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## MEMORANDUM

**TO:** Rules Subcommittee  
**FROM:** Donna Dalton  
**DATE:** 02/20/2015  
**RE:** Meeting documents for 02/24/2015

Following you will find the documents we'll be reviewing at the rules subcommittee meeting on 02/24/2015.

ATTACHMENT A Curricula review proposed rule  
ATTACHMENT B Post degree rules for MFT and Substance Abuse  
ATTACHMENT C Clinical Supervision proposed rules  
ATTACHMENT D Supervised Work Experience and Direct Supervision proposed rule  
ATTACHMENT E Telepractice proposed rule

# **ATTACHMENT**

**A**

ADD to Definitions R4-6-101

“Educational program” – A counseling, marriage and family therapy, social work, or addictions/substance use disorder degree program from a regionally accredited college or university that is not otherwise accredited by an organization or entity recognized by the Board.

NEW RULE

- A. Pursuant to A.R.S. § 32-3253(14), a regionally accredited college or university with a degree program not otherwise accredited by an organization recognized by the Board may submit their educational program for approval by the Board.
1. To request a review, an educational program shall submit:
    - a. An application prescribed by the Board;
    - b. The fee prescribed by the Board; and
    - c. Educational documentation demonstrating the program is consistent with the curriculum requirements for licensure set forth in Articles 4, 5, 6, or 7 as required by the Board.
  2. If the educational program's application packet is not administratively complete, the Board shall send a written notice specifying the missing or incomplete information. The educational program shall submit the deficient information within 60 days of the administrative deficiency notice, or shall submit a written request to the ARC for approval of an extension.
  3. If the educational program fails to correct the administrative deficiency within 60 days of the administrative deficiency notice, or fails to receive approval for an extension, the application will be deemed incomplete and the file will be closed.
  4. Once administratively complete, the ARC shall determine if the educational program is consistent with the curriculum requirements for licensure set forth in Articles 4, 5, 6, or 7.
  5. If the ARC finds the educational program is not consistent with the curriculum requirements for licensure set forth in Articles 4, 5, 6, or 7, written notice of the substantive deficiencies shall be provided to the educational program. For purposes of this section, substantive deficiencies shall refer to areas of the program that are not consistent with the curriculum requirements set forth in Articles 4, 5, 6, or 7 including, but not limited to the educational program's course content or competencies, learning objectives, or practicum requirements.
  6. An educational program shall submit all of the deficient information within six months of the substantive deficiency notice.
  7. An educational program that is found substantively deficient and unable to submit information within six months of the substantive deficiency notice may request for reassessment of the application within twelve months of the notice of deficiency by submitting:

- a. A written request to the ARC for reassessment;
  - b. The educational program reassessment fee as prescribed by the Board; and
  - c. Documentation of the changes made since submission of the initial application.
8. An educational program that has not resolved the substantive deficiencies or requested reassessment within twelve months of the substantive deficiency notice, must submit a new application as prescribed in subsection (A)(1) to be considered for approval.
- B. Once the educational program is approved by the Board,
1. The approval is for a period of five years provided no significant program changes or changes to the course competencies or learning objectives are made. For purposes of this section, a significant program change includes but is not limited to:
    - a. Total hours required for completion of program
    - b. Term of courses
    - c. Structure of practicum
  2. The program will be added to an approved list maintained by the Board.
  3. The ARC may request additional information to ensure compliance with (B)(1).
  4. A significant program change or content change involving course competencies or learning objectives shall be reviewed by the ARC.
    - a. To request a program change review, an educational program shall submit an application packet including:
      - i. A form prescribed by the Board;
      - ii. Applicable fee prescribed by the Board; and
      - iii. Educational documentation as required by the Board
    - b. If the educational program's application packet is not administratively complete, the Board shall send a written notice specifying the missing or incomplete information. The educational program shall submit the deficient information within 60 days of the administrative deficiency notice, or shall submit a written request to the ARC for approval of an extension.
    - c. If the educational program fails to correct the administrative deficiency within 60 days of the administrative deficiency notice, or fails to receive approval for an extension, the application will be deemed incomplete and the file will be closed.
    - d. Once administratively complete, the ARC shall determine if the educational program submitted is consistent with the curriculum requirements for licensure set forth in Articles 4, 5, 6, or 7.
    - e. If the ARC finds the educational program is not consistent with the curriculum requirements for licensure set forth in Articles 4, 5, 6, or 7, written notice of the substantive deficiencies shall be provided to the educational program, and the program will be removed from the approved list maintained by the Board as of the effective date of the change.
    - f. An educational program shall submit all of the deficient information within six months of the substantive deficiency notice.
    - g. An educational program that is found substantively deficient and unable to submit information within six months of the substantive deficiency notice may request for reassessment of the application within twelve months of the notice of deficiency by submitting:



R4-6-307. Approval of an Educational Program

- A. To obtain the Board's approval of an educational program, an authorized representative of the regionally accredited college or university shall submit:
1. An application, using a form that is available from the Board and on the Board's web site;
  2. The fee prescribed under R4-6-215; and
  3. Documentary evidence that the educational program meets the curriculum standards specified in A.R.S. Title 32, Chapter 33, and this Chapter.
- B. The Board shall process the application materials using the procedure specified in R4-6-302. The applicant:
1. Shall respond to a deficiency notice under R4-6-302(B)(1) within 60 days;
  2. Shall respond to a comprehensive request for additional information under R4-6-302(D)(1) within 180 days; and
  3. May obtain an extension of the times listed in subsections (B)(1) and (2) using the procedure specified in R4-6-302(C).
- C. If an applicant fails to provide the information necessary for the Board to determine whether the educational program meets the curriculum standards specified in A.R.S. Title 32, Chapter 33, and this Chapter within the times specified in subsection (B), the Board shall administratively close the applicant's file with no recourse to appeal. To receive further consideration for approval of an educational program, an applicant whose file is administratively closed may make reapplication for license under R4-6-303, if eligible, or comply with subsection (A)
- D. The Board shall add an approved educational program to the list of approved educational programs that the Board maintains.
- E. The Board's approval of an educational program is valid for five years unless the accredited college or university makes a change to the educational program that is inconsistent with the curriculum standards specified in A.R.S. Title 32, Chapter 33, and this Chapter.
- F. If a regionally accredited college or university changes the course competencies or learning objectives of an approved educational program, the regionally accredited college or university shall notify the Board and request a review of the educational program change.
- G. To obtain a review of a change to an approved educational program, an authorized representative of the regionally accredited college or university shall submit:
1. An approved educational program change form that is available from the Board and on the Board's web site;

2. The fee prescribed under R4-6-215; and
  3. Documentary evidence that the change to the approved educational program is consistent with the curriculum standards specified in A.R.S. Title 32, Chapter 33, and this Chapter.
- H.** To maintain approved status of an educational program after five years, an authorized representative of the regionally accredited college or university shall submit:
1. An approved educational program renewal form that is available from the Board and on the Board's web site;
  2. The fee prescribed under R4-6-215; and
  3. Documentary evidence that the approved educational program continues to meet the curriculum standards specified in A. R. S. Title 32, Chapter 33, and this Chapter.
- I.** The Board shall process the materials submitted under subsections (G) and (H) using the procedure specified in subsections (B) and (C).
- J.** Unless an educational program is currently approved by the Board under this Section, the regionally accredited college or university shall not represent that the educational program is Board approved in any program or marketing materials.

# **ATTACHMENT**

**B**

**R4-6-707. Post-degree Programs**

An applicant who has a behavioral health science degree from a regionally accredited college or university but does not meet all curriculum requirements specified in R4-6-701, R4-6-702, or R4-6-703 may take post-graduate courses from a regionally accredited college or university to remove the curriculum deficiencies.

1. For applicants with associate's or bachelor's degrees, undergraduate or higher level courses may be submitted to remove curriculum deficiencies.
2. For applicants with master's degrees, graduate or higher level courses may be submitted to remove curriculum deficiencies.

**R4-6-605. Post-degree Programs**

An applicant who has a master's or higher degree in a behavioral health science but does not meet all curriculum requirements specified in R4-6-601 may take post-graduate courses from a regionally accredited college or university to remove the curriculum deficiencies.

1. The deficiencies may constitute no more than 12 semester or 16 quarter credit hours.
2. Courses submitted to remove deficiencies shall be graduate or higher level.

# **ATTACHMENT**

**C**

**R4-6-212. Clinical Supervision Requirements**

**A.** The Board shall accept hours of clinical supervision submitted by an applicant only 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, marriage and family therapist, or independent substance abuse counselor who:
  - a. Holds an active and unrestricted license issued by the Board, and
  - b. Has complied with the educational requirements specified in R4-6-214;
2. A mental health professional who:
  - a. Holds an active and unrestricted license issued under A.R.S. Title 32 as a:
    - i. Physician under Chapter 13 or 17 with a certification in psychiatry or psychology,
    - ii. Psychologist under Chapter 19.1, or
    - iii. Nurse practitioner under Chapter 15 with a certification in mental health; and
  - b. 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 under a contract or grant with the federal government under the authority of 25 U.S.C. § 450-450(n) or § 1601-1683, or
  - c. Meets the qualifications for appointment under 38 U.S.C. § 7402 (8-11), and
  - d. 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 only 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 only 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 name and telephone number of the supervisee's clinical supervisor;
  4. Maintaining for at least seven years contemporaneously written documentation by the clinical supervisor of at least the following for each clinical supervision session:
    - a. Date and duration of the clinical supervision session;
    - b. Description of topics discussed . Identifying information regarding clients is not required;
    - 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. Verifying that no conflict of interest exists between the clinical supervisor and the supervisee as prescribed in R4-6-210(1);
  6. Verifying that no conflict of interest exists between the supervisee and the supervisee's clients;
  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 available from the Board;
  10. Ensuring that the term of the performance rated under subsection (C)(9) occurs during the term of the supervised work experience required under Articles 4 through 7; and
  11. 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 only if:
1. At least two hours of the clinical supervision were provided in a face-to-face setting during each six-month period;
  2. No more than 90 hours of the clinical supervision were provided by videoconference and telephone.
  3. No more than 25 of the 90 hours of clinical supervision provided by teleconference 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 only 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 setting.
  2. By videoconference, or
  3. By review of audio or videotapes.
- F.** The Board shall accept hours of clinical supervision submitted by an applicant from a maximum of four 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 percent of the clinical supervision hours involve individual supervision.
  2. Twenty-five percent of the clinical supervision hours may involve a group of two supervisees; and
  3. No more than 50 percent of the clinical supervision hours involve a group of three to six supervisees.
- H.** The Board shall accept hours of clinical supervision submitted by an applicant from supervised work experience in another state only if the Board determines that:
1. The clinical supervision hours were obtained in compliance with the requirements of the other state, and
  2. The requirements of the other state regarding clinical supervision hours are substantially equivalent to the requirements of this state.
- I.** The Board shall not accept hours of clinical supervision obtained while a complaint against the applicant is pending before the Board if the complaint results in the Board taking disciplinary action against the applicant.
- J.** 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)(4), the Board shall consider alternate documentation.

**R4-6-212.01. Exemptions to the Clinical Supervision Requirements**

A. The Board shall accept hours of clinical supervision submitted by an applicant only if the clinical supervision meets the requirements specified in R4-6-212 and R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made. Before beginning clinical supervision, an individual may apply to the Board, using a form that is available from the Board and on its web site, for an exemption from the following clinical supervision requirements:

1. Qualifications of the clinical supervisor. The Board shall grant an exemption to the supervisor qualification requirements in R4-6-404, R4-6-504, R4-6-604, or R4-6-706, as applicable to the license for which application is made, if the Board determines that:
  - a. A qualified supervisor is not available because of the size and geographic location of the professional setting in which the clinical supervision will occur; and
  - b. The professional who will provide the clinical supervision:
    - i. Has education, training, and experience necessary to provide clinical supervision; and
    - ii. Has complied with the educational requirements specified in R4-6-214; and
2. Employment of clinical supervisor. The Board shall grant an exemption to the requirement in R4-6-212(B) regarding employment of the supervisor by the behavioral health entity at which the supervisee obtains hours of clinical supervision if the Board determines that the supervisor and behavioral health entity have a written contract that:
  - a. Requires the supervisor to comply with all provisions of R4-6-212,
  - b. Guarantees the supervisor unrestricted access to all clinical records maintained by the supervisee, and
  - c. Requires the supervisee to obtain written authorization from all clients for release of the clients' records to the supervisor.

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

- A. During the supervised work experience required under R4-6-403, an applicant for clinical social worker licensure shall receive at least 100 hours of clinical supervision that meet the requirements specified in subsection(B) and R4-6-212 in no less than 24 months.
- B. The Board shall accept hours of clinical supervision for clinical social worker licensure only if the hours required under subsection (A) meet the following:
  - 1. At least half the hours obtained in Arizona are supervised by a clinical social worker licensed by the Board; and
  - 2. The remaining hours obtained in Arizona and all hours obtained outside Arizona are supervised by an individual qualified under R4-6-212(A) ) or an individual for whom an exemption was obtained under R4-6-212.01.
- C. Beginning on July 1, 2006, the Board shall not accept hours of clinical supervision for clinical social worker licensure provided by a substance abuse counselor.

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

- A. During the supervised work experience required under R4-6-503, an applicant for professional counselor licensure shall receive at least 100 hours of clinical supervision that meet the requirements specified in subsection (B) and R4-6-212 in no less than 24 months.
- B. The Board shall accept hours of clinical supervision for professional counselor licensure only if:
  - 1. Half of the hours obtained in Arizona are supervised by a professional counselor licensed by the Board; and
  - 2. The remaining hours obtained in Arizona and all hours obtained outside Arizona are supervised by an individual qualified under R4-6-212(A) or an individual for whom an exemption was obtained under R4-6-212.01.
- C. Beginning on July 1, 2006, the Board shall not accept hours of clinical supervision provided by a substance abuse counselor for professional counselor licensure.

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

- A. During the supervised work experience required under R4-6-603, an applicant for licensure as a marriage and family therapist shall receive at least 100 hours of clinical supervision in no less than 24 months .
- B. The Board shall accept hours of clinical supervision for marriage and family therapist licensure only if:

1. At least half the hours obtained in Arizona are supervised by a marriage and family therapist licensed by the Board.
2. The remaining hours obtained in Arizona and all hours obtained outside Arizona are supervised by one or more of the following:
  - a. A professional counselor licensed by the Board;
  - b. A clinical social worker licensed by the Board;
  - c. A marriage and family therapist licensed by the Board;
  - d. A psychologist licensed under A.R.S. Title 32, Chapter 19.1;
  - e. A clinical fellow of the American Association of Marriage and Family Therapists; and
  - f. An individual who meets the educational requirements under R4-6-214; and
3. The focus of the hours supervised is on couples and families.

C. Beginning on July 1, 2006, the Board shall not accept hours of clinical supervision provided by a substance abuse counselor for marriage and family therapy licensure.

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

- A. During the supervised work experience required under R4-6-705, an applicant for licensure shall receive at least the number of hours of clinical supervision specified in R4-6-705 for the kind of licensure sought.
- B. The Board shall accept hours of clinical supervision for substance abuse licensure only if:
  1. At least half the hours obtained in Arizona are supervised by an independent substance abuse counselor licensed by the Board.
  2. The remaining hours obtained in Arizona and all hours obtained outside Arizona are supervised by an individual qualified under R4-6-212(A) or an individual for whom an exemption was obtained under R4-6-212.01, and
  3. The focus of the hours supervised is issues relating to substance use and chemical dependency.

# **ATTACHMENT**

**D**

**R4-6-210. Supervised Work Experience Requirements – General**

In addition to the specific supervised work experience requirements contained in Articles 4, 5, 6, and 7, supervised work experience submitted by an applicant for independent licensure shall meet the following:

1. The supervised work experience was not acquired:
  - a. From a family member or other individual whose objective assessment of the supervisee's performance may be limited by a relationship with the supervisee ; or
  - b. In a professional setting that the supervisee operates or manages or in which the supervisee has an ownership interest ; and
2. Supervised work experience acquired as a behavioral health contractor includes the following:
  - a. The supervised behavioral health contractor enters into a written contract to provide behavioral health services for a behavioral health entity;
  - b. The supervised behavioral health contractor receives direct supervision consistent with the standards in R4-6-211;
  - c. The supervised behavioral health contractor is paid by the contracting behavioral health entity and may not be compensated directly by a client;
  - d. The supervised behavioral health contractor provides services to clients who are advised in writing that they are clients of the contracting behavioral health entity and are receiving services provided by an individual working under direct supervision; and
  - e. The written contract between the contracting behavioral health entity and the supervised behavioral health contractor provides that the supervised behavioral health contractor shall:
    - i. Comply with the contracting behavioral health entity's clinical policies and procedures, including its code of ethics and record-keeping procedures; and
    - ii. Acknowledge that all client records belong to the contracting behavioral health entity and remain the contracting behavioral health entity's property at the termination of the contract .
4. The Board shall not accept supervised work experience acquired after December 31, 2005, by an unlicensed professional practicing under an exemption provided under A.R.S. § 32-3271.

**R4-6-211. Direct Supervision Requirements**

In addition to the specific supervision requirements contained in Articles 4, 5, 6, and 7, a supervisee shall ensure that:

1. The direct supervision is not acquired from a family member or other individual whose objective assessment of the supervisee's performance may be limited by a relationship with the supervisee;

2. The direct supervisor is employed or contracted by the same behavioral health entity as the supervisee;
3. The direct supervision does not occur in a professional setting that the supervisee operates or manages or in which the supervisee has an ownership interest;
4. The direct supervisor is not an employee of the supervisee;
5. Clients to whom the supervisee provides behavioral health services are provided written notice:
  - a. That the supervisee is performing the behavioral health services under supervision, and
  - b. Of the name and contact information of the supervisor;
6. All billing documents for behavioral health services provided by the supervisee contain the information specified in subsections (5)(a) and (b);
7. The supervisee is not compensated directly by a client; and
8. All advertisements, announcements of counseling treatment, and web site information about the supervisee contain the information specified in subsections (5)(a) and (b).

# **ATTACHMENT**

**E**

## R4-6-xxx Telepractice

- A. As defined in A.R.S. 32-3251, the following is considered telepractice and requires licensure by the Board:
  1. A person residing in Arizona and providing behavioral health services by electronic means to a client located in another state.
  2. A person located in another state and providing behavioral health services by electronic means to a client residing in Arizona.
  3. A person residing in Arizona and providing behavioral health services by electronic means to a client residing in Arizona.
- B. A Licensee engaging in telepractice shall:
  1. Use secure web sites and e-mail communications to ensure compliance with federal and state regulations regarding privacy and protected information.
  2. Establish a means to verify client identity for each session.
  3. Include the following elements in the consent for treatment in addition to those required in R4-6-1101:
    - a. Primary and secondary contact information in case of technology failure
    - b. Emergency procedures for situations when the licensee is unavailable
    - c. Names of additional persons who may have access to Licensee's electronic transmissions
    - d. The risks of authorized and unauthorized persons who may have access to the client's electronic transmissions
    - e. The storage method of electronic records and a client's right to access them
    - f. The Board's website to facilitate client protection
  4. Document in the progress note a client's physical location for each telepractice session.
  5. Provide a clinically sound referral to a client deemed inappropriate for telepractice.
  6. Adhere to the laws and regulations of the jurisdiction in which a client resides.