

**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~~6,000~~ 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;
  5. 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
  6. 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-).

DRAFT

## ARTICLE 1. DEFINITIONS

### R4-6-101. Definitions

In addition to the definitions set forth at A.R.S. § 32-3251, the following definitions apply to this Chapter, unless otherwise specified:

~~“Academic Review Committee” means a committee established pursuant to A.R.S. § 32-3261 et seq.~~

~~“Administrative completeness” review means the agency’s determination of whether all documents and information required by statute or rule to be submitted in an application packet have been provided and are complete.~~

~~“Agency” means the Arizona Board of Behavioral Health Examiner’s administrative office.~~

“Aggrieved party” means the state of Arizona or a licensee or applicant who is the subject of a complaint pending before the Board who disagrees with a Board decision resulting from a formal administrative hearing.

“Applicant” means an individual requesting a regular or temporary license or a license by ~~reciprocity~~ endorsement by submitting a completed application packet to the Board~~agency~~.

“Application packet” means the required documents, forms, fees and additional information required by the Board of an applicant.

“Assessment” means the collection and analysis of information to determine an individual’s treatment needs.

“A.S.W.B.” means the Association of Social Work Boards.

“Behavioral health entity” means any organization, agency, business, or professional practice, including a for-profit private practice, that provides assessment, diagnosis, and treatment to individuals, groups or families for behavioral health related issues.

“Behavioral health service” means the assessment, diagnosis or treatment of an individual’s behavioral health issue.

~~“Board” means the Arizona Board of Behavioral Health Examiners.~~

“C.A.C.R.E.P.” means the Council on Accreditation for Counseling and Related Educational Programs.

~~“Client” means a patient who receives behavioral health services from a person licensed pursuant to A.R.S. § 32-3251 et seq.~~

“Client record” means the collected documentation of the behavioral health services provided to and the information gathered regarding a client.

“Clinical supervision” means face-to-face, videoconferencing or telephonic direction or oversight provided by a qualified individual 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.

“Clinical supervisor” means an individual who provides clinical supervision.

“Clock hour” means 60 minutes of instruction, not including breaks or meals.

“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 ~~credentialing committee~~ Academic Review Committee.

“Co-occurring disorder” means a combination of a mental disorder or a personality disorder and substance abuse.

“C.O.R.E.” means the Council on Rehabilitation Education.

“Council on Social Work Education” means the nationally recognized accrediting body for schools of social work.

“Counseling related coursework” means education that prepares an individual to provide behavioral health services, as determined by the ~~credentialing committee~~ Academic Review Committee.

~~“Credentialing committee” means a committee established pursuant to A.R.S. § 32-3251 et seq.~~

“Date of service” means the date mailed by regular United States mail to the last address placed on file at the Board agency in writing by the applicant or licensee.

“Day” means calendar day.

“Direct supervision” means immediate responsibility and oversight for all services provided by a supervisee.

“Disciplinary action” means any action taken by the Board against a licensee or applicant based on a finding that the licensee has engaged in unprofessional conduct and includes all sanctions of any kind, including refusing to grant or renew a license and suspending or revoking a license.

“Documentation” means written or electronic supportive evidence.

“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.

“Gross negligence” means the careless or reckless disregard of established standards of practice or the repeated failure to exercise the care that a reasonable practitioner would exercise within the scope of professional practice.

“Group clinical supervision” means clinical supervision provided by a clinical supervisor to two but no more than six supervisees.

“Hour Equivalents” means that when requirements for licensure are given in quarter hours, the following formula will be used to determine equivalent hours:

(a) Two semester hours is equal to three quarter hours;

(b) One quarter credit hour equals 10 clock hours;

(c) One semester credit hour equals 15 clock hours

~~“Inactive status” means a licensee has temporarily suspended practice under Arizona licensure by postponing renewal of licensure for a maximum of 48 months.~~

“Immediate 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, or foster parent.

“Independent contractor” means a licensed behavioral health professional whose contract to provide services on behalf of a behavioral health entity qualifies for independent contractor status under the codes, rules and regulations of the Internal Revenue Service of the United States.

“Independent practice” means engaging in the practice of marriage and family therapy, professional counseling, social work or substance abuse counseling without direct supervision.

~~“Inactive status” means a licensee has temporarily suspended practice under Arizona licensure by postponing renewal of licensure for a maximum of 48 months.~~

~~“Individual clinical supervision” means clinical supervision provided by a clinical supervisor to one supervisee.~~

“Ineligible” means failure to meet licensure requirements based upon unprofessional conduct by the applicant or failure to meet minimum licensure or renewal requirements.

“Informed consent for treatment” means a written document authorizing treatment of a client that:

- a. Contains 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.

~~“Last client contact” means the last time a licensee communicated orally or in writing with a client for the purpose of providing or coordinating treatment.~~

“Legal representative” means an individual authorized by law to act on a client’s behalf.

“License” means written authorization issued by the Board to engage in the practice of behavioral health in Arizona.

~~“Licensee” means an individual holding a current license issued by the Board to practice behavioral health in Arizona.~~

“Passing score” means the minimum acceptable score that an applicant is required to obtain on an examination as determined by the Board.

~~“Practice of behavioral health” means the practice of marriage and family therapy, professional counseling, social work and substance abuse counseling pursuant to A.R.S. § 32-3251 et seq.~~

~~“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.~~

~~“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.~~

~~“Practice of social work” means the professional application of social work theory, principles, methods and techniques to:~~

- ~~a. Treat mental 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.~~

~~“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.~~

“Progress note” means documentation of a behavioral health service provided to an individual dated and signed or electronically acknowledged by the licensee.

“Quorum” means a majority of the ~~appointed~~ members of the Board or an Academic Review Committee ~~credentialing committee~~.

“Regionally accredited college or university” means approved by the:

- a. New England Association of Schools and Colleges;
- b. Middle States Association of Colleges and Schools;
- c. North Central Association of Colleges and Schools;

- d. Northwest Association of Schools and Colleges;
- e. Southern Association of Schools and Colleges; or
- f. Western Association of Schools and Colleges.

~~“Release of information” means a written authorization, dated and signed by a client or a client’s legal representative, that allows a licensee to provide specified treatment information to the individual or individuals designated in the written release of information.~~

“Significant other” means an individual whose participation the client considers to be essential to the effective provision of behavioral health services to the client.

~~“Substantive review” means a credentialing committee’s determination whether an applicant is eligible for licensure.~~

“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.

~~“Three semester credit hour course” means a three semester credit hour course, a four quarter credit hour course or a four trimester credit hour course.~~

“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.

“Treatment goal” means the desired result or outcome of treatment.

“Treatment method” means the specific approach used to achieve a treatment goal.

“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.

#### **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 14 A.A.R. 3895, effective September 16, 2008 (Supp. 08-3).

## ARTICLE 3. LICENSURE

### R4-6-301. Application for a Regular License

An applicant for a regular license shall submit a completed application packet that contains 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. The name of each college or university the applicant attended;
6. 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 proof 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 Department of Public Safety;
7. An official transcript or education documentation acceptable to the ~~Academic Review Committee~~ credentialing committee; and
8. Other documents or information requested by the ~~Academic Review Committee~~ credentialing committee to determine the applicant's eligibility.

#### 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).

### R4-6-302. Licensing Time-frames

- A. The overall time-frames described in A.R.S. § 41-~~1072(1)~~1072(2) for each type of approval granted by the Board ~~are~~ listed in Table 1. The person applying for a license and the ~~Academic Review Committee~~ credentialing committee may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the Board receives an application.
  1. If the application packet is not complete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of service of the notice until the date the Board receives a complete application packet from the applicant.
  2. If an application is complete, the Board shall send a written notice of administrative completeness to the applicant.
- C. An applicant shall submit all of the deficient information within 60 days of the date of service of the deficiency notice.
  1. If an applicant cannot submit all deficient information within 60 days of the date of service of the deficiency notice, the applicant may obtain an extension by submitting a written request to the Board agency postmarked or delivered no later than 60 days from the date of service of the deficiency notice.
  2. The written request for an extension shall document the reasons the applicant is unable to meet the 60-day deadline.
  3. The Board agency shall review the request for an extension of the 60-day deadline and grant the request if the Board agency determines that an extension of the 60-day deadline will enable the applicant to assemble and submit the deficient information. An extension of the 60-day deadline shall be for no more than 60 days. An applicant who requires an additional extension shall submit an additional written request in accordance with this subsection. The Board agency shall notify the applicant in writing of its decision to grant or deny the request for an extension.
  4. If an applicant fails to submit all of the deficient information within the required time, the Board agency shall ~~deny~~ close the ~~application~~ applicant's file with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.
- D. The substantive review time-frame described in A.R.S. § 41-~~1072(1)~~1072(3) begins on the date of service of the notice of administrative completeness.
  1. If the ~~Academic Review Committee~~ credentialing committee finds an applicant is ineligible for licensure, the ~~Academic Review Committee~~ credentialing committee shall recommend to the Board that the applicant be denied licensure.
  2. If the ~~Academic Review Committee~~ credentialing committee finds an applicant is eligible for licensure, the ~~Academic Review Committee~~ credentialing committee shall recommend to the Board that the applicant be licensed.

3. Upon receipt of the ~~Academic Review Committee~~ ~~credentialing committee~~'s recommendation, the Board shall either:
    - a. Send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 32, Chapter 33 and this Chapter; or
    - b. Send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 32, Chapter 33 and this Chapter.
  4. If the ~~Academic Review Committee~~ ~~credentialing committee~~ finds deficiencies during the substantive review of the application, the ~~Academic Review Committee~~ ~~credentialing committee~~ shall provide a written list of the deficiencies to the applicant. The substantive review time-frame is suspended from the date the deficiency notice is served until the applicant provides the ~~Board~~ ~~agency~~ with all deficient information.
  5. An applicant shall submit all of the deficient information within 60 days of the date of service of the deficiency notice.
  6. If the ~~Academic Review Committee~~ ~~credentialing committee~~ determines the applicant has not taken and passed the required licensure examination, the deficiency notice shall include the approval for and requirement that the applicant take and pass an approved licensure examination.
  7. If an applicant fails to submit all of the deficient information within the required time, the ~~Board~~ ~~agency~~ shall ~~deny~~ ~~lose~~ the application ~~ant's file~~ with no recourse to appeal. To receive further consideration for licensure, the applicant shall submit a new application and fee.
- E. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.

**Table 1. Time-frames (in Days)**

| Type of Approval  | Statutory Authority                  | Overall Time-frame | Administrative Completeness Time-frame | Substantive Review Time-frame |
|---|--------------------------------------|--------------------|--|-------------------------------|
| Regular License   | A.R.S. § 32-3253<br>A.R.S. § 32-3275 | 270                | 90                                     | 180                           |
| Temporary License   | A.R.S. § 32-3253<br>A.R.S. § 32-3279 | 90                 | 30                                     | 60                            |
| <del>License</del> <del>by</del><br><del>Endorsement</del><br><del>Reciprocal License</del> | A.R.S. § 32-3253<br>A.R.S. § 32-3274 | 270                | 90                                     | 180                           |
| License Renewal   | A.R.S. § 32-3253<br>A.R.S. § 32-3273 | 270                | 90                                     | 180                           |

**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 14 A.A.R. 2714, effective June 6, 2008 (Supp. 08-2).

**R4-6-305. Inactive Status**

- A. A licensee seeking inactive status shall submit:
  1. A written request to the ~~Academic Review Committee~~ ~~credentialing committee~~ before expiration of the current license, and
  2. The inactive status fee.
- B. A licensee seeking inactive status after the expiration date of a license but no longer than three months after the expiration date of a license shall submit:
  1. A written request for inactive status to the ~~Academic Review Committee~~ ~~credentialing committee~~,



2. The inactive status fee, and
  3. The late inactive status fee.
- | C. The ~~Academic Review Committee~~~~credentialing committee~~ shall grant a request for inactive status upon receiving a written request for inactive status from a licensee.
- | D. The ~~Academic Review Committee~~~~credentialing committee~~ shall not grant a request to be placed on inactive status received more than three months after expiration of the current license.
- E. Placement on inactive status for any time period shall not change a licensee's licensure expiration date.
- F. To return to active status, a licensee on inactive status shall meet all renewal requirements prescribed under R4-6-801(B).
- | G. Upon a showing of good cause, the ~~Academic Review Committee~~~~credentialing committee~~ shall grant a written request for modification or reduction of the continuing education requirement received from a licensee on inactive status.
- | H. The ~~Academic Review Committee~~~~credentialing committee~~ may, upon a written request filed before the expiration of the original 24 months of inactive status and for good cause, permit an already inactive license to remain on inactive status for one additional period not to exceed 24 months. To return to active status after being placed on a 24-month extension of inactive status, a licensee shall, in addition to the continuing education hours required under subsection (F)(2), complete 30 clock hours of continuing education during the additional 24-month extension.
- I. A licensee on inactive status shall not engage in the practice of behavioral health.
- J. To return to active practice, the licensee must establish the licensee's competence to practice safely and competently. When reviewing a licensee's request to return to active practice, the Board may order any type of mental or physical evaluation, at the licensee's expense, it deems necessary to determine the licensee's competence to practice safely and competently.
- K. The Board may start or continue an investigation against a licensee regardless of whether the licensee seeks to obtain inactive status or is on inactive status.

#### **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

### R4-6-801. Renewal of Licensure

- A. 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 and R4-6-804 between the date the Board receives the licensee's last renewal application and the next license expiration date. A licensee may not carry excess hours over to another renewal cycle. One hour of credit is allowed for each clock hour of participation in continuing education activities.
- B. To renew licensure, a licensee shall submit the following to the Board agency:
  - 1. A completed renewal application form that includes a list of 30 hours of continuing education activities signed by the licensee and attesting that all information submitted in support of the renewal application is true and correct;
  - 2. A certified check, cashier's check, ~~or~~ money order, or confirmation of online credit card payment for the renewal fee; and
  - 3. Other documents requested by the Academic Review Committee~~credentialing committee~~ to determine the licensee's continued eligibility.
- C. A license shall expire unless the licensee submits to the Board agency the items listed in subsection (B) on or before the license expiration date, or if the licensee is eligible for an extension pursuant to A.R.S. § 32-4301.
- D. The Board shall mail to each licensee a license renewal application. Failure to receive the license renewal application shall not relieve the licensee of the requirements of subsection (A).
- E. The Board may audit a licensee to verify compliance with the continuing education requirements under subsection (A). Documentation verifying compliance shall be retained as prescribed under R4-6-803.
- F. A licensee whose license expires may renew licensure by submitting a complete renewal application, other documents requested by the Academic Review Committee~~credentialing committee~~, and a late fee within 90 days of the license expiration date. A license that is renewed under this subsection shall be considered effective on the first of the month following the expiration date with no lapse in licensure.
- G. A licensee with more than one license may request in writing to have the expiration dates synchronized. The licensee shall pay a prorated renewal fee for the amount of months extended to synchronize the expiration dates.

### 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 final rulemaking at 14 A.A.R. 4516, effective December 2, 2008 (Supp. 08-4).

### R4-6-804. Licensure and Activity Specific Continuing Education Requirements

- A. To be eligible to renew a license, a licensee shall complete a minimum of three clock hours of continuing education in behavioral health ethics or mental health law and a minimum of three clock hours of continuing education in cultural competency and diversity during the two years before the license renewal date.
- B. To be eligible to renew a license, a substance abuse technician, associate substance abuse counselor and an independent substance abuse counselor shall complete a minimum of 20 clock hours of continuing education in any combination of the following categories during the two years before the license renewal date:
  - 1. Pharmacology and psychopharmacology,
  - 2. Addiction processes,
  - 3. Models of substance abuse treatment,
  - 4. Relapse prevention,
  - 5. Interdisciplinary approaches and teams in substance abuse treatment,
  - 6. Substance abuse assessment and diagnostic criteria,
  - 7. Appropriate use of substance abuse treatment modalities,
  - 8. Recognizing needs of diverse populations,
  - 9. Substance abuse treatment and prevention,
  - 10. Clinical application of current substance abuse research, or

11. Co-occurring disorders.

- ~~C. Clinical supervision of a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker, or independent substance abuse counselor. Beginning on July 1, 2006, a licensee acting as a clinical supervisor shall complete continuing education as follows:~~
- ~~1. Between July 1, 2004, and the individual's first license expiration date following July 1, 2006, at least 12 clock hours shall be taken in the following categories:
    - a. The role and responsibility of a clinical supervisor;
    - b. The skill sets necessary to provide oversight and guidance to a supervisee who diagnoses, creates treatment plans, and treats clients;
    - c. The concepts of supervision methods and techniques; and
    - d. Evaluation of a supervisee's ability to plan and implement clinical assessment and treatment processes; and~~
  - ~~2. A licensee who seeks to continue providing clinical supervision after completion of the requirements under subsection (C)(1) shall complete at least six clock hours of continuing education as provided in subsection (C)(1)(a) through (d) between the date the Board receives the licensee's last renewal application and the next license expiration date.~~
- ~~D. Clinical supervision training required pursuant to subsection (C) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:~~
- ~~1. NBCC/CCE Approved Clinical Supervisor certification.~~
  - ~~2. ICRC Clinical Supervisor certification.~~
  - ~~3. American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.~~
- E. Continuing education clock hours completed pursuant to this Section may be submitted to meet the general continuing education requirements described in R4-6-801(A).
- F. The Board agency shall begin enforcement of this Section on July 1, 2006.

**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 9. APPEAL OF LICENSURE OR LICENSURE RENEWAL INELIGIBILITY

### R4-6-902. Appeal Process for Licensure Renewal Ineligibility

- A. A licensee who applies for licensure renewal may be found ineligible because of failure to meet licensure renewal requirements.
- B. If the ~~Academic Review Committee~~~~credentialing committee~~ finds that an applicant for licensure renewal is ineligible because of failure to meet licensure renewal requirements, the following procedures shall apply:
1. The ~~Academic Review Committee~~~~credentialing committee~~ shall send written notice of the finding of ineligibility to the licensee, including an explanation of the basis for the finding.
  2. A licensee who wishes to appeal the finding of ineligibility for licensure renewal shall submit a written request for an informal meeting 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~~~~credentialing committee~~ shall recommend to the Board that licensure renewal be denied and that the licensee's file be closed with no recourse to appeal.
  3. If a request for an informal meeting is received within the required 30 days, the ~~Academic Review Committee~~~~credentialing committee~~ shall schedule an informal meeting and provide a minimum of 30 days notice of the informal meeting to the licensee. At the informal meeting, the ~~Academic Review Committee~~~~credentialing committee~~ shall allow the licensee to present additional information regarding the licensee's qualifications for renewal.
  4. Upon completion of the informal meeting, the ~~Academic Review Committee~~~~credentialing committee~~ shall make a second finding whether the licensee meets renewal requirements. The ~~Board agency~~ shall send written notice of this second finding to the licensee.
  5. If the ~~Academic Review Committee~~~~credentialing committee~~ again finds the licensee is ineligible for licensure renewal, a licensee who wishes to appeal the second finding of ineligibility shall submit within 30 days of the date of service of the second notice of ineligibility a written request to the Board for a formal administrative hearing under the Administrative Procedure Act, A.R.S. § 41-~~1061~~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~~~~credentialing committee~~ shall recommend to the Board that licensure renewal be denied and that the licensee's file be closed with no recourse to appeal.
  6. If the 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 renewal.
  7. If the formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclusions of law and issue an order either to grant or deny licensure renewal.
  8. The Board shall send the licensee a copy of the final findings of fact, conclusions of law, and order.

#### Historical Note

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

## ARTICLE 11. STANDARDS OF PRACTICE

### R4-6-1104. Financial and Billing Records

A licensee shall:

1. Make financial arrangements with a client, a client's legal representative, third party payor or supervisee that are reasonably understandable and conform to accepted billing practices;
2. Before entering a therapeutic relationship, clearly explain to each client or the client's legal representative, all financial arrangements related to professional services, including the use of collection agencies or legal measures for nonpayment;
3. Truthfully represent financial and billing facts to a client, a client's legal representative, third party payor or supervisee regarding services rendered; and
4. Maintain ~~separate written or electronic~~ billing records, separate from clinical documentation, that correspond with the client record.

#### Historical Note

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

### R4-6-1105. Confidentiality

A. A licensee shall only release or disclose client records or any information regarding a client:

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 that authorization expires, not to exceed 12 months;
7. The date the authorization was signed; and
8. The signature and date signed by the client or the client's legal representative.

D. A licensee shall ensure that any written authorization request to release a client record or any information regarding a client is maintained in the client record.

E. Where a licensee provides behavioral health services to multiple family members, each legally competent, participating family member must independently release their client record in written form. Where a licensee provides behavioral health services to more than one person in a family, each family member who is legally competent to consent to authorize release of client records shall sign a written authorization to release client records regarding that family member or any information obtained from that family member. Without such an authorization, a licensee shall not disclose ~~that~~ family member's client record or any information obtained from that family member.

#### Historical Note

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

## ARTICLE 2. GENERAL PROVISIONS

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

- A. In addition to the specific supervision requirements contained in Articles 4, 5, 6, and 7, ~~1. a~~ a direct supervisor must be employed by the same entity as the supervisee.
- ~~2. An individual shall provide direct supervision to a maximum of 15 supervisees at the same time.~~
- ~~B. An applicant may submit a written request to the credentialing committee for an exemption from the requirement of subsection (A)(2). The credentialing committee shall review the exemption request and the direct supervisor's other job responsibilities to determine whether the direct supervisor can provide an appropriate level of direct supervision to more than 15 supervisees at the same time. The credentialing committee shall not grant an exemption request for more than 30 supervisees.~~