

Arizona Revised Statutes (*excerpts from Title 32, Chapter 33 related to telepractice*)

32-3251. Definitions

In this chapter, unless the context otherwise requires:

15. "Telepractice" means providing behavioral health services through interactive audio, video or electronic communication that occurs between the behavioral health professional and the client, including any electronic communication for evaluation, diagnosis and treatment, including distance counseling, in a secure platform, and that meets the requirements of telemedicine pursuant to section 36-3602.

32-3271. Exceptions to licensure; jurisdiction

- A. This chapter does not apply to:
 1. A person who is currently licensed, certified or regulated pursuant to another chapter of this title and who provides services within the person's scope of practice if the person does not claim to be licensed pursuant to this chapter.
 2. A person who is not a resident of this state if the person:
 - (a) Performs behavioral health services in this state for not more than ninety days in any one calendar year as prescribed by board rule.
 - (b) Is authorized to perform these services pursuant to the laws of the state or country in which the person resides or pursuant to the laws of a federally recognized tribe.
 - (c) Informs the client of the limited nature of these services and that the person is not licensed in this state.

32-3286. Unlawful practice; unlawful use of title; violation; classification; civil penalty; exception

- A. Except as prescribed in section 32-3271, a person not licensed pursuant to this chapter shall not engage in the practice of behavioral health.

Arizona Administrative Code (*excerpts related to telepractice from Title 4, Chapter 6*)

R4-6-101. Definitions

- A. The definitions at A.R.S. § 32-3251 apply to this Chapter. Additionally, the following definitions apply to this Chapter, unless otherwise specified:
 28. "Electronic signature" means an electronic sound, symbol, or process that is attached to or logically associated with a record and that is executed or adopted by an individual with the intent to sign the record.
- B. For the purposes of this Chapter, notifications or communications required to be "written" or "in writing" may be transmitted or received by mail, electronic transmission, facsimile transmission or hand delivery and may not be transmitted or received orally. Documents requiring a signature may include a written signature or electronic signature as defined in subsection (A)(28).

R4-6-1106. Telepractice

- A. Except as otherwise provided by statute, an individual who provides counseling, social work, marriage and family therapy, or substance abuse counseling via telepractice to a client located in Arizona shall be licensed by the Board.
- B. Except as otherwise provided by statute, a licensee who provides counseling, social work, marriage and family therapy, or substance abuse counseling via telepractice to a client located outside Arizona shall comply with not only A.R.S. Title 32, Chapter 33, and this Chapter but also the laws and rules of the jurisdiction in which the client is located.
- C. An individual who provides counseling, social work, marriage and family therapy, or substance abuse counseling via telepractice shall:
 1. In addition to complying with the requirements in R4-6-1101, document the limitations and risks associated with telepractice, including but not limited to the following;

- a. Inherent confidentiality risks of electronic communication,
 - b. Potential for technology failure,
 - c. Emergency procedures when the licensee is unavailable, and
 - d. Manner of identifying the client when using electronic communication that does not involve video;
2. In addition to complying with the requirements in R4-6-1103, include the following in the progress note required under R4-6-1103(H):
 - a. Mode of session, whether interactive audio, video, or electronic communication; and
 - b. Physical location of the client during the session.

Please review the Board's statutes and rules in their entirety for the most up to date, accurate information.