

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

Editor's Note: Former 4 A.A.C. 6 repealed; new 4 A.A.C. 6 made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004. Under Laws 2003, Ch. 65, the rules for the Board of Behavioral Health Examiners are repealed and replaced with new rules, and the Board is exempt from the Administrative Procedure Act for one year. The former rules and all Historical Notes are on file in the Office of the Secretary of State (Supp. 04-2).

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ARTICLE 2. GENERAL PROVISIONS

R4-6-201. Board Meetings

- A. The Board:
1. Shall meet at least annually in June.
 2. May hold additional meetings:
 - a. As necessary to conduct the Board's business; and
 - b. If requested by the Chair, majority vote of the Board members, or upon written request from two Board members.
- B. The Board may conduct official business only when a quorum is present.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-202. Board Elections

- A. At the annual meeting in June, the Board shall elect, by a majority vote of the Board members present, a Chair and a Secretary/Treasurer.
- B. A vacancy that occurs in either office shall be filled, by a majority vote of the Board members present, at the first Board meeting following the vacancy.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-205. Change of Address

A licensee or applicant shall notify the ~~agency~~ **Board** in writing no later than 30 days after any change of the licensee's or applicant's residence or office mailing address or residence or office telephone number.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-206. Change of Name

A licensee or an applicant shall notify the ~~agency~~ **Board** in writing no later than 30 days after a name change, provide a copy of legal documentation establishing the name change, such as a marriage certificate, divorce decree, or court order and surrender any previous license issued by the Board to the licensee.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-214. Foreign Equivalency Determination

The Board shall accept foreign degrees that meet 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 meets the educational standards required in this Chapter, the applicant shall, at the applicant's expense, have the foreign degree evaluated by an entity approved by the Board.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-307. Application for a Regular License by the Holder of a Reciprocal License **TOTALLY REPEALED**

- A. A person holding a reciprocal license may apply for a regular license at the same level and in the same discipline if the person meets all of the following requirements:
1. After issuance of the reciprocal license, the applicant for a regular license shall complete a minimum of 1600 hours of supervised work experience in Arizona in the practice of behavioral health in no less than 12 months.
 - a. Supervised work experience in the practice of behavioral health is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups.

- b. The 1600 hours of supervised work experience in behavioral health shall include a minimum of 800 hours of direct client contact.
2. During the supervised work experience required in subsection (A)(1), an applicant for a regular license shall receive a minimum of 50 hours of clinical supervision in no less than 12 months.
3. During the supervised work experience required in subsection (A)(1), an applicant for a regular license shall demonstrate satisfactory performance in the following areas:
 - a. Assessment,
 - b. Diagnostics,
 - c. Individual and group psychotherapy,
 - d. Referrals,
 - e. Personal integrity,
 - f. Appropriate use of supervision,
 - g. Insight into client's problems,
 - h. Objectivity,
 - i. Ethics,
 - j. Concern for welfare of clients,
 - k. Responsibility,
 - l. Boundaries,
 - m. Recognition of own limits, and
 - n. Confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency Board.
 - o. The time span covered by the performance evaluation shall be the same as that for the supervised work experience required in subsection (A)(1).
- B.** An applicant for a regular license shall receive the clinical supervision required in subsection (A)(2) from any of the following behavioral health professionals licensed at the independent level in Arizona:
 1. A licensed professional counselor,
 2. A licensed clinical social worker,
 3. A licensed marriage and family therapist,
 4. A licensed psychologist, or
 5. An allopathic or osteopathic medical doctor with a specialty in psychiatry.
- C.** An applicant for a regular license in substance abuse counseling shall receive the clinical supervision required in subsection (A)(2) from a professional listed in subsection (B) or from a licensed independent substance abuse counselor.
- D.** An applicant for a regular license shall submit a completed application packet that includes the following:
 1. A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
 2. The license fee required under R4-6-213;
 3. The applicant's name, date of birth, Social Security number, residence and business address, and residence and business telephone number;
 4. Each name or alias previously or currently used by the applicant;
 5. Verification of the work experience required under subsection (A).
 6. Other documents or information requested by the credentialing committee to determine the applicant's eligibility.

Historical Note

New Section made by exempt rulemaking at 14 A.A.R. 2714, effective June 6, 2008 (Supp. 08-2).

ARTICLE 5. COUNSELING

R4-6-505. Licensed Associate Counselor – Independent Practice Prohibition

A licensed associate counselor shall not engage in independent practice. A licensed associate counselor shall practice only under direct supervision.

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-606. Licensed Associate Marriage and Family Therapist – Independent Practice Prohibition

A licensed associate marriage and family therapist shall not engage in independent practice. A licensed associate marriage and family therapist shall practice only under direct supervision.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-707. Licensed Substance Abuse Technician and Licensed Associate Substance Abuse Counselor – Independent Practice Prohibition

Neither a licensed substance abuse technician nor a licensed associate substance abuse counselor shall engage in independent practice. A licensed substance abuse technician and a licensed associate substance abuse counselor shall practice only under direct supervision.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

ARTICLE 10. DISCIPLINARY PROCESS FOR UNPROFESSIONAL CONDUCT

R4-6-1001. Disciplinary Process for Unprofessional Conduct

- A. If the agency **Board** receives a written complaint alleging unprofessional practice by a licensee or an applicant, the agency **Board** shall send written notice of the complaint to the licensee or applicant and require the licensee or applicant to submit a written response within 30 days from the date of service of the written notice of the complaint.
- B. When determining the degree of discipline, the Board may consider certain factors including, but not limited to, the following:
1. Prior disciplinary offenses;
 2. Dishonest, or self-serving motive;
 3. Pattern of misconduct; multiple offenses;
 4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;
 5. Submission of false evidence, false statements or other deceptive practices during the investigative or disciplinary process;
 6. Refusal to acknowledge wrongful nature of conduct; and
 7. Vulnerability of the victim.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

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ARTICLE 2. GENERAL PROVISIONS

R4-6-203. ~~Credentialing committee~~ Meetings

A. Each Academic Review Committee~~credentialing committee~~:

1. Shall meet at least annually in June.
2. May hold additional meetings:
 - a. As necessary to conduct the Academic Review Committee~~credentialing committee~~'s business; and
 - b. If requested by the Chair of the Academic Review Committee~~credentialing committee~~, majority vote of the Academic Review Committee~~credentialing committee~~, or upon written request from two Academic Review Committee~~credentialing committee~~ members.

B. An Academic Review Committee~~credentialing committee~~ shall conduct official business only when a quorum is present.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-204. ~~Credentialing committee~~ Elections

A. At the Academic Review Committee~~credentialing committee~~ meeting in June of each year, the Academic Review Committee~~credentialing committee~~ shall elect, by a majority vote of the Academic Review Committee~~credentialing committee~~ members present, a Chair and Secretary.

B. A vacancy that occurs in either office shall be filled, by a majority vote of the Academic Review Committee~~credentialing committee~~ members present, at the first Academic Review Committee~~credentialing committee~~ meeting following the vacancy.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-207. Confidential Records

A. The following records are confidential and not open to public inspection:

1. Minutes of executive session;
2. Records classified as confidential by other laws, rules, or regulations;
3. College or university transcripts, licensure examination scores, medical or mental health information, and professional references of applicants except that the individual who is the subject of the information may view or copy the records or authorize a release of these records to a third party.
4. Records for which the Board or Academic Review Committee~~credentialing committee~~ determines that public disclosure would have a significant adverse effect on the Board's or Academic Review Committee~~credentialing committee~~'s ability to perform its duties or which would otherwise be detrimental to the best interests of the state. When the Board or Academic Review Committee~~credentialing committee~~ determines that the reason justifying the confidentiality of the records no longer exists, the record shall be made available for public inspection and copying; and
5. All investigative materials regarding any pending or resolved complaint.

- B. Persons wanting to inspect Board or ~~Academic Review Committee~~ ~~credentialing committee~~ records that are available for public inspection may do so at the agency ~~Board office~~ Monday through Friday, 8:00 a.m. to 5:00 p.m., except holidays, after giving the agency ~~Board~~ reasonable notice in writing to prepare for the inspection.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-208. Conviction of a Felony or Prior Disciplinary Action

- A. The Board shall consider the following factors to determine whether a felony conviction or prior disciplinary action will result in imposing disciplinary sanctions on a licensee or an applicant, including refusing to renew the license of a licensee or refusing to issue a license to an applicant:
1. The age of the licensee or applicant at the time of the felony conviction when the prior disciplinary action occurred;
 2. The seriousness of the conviction or prior disciplinary action;
 3. The factors underlying the conduct that led to conviction of the felony or imposition of disciplinary action;
 4. The length of time since the felony conviction or prior disciplinary action;
 5. The relationship between the practice of the profession and the conduct giving rise to the felony conviction or prior disciplinary action;
 6. The licensee's or applicant's efforts toward rehabilitation;
 7. The assessments and recommendations of qualified professionals regarding the licensee's or applicant's rehabilitative efforts;
 8. The licensee's or applicant's cooperation or non-cooperation with the Board's background investigation regarding the felony conviction or prior disciplinary action; and
 9. Other factors the Board ~~or credentialing committee~~ deems relevant.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-209. Deadline Extensions

- A. Deadlines established by date of service may be extended a maximum of two times by the chair of the Board or the chair of the ~~Academic Review Committee~~ ~~credentialing committee~~ if good cause is documented in a written request postmarked or received by the agency ~~Board~~ no later than the required deadline.
- B. The Board shall consider the following to determine whether good cause has been established:
1. Illness or disability;
 2. Military service; or
 3. Any other circumstance beyond the control of the individual requesting a deadline extension.
- C. The Board shall not grant an extension for renewal submission deadlines, late renewal submission deadlines or reassessment deadlines.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

ARTICLE 3. LICENSURE

R4-6-303. Reassessment

- A. An applicant who is found ineligible may submit to the agency ~~Board~~ a written request for reassessment of the application within 12 months of the date of service of the notice of ineligibility.

- B. The Academic Review Committee ~~credentialing committee~~ shall review a request for reassessment to determine if the applicant has established the following:
1. There has been a statutory or rule change that enables the previously ineligible applicant to meet the requirements for licensure; or
 2. The applicant was initially determined ineligible because of deficiencies in supervised work experience, supervision, or curriculum and has removed all deficiencies.
- C. An applicant requesting a reassessment shall use a form provided by the agency Board and submit the proper fee with the reassessment form.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-306. Application for a Temporary License

- A. Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license if the applicant is currently licensed or certified by another state behavioral health regulatory entity.
- B. Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license where the following conditions have been met:
1. The applicant submits an application for licensure within 12 months of graduation from the educational program submitted to meet licensure educational requirements;
 2. The applicant has completed all the requirements to become licensed, as determined by the Academic Review Committee ~~credentialing committee~~, other than passage of the required examination; and
 3. The applicant has not previously taken the required examination.
- C. A temporary license issued pursuant to subsection (B) to an applicant for counseling, marriage and family therapy, or substance abuse licensure shall expire 90 days after the next available examination date in Arizona.
- D. A temporary license issued pursuant to subsection (B) to an applicant for social work licensure shall expire 120 days after issuance by the Board.
- E. A temporary license issued to an applicant for counseling, marriage and family therapy, or substance abuse licensure shall be immediately revoked where the applicant fails to take the next available examination as notified by the Board or fails the required examination.
1. An applicant for counseling, marriage and family therapy, or substance abuse licensure who fails to take the next available examination as notified by the Board must provide written notice of the failure to the Board and return the temporary license to the Board within five days of the date of the examination.
 2. An applicant for counseling, marriage and family therapy, or substance abuse licensure who takes and fails the examination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.
- F. A temporary license issued to an applicant for social work licensure shall be immediately revoked where the applicant fails to take the required examination within 120 days of receiving a temporary license or fails the required examination. An applicant for social work licensure who takes and fails the required examination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.
- G. ~~An~~The applicant who is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity, ~~or and who~~ has ~~not~~ had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity is not eligible for a temporary license.
- H. An applicant who has a criminal history or history of disciplinary action by a state behavioral health regulatory entity is not eligible for a temporary license without prior Board approval.

- I. 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. The temporary license shall expire one year after the date of issuance or sooner if specified by the Board.
- J. No extensions are available for temporary licenses.
- K. A temporary license is subject to disciplinary action by the Board pursuant to A.R.S. § 32-3281. A temporary license may also be summarily revoked without a hearing pursuant to A.R.S. § 32-3279(C)(4).
- L. The Board's denial of a license application terminates a temporary license. An applicant must return the temporary license to the Board within five days of receiving notice of the denial of the applicant's license application from the Board.
- M. An individual is not eligible for a temporary license if the Board has previously denied an application for a regular license, an application for a license by ~~reciprocity~~ endorsement, or an application for a temporary license for that individual.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 2713, effective June 27, 2005 (Supp. 05-2).

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-802. Continuing Education

- A. A licensee who maintains more than one license may apply the same continuing education hours for each license renewal if the content of the continuing education relates to the scope of practice of each specific license.
- B. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education from 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.
- C. For each renewal period, a licensee other than a Board or ~~Academic Review Committee~~ credentialing committee member may report a maximum of six clock hours of continuing education for attendance at a Board or ~~Academic Review Committee~~ credentialing committee meeting where the licensee does not address the Board or ~~Academic Review Committee~~ credentialing committee with regard to any matter on the agenda.
- D. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education for service as a Board or Academic Review Committee ~~credentialing committee~~ member.
- E. Continuing education activities shall relate to the scope of practice of the specific license held. The Academic Review Committee ~~credentialing committee~~ shall determine whether continuing education submitted by a licensee is appropriate for the purpose of maintaining or improving the skills and competency of a licensee. Appropriate continuing education activities include:
 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 the behavioral health field sponsored or approved by a regionally accredited college or university;
 3. In-service training, courses, or workshops in the behavioral health field sponsored by federal, state, or local social service agencies, public school systems, or licensed health facilities or hospitals;

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4. Graduate-level or undergraduate coursework in the behavioral health field offered by regionally accredited colleges or universities. One semester-credit hour is equivalent to 15 clock hours of continuing education and one quarter-credit hour is equivalent to 10 clock hours of continuing education. Audited courses shall have hours in attendance documented;
5. A licensee's first-time presentation of an academic course, in-service training workshop, or seminar, as prescribed in subsection (B);
6. Publishing a paper, report or book that deals 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 and writing materials. Publications can only be claimed after the date of actual publication;
7. Attendance at a Board or ~~credentialing committee~~ meeting, as prescribed in subsection (C), where the licensee does not address the Board or ~~credentialing committee~~ with regard to any matter on the agenda;
8. Service as a Board or Academic Review Committee ~~credentialing committee~~ member, as prescribed in subsection (D); and
9. Programs in the behavioral health field sponsored by a state superior court, adult probation department, or juvenile probation department.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 2713, effective June 27, 2005 (Supp. 05-2).

R4-6-803. Continuing Education Documentation

- A. A licensee shall maintain documentation of continuing education activities for 48 months following the date of the license renewal.
- B. The licensee shall retain the following documentation as evidence of participation in continuing education activities:
 1. For conferences, seminars, workshops, and in-service training presentations, a signed certificate of attendance or a statement from the provider verifying the licensee's participation in the activity, including the title of the program, name, address, and phone number of the sponsoring organization, names of presenters, date of the program, and clock hours involved;
 2. For first-time presentations by a licensee, the title of the program, name, address, and telephone number of the sponsoring organization, date of the program, syllabus, and clock hours required to prepare and make the presentation;
 3. For a graduate or undergraduate course, an official transcript;
 4. For an audited graduate or undergraduate course, an official transcript; and
 5. For attendance at a Board or ~~credentialing committee~~ meeting member, a signed certificate of attendance prepared by the Board ~~Agency~~.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

ARTICLE 9. APPEAL OF LICENSURE OR LICENSURE RENEWAL INELIGIBILITY

R4-6-901. Appeal Process for Licensure Ineligibility

- A. An applicant for licensure may be found ineligible because of unprofessional conduct or failure to meet licensure requirements.
- B. If the Academic Review Committee ~~credentialing committee~~ finds that an applicant is ineligible because of failure to meet licensure requirements, the following procedures shall be used:
 1. The Academic Review Committee ~~credentialing committee~~ shall send written notice of the finding of ineligibility to the applicant, including an explanation of the basis for the finding.
 2. An applicant who wishes to appeal the finding of ineligibility shall submit a written request for a review to the Academic Review Committee ~~credentialing committee~~ within 30 days from the date of service of the notice of ineligibility. If an informal meeting is not

- requested within the time provided, the Academic Review Committee shall recommend to the Board that licensure be denied and that the licensee's file be closed with no recourse to appeal.
3. If a request for a review is received within the required 30 days, the Academic Review Committee shall schedule the review and provide a minimum of 30 days notice of the informal meeting to the applicant. At the informal meeting, the Academic Review Committee shall allow the applicant to present additional information regarding the applicant's qualifications for licensure.
 4. Upon completion of the review, the Academic Review Committee shall make a second finding whether the applicant is eligible for licensure. The Agency Board shall send written notice of this second finding to the applicant.
 5. If the Academic Review Committee again finds the applicant is ineligible for licensure, an applicant who wishes to appeal the second finding of ineligibility shall submit a written request for an informal meeting to the Academic Review Committee within 30 days from the date of service of the notice of ineligibility. If an informal meeting is not requested within the time provided, the Academic Review Committee shall recommend to the Board that licensure be denied and that the licensee's file be closed with no recourse to appeal.
 6. If a request for an informal meeting is received within the required 30 days, the Academic Review Committee shall schedule the informal meeting and provide a minimum of 30 day notice of the informal meeting to the applicant. At the informal meeting, the Academic Review Committee shall allow the applicant to present additional information regarding the applicant's qualifications for licensure.
 7. Upon completion of the informal meeting, the Academic Review Committee shall make a third finding whether the applicant is eligible for licensure. The Agency Board shall send written notice of this third finding to the applicant.
 8. If the Academic Review Committee again finds the applicant is ineligible for licensure, an applicant who wishes to appeal the third finding of ineligibility shall submit within 30 days from the date of service of the third notice of ineligibility a written request to the Board for a formal administrative hearing under the Administrative Procedure Act. A.R.S. § 41-106+1092 et seq. The request shall either be referred to the Office of Administrative Hearings for scheduling or scheduled before the Board. If a formal administrative hearing is not requested within 30 days, the Academic Review Committee shall recommend to the Board that licensure be denied and that the applicant's file be closed with no recourse to appeal.
 9. If a formal administrative hearing is held before the Office of Administrative Hearings, the Board shall review the findings of fact, conclusions of law, and recommendation and issue an order either to grant or deny licensure.
 10. If a formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclusions of law and shall enter issue an order either to grant or deny licensure.
 11. The Board shall send the applicant a copy of the final findings of fact, conclusions of law, and order.
- C. If the Board receives a complaint against an applicant while an applicant is under review for licensure, the complaint shall be reviewed in accordance with the procedures in R4-6-1001. The Board shall not take any final action on an application while a complaint is pending against the applicant.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

ARTICLE 10. DISCIPLINARY PROCESS FOR UNPROFESSIONAL CONDUCT

R4-6-1002. Review or Rehearing of a Board Decision

- A.** Except as provided in subsection (F), an aggrieved party may seek a review or rehearing of a Board decision that results from a formal administrative hearing by submitting a written request for a review or rehearing to the Board within 30 days from the date of service of the decision. The request shall specify the grounds for a review or rehearing. The Board shall grant a request for a review or rehearing for any of the following reasons materially affecting the rights of an aggrieved party:
1. Irregularity in the Board or Academic Review Committee ~~credentialing committee~~'s proceedings that deprived the aggrieved party of a fair hearing;
 2. Misconduct of the Board, Academic Review Committee ~~credentialing committee~~, or any duly authorized agent of the Board or Academic Review Committee ~~credentialing committee~~;
 3. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
 4. Excessive penalties;
 5. Decision, findings of fact, or conclusions not justified by the evidence or contrary to law;
 6. Errors regarding the admission or rejection of evidence or errors of law that occurred at the hearing.
- B.** The Board shall determine whether one of the reasons listed in subsection (A) materially affected the rights of the aggrieved party and issue an order either to grant or deny the request for review or rehearing. The Board shall specify with particularity the reason the request is granted or denied.
- C.** The Board shall send written notice of the decision to grant or deny a request for review or rehearing to the complainant and the licensee or applicant.
- D.** If the Board grants a request for a review or rehearing, the new hearing shall address only the question or questions related to the reasons in subsection (A) for which the review or rehearing was granted, if separable.
- E.** An aggrieved party may apply for judicial review of the final order issued by the Board in accordance with A.R.S. § 12-901 et seq.
- F.** If the Board makes a specific finding in a particular order that the immediate effectiveness of the order is necessary to preserve the public health, safety, or welfare, and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If the Board issues a decision as a final decision without an opportunity for a review or rehearing, the licensee or applicant may apply for judicial review of the decision in accordance with A.R.S. § 12-901 et seq.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2).

R4-6-304. Application for a ~~Reciprocal~~ License by Endorsement

- A. An applicant for a reciprocal license shall submit a completed application packet that includes the following:
1. A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
 2. The license fee required under R4-6-213;
 3. The applicant's name, date of birth, social security number, residence and business address, and residence and business telephone number;
 4. Each name or alias previously or currently used by the applicant;
 5. A completed and legible fingerprint card for a state and federal criminal history records check, and a certified check, cashier's check, ~~or~~ money order, or confirmation of online credit card payment in the amount prescribed under R4-6-213(A)(4) as authorized at A.R.S. § 32-3280(A), 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;
 6. The name of one or more the states where the applicant was certified or licensed by a state regulatory entity for a minimum of three continuously for five years immediately before the date of the applicant's submission of the reciprocal license application;
 7. A verification of ~~each the~~ certificate or license identified in subsection (A)(6) by the state regulatory entity issuing the certification or license that at a minimum includes the following:
 - a. The certificate or license number issued to the applicant by the state regulatory entity;
 - b. Whether the state regulatory entity has instituted disciplinary proceedings against the applicant or has unresolved complaints pending against the applicant;
 - c. Whether the certificate or license is in good standing, including the issue and expiration dates; and
 - d. Whether the state required that the applicant meet minimum education, work experience, and clinical supervision requirements at the time the applicant was certified or licensed ~~and that the applicant met each requirement necessary for the level of certification or licensure approved~~;
 8. Verification by affidavit of the work experience required under subsection (B)(34); and
 9. Other documents or information requested by the ~~Academic Review Committee~~ credentialing committee to determine the applicant's eligibility.
- B. An applicant is eligible for a ~~reciprocal~~ license by endorsement if the applicant meets the following requirements:
1. The applicant is currently licensed or certified in ~~behavioral health another state~~ by a state regulatory agency of one or more states, and each entity in the discipline and at the level for which the applicant is requesting licensure in Arizona for at least the five years immediately preceding the date of the applicant's submission of a reciprocal license application and the license or certification is current in effect and in good standing;
 2. The applicant has been licensed or certified in the discipline applied for and at the same practice level as determined by the Board for a minimum of three years;
 3. The applicant passed the examination required pursuant to Articles 4, 5, 6, or 7 for the discipline and level of license sought by the applicant;
 4. The applicant ~~Prior to applying for a reciprocal license in Arizona, an applicant~~ was engaged in the practice of behavioral health in one or more the states issuing the license or certification used by the applicant to qualify for a ~~reciprocal~~ license by endorsement for a minimum of 3,600,000 hours in a period of not more than during the five years immediately preceding the date of the applicant's submission of the a

reciprocal license application for a license by endorsement. The 3,600 hours must be in the discipline and at least in the practice level for which the person is applying;

54. The applicant is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity and has not had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity; and

65. The applicant meets the eligibility requirements prescribed under A.R.S. § 32-3275.

7. An applicant seeking licensure by endorsement for the following practice levels must have earned a master's or higher degree in the applicable field of practice granted by a regionally accredited college or university:

a. Licensed Clinical Social Worker

b. Licensed Professional Counselor

c. Licensed Marriage and Family Therapist

d. Licensed Independent Substance Abuse Counselor

C. Except for licenses by endorsement issued in the practice levels prescribed in subsection (B)(7) of this section, a person issued a reciprocal license pursuant to this section shall practice behavioral health only under the direct supervision of a licensee and shall not engage in independent practice.

Historical Note

New Section made by exempt rulemaking at 10 A.A.R. 2700, effective July 1, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 2713, effective June 27, 2005 (Supp. 05-2). Amended by exempt rulemaking at 14 A.A.R. 2714, effective June 6, 2008 (Supp. 08-).

CURRENT RULE IN COUNSELING proposed addition

R4-6-501(H)

An applicant for professional counselor licensure shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active ARIZONA associate counselor license in good standing.

PROPOSED LANGUAGE for MFT/Substance Abuse

R4-6-601 MFT Curriculum

3. An applicant for licensure as a marriage and family therapist shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active Arizona associate marriage and family therapist license in good standing.

R4-6-702 LASAC Curriculum

7. An applicant for licensure as an associate substance abuse counselor shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active Arizona substance abuse technician license that was earned by meeting requirements in R4-6-701 (A)(2).

R4-6-703 LISAC Curriculum

7. An applicant for licensure as an independent substance abuse counselor shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active Arizona associate substance abuse counselor license that was earned by meeting requirements in R4-6-702 (2).