~~ BOARD.

18 C. If the board finds, based on the information received pursuant to  
19 subsection A or B of this section, that the public health, safety or welfare  
20 imperatively requires emergency action, and incorporates a finding to that  
21 effect in its order, the board may restrict, limit or order a summary  
22 suspension of a license pending proceedings for revocation or other action.  
23 If the board takes action pursuant to this subsection, it must also serve the  
24 licensee with a written notice that states the charges and that the licensee  
25 is entitled to a formal hearing before the board or an administrative law  
26 judge within sixty days.

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

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

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

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

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

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



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

5 F. If after completing its investigation the ~~credentialing committee~~  
6 BOARD believes that the information is or may be true, ~~the credentialing~~  
7 ~~committee may recommend that~~ the board MAY enter into a consent agreement  
8 with the licensee to limit or restrict the licensee's practice or to  
9 rehabilitate the licensee, protect the public and ensure the licensee's  
10 ability to safely engage in the practice of behavioral health. A consent  
11 agreement may also require the licensee to successfully complete a board  
12 approved rehabilitative, retraining or assessment program.

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

17 ~~1. Dismiss if, in the opinion of the board, the complaint is without~~  
18 ~~merit.~~

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

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

26 ~~H. If on receipt of a credentialing committee's recommendation the~~  
27 ~~board finds that the information provided pursuant to subsection A of this~~  
28 ~~section is or may be true, the board may enter into an agreement with the~~  
29 ~~licensee to limit or restrict the licensee's practice or to rehabilitate the~~  
30 ~~licensee, protect the public and ensure the licensee's ability to safely~~  
31 ~~engage in the practice of behavioral health. The board may also require the~~  
32 ~~licensee to successfully complete a board approved rehabilitative, retraining~~  
33 ~~or assessment program.~~

34 ~~I. G. If on receipt of a credentialing committee's recommendation~~ the  
35 board finds that the information provided pursuant to subsection A of this  
36 section is or may be true, the board may request a formal interview with the  
37 licensee. If the licensee refuses the invitation for a formal interview or  
38 accepts and the results indicate that grounds may exist for revocation or  
39 suspension of the licensee's license for more than twelve months, the board  
40 shall issue a formal complaint and order that a hearing be held pursuant to  
41 title 41, chapter 6, article 10. If after completing a formal interview the  
42 board finds that the protection of the public requires emergency action, the  
43 board may order a summary suspension of the licensee's license pending formal  
44 revocation proceedings or other action authorized by this section.

45 ~~J. H.~~ H. If after completing the formal interview the board finds the  
46 information provided is not of sufficient seriousness to merit suspension for

1 more than twelve months or revocation of the license, the board may take the  
2 following actions:

3 1. Dismiss if, in the opinion of the board, the information is without  
4 merit.

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

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

12 4. Fix a period and terms of probation best adapted to protect the  
13 public health and safety and rehabilitate or educate the licensee concerned.  
14 Probation may include temporary suspension not to exceed twelve months,  
15 restriction of the licensee's license to practice behavioral health, a  
16 requirement for restitution of fees to a client or education or  
17 rehabilitation at the licensee's own expense. If a licensee fails to comply  
18 with the terms of probation, the board shall serve the licensee with a  
19 written notice that states that the licensee is subject to a formal hearing  
20 based on the information considered by the board at the formal interview and  
21 any other acts or conduct alleged to be in violation of this chapter or rules  
22 adopted by the board pursuant to this chapter, including noncompliance with  
23 the terms of probation or a consent agreement.

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

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

32 ~~F.~~ J. In a formal interview pursuant to subsection ~~F~~ G of this  
33 section or in a hearing pursuant to subsection ~~K~~ I of this section, the  
34 board in addition to any other action may impose a civil penalty not to  
35 exceed one thousand dollars for each violation of this chapter or a rule  
36 adopted under this chapter.

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

38 ~~N.~~ L. A licensee who after a formal hearing is found by the board to  
39 be guilty of unprofessional conduct, to be mentally or physically unable to  
40 safely engage in the practice of behavioral health or to be professionally  
41 incompetent is subject to censure, probation as provided in this section,  
42 suspension of license or revocation of license or any combination of these,  
43 including a stay of action, and for a period of time or permanently and under  
44 conditions as the board deems appropriate for the protection of the public  
45 health and safety and just in the circumstance. The board may charge all  
46 costs incurred in the course of the investigation and formal hearing to the

1 licensee it finds is in violation of this chapter. The board shall deposit,  
2 pursuant to sections 35-146 and 35-147, monies collected pursuant to this  
3 subsection in the board of behavioral health examiners fund established by  
4 section 32-3254.

5 ~~Q.~~ M. If the board during the course of any investigation determines  
6 that a criminal violation may have occurred involving the delivery of  
7 behavioral health services, the board shall make the evidence of violations  
8 available to the appropriate criminal justice agency for its consideration.

9 ~~P.~~ N. The board shall deposit, pursuant to sections 35-146 and  
10 35-147, all monies collected from civil penalties paid pursuant to this  
11 chapter in the state general fund.

12 ~~R.~~ O. Notice of a complaint and hearing is effective by a true copy  
13 of the notice being sent by certified mail to the licensee's last known  
14 address of record in the board's files. Notice of the complaint and hearing  
15 is complete on the date of its deposit in the mail.

16 ~~S.~~ P. In determining the appropriate disciplinary action under this  
17 section, the board shall consider all previous nondisciplinary and  
18 disciplinary actions against a licensee.

19 ~~T.~~ Q. The board may defer action with regard to an impaired licensee  
20 who voluntarily signs an agreement, in a form satisfactory to the board,  
21 agreeing to practice restrictions and treatment and monitoring programs  
22 deemed necessary by the board to protect the public health and safety. A  
23 licensee who is impaired and who does not agree to enter into an agreement  
24 with the board is subject to other action as provided pursuant to this  
25 chapter.

26 ~~U.~~ R. Subject to an order duly entered by the board, a person whose  
27 license to practice behavioral health has been suspended or restricted  
28 pursuant to this chapter, whether voluntarily or by action of the board, may  
29 at reasonable intervals apply to the board for reinstatement of the license.  
30 The person shall submit the application in writing and in the form prescribed  
31 by the board. After conducting an investigation and hearing, the board may  
32 grant or deny the application or modify the original finding to reflect any  
33 circumstances that have changed sufficiently to warrant modification. The  
34 board may require the applicant to pass an examination or complete board  
35 imposed continuing education requirements or may impose any other sanctions  
36 the board deems appropriate for reentry into the practice of behavioral  
37 health.

38 ~~V.~~ S. A person whose license is revoked, suspended or not renewed  
39 must return the license to the offices of the board within ten days after  
40 notice of that action.

41 ~~W.~~ T. The board may enforce a civil penalty imposed pursuant to this  
42 section in the superior court in Maricopa county.

43 ~~X.~~ U. For complaints being brought before ~~a credentialing committee~~  
44 ~~or~~ the full board, the information released to the public regarding an  
45 ongoing investigation must clearly indicate that the investigation is a  
46 pending complaint and must include the following statement:

1 Pending complaints represent unproven allegations. On  
2 investigation, many complaints are found to be without merit or  
3 not of sufficient seriousness to merit disciplinary action  
4 against the licensee and are dismissed.

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

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

11 X. EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION  
12 32-3251, PARAGRAPH 15, SUBDIVISION (v), THE BOARD HAS THE BURDEN OF PROOF BY  
13 CLEAR AND CONVINCING EVIDENCE FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO  
14 THIS CHAPTER.

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

17 32-3282. Right to examine and copy evidence; summoning  
18 witnesses and documents; taking testimony; right to  
19 counsel; confidentiality

20 A. In connection with information received pursuant to section  
21 32-3281, subsection A, the board ~~or a credentialing committee~~ or the board's  
22 ~~or committee's~~ authorized agents or employees at all reasonable times have  
23 access to, for the purpose of examination, and the right to copy any  
24 psychotherapy notes, documents, reports, records or other physical evidence  
25 of any person being investigated, or the reports, records and any other  
26 documents maintained by and in possession of any hospital, clinic,  
27 physician's office, laboratory, pharmacy or health care institution as  
28 defined in section 36-401 or any other public or private agency, if the  
29 psychotherapy notes, documents, reports, records or evidence relate to the  
30 specific complaint.

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

33 1. The board ~~or a credentialing committee~~ on its own initiative may  
34 issue subpoenas compelling the attendance and testimony of witnesses or  
35 demanding the production for examination or copying of documents or any other  
36 physical evidence if the evidence relates to the unauthorized practice of  
37 behavioral health or to the competence, unprofessional conduct or mental or  
38 physical ability of a licensee to safely practice. Within five days after  
39 the service of a subpoena on any person requiring the production of any  
40 evidence in that person's possession or under that person's control, the  
41 person may petition the board ~~or the credentialing committee~~ to revoke, limit  
42 or modify the subpoena. The board ~~or the credentialing committee~~ shall  
43 revoke, limit or modify a subpoena if in its opinion the evidence required  
44 does not relate to unlawful practices covered by this chapter or is not  
45 relevant to the charge that is the subject matter of the hearing or  
46 investigation or the subpoena does not describe with sufficient particularity

1 the physical evidence required to be produced. Any member of the board ~~or a~~  
2 ~~credentialing committee~~ and any agent designated by the board may administer  
3 oaths, examine witnesses and receive evidence.

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

6 3. THE BOARD SHALL MAKE AVAILABLE TO THE LICENSEE WHO IS THE SUBJECT  
7 OF THE INVESTIGATION, OR THE LICENSEE'S DESIGNATED REPRESENTATIVE, FOR  
8 INSPECTION AT THE BOARD'S OFFICE THE INVESTIGATIVE FILE AT LEAST FIVE  
9 BUSINESS DAYS BEFORE A BOARD MEETING AT WHICH THE BOARD CONSIDERS THE  
10 COMPLAINT. THE BOARD MAY REDACT ANY CONFIDENTIAL INFORMATION BEFORE  
11 RELEASING THE FILE TO THE LICENSEE.

12 ~~3-~~ 4. The superior court, on application by the board ~~or a~~  
13 ~~credentialing committee~~ or by the person subpoenaed, has jurisdiction to  
14 issue an order either:

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

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

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

31 D. This section and any other law that makes communications between a  
32 licensee and the licensee's client a privileged communication do not apply to  
33 investigations or proceedings conducted pursuant to this chapter. The board  
34 and ~~a credentialing committee~~ and the board's ~~and committee's~~ employees,  
35 agents and representatives shall keep in confidence the names of any clients  
36 whose records are reviewed during the course of investigations and  
37 proceedings pursuant to this chapter.

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

40 32-3284. Cease and desist orders; injunctions

41 A. The board ~~or a credentialing committee~~ may issue a cease and desist  
42 order or request that an injunction be issued by the superior court to stop a  
43 person from engaging in the unauthorized practice of behavioral health or  
44 from violating or threatening to violate a statute, rule or order that the  
45 board has issued or is empowered to enforce. If the board seeks an  
46 injunction to stop the unauthorized practice of behavioral health, it is

1 sufficient to charge that the respondent on a day certain in a named county  
2 engaged in the practice of behavioral health without a license and without  
3 being exempt from the licensure requirements of this chapter. It is not  
4 necessary to show specific damages or injury. The cease and desist order  
5 must state the reason for its issuance and give notice of the person's right  
6 to request a hearing under applicable procedures prescribed in title 41,  
7 chapter 6, article 10.

8 B. Violation of an injunction shall be punished as for contempt of  
9 court.

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

12 32-3291. Licensed baccalaureate social worker; licensure;  
13 qualifications; supervision

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

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

22 2. Pass an examination approved by the ~~social work credentialing~~  
23 ~~committee~~ BOARD.

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

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

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

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

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

36 1. Furnish ~~evidence~~ DOCUMENTATION satisfactory to the ~~social work~~  
37 ~~credentialing committee~~ BOARD that the person has earned a master's or higher  
38 degree in social work from a regionally accredited college or university in a  
39 program accredited by the council on social work education or a degree from a  
40 foreign school based on a program of study that the board determines is  
41 substantially equivalent.

42 2. Pass an examination approved by the ~~social work credentialing~~  
43 ~~committee~~ BOARD.

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



1 ~~study that includes a minimum of forty eight semester credit hours or the~~  
2 ~~equivalent in a curriculum approved by the counseling credentialing~~  
3 ~~committee. Beginning on January 1, 2008, the program of study must include a~~  
4 ~~minimum of sixty semester credit hours or the equivalent in a curriculum~~  
5 ~~approved by the counseling credentialing committee.~~

6 ~~2- 1. A master's degree or higher degree with a major emphasis in~~  
7 ~~counseling from a~~ program accredited by the council for the accreditation of  
8 counseling and related educational programs or the national council on  
9 rehabilitation education. ~~that includes a minimum of forty eight credit~~  
10 ~~hours or the equivalent. Beginning on January 1, 2008, the program must~~  
11 ~~include a minimum of sixty semester credit hours.~~

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

14 3. A PROGRAM WITH A CURRICULUM MEETING REQUIREMENTS AS PRESCRIBED BY  
15 THE BOARD BY RULE.

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

- 22 1. PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
- 23 2. SOCIAL AND CULTURAL DIVERSITY.
- 24 3. HUMAN GROWTH AND DEVELOPMENT.
- 25 4. CAREER DEVELOPMENT.
- 26 5. HELPING RELATIONSHIPS.
- 27 6. GROUP WORK.
- 28 7. ASSESSMENT.
- 29 8. RESEARCH AND PROGRAM EVALUATION.

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

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

36 ~~6- F. An applicant for licensure shall furnish evidence satisfactory~~  
37 ~~to the counseling credentialing committee~~ DOCUMENTATION AS PRESCRIBED BY THE  
38 BOARD BY RULE that the applicant has received at least ~~two years of full-time~~  
39 ~~or the equivalent part-time~~ THREE THOUSAND TWO HUNDRED HOURS IN AT LEAST  
40 TWENTY-FOUR MONTHS IN post-master's degree work experience in the practice of  
41 professional counseling under supervision ~~approved by the credentialing~~  
42 ~~committee~~ THAT MEETS THE REQUIREMENTS PRESCRIBED BY THE BOARD BY RULE. An  
43 applicant may use a doctoral-clinical internship to satisfy the requirement  
44 for one year of work experience under supervision.

45 G. THE THREE THOUSAND TWO HUNDRED HOURS REQUIRED PURSUANT TO  
46 SUBSECTION F OF THIS SECTION MUST INCLUDE AT LEAST ONE THOUSAND SIX HUNDRED



1 HOURS OF DIRECT CLIENT CONTACT, NOT MORE THAN ONE THOUSAND SIX HUNDRED HOURS  
2 OF INDIRECT CLIENT SERVICE AND AT LEAST ONE HUNDRED HOURS OF CLINICAL  
3 SUPERVISION AS PRESCRIBED BY THE BOARD BY RULE. FOR THE DIRECT CLIENT  
4 CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION.  
5 THE BOARD BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS  
6 RELATED TO DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

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

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

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

19 32-3303. Licensed associate counselor; licensure; requirements;  
20 supervision

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

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

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

30 32-3311. Licensed marriage and family therapist; licensure;  
31 qualifications

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

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

42 2. Completed ~~two years of full-time or the equivalent part-time~~ THREE  
43 THOUSAND TWO HUNDRED HOURS OF post-master's degree experience in the practice  
44 of marriage and family therapy under supervision ~~as approved by the marriage~~  
45 ~~and family therapy credentialing committee~~ THAT MEETS THE REQUIREMENTS  
46 PRESCRIBED BY THE BOARD BY RULE, including ~~a minimum of~~ AT LEAST one thousand

1 hours of clinical experience with couples and families, AT LEAST ONE THOUSAND  
2 SIX HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX  
3 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT  
4 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD  
5 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO  
6 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

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

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

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

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

24 32-3321. Licensed substance abuse technician; licensed  
25 associate substance abuse counselor; licensed  
26 independent substance abuse counselor; licensure;  
27 qualifications; supervision

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

32 1. Received one of the following:

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

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

42 2. Passed an examination approved by the ~~substance abuse credentialing~~  
43 ~~committee~~ BOARD.

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

1 C. The board may waive the education requirement for an applicant  
2 requesting licensure as a substance abuse technician if the applicant  
3 provides services pursuant to contracts or grants with the federal government  
4 under the authority of Public Law 93-638 (25 United States Code sections 450  
5 through 450(n)) or Public Law 94-437 (25 United States Code sections 1601  
6 through 1683). A person who becomes licensed as a substance abuse technician  
7 pursuant to this subsection shall only provide substance abuse services to  
8 those persons who are eligible for services pursuant to Public Law 93-638 (25  
9 United States Code sections 450 through 450(n)) or Public Law 94-437 (25  
10 United States Code section 1601 through 1683).

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

15 1. Received one of the following:

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

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

35 2. Passed an examination approved by the ~~substance abuse credentialing~~  
36 ~~committee~~ BOARD.

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

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

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

1           2. Present ~~evidence satisfactory to the substance abuse credentialing~~  
2 ~~committee~~ DOCUMENTATION AS PRESCRIBED BY THE BOARD BY RULE that the applicant  
3 has received at least ~~two years~~ THREE THOUSAND TWO HUNDRED HOURS of work  
4 experience in substance abuse counseling under supervision ~~approved by the~~  
5 ~~committee~~ THAT MEETS THE REQUIREMENTS AS PRESCRIBED BY THE BOARD BY RULE.  
6 THE THREE THOUSAND TWO HUNDRED HOURS MUST INCLUDE AT LEAST ONE THOUSAND SIX  
7 HUNDRED HOURS OF DIRECT CLIENT CONTACT AND NOT MORE THAN ONE THOUSAND SIX  
8 HUNDRED HOURS OF INDIRECT CLIENT SERVICE. FOR THE DIRECT CLIENT CONTACT  
9 HOURS, NOT MORE THAN FOUR HUNDRED HOURS MAY BE IN PSYCHOEDUCATION. THE BOARD  
10 BY RULE MAY PRESCRIBE THE NUMBER OF HOURS REQUIRED FOR FUNCTIONS RELATED TO  
11 DIRECT CLIENT CONTACT AND INDIRECT CLIENT SERVICE.

12           3. Pass an examination approved by the ~~substance abuse credentialing~~  
13 ~~committee~~ BOARD.

14           Sec. 22. Repeal

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

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

18           41-3017.14. Board of behavioral health examiners; termination  
19 July 1, 2017

20           A. THE BOARD OF BEHAVIORAL HEALTH EXAMINERS TERMINATES ON JULY  
21 1, 2017.

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

23           Sec. 24. Purpose

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

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

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

31           1. A representative of the board of behavioral health examiners  
32 appointed by the board.

33           2. A representative of the department of health services, appointed by  
34 the director of the department of health services.

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

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

44           5. A person who is employed by a licensed qualifying community health  
45 center as defined in section 42-5001, Arizona Revised Statutes, or a health  
46 care institution as defined in section 36-401, Arizona Revised Statutes, and

1 who is licensed by the board of behavioral health examiners. The board shall  
2 appoint this member.

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

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

8 C. The task force shall:

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

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

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

23 D. The task force may use the services and expertise of the staff of  
24 the department of health services.

25 E. The board of behavioral health examiners and the department of  
26 health services shall adopt the recommendations in its rules by March 31,  
27 2015.

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

29 Sec. 26. Board membership

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

34 Sec. 27. Exemption from rule making

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

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

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

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

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

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

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

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

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

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

17 Sec. 29. Retroactivity

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

20 Sec. 30. Effective date

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

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

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

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

APPROVED BY THE GOVERNOR JUNE 20, 2013.

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