

NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS
PREAMBLE

<u>1. Articles, Parts, and Sections Affected</u>	<u>Rulemaking Action</u>
R4-6-101	Amend
R4-6-211	Amend
R4-6-212	Amend
R4-6-214	Amend
R4-6-215	Amend
R4-6-216	Amend
R4-6-217	New Section
R4-6-301	Amend
Table 1	Amend
R4-6-304	Amend
R4-6-403	Amend
R4-6-404	Amend
R4-6-501	Amend
R4-6-503	Amend
R4-6-601	Amend
R4-6-605	Amend
R4-6-702	Amend
R4-6-703	Amend
R4-6-705	Amend
R4-6-706	Amend
R4-6-801	Amend
R4-6-802	Amend
R4-6-1101	Amend
R4-6-1102	Amend
R4-6-1105	Amend
R4-6-1106	Amend

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

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statute: A.R.S. §§ 32-3275, 32-3251, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311, 32-3313, 32-3321, and 36-3606

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

Notice of Rulemaking Docket Opening: XX A.A.R. XX

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

Name: Erin Yabu, Deputy Director

Address: 1740 W Adams Street; Suite 3600

Phoenix, AZ 85007

Telephone: 602-542-1882

E-mail: erin.yabu@azbbhe.us

Web site: www.azbbhe.us

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 An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board is amending rules to address issues identified in a 5YRR approved by the Council on March 3, 2020, and to make the rules consistent with statutory changes. Under Laws 2021, Chapter 320, the legislature amended A.R.S. § 32-3251 to provide that direct client contact includes providing therapeutic or clinical care by telehealth. The legislation also added A.R.S. § 36-3606 regarding registration of out-of-state providers of telehealth services. Under Laws 2021, Chapter 62, the legislature amended A.R.S. §§ 32-3293 (social work), 32-3301 (counseling), 32-3311 (marriage and family therapy), and 32-3321 (substance abuse counseling) to remove the requirement that an applicant provide evidence of indirect client hours obtained during training. The applicant must provide evidence of direct client hours and clinical supervision. The Board is also removing provisions regarding a supervised private practice from R4-6-211 and moving them to a new Section, R4-6-217. An exemption from Executive Order 2022-01 was provided by Tony Hunter, of the Governor's office, in an e-mail dated March 4, 2022.

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

The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The Board believes most of the rulemaking will have minimal economic impact because it makes no substantive changes other than those required to be consistent with statute. The new requirement that a clinical supervisor of a supervised private practice obtain an additional three continuing education hours biennially will have economic impact for the clinical supervisor. Out-of-state providers of telehealth services who choose to register to provide services in Arizona will have to pay the newly established fee.

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

Name: Erin Yabu, Deputy Director

Address: 1740 W Adams Street; Suite 3600

Phoenix, AZ 85007

Telephone: 602-542-1882

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Web site: www.azbbhe.us

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

Oral proceedings regarding the proposed rules will be held as follows:

Date: Thursday, October 20, 2022

Time: 9:00 A.M.

Location: 1740 W Adams St., Boardroom C, Phoenix, AZ 85007

Date: Tuesday, October 25, 2022

Time: 1:00 P.M.

Location: 1740 W Adams St., Boardroom C, Phoenix, AZ 85007

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

None

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

The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board's statutes to each person that is qualified by statute (See A.R.S. §§ 32-3275, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311, 32-3313, and 32-3321) and rule.

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

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

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

No analysis was submitted.

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

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS
ARTICLE 1. DEFINITIONS

Section

R4-6-101. Definitions

ARTICLE 2. GENERAL PROVISIONS

Section

R4-6-211. ~~Direct Supervision:~~ Supervised Work Experience: ~~General~~

R4-6-212. Clinical Supervision Requirements

R4-6-214. Clinical Supervisor Educational Requirements

R4-6-215. Fees and Charges

R4-6-216. Foreign Equivalency Determination

R4-6-217. Supervised Private Practice

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Section

R4-6-301. Application for a License by Examination

Table 1. Time Frames (in Days)

R4-6-304. Application for a License by Endorsement; Application for a License by Universal Recognition

ARTICLE 4. SOCIAL WORK

Section

R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure

R4-6-404. Clinical Supervision for Clinical Social Worker Licensure

ARTICLE 5. COUNSELING

Section

R4-6-501. Curriculum

R4-6-503. Supervised Work Experience for Professional Counselor Licensure

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

Section

R4-6-601. Curriculum

R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

Section

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum

R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure

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

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

Section

R4-6-801. Renewal of Licensure

R4-6-802. Continuing Education

ARTICLE 11. STANDARDS OF PRACTICE

Section

R4-6-1101. Consent for Treatment

R4-6-1102. Treatment Plan

R4-6-1105. Confidentiality

R4-6-1106. ~~Telepractice~~ Telehealth

ARTICLE 1. DEFINITIONS

R4-6-101. Definitions

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

1. “Applicant” means:
 - a. An individual requesting a license by examination, endorsement, or universal recognition or a temporary license, ~~or a license by endorsement~~ by submitting a completed application packet to the Board; or
 - b. A regionally accredited college or university seeking Board approval of an educational program under R4-6-307.
2. “Application packet” means the ~~required~~ documents, forms, fees, and additional information required by the Board of an applicant.
3. “ARC” means an academic review committee established by the Board under A.R.S. § 32-3261(A).
4. “Assessment” means the collection and analysis of information to determine an individual’s behavioral health treatment needs.
5. “ASWB” means the Association of Social Work Boards.
6. “Behavioral health entity” means any organization, agency, business, or professional practice, including a for-profit private practice, which provides assessment, diagnosis, and treatment to individuals, groups, or families for behavioral health related issues.
7. “Behavioral health service” means the assessment, diagnosis, or treatment of an individual’s behavioral health issue.
8. “CACREP” means the Council for Accreditation of Counseling and Related Educational Programs.
9. “Client record” means collected documentation of the behavioral health services provided to and information gathered regarding a client.
10. “Clinical social work” means social work involving clinical assessment, diagnosis, and treatment of individuals, couples, families, and groups.
11. “Clinical supervision” means direction or oversight provided either face to face or by videoconference or telephone by an individual qualified to evaluate, guide, and direct all behavioral health services provided by a licensee to assist the licensee to develop and improve the necessary knowledge, skills, techniques, and abilities to allow the licensee to engage in the practice of behavioral health ethically, safely, and competently.
12. “Clinical supervisor” means ~~an~~ a qualified individual who provides clinical supervision.

13. "COAMFTE" means the Commission on Accreditation for Marriage and Family Therapy Education.
14. "Clock hour" means 60 minutes of instruction, not including breaks or meals.
15. "Contemporaneous" means documentation is made within 10 business days after service is provided.
16. "Continuing education" means training that provides an understanding of current developments, skills, procedures, or treatments related to the practice of behavioral health, as determined by the Board.
17. "Co-occurring disorder" means a combination of substance use disorder or addiction and a mental or personality disorder.
18. "CORE" means the Council on Rehabilitation Education.
19. "Counseling related coursework" means education that prepares an individual to provide behavioral health services, as determined by the ARC.
20. "CSWE" means Council on Social Work Education.
21. "Date of service" means the postmark date applied by the U.S. Postal Service to materials addressed to an applicant or licensee at the address the applicant or licensee last placed on file in writing with the Board.
22. "Day" means calendar day.
23. *"Direct client contact" means the performance of therapeutic or clinical functions related to the applicant's professional practice level of psychotherapy that includes diagnosis, assessment and treatment and that may include psychoeducation for mental, emotional and behavioral disorders based primarily on verbal or nonverbal communications and intervention with, and in the presence of, one or more clients, including through the use of telehealth pursuant to title 36, chapter 36, article 1. A.R.S. § 32-3251.*
24. "Direct supervision" means responsibility and oversight for all services provided by a supervisee as prescribed in R4-6-211.
25. "Disciplinary action" means any action taken by the Board against a licensee, based on a finding that the licensee engaged in unprofessional conduct, including refusing to renew a license ~~and~~ or suspending or revoking a license.
26. "Documentation" means written or electronic ~~supportive~~ evidence.
27. "Educational program" means a degree program in counseling, marriage and family therapy, social work, or substance use or addiction counseling that is:
 - a. Offered by a regionally accredited college or university, and
 - b. Not accredited by an organization or entity recognized by the Board.

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.
29. "Family member" means a parent, sibling, half-sibling, child, cousin, aunt, uncle, niece, nephew, grandparent, grandchild, and present and former spouse, in-law, stepchild, stepparent, foster parent, or significant other.
30. "Gross negligence" means careless or reckless disregard of established standards of practice or repeated failure to exercise the care that a reasonable practitioner would exercise within the scope of professional practice.
31. "Inactive status" means the Board has granted a licensee the right to suspend behavioral health practice temporarily by postponing license renewal for a maximum of 48 months.
32. "Independent practice" means engaging in the practice of marriage and family therapy, professional counseling, social work, or substance abuse counseling without direct supervision.
33. *"Indirect client service" means training for, and the performance of, functions of an applicant's professional practice level in preparation for or on behalf of a client for whom direct client contact functions are also performed, including case consultation and receipt of clinical supervision. Indirect client service does not include the provision of psychoeducation. A.R.S. § 32-3251.*
34. "Individual clinical supervision" means clinical supervision provided by a clinical supervisor to one supervisee.
35. "Informed consent for treatment" means a ~~written~~ document authorizing treatment of a client that:
- a. ~~Contains~~ meets the requirements of R4-6-1101;
 - b. ~~Is dated and signed by the client or the client's legal representative, and~~
 - c. ~~Beginning on July 1, 2006, is dated and signed by an authorized representative of the behavioral health entity.~~
36. "Legal representative" means an individual authorized by law to act on a client's behalf.
37. "License" means written authorization issued by the Board that allows an individual to engage in the practice of behavioral health in Arizona.
38. "License period" means the two years between the dates on which the Board issues a license and the license expires.
39. "NASAC" means the National Addiction Studies Accreditation Commission.
40. *"Practice of behavioral health" means the practice of marriage and family therapy, professional counseling, social work and substance abuse counseling pursuant to this Chapter. A.R.S. § 32-3251.*

41. *“Practice of marriage and family therapy” means the professional application of family systems theories, principles and techniques to treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral. The practice of marriage and family therapy includes:*
- a. Assessment, appraisal and diagnosis.*
 - b. The use of psychotherapy for the purpose of evaluation, diagnosis and treatment of individuals, couples, families and groups. A.R.S. § 32-3251.*
42. *“Practice of professional counseling” means the professional application of mental health, psychological and human development theories, principles and techniques to:*
- a. Facilitate human development and adjustment throughout the human life span.*
 - b. Assess and facilitate career development.*
 - c. Treat interpersonal relationship issues and nervous, mental and emotional disorders that are cognitive, affective or behavioral.*
 - d. Manage symptoms of mental illness.*
 - e. Assess, appraise, evaluate, diagnose and treat individuals, couples, families and groups through the use of psychotherapy. A.R.S. § 32-3251.*
43. *“Practice of social work” means the professional application of social work theories, principles, methods and techniques to:*
- a. Treat mental, behavioral and emotional disorders.*
 - b. Assist individuals, families, groups and communities to enhance or restore the ability to function physically, socially, emotionally, mentally and economically.*
 - c. Assess, appraise, diagnose, evaluate and treat individuals, couples, families and groups through the use of psychotherapy. A.R.S. § 32-3251.*
44. *“Practice of substance abuse counseling” means the professional application of general counseling theories, principles and techniques as specifically adapted, based on research and clinical experience, to the specialized needs and characteristics of persons who are experiencing substance abuse, chemical dependency and related problems and to the families of those persons. The practice of substance abuse counseling includes the following as they relate to substance abuse and chemical dependency issues:*
- a. Assessment, appraisal, and diagnosis.*
 - b. The use of psychotherapy for the purpose of evaluation, diagnosis and treatment of individuals, couples, families and groups. A.R.S. § 32-3251.*
45. *“Progress note” means contemporaneous documentation of a behavioral health service provided to an individual that is dated and signed or electronically acknowledged by the licensee.*

46. *“Psychoeducation” means the education of a client as part of a treatment process that provides the client with information regarding mental health, emotional disorders or behavioral health.”*
A.R.S. § 32-3251.
47. “Quorum” means a majority of the members of the Board or an ARC. Vacant positions do not reduce the quorum requirement.
48. “Regionally accredited college or university” means the institution has been approved by an entity recognized by the Council for Higher Education Accreditation as a regional accrediting organization.
49. “Significant other” means an individual whose participation a client considers to be essential to the effective provision of behavioral health services to the client.
50. “Supervised private practice” means a master’s level licensee:
- a. Owns and operates or manages a behavioral health entity,
 - b. Is responsible for the behavioral health services provided by the licensee, and
 - c. Provides the behavioral health services under direct supervision.
- ~~50.~~51. “Supervised work experience” means practicing clinical social work, marriage and family therapy, professional counseling, or substance abuse counseling for remuneration or on a voluntary basis under direct supervision and while receiving clinical supervision as prescribed in R4-6-212 and Articles 4 through 7.
- ~~51. “Telepractice” means providing behavioral health services through interactive audio, video or electronic communication that occurs between a 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 A.R.S. § 36-3602. A.R.S. § 32-3251.~~
52. “Treatment” means the application by a licensee of one or more therapeutic practice methods to improve, eliminate, or manage a client’s behavioral health issue.
53. “Treatment goal” means the desired result or outcome of treatment.
54. “Treatment method” means the specific approach a licensee ~~used~~ uses to achieve a treatment goal.
55. “Treatment plan” means a description of the specific behavioral health services that a licensee will provide to a client that is documented in the client record, and meets the requirements found in R4-6-1102.
- 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 or digital signature ~~as defined in subsection (A)(28).~~

ARTICLE 2. GENERAL PROVISIONS

R4-6-211. ~~Direct Supervision:~~ Supervised Work Experience: ~~General~~

- A. A ~~licensee~~ licensee, subject to practice limitations ~~pursuant~~ under to R4-6-210, shall practice in ~~an~~ a behavioral health entity that is owned by the individual with responsibility ~~responsible for~~ and providing clinical oversight of the behavioral health services provided by the supervised licensee.
- ~~B. A masters level licensee working under direct supervision who operates or manages their own entity with immediate responsibility for the behavioral health services provided by the licensee shall provide the following to the board for approval prior to providing behavioral health services:~~
- ~~1. The name of their clinical supervisor who meets the following:~~
 - ~~a. Is independently licensed by the board in the same discipline as the supervisee, and who has practiced as an independently licensed behavioral health professional for a minimum of two years beyond the supervisor's licensure date;~~
 - ~~b. Is in compliance with the clinical supervisor educational requirements specified in R4-6-214;~~
 - ~~c. Is not prohibited from providing clinical supervision by a board consent agreement; and~~
 - ~~2. A copy of the agreement between the clinical supervisor and supervisee demonstrating:~~
 - ~~a. The supervisee and supervisor will meet individually for one hour for every 20 hours of direct client contact provided, to include an onsite meeting every 60 days;~~
 - ~~b. Supervisee's clients will be notified of clinical supervisor's involvement in their treatment and the means to contact the supervisor;~~
 - ~~c. Supervision reports will be submitted to the board every six months;~~
 - ~~d. A 30 day notice is required prior to either party terminating the agreement;~~
 - ~~e. The supervisor and supervisee will notify the board within 10 days of the agreement termination date; and~~
 - ~~f. The supervisee will cease practicing within 60 days of the agreement termination date until such time as a subsequent agreement is provided to the board and approved.~~
- ~~C. A licensee complying with subsection (B) shall not provide clinical oversight and responsibility for the behavioral health services of another licensee subject to the practice limitations pursuant to R4-6-210.~~
- ~~D.B.~~ To meet the supervised work experience requirements for licensure, an applicant shall ensure the applicant's direct supervision shall:

1. ~~Meet~~ Meets the specific supervised work experience requirements contained in Articles 4, 5, 6, and 7;
2. ~~Be~~ Is acquired after completing the degree required for licensure and receiving certification or licensure from a state regulatory entity;
3. ~~Be~~ Is acquired before January 1, 2006, if acquired as an unlicensed professional practicing under an exemption provided in A.R.S. § 32-3271;
4. ~~Involve~~ Involves the practice of behavioral health; and
5. ~~Be for a term of~~ Occurs in no fewer than 24 months.

~~E.C.~~ An applicant who acquired supervised work experience outside of Arizona may submit that experience for approval as it relates to the qualifications of the supervisor and the behavioral health entity in which the supervision was acquired. The ~~board~~ Board may accept the supervised work experience as it relates to the supervisor and the behavioral health entity if ~~it~~ the supervised work experience met the requirements of the state in which the supervised work experience occurred. ~~Nothing in this provision shall~~ This subsection does not apply to the supervision requirements ~~set forth~~ in R4-6-403, R4-6-503, R4-6-603 and R4-6-705.

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

R4-6-212. Clinical Supervision Requirements

- A.** The Board shall accept hours of clinical supervision submitted by an applicant if the clinical supervision meets the requirements specified in R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, and was provided by one of the following:
1. A clinical social worker, professional counselor, independent marriage and family therapist, or independent substance abuse counselor who:
 - a. Holds an active and unrestricted license issued by the Board at least two years before the clinical supervision is provided, and
 - b. Has complied with the educational requirements specified in R4-6-214;
 2. A mental health professional who holds an active and unrestricted license issued under A.R.S. Title 32, Chapter 19.1 as a psychologist and has complied with the educational requirements specified in R4-6-214; or

3. An individual who:
 - a. Holds an active and unrestricted license to practice behavioral health,
 - b. Is providing behavioral health services in Arizona:
 - i. Under a contract or grant with the federal government under the authority of 25 U.S.C. § 5301 or § 1601-1683, or
 - ii. By appointment under 38 U.S.C. § 7402 (8-11), and
 - c. Has complied with the educational requirements specified in R4-6-214.
- B.** Unless an exemption was obtained under R4-6-212.01, the Board shall accept hours of clinical supervision submitted by an applicant if the clinical supervision was provided by an individual who:
 1. Was qualified under subsection (A), and
 2. Was employed by the behavioral health entity at which the applicant obtained hours of clinical supervision.
- C.** The Board shall accept hours of clinical supervision submitted by an applicant if the clinical supervision includes all of the following:
 1. Reviewing ethical and legal requirements applicable to the supervisee's practice, including unprofessional conduct as defined in A.R.S. § 32-3251;
 2. Monitoring the supervisee's activities to verify the supervisee is providing services safely and competently;
 3. Verifying in writing that the supervisee provides clients with appropriate written notice of clinical supervision, including the means to obtain the name and telephone number of the supervisee's clinical supervisor;
 4. Contemporaneously written documentation by the clinical supervisor of at least the following for each clinical supervision session at each entity:
 - a. Date and duration of the clinical supervision session;
 - b. A detailed description of topics discussed to include themes and demonstrated skills;
 - c. Beginning on July 1, 2006, name and signature of the individual receiving clinical supervision;
 - d. Name and signature of the clinical supervisor and the date signed; and
 - e. Whether the clinical supervision occurred on a group or individual basis;
 5. Maintaining by the clinical supervisor the documentation of clinical supervision required under subsection (C)(4) for at least seven the greater of six years or until the supervisee is independently licensed;
 6. Verifying that clinical supervision was not acquired from a family member, as prescribed in R4-6-101(A)(29), or someone with a personal relationship to the supervisee.

7. Conducting on-going compliance review of the supervisee's clinical documentation to ensure the supervisee maintains adequate written documentation;
 8. Providing instruction regarding:
 - a. Assessment,
 - b. Diagnosis,
 - c. Treatment plan development, and
 - d. Treatment;
 9. Rating the supervisee's overall performance as at least satisfactory, using a form approved by the Board; and
 10. Complying with the discipline-specific requirements in Articles 4 through 7 regarding clinical supervision.
- D.** The Board shall accept hours of clinical supervision submitted by an applicant for licensure if:
1. At least two hours of the clinical supervision were provided in a face-to-face setting during each six-month period. A face-to-face setting includes virtual teleconferencing;
 2. No more than 90 hours of the clinical supervision were provided by videoconference and telephone;
 3. No more than 15 of the 90 hours of clinical supervision provided by videoconference and telephone were provided by telephone; and
 4. Each clinical supervision session was at least 30 minutes long.
- E.** Effective July 1, 2006, the Board shall accept hours of clinical supervision submitted by an applicant if at least 10 of the hours involve the clinical supervisor observing the supervisee providing treatment and evaluation services to a client. The clinical supervisor may conduct the observation:
1. In a face-to-face or virtual teleconference setting,
 2. By videoconference,
 3. By teleconference, or
 4. By review of audio or video recordings.
- F.** The Board shall accept hours of clinical supervision submitted by an applicant from a maximum of six clinical supervisors.
- G.** The Board shall accept hours of clinical supervision obtained by an applicant in both individual and group sessions, subject to the following restrictions:
1. At least 25 of the clinical supervision hours involve individual supervision, and
 2. Of the minimum 100 hours of clinical supervision required for licensure, the Board may accept:
 - a. Up to 75 of the clinical supervision hours involving a group of two supervisees, and
 - b. Up to 50 of the clinical supervision hours involving a group of three to six supervisees.

- H. If an applicant provides evidence that a catastrophic event prohibits the applicant from obtaining documentation of clinical supervision that meets the standard specified in subsection (C), the Board may consider alternate documentation.

R4-6-214. Clinical Supervisor Educational Requirements

- A. The Board shall consider hours of clinical supervision submitted by an applicant only if the individual who provides the clinical supervision is qualified under R4-6-212(A) and complies with the following:

1. Completes one of the following:

- a. At least 12 hours of training, completed within the last three years, that which meets the standard specified in R4-6-802(D), addresses clinical supervision, and includes the following:
 - i. Role and responsibilities of a clinical supervisor;
 - ii. Skills in providing effective oversight of and guidance to supervisees who diagnose, create treatment plans, and treat clients;
 - iii. Supervisory methods and techniques; ~~and~~
 - iv. Fair and accurate evaluation of a supervisee's ability to plan and implement clinical assessment and treatment;
 - v. Knowledge of the provisions in R4-6-217; and
 - vi. Knowledge of statutes and rules of the Arizona Department of Health Services relating to exemptions to licensure.
- b. An approved clinical supervisor certification from the National Board for Certified Counselors/Center for Credentialing and Education;
- c. A clinical supervisor certification from the International Certification and Reciprocity Consortium; or
- d. A clinical member with an approved supervisor designation from the American Association of Marriage and Family Therapy; and

2. Completes the three clock hour Clinical Supervision Tutorial on Arizona Statutes/Regulations.

- B. To continue providing clinical supervision, an individual qualified under subsection (A)(1)(a) shall, at least every three years, complete a minimum of nine hours of continuing training that:

1. Meets the standard specified in R4-6-802(D);
2. Concerns clinical supervision;
3. Addresses the topics listed in subsection (A)(1)(a); and
4. Includes the three clock hour Clinical Supervision Tutorial on Arizona Statutes/Regulations.

- C. To continue providing clinical supervision, an individual qualified under subsections (A)(1)(b) through (d) shall:

1. Provide documentation that the national certification or designation was renewed before it expired, and
2. Complete the Clinical Supervision Tutorial on Arizona Statutes/Regulations.

D. The Board shall not accept hours of clinical supervision provided by an individual who fails to remain qualified by complying with subsection (B) or (C) until the individual becomes qualified again by complying with subsection (A).

D.E. An applicant submitting hours of clinical supervision by an individual qualified by meeting the clinical supervision education requirements in effect before the effective date of this Section shall provide documentation that the clinical supervisor was compliant with the education requirements during the period of supervision.

R4-6-215. Fees and Charges

A. Under the authority provided by A.R.S. § 32-3272, the Board establishes and shall collect the following fees:

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

B. Under the specific authority provided by A.R.S. § 36-3606(A)(3), the Board establishes and shall collect the following fee to register as an out-of-state health care provider of telehealth services: \$250.

B.C. The Board shall charge the following amounts for the services it provides:

- ~~1.~~ Issuing a duplicate license: \$25;
- ~~2.~~ 1. Criminal history background check: \$40 unless waived under A.R.S. § 32-3280(B);
- ~~3.~~ 2. Paper copy of records: \$.50 per page after the first four pages;
- ~~4.~~ 3. Electronic copy of records: \$25;
- ~~5.~~ 4. Copy of a Board meeting audio recording: \$20;
- ~~6.~~ 5. Verification of licensure: \$20 per discipline or free if downloaded from the Board's web site;
- ~~7.~~ 6. Board's rules and statutes book: \$10 or free if downloaded from the Board's web site;

~~8.7.~~ Mailing list of licensees: \$150, and

~~9.8.~~ Returned check due to insufficient funds: \$50.

~~C.D.~~ The application fees in subsections (A)(1) and (2) are non-refundable. Other fees established in ~~subsection~~ subsections (A) and (B) are not refundable unless the provisions of A.R.S. § 41-1077 apply.

~~D.E.~~ The Board shall accept payment of fees and charges as follows:

1. For an amount of \$40 or less, a personal or business check;
2. For amounts greater than \$40, a certified check, cashier's check, or money order; and
3. By proof of online payment by credit card for the following:
 - a. All fees in subsection (A);
 - b. The charge in subsection ~~(B)(2)~~ (C)(1) for a criminal history background check; and
 - c. The charge in subsection ~~(B)(8)~~ (C)(7) for a mailing list of licensees.

R4-6-216. Foreign Equivalency Determination

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

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

R4-6-217. Supervised Private Practice

A. General provisions regarding supervised private practice:

1. A supervised private practice, the licensed supervisee, and the clinical supervisor shall be physically located in Arizona;
2. A licensed supervisee shall have only one clinical supervisor at any given time;
3. A clinical supervisor shall not supervise more than five supervised private practices at any given time; and

4. Failure to comply fully with this Section may result in disciplinary action against both the licensed supervisee and the clinical supervisor.
- B.** Before providing behavioral health services in a supervised private practice, as defined at R4-6-101, the licensed supervisee shall provide the following to the Board for Board approval:
1. The name of the licensed supervisee's clinical supervisor who meets the following:
 - a. Is independently licensed by the Board in the same discipline as the licensed supervisee and has practiced as an independently licensed behavioral health professional for at least two years after initial licensure;
 - b. Is in compliance with the clinical supervisor educational requirements specified in R4-6-214;
 - c. Is not prohibited from providing clinical supervision by a Board consent agreement; and
 2. A copy of the agreement between the clinical supervisor and licensed supervisee demonstrating:
 - a. The licensed supervisee and clinical supervisor will meet individually:
 - i. For one hour for every 10 hours of direct client contact provided, and
 - ii. At the location of the supervised private practice at least once every 60 calendar days;
 - b. The licensed supervisee will notify clients of the clinical supervisor's involvement in their treatment and the means to contact the clinical supervisor;
 - c. The clinical supervisor will submit supervision reports to the Board every six months;
 - d. The licensed supervisee and clinical supervisor will provide 30-days's notice to the other before terminating the agreement;
 - e. The licensed supervisee and clinical supervisor will notify the Board within 10 days after terminating the agreement; and
 - f. The licensed supervisee will cease providing behavioral health services within 60 days after termination of the agreement unless another agreement is provided to and approved by the Board.
- C.** Licensed supervisee responsibilities. A licensed supervisee providing behavioral health services in a supervised private practice, as defined at R4-6-101, shall:
1. Not employ, contract with, provide clinical oversight of, or have any responsibility for the behavioral health services of another licensee;
 2. Before Board approval of the supervised private practice, include notice in all advertising, marketing, and practice materials that clients are not being accepted; and
 3. After Board approval of the supervised private practice, include notice in all advertising, marketing, and practice materials of the clinical supervisor's involvement in the supervised private practice and the means to contact the clinical supervisor.
- D.** Clinical supervisor responsibilities. A clinical supervisor of a supervised private practice shall:

1. Supervise all of the supervised private practice;
2. Regularly review the documentation maintained by the licensed supervisee and attest to the Board that the review was thorough and the documentation complete;
3. Submit all required reports to the Board within two weeks after the reports are due; and
4. Complete three clock hours of continuing education regarding supervision of a supervised private practice in addition to the 30 clock hours of continuing education required under R4-6-801.

ARTICLE 3. LICENSURE

R4-6-301. Application for a License by Examination

An applicant for a license by examination shall submit a completed application packet that contains the following:

1. A statement by the applicant certifying that all information submitted in support of the application is true and correct;
2. Identification of the license for which application is made;
3. The license application fee required under R4-6-215;
4. The applicant's name, date of birth, social security number, and contact information;
5. Each name or alias previously or currently used by the applicant;
6. The name of each college or university the applicant attended and an official transcript for all education used to meet requirements;
7. Verification of current or previous licensure or certification from the licensing or certifying entity as follows:
 - a. Any license or certification ever held in the practice of behavioral health; and
 - b. Any professional license or certification not identified in subsection (7)(a) held in the last 10 years;
8. Background information to enable the Board to determine whether, as required under A.R.S. § 32-3275(A)(3), the applicant is of good moral character;
9. A list of every entity for which the applicant has worked during the last 7 years;
10. If the relevant licensing examination was previously taken, an official copy of the score the applicant obtained on the examination;
11. A report of the results of a ~~self-query~~ query of the National Practitioner Data Bank;
12. Documentation required under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law;

13. A completed and legible fingerprint card for a state and federal criminal history background check and payment as prescribed under R4-6-215 if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current fingerprint card issued by the Arizona Department of Public Safety; and
14. Other documents or information requested by the Board to determine the applicant's eligibility.

Table 1. Time Frames (in Days)

Type of License	Statutory Authority	Overall Time Frame	Administrative Completeness Time Frame	Substantive Review Time Frame
License by Examination	A.R.S. § 32-3253 A.R.S. § 32-3275	270	90	180
Temporary License	A.R.S. § 32-3253 A.R.S. § 32-3279	90	30	60
License by Endorsement; <u>License by Universal Recognition</u>	A.R.S. § 32-3253 A.R.S. § 32-3274 <u>A.R.S. § 32-4302</u>	270	90	180
License Renewal	A.R.S. § 32-3253 A.R.S. § 32-3273	270	90	180
<u>Application for registration as an out-of-state health care provider of telehealth services</u>	<u>A.R.S. § 32-3253</u> <u>A.R.S. § 36-3606</u>	270	90	180

R4-6-304. Application for a License by Endorsement; Application for a License by Universal Recognition

A. License by endorsement. An applicant who meets the requirements specified under A.R.S. § 32-3274 for a license by endorsement shall submit a completed application packet, as prescribed in R4-6-301, and the following:

1. The name of one or more other jurisdictions where the applicant is certified or licensed as a behavioral health professional by a state or federal regulatory entity, and has been for at least three years;
2. A verification of each certificate or license identified in subsection (1) by the state regulatory entity issuing the certificate or license that includes the following:
 - a. The certificate or license number issued to the applicant by the state regulatory entity;
 - b. The issue and expiration date of the certificate or license;
 - c. Whether the applicant has been the subject of disciplinary proceedings by a state regulatory entity; and
 - d. Whether the certificate or license is active and in good standing;
3. If applying at a practice level listed in A.R.S. § 32-3274(B), include:
 - a. An official transcript as prescribed in R4-6-301(6); and
 - b. If applicable, a foreign degree evaluation prescribed in R4-6-216 or R4-6-401; and
4. Documentation of completion of the Arizona Statutes/Regulations Tutorial.

B. License by universal recognition. An applicant who meets the requirements specified under A.R.S. § 32-4302 for a license by universal recognition shall submit:

1. An application provided by the Board that contains:
 - a. The applicant's name, address, e-mail address, telephone number, gender, Social Security number, and birth date;
 - b. A statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A list of all states in which the applicant is currently licensed and certification from the licensing states that the applicant's license is in good standing;
3. Proof of Arizona residency;
4. Documentation required under A.R.S. § 41-1080(A) showing that the applicant's presence in the U.S. is authorized under federal law;
5. A completed and legible fingerprint card for a state and federal criminal history background check and payment as prescribed under R4-6-215 if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current fingerprint card issued by the Arizona Department of Public Safety; and
6. Documentation of completion of the Arizona Statutes/Regulations Tutorial.

ARTICLE 4. SOCIAL WORK

R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure

- A. An applicant for clinical social worker licensure shall demonstrate completion of at least ~~3200 hours~~ of supervised work experience in the practice of clinical social work in no less than 24 months. ~~Supervised work experience in the practice of clinical social work shall include~~ of supervised work experience that includes:
 - 1. At least 1600 hours of direct client contact involving the use of psychotherapy;
 - 2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation; and
 - 3. At least 100 hours of clinical supervision as prescribed under R4-6-212 and R4-6-404; ~~and~~
 - 4. ~~For the purpose of licensure, no more than 1600 hours of indirect client contact related to psychotherapy services.~~
- B. For any month in which an applicant provides direct client contact, the applicant shall obtain at least one hour of clinical supervision.
- C. An applicant may submit more than the required ~~3200~~ hours of supervised work experience for consideration by the Board.
- D. During the period of required supervised work experience specified in subsection (A), an applicant for clinical social worker licensure shall practice behavioral health under the limitations specified in R4-6-210.
- E. There is no supervised work experience requirement for licensure as a baccalaureate or master social worker.

R4-6-404. Clinical Supervision for Clinical Social Worker Licensure

- A. An applicant for clinical social worker licensure shall demonstrate that the applicant received at least 100 hours of clinical supervision that meet the requirements specified in subsection (B) and R4-6-212 during the supervised work experience required under R4-6-403.
- B. The Board shall accept hours of clinical supervision for clinical social worker licensure if the hours required under subsection (A) meet the following:
 - 1. At least 50 hours are supervised by a clinical social worker licensed by the Board, and
 - 2. The remaining hours are supervised by an individual qualified under R4-6-212(A), or
 - 3. The hours are supervised by an individual ~~for whom an exemption was obtained under R4-6-212.01~~ who meets the educational requirements under R4-6-214.
- C. The Board shall not accept hours of clinical supervision for clinical social worker licensure provided by a substance abuse counselor.

ARTICLE 5. COUNSELING

R4-6-501. Curriculum

- A.** An applicant for licensure as an associate or professional counselor shall have a master's or higher degree with a major emphasis in counseling from:
1. A program accredited by CACREP or CORE that consists of at least 60 semester or 90 quarter credit hours, including a supervised counseling practicum as prescribed under subsection (E);
 2. An educational program previously approved by the Board under A.R.S. § 32-3253(A)(14) that consists of at least 60 semester or 90 quarter credit hours, including a supervised counseling practicum as prescribed under subsection (E); or
 3. A program from a regionally accredited college or university that consists of at least 60 semester or 90 quarter credit hours, meets the requirements specified in subsections (C) and (D), and includes a supervised counseling practicum as prescribed under subsection (E).
- B.** To assist the Board to evaluate a program under subsection (A)(3), an applicant who obtained a degree from a program under subsection (A)(3) shall attach the following to the application required under R4-6-301:
1. Published college or university course descriptions for the year and semester enrolled for each course submitted to meet curriculum requirements,
 2. Verification, using a form approved by the Board, of completing the supervised counseling practicum required under subsection (E); and
 3. Other documentation requested by the Board.
- C.** The Board shall accept for licensure the curriculum from a program not accredited by CACREP or CORE if the curriculum includes at least 60 semester or 90 quarter credit hours in counseling-related coursework, of which at least three semester or 4 quarter credit hours are in each of the following eight core content areas:
1. Professional orientation and ethical practice: Studies that provide a broad understanding of professional counseling ethics and legal standards, including but not limited to:
 - a. Professional roles, functions, and relationships;
 - b. Professional credentialing;
 - c. Ethical standards of professional organizations; and
 - d. Application of ethical and legal considerations in counseling;
 2. Social and cultural diversity: Studies that provide a broad understanding of the cultural context of relationships, issues, and trends in a multicultural society, including but not limited to:
 - a. Theories of multicultural counseling, and
 - b. Multicultural competencies and strategies;
 3. Human growth and development: Studies that provide a broad understanding of the nature and needs of individuals at all developmental stages, including but not limited to:

- a. Theories of individual and family development across the life-span, and
 - b. Theories of personality development;
- 4. Career development: Studies that provide a broad understanding of career development and related life factors, including but not limited to:
 - a. Career development theories, and
 - b. Career decision processes;
- 5. Helping relationship: Studies that provide a broad understanding of counseling processes, including but not limited to:
 - a. Counseling theories and models,
 - b. Essential interviewing and counseling skills, and
 - c. Therapeutic processes;
- 6. Group work: Studies that provide a broad understanding of group development, dynamics, counseling theories, counseling methods and skills, and other group work approaches, including but not limited to:
 - a. Principles of group dynamics,
 - b. Group leadership styles and approaches, and
 - c. Theories and methods of group counseling;
- 7. Assessment: Studies that provide a broad understanding of individual and group approaches to assessment and evaluation, including but not limited to:
 - a. Diagnostic process including differential diagnosis and use of diagnostic classification systems such as the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases,
 - b. Use of assessment for diagnostic and intervention planning purposes, and
 - c. Basic concepts of standardized and non-standardized testing; and
- 8. Research and program evaluation: Studies that provide a broad understanding of recognized research methods and design and basic statistical analysis, including but not limited to:
 - a. Qualitative and quantitative research methods, and
 - b. Statistical methods used in conducting research and program evaluation.
- D.** In evaluating the curriculum required under subsection (C), the Board shall assess whether a core content area is embedded or contained in more than one course. The applicant shall provide information the Board requires to determine whether a core content area is embedded in multiple courses. The Board shall not accept a core content area embedded in more than two courses unless the courses are succession courses. The Board shall allow subject matter in a course to qualify in only one core content area.

- E. The Board shall accept a supervised counseling practicum and internship that is part of a master's or higher degree program if the supervised counseling practicum and internship meets the following standards:
 - 1. Consists of at least 700 clock hours in a professional counseling setting,
 - 2. Includes at least 240 hours of direct client contact,
 - 3. Provides an opportunity for the supervisee to perform all activities associated with employment as a professional counselor,
 - 4. Oversight of the counseling practicum is provided by a faculty member, and
 - 5. Onsite supervision is provided by an individual approved by the college or university.
- F. The Board shall require that an applicant for professional counselor licensure who received a master's or higher degree before July 1, 1989, from a program that did not include a supervised counseling practicum complete three years of post-master's or higher degree work experience in counseling under direct supervision. One year of a doctoral-clinical internship may be substituted for one year of supervised work experience.
- G. The Board shall accept for licensure only courses that the applicant completed with a passing grade.
- H. The Board shall deem an applicant to meet the curriculum requirements for professional counselor licensure if the applicant:
 - 1. Holds an active and in good standing associate counselor license issued by the Board; and
 - 2. ~~Met the curriculum requirements with~~ Has a master's degree in a behavioral health field from a regionally accredited university ~~when the associate counselor license was issued.~~

R4-6-503. Supervised Work Experience for Professional Counselor Licensure

- A. An applicant for professional counselor licensure shall demonstrate completion of at least ~~3200 hours~~ of supervised work experience in the practice of professional counseling in no less than 24 months. ~~The applicant shall ensure that the~~ of supervised work experience that includes:
 - 1. At least 1600 hours of direct client contact involving the use of psychotherapy;
 - 2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation; and
 - 3. At least 100 hours of clinical supervision as prescribed under R4-6-212 and R4-6-504; ~~and~~
 - 4. ~~For the purpose of licensure, no more than 1600 hours of indirect client contact related to psychotherapy services.~~
- B. For any month in which an applicant provides direct client contact, the applicant shall obtain at least one hour of clinical supervision.
- C. An applicant may submit more than the required ~~3200~~ hours of supervised work experience for consideration by the Board.

- D. During the period of supervised work experience specified in subsection (A), an applicant for professional counselor licensure shall practice behavioral health under the limitations specified in R4-6-210.
- E. There is no supervised work experience requirement for licensure as an associate counselor.

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum

- A. An applicant for licensure as an associate marriage and family therapist or a marriage and family therapist shall have a master's or higher degree from a regionally accredited college or university in a behavioral health science program that:
 - 1. Is accredited by COAMFTE;
 - 2. Was previously approved by the Board under A.R.S. § 32-3253(A)(14); or
 - 3. Includes at least three semester or four quarter credit hours in each of the number of courses specified in the six core content areas listed in subsection (B).
- B. A program under subsection (A)(3) shall include:
 - 1. Marriage and family studies: ~~Three~~ At least nine semester or 12 quarter credit hours in no fewer than three courses from a family systems theory orientation that collectively contain at minimum the following elements:
 - a. Introductory family systems theory;
 - b. Family development;
 - c. Family systems, including marital, sibling, and individual subsystems; and
 - d. Gender and cultural issues;
 - 2. Marriage and family therapy: ~~Three~~ At least nine semester or 12 quarter credit hours in no fewer than three courses that collectively contain at minimum the following elements:
 - a. Advanced family systems theory and interventions;
 - b. Major systemic marriage and family therapy treatment approaches;
 - c. Communications; and
 - d. Sex therapy;
 - 3. Human development: ~~Three~~ At least nine semester or 12 quarter credit hours in no fewer than three courses that may integrate family systems theory that collectively contain at minimum the following elements:
 - a. Normal and abnormal human development;
 - b. Human sexuality; and
 - c. Psychopathology and abnormal behavior;

4. Professional studies: At least three semester or four quarter credit hours in no fewer than One one course including at minimum:
 - a. Professional ethics as a therapist, including legal and ethical responsibilities and liabilities; and
 - b. Family law;
 5. Research: One course in research design, methodology, and statistics in behavioral health science; and
 6. Supervised practicum: Two courses that supplement the practical experience gained under subsection (D).
- C. In evaluating the curriculum required under subsection (B), the Board shall assess whether a core content area is embedded or contained in more than one course. The applicant shall provide information the Board requires to determine whether a core content area is embedded in multiple courses. The Board shall not accept a core content area embedded in more than two courses unless the courses are succession courses. The Board shall allow subject matter in a course to qualify in only one core content area.
- D. A program's supervised practicum shall meet the following standards:
1. Provides an opportunity for the enrolled student to provide marriage and family therapy services to individuals, couples, and families in an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university;
 2. Includes at least 300 client-contact hours provided under direct supervision; and
 3. Has supervision provided by a designated licensed marriage and family therapist.
- E. An applicant may submit a written request to the ARC for an exemption from the requirement specified in subsection (D)(3). The request shall include the name of the behavioral health professional proposed by the applicant to act as supervisor of the practicum, a copy of the proposed supervisor's transcript and curriculum vitae, and any additional documentation requested by the ARC. The ARC shall grant the exemption if the ARC determines the proposed supervisor is qualified by education, experience, and training to provide supervision.
- F. The Board shall deem an applicant to meet the curriculum requirements for marriage and family therapist licensure if the applicant:
1. Holds an active and in good standing associate marriage and family therapist license issued by the Board; and
 2. ~~Met the curriculum requirements with~~ Has a master's degree in a behavioral health field from a regionally accredited university ~~when the associate marriage and family therapist license was issued.~~

R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure

- A. An applicant for licensure as a marriage and family therapist shall demonstrate completion of at least ~~3200 hours of supervised work experience in the practice of marriage and family therapy in no less than 24 months.~~ The applicant shall ensure that the of supervised work experience that includes:
1. At least 1600 hours of direct client contact involving the use of psychotherapy:
 - a. At least 1000 of the 1600 hours of direct client contact are with couples or families; and
 - b. No more than 400 of the 1600 hours of direct client contact are in psychoeducation and at least 60 percent of psychoeducation hours are with couples or families; and
 2. At least 100 hours of clinical supervision as prescribed under R4-6-212 and R4-6-604; ~~and~~
 3. ~~For the purpose of licensure, no more than 1600 hours of indirect client contact related to psychotherapy services.~~
- B. For any month in which an applicant provides direct client contact, the applicant shall obtain at least one hour of clinical supervision.
- C. An applicant may submit more than the required ~~3200~~ hours of supervised work experience for consideration by the Board.
- D. During the period of supervised work experience specified in subsection (A), an applicant for marriage and family therapist licensure shall practice behavioral health under the limitations specified in R4-6-210.
- E. There is no supervised work experience requirement for licensure as an associate marriage and family therapist.

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum

- A. An applicant for licensure as an associate substance abuse counselor shall have one of the following:
1. A bachelor's degree from a regionally accredited college or university in a program accredited by NASAC and supervised work experience that meets the standards specified in R4-6-705(A);
 2. A master's or higher degree from a regionally accredited college or university in a program accredited by NASAC;
 3. A bachelor's degree from a regionally accredited college or university in a behavioral health science program that meets the core content standards specified in R4-6-701(B) and supervised work experience that meets the standards specified in R4-6-705(A);

4. A master's or higher degree from a regionally accredited college or university in a behavioral health science program that meets the core content standards specified in R4-6-701(B) and includes at least 300 hours of supervised practicum as prescribed under subsection (C); or
 5. A bachelor's degree from a regionally accredited college or university in an educational program previously approved by the Board under A.R.S. § 32-3253(A)(14) and supervised work experience that meets the standards specified in R4-6-705(A); or
 6. A master's or higher degree from a regionally accredited college or university in an educational program previously approved by the Board under A.R.S. § 32-3253(A)(14) and includes at least 300 hours of supervised practicum as prescribed under subsection (C).
- B.** In evaluating the curriculum required under subsection (A)(3) or (4), the Board shall assess whether a core content area is embedded or contained in more than one course. The applicant shall provide information the Board requires to determine whether a core content area is embedded in multiple courses. The Board shall not accept a core content area embedded in more than two courses unless the courses are succession courses. The Board shall allow subject matter in a course to qualify in only one core content area.
- C.** Supervised practicum. A supervised practicum shall integrate didactic learning related to substance use disorders with face-to-face, direct counseling experience. The counseling experience shall include intake and assessment, treatment planning, discharge planning, documentation, and case management activities.
- D.** The Board shall deem an applicant to meet the curriculum requirements for associate substance abuse counselor licensure if the applicant:
1. Holds an active and in good standing substance abuse technician license issued by the Board; and
 2. ~~Met the curriculum requirements with~~ Has a bachelor's degree when the substance abuse technician license was issued in a behavioral health field from a regionally accredited university.
- E.** An applicant for licensure as an associate substance abuse counselor who completed the applicant's educational training before the effective date of this Section or no later than October 31, 2017, may request that the Board evaluate the applicant's educational training using the standards in effect before the effective date of this Section.

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum

- A.** An applicant for licensure as an independent substance abuse counselor shall have a master's or higher degree from a regionally accredited college or university in one of the following:
1. A program accredited by NASAC;

2. A behavioral health science program that meets the core content standards specified in R4-6-701(B) and includes at least 300 hours of supervised practicum as prescribed under subsection (D); or
 3. An educational program previously approved by the Board under A.R.S. § 32-3253(A)(14) that includes at least 300 hours of supervised practicum as prescribed under subsection (D).
- B.** In addition to the degree requirement under subsection (A), an applicant for licensure as an independent substance abuse counselor shall complete the supervised work experience requirements prescribed under R4-6-705(B).
- C.** In evaluating the curriculum required under subsection (A)(2), the Board shall assess whether a core content area is embedded or contained in more than one course. The applicant shall provide information the Board requires to determine whether a core content area is embedded in multiple courses. The Board shall not accept a core content area embedded in more than two courses unless the courses are succession courses. The Board shall allow subject matter in a course to qualify in only one core content area.
- D.** Supervised practicum. A supervised practicum shall integrate didactic learning related to substance use disorders with face-to-face, direct counseling experience. The counseling experience shall include intake and assessment, treatment planning, discharge planning, documentation, and case management activities.
- E.** The Board shall deem an applicant to meet the curriculum requirements for independent substance abuse counselor licensure if the applicant:
1. Holds an active and in good standing associate substance abuse counselor license issued by the Board; and
 2. ~~Met the curriculum requirements with~~ Has a master's degree when the associate substance abuse counselor license was issued in a behavioral health field from a regionally accredited university.
- F.** An applicant for licensure as an independent substance abuse counselor who completed the applicant's educational training before the effective date of this Section or no later than October 31, 2017, may request that the Board evaluate the applicant's educational training using the standards in effect before the effective date of this Section.

R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure

- A.** An applicant for associate substance abuse counselor licensure who has a bachelor's degree and is required under R4-6-702(A) to participate in a supervised work experience shall complete at least ~~3200 hours of supervised work experience in substance abuse counseling in no less than~~ 24 months.

~~The applicant shall ensure that the~~ of supervised work experience that relates to substance use disorder and addiction and meets the following standards:

1. At least 1600 hours of direct client contact involving the use of psychotherapy related to substance use disorder and addiction issues,
 2. No more than 400 of the 1600 hours of direct client contact are in psychoeducation,
 3. ~~For the purpose of licensure, no more than 1600 hours of indirect client contact related to psychotherapy services,~~
 4. 3. At least 100 hours of clinical supervision as prescribed under R4-6-212 and R4-6-706, and
 5. 4. At least one hour of clinical supervision in any month in which the applicant provides direct client contact.
- B.** An applicant for independent substance abuse counselor licensure shall demonstrate completion of at least ~~3200 hours of supervised work experience in substance abuse counseling in no less than 24 months~~ of supervised work experience in substance abuse counseling. The applicant shall ensure that the supervised work experience meets the standards specified in subsection (A).
- C.** An applicant for substance abuse technician qualifying under R4-6-701(C) shall complete at least 6400 hours of supervised work experience in no less than 48 months. The applicant shall ensure that the supervised work experience includes:
1. At least 3200 hours of direct client contact;
 2. Using psychotherapy to assess, diagnose, and treat individuals, couples, families, and groups for issues relating to substance use disorder and addiction; and
 3. At least 200 hours of clinical supervision as prescribed under R4-6-212 and R4-6-706.
- D.** An applicant may submit more than the required number of hours of supervised work experience for consideration by the Board.
- E.** During the period of required supervised work experience, an applicant for substance abuse licensure shall practice behavioral health under the limitations specified in R4-6-210.
- F.** There is no supervised work experience requirement for an applicant for licensure as:
1. A substance abuse technician qualifying under R4-6-701(A), or
 2. An associate substance abuse counselor qualifying under R4-6-702(A) with a master's or higher degree.

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

- A.** During the supervised work experience required under R4-6-705, an applicant for substance abuse counselor licensure shall demonstrate that the applicant received, for the level of licensure sought, at least the number of hours of clinical supervision specified in R4-6-705 that meets the requirements in subsection (B) and R4-6-212.

- B.** The Board shall accept hours of clinical supervision for substance abuse licensure if the focus of the supervised hours relates to substance use disorder and addiction and:
1. At least 50 hours are supervised by:
 - a. An independent substance abuse counselor licensed by the Board; or
 - b. An independently licensed behavioral health professional who:
 - i. Provides evidence of knowledge and experience in substance use disorder treatment; and
 - ii. Is approved by the ARC or designee, and
 2. The remaining hours are supervised by an individual qualified under R4-6-212(A), or
 3. The hours are supervised by an individual ~~for whom an exemption was obtained under R4-6-212.01~~ who meets the educational requirements under R4-6-214.

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-801. Renewal of Licensure

- A.** Under A.R.S. § 32-3273, a license issued by the Board under A.R.S. Title 32, Chapter 33 and this Chapter is renewable every two years. A licensee who has more than one license may request in writing that the Board synchronize the expiration dates of the licenses. The licensee shall pay any prorated fees required to accomplish the synchronization.
- B.** A licensee holding an active license to practice behavioral health in this state shall complete 30 clock hours of continuing education as prescribed under R4-6-802 between the date the Board received the licensee's last renewal application and the next license expiration date. A licensee may not carry excess continuing education hours from one license period to the next.
- C.** To renew licensure, a licensee shall submit the following to the Board on or before the date of license expiration or as specified in A.R.S. § 32-4301:
1. A renewal application form, approved by the Board. The licensee shall ensure that the renewal form:
 - a. Includes a list of 30 clock hours of continuing education that the licensee completed during the license period;
 - b. If the documentation previously submitted under R4-6-301(12) was a limited form of work authorization issued by the federal government, includes evidence that the work authorization has not expired; and
 - c. Is signed by the licensee attesting that all information submitted is true and correct;
 2. Payment of the renewal fee as prescribed in R4-6-215; and
 3. Other documents requested by the Board to determine that the licensee continues to meet the requirements under A.R.S. Title 32, Chapter 33 and this Chapter.

- D. The Board may audit a licensee to verify compliance with the continuing education requirements under subsection (B). A licensee shall maintain documentation verifying compliance with the continuing education requirements as prescribed under R4-6-803.
- E. A licensee whose license expires shall immediately stop the practice of behavioral health. A licensee who license expires may have the license reinstated by complying with subsection (C) and paying a late renewal penalty within 90 days of the license expiration date. A license reinstated under this subsection is effective with no lapse in licensure however, a licensee who engages in the practice of behavioral health between the dates of license expiration and license reinstatement may be subject to disciplinary action.

R4-6-802. Continuing Education

- A. A licensee who maintains more than one license may apply the same continuing education hours for renewal of each license if the content of the continuing education relates to the scope of practice of each license.
- B. For each license period, a licensee may report a maximum of:
 - 1. Ten clock hours of continuing education for first-time presentations by the licensee that deal with current developments, skills, procedures, or treatments related to the practice of behavioral health. The licensee may claim one clock hour for each hour spent preparing, writing, and presenting information;
 - 2. Six clock hours of continuing education for attendance at a Board meeting where the licensee is not:
 - a. A member of the Board,
 - b. The subject of any matter on the agenda, or
 - c. The complainant in any matter that is on the agenda; and
 - 3. Ten clock hours of continuing education for service as a Board or ARC member.
- C. For each license period, a licensee shall report:
 - 1. A minimum of three clock hours of continuing education sponsored, approved, or offered by an entity listed in subsection (D) in:
 - a. Behavioral health ethics or mental health law,~~and~~ ;
 - b. Cultural competency and diversity; and
 - c. Telehealth, unless the licensee provides evidence acceptable to the Board that the licensee does not practice behavioral health by telehealth; and
 - 2. Completion of the three clock hour Arizona Statutes/Regulations Tutorial.
- D. A licensee shall participate in continuing education that relates to the scope of practice of the license held and to maintaining or improving the skill and competency of the licensee. The Board has

determined that in addition to the continuing education listed in subsections (B) and (C), the following continuing education meets this standard:

1. Activities sponsored or approved by national, regional, or state professional associations or organizations in the specialties of marriage and family therapy, professional counseling, social work, substance abuse counseling, or in the allied professions of psychiatry, psychiatric nursing, psychology, or pastoral counseling;
 2. Programs in behavioral health sponsored or approved by a regionally accredited college or university;
 3. In-service training, courses, or workshops in behavioral health sponsored by federal, state, or local social service agencies, public school systems, or licensed health facilities or hospitals;
 4. Graduate or undergraduate courses in behavioral health offered by a regionally accredited college or university. One semester-credit hour or the hour equivalent of one semester hour equals 15 clock hours of continuing education;
 5. Publishing a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of behavioral health. For the license period in which publication occurs, the licensee may claim one clock hour for each hour spent preparing and writing materials; and
 6. Programs in behavioral health sponsored by a state superior court, adult probation department, or juvenile probation department.
- E.** The Board has determined that a substance abuse technician, associate substance abuse counselor, or an independent substance abuse counselor shall ensure that at least 20 of the 30 clock hours of continuing education required under R4-6-801(B) are in the following categories:
1. Pharmacology and psychopharmacology,
 2. Addiction processes,
 3. Models of substance use disorder and addiction treatment,
 4. Relapse prevention,
 5. Interdisciplinary approaches and teams in substance use disorder and addiction treatment,
 6. Substance use disorder and addiction assessment and diagnostic criteria,
 7. Appropriate use of substance use disorder and addiction treatment modalities,
 8. Substance use disorder and addiction as it related to diverse populations,
 9. Substance use disorder and addiction treatment and prevention,
 10. Clinical application of current substance use disorder and addiction research, or
 11. Co-occurring disorders.

ARTICLE 11. STANDARDS OF PRACTICE

R4-6-1101. Consent for Treatment

A licensee shall:

1. Provide treatment to a client only in the context of a professional relationship based on informed consent for treatment;
2. Document in writing, including by electronic means, for each client the following elements of informed consent for treatment:
 - a. Purpose of treatment;
 - b. General procedures to be used in treatment, including benefits, limitations, and potential risks;
 - c. The client's right to have the client's records and all information regarding the client kept confidential and an explanation of the limitations on confidentiality;
 - d. Notification of the licensee's supervision or involvement with a treatment team of professionals;
 - e. Methods for the client to obtain information about the client's records;
 - f. The client's right to participate in treatment decisions and in the development and periodic review and revision of the client's treatment plan;
 - g. The client's right to refuse any recommended treatment or to withdraw consent to treatment and to be advised of the consequences of refusal or withdrawal; and
 - h. The client's right to be informed of all fees that the client is required to pay and the licensee's refund and collection policies and procedures; and
3. ~~Obtain a dated and signed~~ Except as provided in subsection (5), obtain written informed consent for treatment from a client or the client's legal representative before providing treatment to the client and when a change occurs in an element listed in subsection (2) that might affect the client's consent for treatment;
4. ~~Obtain a dated and signed~~ Except as provided in subsection (5), obtain written informed consent for treatment from a client or the client's legal representative before audio or video taping the client or permitting a third party to observe treatment provided to the client; ~~and~~
5. ~~Include a dated signature from an authorized representative of the behavioral health entity~~ If treatment of a client is by telehealth, the informed consent for treatment required under subsections (3) and (4) may be obtained verbally and contemporaneously documented in the client's record.

R4-6-1102. Treatment Plan

A licensee shall:

1. ~~Work~~ By the third session, work jointly with each client or the client's legal representative to prepare an integrated, individualized, written treatment plan, based on the licensee's provisional or principal diagnosis and assessment of behavior and the treatment needs, abilities, resources, and circumstances of the client, that includes:
 - a. One or more treatment goals;
 - b. One or more treatment methods;
 - c. The date when the client's treatment plan will be reviewed;
 - d. If a discharge date has been determined, the aftercare needed;
 - e. The dated signature of the client or the client's legal representative; and
 - f. The dated signature of the licensee;
2. Review and reassess the treatment plan:
 - a. According to the review date specified in the treatment plan as required under subsection (1)(c); and
 - b. At least annually with the client or the client's legal representative to ensure the continued viability and effectiveness of the treatment plan and, where appropriate, add a description of the services the client may need after terminating treatment with the licensee;
3. Ensure that all treatment plan revisions include the dated signature of the client or the client's legal representative and the licensee;
4. Upon written request, provide a client or the client's legal representative an explanation of all aspects of the client's condition and treatment; and
5. Ensure that a client's treatment is in accordance with the client's treatment plan.

R4-6-1105. Confidentiality

- A. A licensee shall release or disclose client records or any information regarding a client only:
 1. In accordance with applicable federal or state law that authorizes release or disclosure; or
 2. With written authorization from the client or the client's legal representative.
- B. A licensee shall ensure that written authorization for release of client records or any information regarding a client is obtained before a client record or any information regarding a client is released or disclosed unless otherwise allowed by state or federal law.
- C. Written authorization includes:
 1. The name of the person disclosing the client record or information;
 2. The purpose of the disclosure;
 3. The individual, agency, or entity requesting or receiving the record or information;

4. A description of the client record or information to be released or disclosed;
 5. A statement indicating authorization and understanding that authorization may be revoked at any time;
 6. The date or circumstance when the authorization expires, not to exceed 12 months;
 7. The date the authorization was signed; and
 8. The dated signature of the client or the client's legal representative.
- D.** A licensee shall ensure that any written authorization to release a client record or any information regarding a client is maintained in the client record.
- E.** If a licensee provides behavioral health services to multiple members of a family, each legally competent, participating family member shall independently provide written authorization to release client records regarding the family member. Without authorization from a family member, the licensee shall not disclose the family member's client record or any information obtained from the family member unless otherwise allowed by state or federal law.

R4-6-1106. ~~Telepractice~~ Telehealth

- A.** Except as ~~otherwise provided by statute~~ under A.R.S. § 32-3271(A)(2), an individual who provides counseling, social work, marriage and family therapy, or substance abuse counseling ~~via telepractice~~ by telehealth to a client located in Arizona shall: ~~be~~
1. Be licensed by the Board,
 2. Be competent in providing behavioral health services by telehealth, and
 3. Ensure that providing behavioral health services by telehealth is consistent with the client's needs.
- B.** Under A.R.S. § 32-3271(A)(2), an individual shall not provide counseling, social work, marriage and family therapy, or substance abuse counseling by telehealth to a client located in Arizona for more than ninety days. The individual providing behavioral health services under A.R.S. § 32-3271(A)(2) by telehealth to a client in Arizona shall ensure the 90 days are consecutive and occur in one calendar year.
- ~~B.C.~~** Except as otherwise provided by statute, ~~a licensee~~ an individual who provides counseling, social work, marriage and family therapy, or substance abuse counseling ~~via telepractice~~ by telehealth only 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.D.~~** An individual who provides counseling, social work, marriage and family therapy, or substance abuse counseling ~~via telepractice~~ by telehealth shall:
1. In addition to complying with the requirements in R4-6-1101, document the limitations and risks associated with ~~telepractice~~ telehealth, 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. Document the name, address, and telephone number of an individual the client identifies as a local emergency contact; and

~~2.3.~~ 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. Verification of the client's:
 - i. ~~Physical~~ physical location during the session; ~~and~~
 - ii. ~~Local emergency contacts.~~

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS
PREAMBLE

- 1. Citations to the agency’s Notice of Rulemaking Docket Opening, Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the *Register* as specified in R1-1-409(A). A list of any other related notices published in the *Register* to include the as specified in R1-1-409(A):**

Notice of Rulemaking Docket Opening: 28 A.A.R. 1659, July 15, 2022

Notice of Proposed Rulemaking: 28 A.A.R. 1627, July 15, 2022
- | <u>2. Articles, Parts, or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|---------------------------------|
| R4-6-211 | Amend |
| R4-6-306 | Amend |
- 3. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statute: A.R.S. §§ 32-3279, 32-3293, 32-3301, 32-3311, and 32-3321
- 4. The agency’s contact person who can answer questions about the rulemaking:**

Name: Erin Yabu, Deputy Director

Address: 1740 W Adams Street; Suite 3600

Phoenix, AZ 85007

Telephone: 602-542-1882

E-mail: erin.yabu@azbbhe.us

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

The Board is making additional, clarifying changes to R4-6-211 regarding supervised work experience. The Board is also amending R4-6-306 regarding an application for a temporary license. An exemption from Executive Order 2022-01 was provided by Tony Hunter, of the Governor’s office, in an e-mail dated March 4, 2022.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public**

may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board does not intend to review or rely on a study in its evaluation of or justification for either rule in this rulemaking.

7. An explanation of the substantial change that resulted in this supplemental notice:

R4-6-211 was amended in the Notice of Proposed Rulemaking published at 28 A.A.R. 1627, July 15, 2022. The Board is making additional amendments to the Section. In response to public comment, the Board is adding R4-6-306 to the rulemaking.

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

Not applicable

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

The Board believes the amendments will have minor economic impact. The amendment to R4-6-211 clarifies prohibited behaviors for a licensee working under direct supervision. The amendment to R4-6-306 clarifies when a temporary license expires.

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

Name: Erin Yabu, Deputy Director

Address: 1740 W Adams Street; Suite 3600

Phoenix, AZ 85007

Telephone: 602-542-1882

E-mail: erin.yabu@azbbhe.us

Website: www.azbbhe.us

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

Oral proceedings regarding the proposed rules will be held as follows:

Date: Thursday, October 20, 2022

Time: 9:00 A.M.

Location: 1740 W Adams St., Boardroom C, Phoenix, AZ 85007

Date: Tuesday, October 25, 2022

Time: 1:00 P.M.

Location: 1740 W Adams St., Boardroom C, Phoenix, AZ 85007

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

None

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

The Board does not issue general permits. Rather, the Board issues individual licenses as required by the Board's statutes to each person that is qualified by statute (See A.R.S. §§ 32-3275, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311, 32-3313, and 32-3321) and rule.

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

Neither of the rules is more stringent than federal law. No federal law is directly applicable to the subject of any of the rules in this rulemaking.

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

No analysis was submitted.

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

None

- 14. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS
ARTICLE 2. GENERAL PROVISIONS

Section

R4-6-211. ~~Direct Supervision:~~ Supervised Work Experience: ~~General~~

ARTICLE 3. LICENSURE

R4-6-306. Application for a Temporary License

ARTICLE 2. GENERAL PROVISIONS

R4-6-211. ~~Direct Supervision: Supervised Work Experience: General~~

- A. A ~~license~~ licensee, subject to practice limitations ~~pursuant~~ under to R4-6-210, shall practice in ~~an~~ a behavioral health entity that is owned by the individual with responsibility ~~responsible for~~ and providing clinical oversight of the behavioral health services provided by the supervised licensee.
- ~~B. A masters level licensee working under direct supervision who operates or manages their own entity with immediate responsibility for the behavioral health services provided by the licensee shall provide the following to the board for approval prior to providing behavioral health services:~~
- ~~1. The name of their clinical supervisor who meets the following:~~
 - ~~a. Is independently licensed by the board in the same discipline as the supervisee, and who has practiced as an independently licensed behavioral health professional for a minimum of two years beyond the supervisor's licensure date;~~
 - ~~b. Is in compliance with the clinical supervisor educational requirements specified in R4-6-214;~~
 - ~~c. Is not prohibited from providing clinical supervision by a board consent agreement; and~~
 - ~~2. A copy of the agreement between the clinical supervisor and supervisee demonstrating:~~
 - ~~a. The supervisee and supervisor will meet individually for one hour for every 20 hours of direct client contact provided, to include an onsite meeting every 60 days;~~
 - ~~b. Supervisee's clients will be notified of clinical supervisor's involvement in their treatment and the means to contact the supervisor;~~
 - ~~c. Supervision reports will be submitted to the board every six months;~~
 - ~~d. A 30 day notice is required prior to either party terminating the agreement;~~
 - ~~e. The supervisor and supervisee will notify the board within 10 days of the agreement termination date; and~~
 - ~~f. The supervisee will cease practicing within 60 days of the agreement termination date until such time as a subsequent agreement is provided to the board and approved.~~
- ~~C. A licensee complying with subsection (B) shall not provide clinical oversight and responsibility for the behavioral health services of another licensee subject to the practice limitations pursuant to R4-6-210.~~
- ~~D.B.~~ To meet the supervised work experience requirements for licensure, an applicant shall ensure the applicant's direct supervision shall:
- ~~1. Meet~~ Meets the specific supervised work experience requirements contained in Articles 4, 5, 6, and 7;

2. ~~Be~~ Is acquired after completing the degree required for licensure and receiving certification or licensure from a state regulatory entity;
3. ~~Be~~ Is acquired before January 1, 2006, if acquired as an unlicensed professional practicing under an exemption provided in A.R.S. § 32-3271;
4. ~~Involve~~ Involves the practice of behavioral health; and
5. ~~Be for a term of~~ Occurs in no fewer than 24 months.

C. To meet the supervised work experience requirements for licensure, an applicant shall ensure that while working under direct supervision, the applicant:

1. Does not have an ownership interest in, operate, or manage the entity with immediate responsibility for the behavioral health services provided by the applicant unless the Board has approved the applicant for supervised private practice under R4-6-217;
2. Does not receive supervision from:
 - a. A family member.
 - b. An individual whose objective assessment may be limited by a relationship with the applicant; or
 - c. An individual not employed or contracted by the same behavioral health entity as the applicant;
3. Does not engage in the independent practice of behavioral health; and
4. Is not directly compensated by behavioral health clients.

~~E.D.~~ An applicant who acquired supervised work experience outside of Arizona may submit that experience for approval as it relates to the qualifications of the supervisor and the behavioral health entity in which the supervision was acquired. The ~~board~~ Board may accept the supervised work experience as it relates to the supervisor and the behavioral health entity if ~~it~~ the supervised work experience met the requirements of the state in which the supervised work experience occurred. ~~Nothing in this provision shall~~ This subsection does not apply to the supervision requirements set forth in R4-6-403, R4-6-503, R4-6-603 and R4-6-705.

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

ARTICLE 3. LICENSURE

R4-6-306. Application for a Temporary License

A. To be eligible for a temporary license, an applicant shall:

1. Have applied under R4-6-301 for a license by examination or R4-6-304 for a license by endorsement,
2. Have submitted an application for a temporary license using a form approved by the Board and paid the fee required under R4-6-215, and
3. Be one of the following:
 - a. Applying for a license by endorsement;
 - b. Applying for a license by examination, not currently licensed or certified by a state behavioral health regulatory entity, and:
 - i. Within 12 months after obtaining a degree from the education program on which the applicant is relying to meet licensing requirements,
 - ii. Has completed all licensure requirements except passing the required examination, and
 - iii. Has not previously taken the required examination; or
 - c. Applying for a license by examination and currently licensed or certified by another state behavioral health regulatory entity.

B. An individual is not eligible for a temporary license if the individual:

1. Is the subject of a complaint pending before any state behavioral health regulatory entity,
2. Has had a license or certificate to practice a health care profession suspended or revoked by any state regulatory entity,
3. Has a criminal history or history of disciplinary action by a state behavioral health regulatory entity unless the Board determines the history is not of sufficient seriousness to merit disciplinary action, or
4. Has been previously denied a license by the Board.

C. A temporary license issued to an applicant expires one year after issuance by the Board.

D. A temporary license issued to an applicant who has not previously passed the required examination for licensure expires immediately if the temporary licensee:

1. Fails to take the required examination by the expiration date of the temporary license; or
2. ~~Takes but fails~~ Fails to pass the required examination by the expiration date of the authorization to test.

E. A temporary licensee shall provide written notice and return the temporary license to the Board if the temporary licensee fails the required examination.

- F.** An applicant who is issued a temporary license shall practice as a behavioral health professional only under direct supervision. The temporary license may contain restrictions as to time, place, and supervision that the Board deems appropriate.
- G.** The Board shall issue a temporary license only in the same discipline for which application is made under subsection (A).
- H.** The Board shall not extend the time of a temporary license or grant an additional temporary license based on the application submitted under subsection (A).
- I.** A temporary licensee is subject to disciplinary action by the Board under A.R.S. § 32-3281. A temporary license may be summarily revoked without a hearing under A.R.S. § 32-3279(C)(4).
- J.** If the Board denies a license by examination or endorsement to a temporary licensee, the temporary licensee shall return the temporary license to the Board within five days of receiving the Board's notice of the denial.
- K.** If a temporary licensee withdraws the license application submitted under R4-6-301 for a license by examination or R4-6-304 for a license by endorsement, the temporary license expires.