

House Engrossed Senate Bill

behavioral health professionals; addiction counseling

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1062

AN ACT

AMENDING SECTIONS 8-846, 28-1445, 28-1461, 28-3005, 28-3153, 28-3315, 32-3251, 32-3252, 32-3271, 32-3274, 32-3286, 32-3321 AND 36-522, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-846, Arizona Revised Statutes, is amended to  
3 read:

4 8-846. Services provided to the child and family

5 A. Except as provided in subsections D, E and F of this section, if  
6 the child has been removed from the home, the court shall order the  
7 department to make reasonable efforts to provide services to the child and  
8 the child's parent.

9 B. If the court determines that services supplemental to those  
10 provided through the department are available from another source at no  
11 cost to this state, the court may order the services on agreement of the  
12 provider.

13 C. The court may employ an individual or individuals to facilitate  
14 collaboration between the parties and to ensure the delivery of  
15 court-ordered services. An employee acting in that capacity has access to  
16 all documents and information necessary to ensure service delivery  
17 regarding the child and the child's family without obtaining prior  
18 approval from the child, the child's family or the court. The employee  
19 may disclose documents and information the employee acquires, reviews or  
20 produces only as prescribed pursuant to section 8-807.

21 D. The court shall consider the following factors in determining  
22 whether reunification services are required to be provided. Reunification  
23 services are not required to be provided if the court finds by clear and  
24 convincing evidence that:

25 1. One or more of the following aggravating circumstances exist:

26 (a) A party to the action provides a verified affidavit that states  
27 that a reasonably diligent search has failed to identify and locate the  
28 parent within three months after the filing of the dependency petition or  
29 the parent has expressed no interest in reunification with the child for  
30 at least three months after the filing of the dependency petition.

31 (b) The parent or guardian is suffering from a mental illness or  
32 mental deficiency of such magnitude that it renders the parent or guardian  
33 incapable of benefitting from the reunification services. This finding  
34 shall be based on competent evidence from a psychologist or physician that  
35 establishes that, even with the provision of reunification services, the  
36 parent or guardian is unlikely to be capable of adequately caring for the  
37 child within twelve months after the date of the child's removal from the  
38 home.

39 (c) The child previously has been removed and adjudicated dependent  
40 due to physical or sexual abuse. After the adjudication the child was  
41 returned to the custody of the parent or guardian and then subsequently  
42 removed within eighteen months due to additional physical or sexual abuse.

43 (d) The parent or guardian committed an act that constitutes a  
44 dangerous crime against children as defined in section 13-705 or caused a  
45 child to suffer serious physical injury or emotional injury or the parent

1 or guardian knew or reasonably should have known that another person  
2 committed an act that constitutes a dangerous crime against children as  
3 defined in section 13-705 or caused a child to suffer serious physical  
4 injury or emotional injury.

5 (e) The parent's rights to another child have been terminated, the  
6 parent has not successfully addressed the issues that led to the  
7 termination and the parent is unable to discharge parental  
8 responsibilities.

9 (f) After a finding that a child is dependent, all of the following  
10 are true:

11 (i) A child has been removed from the parent or guardian on at  
12 least two previous occasions.

13 (ii) Reunification services were offered or provided to the parent  
14 or guardian after the removal.

15 (iii) The parent or guardian is unable to discharge parental  
16 responsibilities.

17 (g) A child who is currently under six months of age was exposed to  
18 a drug or substance as described in section 8-201, paragraph 25,  
19 subdivision (c) and both of the following are true:

20 (i) The parent of the child is unable to discharge parental  
21 responsibilities because of a history of chronic abuse of dangerous drugs  
22 or controlled substances.

23 (ii) Reasonable grounds exist to believe that the parent's  
24 condition will continue for a prolonged or indeterminate period based on a  
25 competent opinion from a licensed health care provider with experience in  
26 the area of substance abuse disorders. For the purposes of this item  
27 "licensed health care provider" means a physician licensed pursuant to  
28 title 32, chapter 13 or 17, a psychologist licensed pursuant to title 32,  
29 chapter 19.1, a nurse practitioner licensed pursuant to title 32, chapter  
30 15 whose population foci include ~~psychiatric-mental health and~~ PSYCHIATRIC  
31 AND MENTAL HEALTH OR a licensed independent ~~substance-abuse~~ ADDICTION  
32 counselor licensed pursuant to title 32, chapter 33.

33 2. The parent or guardian of a child has been convicted of a  
34 dangerous crime against children as defined in section 13-705, murder or  
35 manslaughter of a child, or of sexual abuse of a child, sexual assault of  
36 a child, sexual conduct with a minor, molestation of a child, commercial  
37 sexual exploitation of a minor, sexual exploitation of a minor or luring a  
38 minor for sexual exploitation.

39 3. The parent or guardian of a child has been convicted of aiding  
40 or abetting or attempting, conspiring or soliciting to commit any of the  
41 crimes listed in paragraph 2 of this subsection.

42 E. The court shall consider any criminal prosecution relating to  
43 the offenses that led to the child's removal from the home and shall abide  
44 by any orders of the criminal court. Information may be provided by law  
45 enforcement or the county attorney.

1 F. If a dependency petition was filed pursuant to section 8-873.01  
2 or 8-874, subsection J, the court may direct the division not to provide  
3 reunification services to the child's parents unless the court finds by  
4 clear and convincing evidence that these services would be in the child's  
5 best interests.

6 Sec. 2. Section 28-1445, Arizona Revised Statutes, is amended to  
7 read:

8 28-1445. Alcohol or other drug screening; license suspension

9 A. The department of transportation shall order a person whose  
10 driving privilege, license, permit, right to apply for a license or permit  
11 or nonresident operating privilege is suspended pursuant to section  
12 28-1385 to complete alcohol or other drug screening pursuant to this  
13 chapter. The alcohol or other drug screening shall be provided by a  
14 facility approved by the department of health services, the United States  
15 department of veterans affairs, ~~a substance abuse~~ AN ADDICTION counselor  
16 as defined in section 28-3005 or a probation department.

17 B. The department may accept evidence satisfactory to the  
18 department and in a manner prescribed by the department, after consulting  
19 with the administrative office of the courts, of a person's completion of  
20 alcohol or other drug screening ordered by the court pursuant to section  
21 28-1381, 28-1382, 28-1383 or 28-1387 as sufficient to meet the alcohol or  
22 other drug screening requirements of section 28-1385 and this section or  
23 the department may order the person to complete additional alcohol or  
24 other drug screening.

25 C. A person who is ordered to complete alcohol or other drug  
26 screening is responsible for paying the costs of the screening.

27 D. The department shall issue a driver license or permit or  
28 reinstate a person's driving privilege only if the person provides  
29 satisfactory evidence to the department that the person has completed  
30 alcohol or other drug screening.

31 E. A person who provides an alcohol or other drug screening program  
32 shall electronically report the following to the department in a form  
33 prescribed by the department:

34 1. The completion of screening pursuant to this section.

35 2. The failure of a person to complete screening as ordered by the  
36 department pursuant to this section.

37 Sec. 3. Section 28-1461, Arizona Revised Statutes, is amended to  
38 read:

39 28-1461. Use of certified ignition interlock devices;  
40 reporting

41 A. If a person's driving privilege is limited pursuant to section  
42 28-1381, 28-1382, 28-1383 or 28-3319 or restricted pursuant to section  
43 28-1402:

44 1. The person shall:

1 (a) Pay the costs for installation and maintenance of the certified  
2 ignition interlock device.

3 (b) Provide proof to the department of installation of a  
4 functioning certified ignition interlock device in each motor vehicle  
5 operated by the person.

6 (c) Provide proof of compliance to the department at least once  
7 every ninety days during the period the person is ordered to use an  
8 ignition interlock device.

9 (d) Provide proof of calibration of the certified ignition  
10 interlock device to the department at least once every ninety days during  
11 the period the person is ordered to use an ignition interlock device.

12 2. The department shall not reinstate the person's driving  
13 privilege or issue a special ignition interlock restricted driver license  
14 until the person has installed a functioning certified ignition interlock  
15 device in each motor vehicle operated by the person and has provided proof  
16 of installation to the department.

17 B. While a person maintains a functioning certified ignition  
18 interlock device in a vehicle pursuant to this chapter, the ignition  
19 interlock manufacturer shall electronically provide the following  
20 information to the department in the manner and format prescribed by the  
21 department in rule, and the department shall reject any information that  
22 does not meet these requirements:

23 1. Any tampering or circumvention.

24 2. Any failure to provide proof of compliance or inspection of the  
25 certified ignition interlock device as prescribed in this section.

26 3. Any attempt to operate the vehicle with an alcohol concentration  
27 exceeding the presumptive limit as prescribed in section 28-1381,  
28 subsection G, paragraph 3 or, if the person is under twenty-one years of  
29 age, any attempt to operate the vehicle with any spirituous liquor in the  
30 person's body.

31 4. Each time that a person fails to properly perform any set of  
32 three consecutive rolling retests that occur during a drive cycle.

33 C. If the person is under eighteen years of age, the ignition  
34 interlock service provider, if requested by the person's parent or legal  
35 guardian, shall provide to the person's parent or legal guardian the  
36 information prescribed in subsection B of this section.

37 D. On request, the ignition interlock manufacturer shall provide  
38 the information prescribed in subsection B of this section to:

39 1. The department of health services authorized provider.

40 2. The probation department that is providing alcohol or other drug  
41 screening, education or treatment to the person.

42 3. The physician, psychologist, physician assistant, registered  
43 nurse practitioner or ~~substance abuse~~ ADDICTION counselor who is  
44 evaluating the person's ability to safely operate a motor vehicle

1 following a revocation of the person's driving privilege as prescribed in  
2 section 28-3315, subsection D.

3 4. The court.

4 E. The department shall extend an ignition interlock restricted or  
5 limited driver license and the certified ignition interlock device period  
6 for six months if the department has reasonable grounds to believe that  
7 any of the following applies:

8 1. The person tampered with or circumvented the certified ignition  
9 interlock device.

10 2. The person attempted to operate the vehicle with an alcohol  
11 concentration exceeding the presumptive limit as prescribed in section  
12 28-1381, subsection G, paragraph 3, two or more times during the period of  
13 license restriction or limitation.

14 3. If the person is under twenty-one years of age, the person  
15 attempted to operate the vehicle with any spirituous liquor in the  
16 person's body during the period of license restriction or limitation.

17 4. The person failed to provide proof of compliance or inspection  
18 as prescribed in this section.

19 5. The person attempts to operate the vehicle with an alcohol  
20 concentration of 0.08 or more during a six month extension pursuant to  
21 this subsection.

22 6. The person fails to properly perform any set of three  
23 consecutive rolling retests that occur during a drive cycle.

24 F. If the special ignition interlock restricted license is extended  
25 pursuant to subsection E of this section, the limitations prescribed in  
26 sections 28-1381, 28-1382, 28-1383 and 28-3319 do not begin until the  
27 restrictive period of the license ends.

28 G. The department shall make a notation on the driving record of a  
29 person whose driving privilege is limited pursuant to section 28-1381,  
30 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to section  
31 28-1402 that states that the person shall not operate a motor vehicle  
32 unless it is equipped with a certified ignition interlock device. Unless  
33 the person is convicted of a second or subsequent violation of section  
34 28-1381, 28-1382 or 28-1383, the notation may not include any mark, color  
35 change or other notation or indication on the person's physical driver  
36 license.

37 H. Proof of compliance does not include a skipped or missed random  
38 sample if the motor vehicle's ignition is off at the time of the skipped  
39 or missed sample.

40 Sec. 4. Section 28-3005, Arizona Revised Statutes, is amended to  
41 read:

42 28-3005. Medical or psychological reports; immunity;  
43 definitions

44 A. For medical conditions, a physician or registered nurse  
45 practitioner, OR for psychological conditions, a psychologist, physician,

1 psychiatric mental health nurse practitioner or ~~substance abuse~~ ADDICTION  
2 counselor who provides information to the director in good faith and at  
3 the written request of a driver license applicant or licensee concerning a  
4 person's medical or psychological condition with respect to operation of a  
5 motor vehicle is immune from personal liability with respect to the  
6 information provided.

7 B. Notwithstanding the physician-patient, nurse-patient or  
8 psychologist-client confidentiality relationship, a physician, registered  
9 nurse practitioner or psychologist may voluntarily report a patient to the  
10 department who has a medical or psychological condition that in the  
11 opinion of the physician, registered nurse practitioner or psychologist  
12 could significantly impair the person's ability to safely operate a motor  
13 vehicle. If a report is made, the physician, registered nurse  
14 practitioner or psychologist shall make the report in writing, including  
15 the name, address and date of birth of the patient. On receipt of the  
16 report, the department may require an examination of the person reported  
17 in the manner provided by section 28-3314. A person shall not bring an  
18 action against a physician, registered nurse practitioner or psychologist  
19 for not making a report pursuant to this subsection. The physician,  
20 registered nurse practitioner or psychologist submitting the report in  
21 good faith is immune from civil or criminal liability for making the  
22 report pursuant to this subsection. The physician's, registered nurse  
23 practitioner's or psychologist's report is subject to subpoena or order to  
24 produce in an action except an action against the physician, registered  
25 nurse practitioner or psychologist submitting the report.

26 C. In this section:

27 ~~6.~~ 1. "~~Substance abuse~~ ADDICTION counselor" means a person who is  
28 licensed by the board of behavioral health examiners in this state, who is  
29 licensed or certified in another state, who is certified by a board for  
30 certification of addiction counselors, who is a nationally certified  
31 addiction counselor or who is employed by the federal government and  
32 practicing in this state.

33 ~~1.~~ 2. "Medical or psychological condition" means a condition that  
34 could affect a person's functional ability to safely operate a motor  
35 vehicle.

36 ~~2.~~ 3. "Physician" means a medical doctor, optometrist,  
37 chiropractor, naturopathic physician, doctor of osteopathy or doctor of  
38 homeopathy who is licensed to practice in this state or another state or  
39 who is employed by the federal government and practicing in this state or  
40 their agents.

41 ~~3.~~ 4. "Psychiatric mental health nurse practitioner" means a  
42 person certified as a registered nurse practitioner in a psychiatric  
43 mental health specialty area under the provisions of title 32, chapter 15.

44 ~~4.~~ 5. "Psychologist" means a person who is licensed pursuant to  
45 title 32, chapter 19.1, who is licensed to practice psychology in another

1 state or who is employed by the federal government and practicing in this  
2 state.

3 ~~5.~~ 6. "Registered nurse practitioner" has the same meaning  
4 prescribed in section 32-1601.

5 Sec. 5. Section 28-3153, Arizona Revised Statutes, is amended to  
6 read:

7 28-3153. Driver license issuance; prohibitions

8 A. The department shall not issue the following:

9 1. A driver license to a person who is under eighteen years of age,  
10 except that the department may issue:

11 (a) A restricted instruction permit for a class D or G license to a  
12 person who is at least fifteen years of age.

13 (b) An instruction permit for a class D, G or M license as provided  
14 by this chapter to a person who is at least fifteen years and six months  
15 of age.

16 (c) A class G or M license as provided by this chapter to a person  
17 who is at least sixteen years of age.

18 2. A class D, G or M license or instruction permit to a person who  
19 is under eighteen years of age and who has been tried in adult court and  
20 convicted of a second or subsequent violation of criminal damage to  
21 property pursuant to section 13-1602, subsection A, paragraph 1 or  
22 convicted of a felony offense in the commission of which a motor vehicle  
23 is used, including theft of a motor vehicle pursuant to section 13-1802,  
24 unlawful use of means of transportation pursuant to section 13-1803 or  
25 theft of means of transportation pursuant to section 13-1814, or who has  
26 been adjudicated delinquent for a second or subsequent act that would  
27 constitute criminal damage to property pursuant to section 13-1602,  
28 subsection A, paragraph 1 or adjudicated delinquent for an act that would  
29 constitute a felony offense in the commission of which a motor vehicle is  
30 used, including theft of a motor vehicle pursuant to section 13-1802,  
31 unlawful use of means of transportation pursuant to section 13-1803 or  
32 theft of means of transportation pursuant to section 13-1814, if committed  
33 by an adult.

34 3. A class A, B or C license to a person who is under twenty-one  
35 years of age, except that the department may issue a class A, B or C  
36 license that is restricted to only intrastate driving to a person who is  
37 at least eighteen years of age.

38 4. A license to a person whose license or driving privilege has  
39 been suspended, during the suspension period.

40 5. Except as provided in section 28-3315, a license to a person  
41 whose license or driving privilege has been revoked.

42 6. A class A, B or C license to a person who has been disqualified  
43 from obtaining a commercial driver license.

44 7. A license to a person who on application notifies the department  
45 that the person is an alcoholic as defined in section 36-2021 or a drug



1 dependent person as defined in section 36-2501, unless the person submits  
2 a medical examination report that includes a current evaluation from  
3 ~~a substance abuse~~ AN ADDICTION counselor indicating that, in the opinion  
4 of the counselor, the condition does not affect or impair the person's  
5 ability to safely operate a motor vehicle.

6 8. A license to a person who has been adjudged to be incapacitated  
7 pursuant to section 14-5304 and who at the time of application has not  
8 obtained either a court order that allows the person to drive or a  
9 termination of incapacity as provided by law.

10 9. A license to a person who is required by this chapter to take an  
11 examination unless the person successfully passes the examination.

12 10. A license to a person who is required under the motor vehicle  
13 financial responsibility laws of this state to deposit proof of financial  
14 responsibility and who has not deposited the proof.

15 11. A license to a person if the department has good cause to  
16 believe that the operation of a motor vehicle on the highways by the  
17 person would threaten the public safety or welfare.

18 12. A license to a person whose driver license has been ordered to  
19 be suspended for failure to pay child support, except that a noncommercial  
20 restricted license may be issued pursuant to section 25-518.

21 13. A class A, B or C license to a person whose license or driving  
22 privilege has been canceled until the cause for the cancellation has been  
23 removed.

24 14. A class A, B or C license or instruction permit to a person  
25 whose state of domicile is not this state.

26 15. A class A, B or C license to a person who fails to demonstrate  
27 proficiency in the English language as determined by the department.

28 B. The department shall not issue a driver license to or renew the  
29 driver license of the following persons:

30 1. A person about whom the court notifies the department that the  
31 person violated the person's written promise to appear in court when  
32 charged with a violation of the motor vehicle laws of this state until the  
33 department receives notification in a manner approved by the department  
34 that the person appeared either voluntarily or involuntarily or that the  
35 case has been adjudicated, that the case is being appealed or that the  
36 case has otherwise been disposed of as provided by law.

37 2. If notified pursuant to section 28-1601, a person who fails to  
38 pay a civil penalty as provided in section 28-1601, except for a parking  
39 violation, until the department receives notification in a manner approved  
40 by the department that the person paid the civil penalty, that the case is  
41 being appealed or that the case has otherwise been disposed of as provided  
42 by law.

43 C. The magistrate or the clerk of the court shall provide the  
44 notification to the department prescribed by subsection B of this section.

1 D. Notwithstanding any other law, the department shall not issue to  
2 or renew a driver license or nonoperating identification license for a  
3 person who does not submit proof satisfactory to the department that the  
4 applicant's presence in the United States is authorized under federal law.  
5 For an application for a driver license or a nonoperating identification  
6 license, the department shall not accept as a primary source of  
7 identification a driver license issued by a state if the state does not  
8 require that a driver licensed in that state be lawfully present in the  
9 United States under federal law. The director shall adopt rules necessary  
10 to carry out the purposes of this subsection. The rules shall include  
11 procedures for:

12 1. Verification that the applicant's presence in the United States  
13 is authorized under federal law.

14 2. Issuance of a temporary driver permit pursuant to section  
15 28-3157 pending verification of the applicant's status in the United  
16 States.

17 Sec. 6. Section 28-3315, Arizona Revised Statutes, is amended to  
18 read:

19 28-3315. Period of suspension, revocation or  
20 disqualification; unlicensed drivers; definitions

21 A. The department shall not suspend, revoke or disqualify a driver  
22 license or privilege to drive a motor vehicle on the public highways for  
23 more than one year from the date of a conviction or judgment, if any,  
24 against a person for which this chapter makes revocation, suspension or  
25 disqualification mandatory or from the date the notice is sent pursuant to  
26 section 28-3318 if no conviction was involved, except as permitted under  
27 subsection E of this section and sections 28-3312, 28-3319 and 28-3320.

28 B. A person whose license or privilege to drive a motor vehicle on  
29 the public highways has been revoked may apply for reinstatement of the  
30 person's license as provided by law after the cause of the revocation is  
31 removed or after expiration of the revocation period prescribed by law.  
32 The department may reinstate the person's driver license after the  
33 department reviews an applicant's driving record in this state or another  
34 state or other sufficient evidence to determine that:

35 1. All withdrawal actions are complete.

36 2. The applicant has not been convicted of or found responsible for  
37 any traffic violations within twelve months preceding application.

38 3. All other statutory requirements are satisfied.

39 C. The department shall not accept an application for reinstatement  
40 of a driver license until after the twelve month period prescribed in  
41 subsection B of this section has elapsed.

42 D. If the department reinstates a person's driver license or  
43 driving privilege for a revocation that is related to alcohol or other  
44 drugs, the department may accept an evaluation that was performed within  
45 the previous twelve months from a physician, a psychologist, a physician

1 assistant, a registered nurse practitioner or ~~a substance abuse~~ AN  
2 ADDICTION counselor indicating that, in the opinion of the physician,  
3 psychologist, physician assistant, registered nurse practitioner or  
4 ~~substance abuse~~ ADDICTION counselor, the condition does not affect or  
5 impair the person's ability to safely operate a motor vehicle. For the  
6 purposes of reinstating a license or driving privilege pursuant to this  
7 article, the department may rely on the opinion of a physician, a  
8 psychologist, a physician assistant, a registered nurse practitioner or  
9 ~~a substance abuse~~ AN ADDICTION counselor.

10 E. Notwithstanding subsections A and B of this section:

11 1. A person whose license or privilege to drive is revoked pursuant  
12 to section 28-3304, subsection A, paragraph 1 or 10 is not entitled to  
13 have the person's license or privilege renewed or restored for three  
14 years.

15 2. A person whose license or privilege to drive is revoked pursuant  
16 to section 13-1209 is not entitled to have the person's license or  
17 privilege renewed or restored for the period of time ordered by the court.

18 3. If a license, permit or privilege to drive is revoked pursuant  
19 to section 28-661, subsection F the license, permit or privilege may not  
20 be renewed or restored except as prescribed by section 28-661, subsections  
21 F and G.

22 4. A person whose license, permit or privilege to drive is revoked  
23 pursuant to section 28-661, subsection H is not entitled to have the  
24 person's license, permit or privilege renewed or restored for three years.

25 F. If an unlicensed driver commits an offense for which a driver  
26 license could be suspended, revoked or disqualified, the department shall  
27 not accept the unlicensed driver's application for a driver license for a  
28 period equal to the period of time that applies to a driver with a  
29 license. If the offense is one for which a driver license could be  
30 revoked, the department shall not accept the unlicensed driver's  
31 application for a driver license unless the application includes an  
32 evaluation from a physician, psychologist, physician assistant, registered  
33 nurse practitioner or ~~substance abuse~~ ADDICTION counselor on the habits  
34 and driving ability of the person and the evaluator is satisfied that it  
35 is safe to grant the privilege of driving a motor vehicle on the public  
36 highways.

37 G. The expiration of a person's license during the period of time  
38 it is under suspension, revocation or disqualification does not invalidate  
39 or terminate the suspension, revocation or disqualification.

40 H. A person whose license or privilege to drive a motor vehicle on  
41 the public highways has been suspended pursuant to section 28-3306,  
42 subsection A, paragraph 5 or section 28-3314 may apply for a new license  
43 as provided by law after the cause for suspension is removed or after  
44 expiration of the suspension period prescribed by law if both of the  
45 following conditions are met:

1           1. The department is satisfied, after reviewing the medical  
2 condition and driving ability of the person, that it is safe to grant the  
3 person the privilege of driving a motor vehicle on the public highways.

4           2. If the person has a medical condition related to alcohol or  
5 other drugs, the department may accept an evaluation form from a  
6 physician, a psychologist, a physician assistant, a registered nurse  
7 practitioner or ~~a substance abuse~~ AN ADDICTION counselor indicating that,  
8 in the opinion of the physician, psychologist, physician assistant,  
9 registered nurse practitioner or ~~substance abuse~~ ADDICTION counselor, the  
10 condition does not affect or impair the person's ability to operate a  
11 motor vehicle in a safe manner.

12           I. For the purposes of this section:

13           ~~5.~~ 1. "~~Substance abuse~~ ADDICTION counselor" has the same meaning  
14 prescribed in section 28-3005.

15           ~~1.~~ 2. "Physician" means a physician who is licensed pursuant to  
16 title 32, chapter 13, 14, 17 or 29.

17           ~~2.~~ 3. "Physician assistant" means a physician assistant who is  
18 licensed pursuant to title 32, chapter 25.

19           ~~3.~~ 4. "Psychologist" means a psychologist who is licensed pursuant  
20 to title 32, chapter 19.1.

21           ~~4.~~ 5. "Registered nurse practitioner" means a registered nurse  
22 practitioner who is licensed pursuant to title 32, chapter 15.

23           Sec. 7. Section 32-3251, Arizona Revised Statutes, is amended to  
24 read:

25           32-3251. Definitions

26           In this chapter, unless the context otherwise requires:

27           1. "Board" means the board of behavioral health examiners.

28           2. "Client" means a patient who receives behavioral health services  
29 from a person licensed pursuant to this chapter.

30           3. "Direct client contact" means the performance of therapeutic or  
31 clinical functions related to the applicant's professional practice level  
32 of psychotherapy that includes diagnosis, assessment and treatment and  
33 that may include psychoeducation for mental, emotional and behavioral  
34 disorders based primarily on verbal or nonverbal communications and  
35 intervention with, and in the presence of, one or more clients, including  
36 through the use of telehealth pursuant to title 36, chapter 36, article 1.

37           4. "Equivalent" means comparable in content and quality but not  
38 identical.

39           5. "Indirect client service":

40           (a) Means training for, and the performance of, functions of an  
41 applicant's professional practice level in preparation for or on behalf of  
42 a client for whom direct client contact functions are also performed,  
43 including case consultation and receipt of clinical supervision. ~~indirect~~  
44 ~~client service~~

45           (b) Does not include the provision of psychoeducation.

1           6. "Letter of concern" means a nondisciplinary written document  
2 sent by the board to notify a licensee that, while there is insufficient  
3 evidence to support disciplinary action, the board believes that  
4 continuation of the activities that led to the investigation may result in  
5 further board action against the licensee.

6           7. "Licensee" means a person who is licensed pursuant to this  
7 chapter.

8           ~~12.~~ 8. "Practice of ~~substance abuse~~ ADDICTION counseling":

9           (a) Means the professional application of general counseling  
10 theories, principles and techniques as specifically adapted, based on  
11 research and clinical experience, to the specialized needs and  
12 characteristics of persons who are experiencing ~~substance abuse, chemical~~  
13 ~~dependency~~ AN ADDICTION THAT IS A PERSISTENT, COMPULSIVE DEPENDENCE ON A  
14 BEHAVIOR OR SUBSTANCE, INCLUDING MOOD-ALTERING BEHAVIORS OR ACTIVITIES  
15 KNOWN AS PROCESS ADDICTIONS, and related problems and to the families of  
16 those persons. ~~The practice of substance abuse counseling~~

17           (b) Includes the following ~~as they relate to substance abuse and~~  
18 ~~chemical dependency issues~~:

19           ~~(a)~~ (i) Assessment, appraisal and diagnosis.

20           ~~(b)~~ (ii) The use of psychotherapy for the purpose of evaluation,  
21 diagnosis and treatment of individuals, couples, families and groups.

22           ~~8.~~ 9. "Practice of behavioral health" means the practice of  
23 marriage and family therapy, PRACTICE OF professional counseling, PRACTICE  
24 OF social work and ~~substance abuse~~ PRACTICE OF ADDICTION counseling  
25 pursuant to this chapter.

26           ~~9.~~ 10. "Practice of marriage and family therapy" means the  
27 professional application of family systems theories, principles and  
28 techniques to treat interpersonal relationship issues and nervous, mental  
29 and emotional disorders that are cognitive, affective or behavioral. The  
30 practice of marriage and family therapy includes:

31           (a) Assessment, appraisal and diagnosis.

32           (b) The use of psychotherapy for the purpose of evaluation,  
33 diagnosis and treatment of individuals, couples, families and groups.

34           ~~10.~~ 11. "Practice of professional counseling" means the  
35 professional application of mental health, psychological and human  
36 development theories, principles and techniques to:

37           (a) Facilitate human development and adjustment throughout the  
38 human life span.

39           (b) Assess and facilitate career development.

40           (c) Treat interpersonal relationship issues and nervous, mental and  
41 emotional disorders that are cognitive, affective or behavioral.

42           (d) Manage symptoms of mental illness.

43           (e) Assess, appraise, evaluate, diagnose and treat individuals,  
44 couples, families and groups through the use of psychotherapy.

1           ~~11~~ 12. "Practice of social work" means the professional  
2 application of social work theories, principles, methods and techniques  
3 to:

4           (a) Treat mental, behavioral and emotional disorders.

5           (b) Assist individuals, families, groups and communities to enhance  
6 or restore the ability to function physically, socially, emotionally,  
7 mentally and economically.

8           (c) Assess, appraise, diagnose, evaluate and treat individuals,  
9 couples, families and groups through the use of psychotherapy.

10          13. "Psychoeducation" means the education of a client as part of a  
11 treatment process that provides the client with information regarding  
12 mental health, emotional disorders or behavioral health.

13          14. "Psychotherapy" means a variety of treatment methods developing  
14 out of generally accepted theories about human behavior and development.

15          15. "Telehealth" has the same meaning prescribed in section  
16 36-3601.

17          16. "Unprofessional conduct" includes the following, whether  
18 occurring in this state or elsewhere:

19           (a) Being convicted of a felony. Conviction by a court of  
20 competent jurisdiction or a plea of no contest is conclusive evidence of  
21 the conviction.

22           (b) Using fraud or deceit in connection with rendering services as  
23 a licensee or in establishing qualifications pursuant to this chapter.

24           (c) Making any oral or written misrepresentation of a fact:

25           (i) To secure or attempt to secure the issuance or renewal of a  
26 license.

27           (ii) In any statements provided during an investigation or  
28 disciplinary proceeding by the board.

29           (iii) Regarding the licensee's skills or the value of any treatment  
30 provided or to be provided.

31           (d) Making any false, fraudulent or deceptive statement connected  
32 with the practice of behavioral health, including false or misleading  
33 advertising by the licensee or the licensee's staff or a representative  
34 compensated by the licensee.

35           (e) Securing or attempting to secure the issuance or renewal of a  
36 license by knowingly taking advantage of the mistake of another person or  
37 the board.

38           (f) Engaging in active habitual intemperance in the use of alcohol  
39 or active habitual substance abuse.

40           (g) Using a controlled substance that is not prescribed for use  
41 during a prescribed course of treatment.

42           (h) Obtaining a fee by fraud, deceit or misrepresentation.

43           (i) Aiding or abetting a person who is not licensed pursuant to  
44 this chapter to purport to be a licensed behavioral health professional in  
45 this state.

- 1 (j) Engaging in conduct that the board determines is gross  
2 negligence or repeated negligence in the licensee's profession.
- 3 (k) Engaging in any conduct or practice that is contrary to  
4 recognized standards of ethics in the behavioral health profession or that  
5 constitutes a danger to the health, welfare or safety of a client.
- 6 (l) Engaging in any conduct, practice or condition that impairs the  
7 ability of the licensee to safely and competently practice the licensee's  
8 profession.
- 9 (m) Engaging or offering to engage as a licensee in activities that  
10 are not congruent with the licensee's professional education, training or  
11 experience.
- 12 (n) Failing to comply with or violating, attempting to violate or  
13 assisting in or abetting the violation of any provision of this chapter,  
14 any rule adopted pursuant to this chapter, any lawful order of the board,  
15 or any formal order, consent agreement, term of probation or stipulated  
16 agreement issued under this chapter.
- 17 (o) Failing to furnish information within a specified time to the  
18 board or its investigators or representatives if legally requested by the  
19 board.
- 20 (p) Failing to conform to minimum practice standards as developed  
21 by the board.
- 22 (q) Failing or refusing to maintain adequate records of behavioral  
23 health services provided to a client.
- 24 (r) Providing behavioral health services that are clinically  
25 unjustified or unsafe or otherwise engaging in activities as a licensee  
26 that are unprofessional by current standards of practice.
- 27 (s) Terminating behavioral health services to a client without  
28 making an appropriate referral for continuation of care for the client if  
29 continuing behavioral health services are indicated.
- 30 (t) Disclosing a professional confidence or privileged  
31 communication except as may otherwise be required by law or **permitted**  
32 **ALLOWED** by a legally valid written release.
- 33 (u) Failing to allow the board or its investigators on demand to  
34 examine and have access to documents, reports and records in any format  
35 maintained by the licensee that relate to the licensee's practice of  
36 behavioral health.
- 37 (v) Engaging in any sexual conduct between a licensee and a client  
38 or former client.
- 39 (w) Providing behavioral health services to any person with whom  
40 the licensee has had sexual contact.
- 41 (x) Exploiting a client, former client or supervisee. For the  
42 purposes of this subdivision, "exploiting" means taking advantage of a  
43 professional relationship with a client, former client or supervisee for  
44 the benefit or profit of the licensee.

1 (y) Engaging in a dual relationship with a client that could impair  
2 the licensee's objectivity or professional judgment or create a risk of  
3 harm to the client. For the purposes of this subdivision, "dual  
4 relationship" means a licensee simultaneously engages in both a  
5 professional and nonprofessional relationship with a client that is  
6 avoidable and not incidental.

7 (z) Engaging in physical contact between a licensee and a client if  
8 there is a reasonable possibility of physical or psychological harm to the  
9 client as a result of that contact.

10 (aa) Sexually harassing a client, former client, research subject,  
11 supervisee or coworker. For the purposes of this subdivision, "sexually  
12 harassing" includes sexual advances, sexual solicitation, requests for  
13 sexual favors, unwelcome comments or gestures or any other verbal or  
14 physical conduct of a sexual nature.

15 (bb) Harassing, exploiting or retaliating against a client, former  
16 client, research subject, supervisee, coworker or witness or a complainant  
17 in a disciplinary investigation or proceeding involving a licensee.

18 (cc) Failing to take reasonable steps to inform potential victims  
19 and appropriate authorities if the licensee becomes aware during the  
20 course of providing or supervising behavioral health services that a  
21 client's condition indicates a clear and imminent danger to the client or  
22 others.

23 (dd) Failing to comply with the laws of the appropriate licensing  
24 or credentialing authority to provide behavioral health services by  
25 electronic means in all governmental jurisdictions where the client  
26 receiving these services resides.

27 (ee) Giving or receiving a payment, kickback, rebate, bonus or  
28 other remuneration for a referral.

29 (ff) Failing to report in writing to the board information that  
30 would cause a reasonable licensee to believe that another licensee is  
31 guilty of unprofessional conduct or is physically or mentally unable to  
32 provide behavioral health services competently or safely. This duty does  
33 not extend to information provided by a licensee that is protected by the  
34 behavioral health professional-client privilege unless the information  
35 indicates a clear and imminent danger to the client or others or is  
36 otherwise subject to mandatory reporting requirements pursuant to state or  
37 federal law.

38 (gg) Failing to follow federal and state laws regarding the  
39 storage, use and release of confidential information regarding a client's  
40 personal identifiable information or care.

41 (hh) Failing to retain records pursuant to section 12-2297.

42 (ii) Violating any federal or state law, rule or regulation  
43 applicable to the practice of behavioral health.



1 (jj) Failing to make client records in the licensee's possession  
2 available in a timely manner to another health professional or licensee on  
3 receipt of proper authorization to do so from the client, a minor client's  
4 parent, the client's legal guardian or the client's authorized  
5 representative.

6 (kk) Failing to make client records in the licensee's possession  
7 promptly available to the client, a minor client's parent, the client's  
8 legal guardian or the client's authorized representative on receipt of  
9 proper authorization to do so from the client, ~~a~~ THE minor client's  
10 parent, the client's legal guardian or the client's authorized  
11 representative.

12 (ll) Being the subject of the revocation, suspension, surrender or  
13 any other disciplinary sanction of a professional license, certificate or  
14 registration or other adverse action related to a professional license,  
15 certificate or registration in another jurisdiction or country, including  
16 the failure to report the adverse action to the board. The action taken  
17 may include refusing, denying, revoking or suspending a license or  
18 certificate, the surrendering of a license or certificate, otherwise  
19 limiting, restricting or monitoring a licensee or certificate holder or  
20 placing a licensee or certificate holder on probation.

21 (mm) Engaging in any conduct that results in a sanction imposed by  
22 an agency of the federal government that involves restricting, suspending,  
23 limiting or removing the licensee's ability to obtain financial  
24 remuneration for behavioral health services.

25 (nn) Violating the security of any licensure examination materials.

26 (oo) Using fraud or deceit in connection with taking or assisting  
27 another person in taking a licensure examination.

28 Sec. 8. Section 32-3252, Arizona Revised Statutes, is amended to  
29 read:

30 32-3252. Board of behavioral health examiners; appointment;  
31 qualifications; terms; compensation; immunity;  
32 training program

33 A. The board of behavioral health examiners is established  
34 consisting of the following members appointed by the governor:

35 1. The following professional members:

36 (a) Two members who are licensed in social work pursuant to this  
37 chapter, at least one of whom is a licensed clinical social worker.

38 (b) Two members who are licensed in counseling pursuant to this  
39 chapter, at least one of whom is a licensed professional counselor.

40 (c) Two members who are licensed in marriage and family therapy  
41 pursuant to this chapter, at least one of whom is a licensed marriage and  
42 family therapist.

1 (d) Two members who are licensed in ~~substance abuse~~ ADDICTION  
2 counseling pursuant to this chapter, at least one of whom is a licensed  
3 independent ~~substance abuse~~ ADDICTION counselor.

4 2. Four public members.

5 B. Before appointment by the governor, a prospective member of the  
6 board shall submit a full set of fingerprints to the governor for the  
7 purpose of obtaining a state and federal criminal records check pursuant  
8 to section 41-1750 and Public Law 92-544. The department of public safety  
9 may exchange this fingerprint data with the federal bureau of  
10 investigation.

11 C. Each professional board member shall:

12 1. Be a resident of this state for ~~not less than~~ AT LEAST one year  
13 before appointment.

14 2. Be an active licensee in good standing.

15 3. Have at least five years of experience in an area of behavioral  
16 health licensed pursuant to this chapter.

17 D. Each public BOARD member shall:

18 1. Be a resident of this state for ~~not less than~~ AT LEAST one year  
19 before appointment.

20 2. Be at least twenty-one years of age.

21 3. Not be licensed or eligible for licensure pursuant to this  
22 chapter unless the public member has been retired from active practice for  
23 at least five years.

24 4. Not currently have a substantial financial interest in an entity  
25 that directly provides behavioral health services.

26 5. Not have a household member who is licensed or eligible for  
27 licensure pursuant to this chapter unless the household member has been  
28 retired from active practice for at least five years.

29 E. The term of office of board members is three years to begin and  
30 end on the third Monday in January. A member shall not serve more than  
31 two full consecutive terms.

32 F. The board shall annually elect a chairman and  
33 secretary-treasurer from its membership.

34 G. Board members are eligible to receive compensation of not more  
35 than ~~eighty-five dollars~~ \$85 for each day actually and necessarily spent  
36 in the performance of their duties.

37 H. Board members and personnel are personally immune from suit with  
38 respect to all acts done and actions taken in good faith and in  
39 furtherance of the purposes of this chapter.

40 I. Each board member must complete a twelve-hour training program  
41 that emphasizes responsibilities for administrative management, licensure,  
42 judicial processes and temperament within one year after appointment to  
43 the board.

1           Sec. 9. Section 32-3271, Arizona Revised Statutes, is amended to  
2 read:

3           32-3271. Exceptions to licensure; jurisdiction

4           A. This chapter does not apply to:

5           1. A person who is currently licensed, certified or regulated  
6 pursuant to another chapter of this title and who provides services within  
7 the person's scope of practice if the person does not claim to be licensed  
8 pursuant to this chapter.

9           2. A person who is not a resident of this state if the person:

10           (a) Performs behavioral health services in this state for not more  
11 than ninety days in any one calendar year as prescribed by board rule.

12           (b) Is authorized to perform these services pursuant to the laws of  
13 the state or country in which the person resides or pursuant to the laws  
14 of a federally recognized INDIAN tribe.

15           (c) Informs the client of the limited nature of these services and  
16 that the person is not licensed in this state.

17           3. A rabbi, priest, minister or member of the clergy of any  
18 religious denomination or sect if the activities and services that person  
19 performs are within the scope of the performance of the regular or  
20 specialized ministerial duties of an established and legally recognizable  
21 church, denomination or sect and the person performing the services  
22 remains accountable to the established authority of the church,  
23 denomination or sect.

24           4. A ~~member-run~~ MEMBER-RUN self-help or self-growth group if no  
25 member of the group receives direct or indirect financial compensation.

26           5. A behavioral health technician or behavioral health  
27 paraprofessional who is employed by an agency licensed by the department  
28 of health services.

29           6. A person contracting with the supreme court or a person employed  
30 by or contracting with an agency under contract with the supreme court who  
31 is otherwise ineligible to be licensed or who is in the process of  
32 applying to be licensed under this chapter as long as that person is in  
33 compliance with the supreme court contract conditions regarding  
34 professional counseling services and practices only under supervision.

35           7. A person who is employed by the department of economic security  
36 or the department of child safety and who practices social work, marriage  
37 and family therapy, ~~substance abuse~~ ADDICTION counseling, counseling and  
38 case management within the scope of the person's job duties and under  
39 direct supervision by the employer department.

40           8. A student, intern or trainee who is pursuing a course of study  
41 in social work, counseling, marriage and family therapy, ~~substance abuse~~  
42 ADDICTION counseling or case management in a regionally accredited  
43 institution of higher education or training institution if the person's  
44 activities are performed under qualified supervision and are part of the  
45 person's supervised course of study.

1           9. A person who is practicing social work, counseling and case  
2 management and who is employed by an agency licensed by the department of  
3 economic security or the department of child safety.

4           10. A paraprofessional WHO IS employed by the department of  
5 economic security or by an agency licensed by the department of economic  
6 security.

7           11. A Christian Science practitioner if all of the following are  
8 true:

9           (a) The person is not providing psychotherapy.

10           (b) The activities and services the person performs are within the  
11 scope of the performance of the regular or specialized duties of a  
12 Christian Science practitioner.

13           (c) The person remains accountable to the established authority of  
14 the practitioner's church.

15           12. A person who is not providing psychotherapy.

16           B. A person who provides services pursuant to subsection A,  
17 paragraph 2 OF THIS SECTION is deemed to have agreed to the jurisdiction  
18 of the board and to be bound by the laws of this state.

19           Sec. 10. Section 32-3274, Arizona Revised Statutes, is amended to  
20 read:

21           32-3274. Licensure by endorsement

22           A. The board may issue a license by endorsement to a person in that  
23 person's behavioral health discipline if the person is licensed or  
24 certified by the regulatory agency of one or more other states or federal  
25 jurisdictions at a substantially equivalent or higher practice level as  
26 determined by the board, pays the fee prescribed by the board and meets  
27 all of the following requirements:

28           1. ~~The person~~ Is currently licensed or certified in behavioral  
29 health by the regulatory agency of one or more other states or federal  
30 jurisdictions and each license or certification is current and in good  
31 standing.

32           2. ~~The person~~ Has been licensed or certified for at least ~~three~~  
33 ~~years~~ ONE YEAR in one or more OTHER STATES OR FEDERAL jurisdictions in the  
34 discipline and practice level for which an application is submitted. The  
35 practice level of the jurisdictions must be substantially equivalent, as  
36 determined by the board, to the practice level for which the application  
37 is submitted.

38           3. ~~The person~~ Meets the basic requirements for licensure prescribed  
39 by section 32-3275.

40           4. ~~The person~~ Submits to the board all of the following:

41           (a) A listing of every jurisdiction in the United States in which  
42 the person has been licensed or certified in the practice of behavioral  
43 health and any disciplinary action taken by any regulatory agency or any  
44 instance in which a license has been surrendered in lieu of discipline.

1 (b) Verification of licensure or certification from every  
2 jurisdiction in which the person is licensed or certified for the  
3 discipline and practice level for which the person applies.

4 (c) Any other procedural application requirements adopted by the  
5 board in rule.

6 B. In addition to the requirements of subsection A of this section,  
7 a person seeking license by endorsement for the following practice levels  
8 must have earned a master's or higher degree in the applicable field of  
9 practice granted by a regionally accredited college or university:

- 10 1. Licensed clinical social worker.
- 11 2. Licensed professional counselor.
- 12 3. Licensed marriage and family therapist.
- 13 4. Licensed independent ~~substance abuse~~ ADDICTION counselor.

14 C. Except for licenses by endorsement issued in the practice levels  
15 prescribed in subsection B of this section, a person WHO IS issued a  
16 license pursuant to this section shall practice behavioral health only  
17 under the direct supervision of a licensee.

18 D. The board by rule may prescribe a procedure to issue licenses  
19 pursuant to this section.

20 Sec. 11. Section 32-3286, Arizona Revised Statutes, is amended to  
21 read:

22 32-3286. Unlawful practice; unlawful use of title;  
23 violations; classification; civil penalty;  
24 exception

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

28 B. A person who is not licensed pursuant to this chapter shall not  
29 use any of the following designations or any other designation that  
30 indicates licensure status, including abbreviations, or claim to be  
31 licensed pursuant to this chapter:

- 32 1. Licensed professional counselor.
- 33 2. Licensed associate counselor.
- 34 3. Licensed marriage and family therapist.
- 35 4. Licensed associate marriage and family therapist.
- 36 5. Licensed clinical social worker.
- 37 6. Licensed master social worker.
- 38 7. Licensed baccalaureate social worker.
- 39 8. Licensed independent ~~substance abuse~~ ADDICTION counselor.
- 40 9. Licensed associate ~~substance abuse~~ ADDICTION counselor.
- 41 10. Licensed ~~substance abuse~~ ADDICTION technician.

42 C. A person who is not licensed pursuant to this chapter and who  
43 practices or attempts to practice or who holds himself out as being  
44 trained and authorized to practice behavioral health, including diagnosing  
45 or treating any mental ailment, disease or disorder or other mental

1 condition of any person, without being authorized by law to perform the  
2 act is engaging in the unauthorized practice of behavioral health, is in  
3 violation of this chapter, is guilty of a class 6 felony and is subject to  
4 a civil penalty of not more than \$500 for each offense.

5 D. A person who conspires with or aids and abets another to commit  
6 any act described in subsection C of this section is guilty of a class 6  
7 felony and is subject to a civil penalty of not more than \$500 for each  
8 offense.

9 E. The board shall notify the department of health services if a  
10 licensed health care institution employs or contracts with a person who is  
11 investigated pursuant to this section.

12 F. Each day that a violation is committed constitutes a separate  
13 offense.

14 G. All fees received for services described in this section shall  
15 be refunded by the person found guilty pursuant to this section.

16 H. Notwithstanding subsection A of this section and based on  
17 circumstances presented to the board, the board may sanction a person's  
18 failure to timely renew a license while continuing to engage in the  
19 practice of behavioral health as an administrative violation rather than  
20 as a violation of this section or grounds for unprofessional conduct and  
21 may impose a civil penalty of not more than \$500. The board shall  
22 deposit, pursuant to sections 35-146 and 35-147, monies collected pursuant  
23 to this subsection in the state general fund.

24 Sec. 12. Section 32-3321, Arizona Revised Statutes, is amended to  
25 read:

26 32-3321. Licensed addiction technician; licensed associate  
27 addiction counselor; licensed independent  
28 addiction counselor; qualifications; supervision

29 A. A person who wishes to be licensed by the board to engage in the  
30 practice of ~~substance abuse~~ ADDICTION counseling as a licensed ~~substance~~  
31 ~~abuse~~ ADDICTION technician shall present documentation as prescribed by  
32 the board by rule that the person has:

33 1. Received one of the following:

34 (a) An associate degree in ~~chemical dependency or substance abuse~~  
35 ADDICTION with an emphasis on counseling that meets the requirements as  
36 prescribed by the board by rule from a regionally accredited college or  
37 university.

38 (b) A bachelor's degree in a behavioral science with an emphasis on  
39 counseling that meets the requirements as prescribed by the board by rule  
40 from a regionally accredited college or university.

41 2. Passed an examination approved by the board.

42 B. A licensed ~~substance abuse~~ ADDICTION technician shall ~~only~~  
43 practice ONLY under direct supervision as prescribed by the board.

44 C. The board may waive the education requirement for an applicant  
45 requesting licensure as ~~a substance abuse~~ AN ADDICTION technician if the

1 applicant provides services pursuant to contracts or grants with the  
2 federal government under the authority of Public Law 93-638 (25 United  
3 States Code ~~section 5301~~ SECTIONS 5301 THROUGH 5332) or Public Law 94-437  
4 (25 United States Code sections 1601 through 1683). A person who becomes  
5 licensed as ~~a substance abuse~~ AN ADDICTION technician pursuant to this  
6 subsection shall ~~only~~ provide ~~substance abuse~~ ADDICTION services ONLY to  
7 those persons who are eligible for services pursuant to Public Law 93-638  
8 (25 United States Code ~~section 5301~~ SECTIONS 5301 THROUGH 5332) or Public  
9 Law 94-437 (25 United States Code sections 1601 through 1683).

10 D. A person who wishes to be licensed by the board to engage in the  
11 practice of ~~substance abuse~~ ADDICTION counseling as a licensed associate  
12 ~~substance abuse~~ ADDICTION counselor shall present evidence as prescribed  
13 by the board by rule that the person has:

14 1. Received one of the following:

15 (a) A bachelor's degree in a behavioral science with an emphasis on  
16 counseling that meets the requirements as prescribed by the board by rule  
17 from a regionally accredited college or university and present  
18 documentation as prescribed by the board by rule that the applicant has  
19 received at least one thousand six hundred hours of direct client contact  
20 work experience in at least twenty-four months in ~~substance abuse~~  
21 ADDICTION counseling under supervision that meets the requirements  
22 prescribed by the board by rule. For the direct client contact hours, not  
23 more than four hundred hours may be in psychoeducation.

24 (b) A master's or higher degree in a behavioral science with an  
25 emphasis on counseling as prescribed by the board by rule from a  
26 regionally accredited college or university.

27 2. Passed an examination approved by the board.

28 3. Provided an attestation from the person's supervisor on a  
29 board-approved form that the person both:

30 (a) Was observed during supervised hours to have demonstrated  
31 satisfactory competency in clinical documentation, consultation,  
32 collaboration and coordination of care related to clients to whom the  
33 person provided direct care.

34 (b) Has a rating of at least satisfactory in overall performance.

35 E. A licensed associate ~~substance abuse~~ ADDICTION counselor shall  
36 ~~only~~ practice ONLY under direct supervision as prescribed by the board.

37 F. A person who wishes to be licensed by the board to engage in the  
38 practice of ~~substance abuse~~ ADDICTION counseling as a licensed independent  
39 ~~substance abuse~~ ADDICTION counselor shall:

40 1. Have received a master's or higher degree in a behavioral  
41 science with an emphasis on counseling, in a program that is approved by  
42 the board pursuant to section 32-3253 or that meets the requirements as  
43 prescribed by the board by rule, from a regionally accredited college or  
44 university.

1           2. Present documentation as prescribed by the board by rule that  
2 the applicant has received at least one thousand six hundred hours of work  
3 experience in at least twenty-four months in ~~substance abuse~~ ADDICTION  
4 counseling with direct client contact under supervision that meets the  
5 requirements as prescribed by the board by rule. For the direct client  
6 contact hours, not more than four hundred hours may be in psychoeducation.

7           3. Pass an examination approved by the board.

8           4. Provide an attestation from the person's supervisor on a  
9 board-approved form that the person both:

10           (a) Was observed during supervised hours to have demonstrated  
11 satisfactory competency in clinical documentation, consultation,  
12 collaboration and coordination of care related to clients to whom the  
13 person provided direct care.

14           (b) Has a rating of at least satisfactory in overall performance.

15           Sec. 13. Section 36-522, Arizona Revised Statutes, is amended to  
16 read:

17           36-522. Voluntary evaluations; consent; failure to complete;  
18           definitions

19           A. On receipt of an application for court-ordered evaluation, if  
20 the petition for court-ordered evaluation is not filed because it has been  
21 determined that the proposed patient will voluntarily receive an  
22 evaluation and is unlikely to present a danger to self or others until the  
23 voluntary evaluation, the evaluation agency provided for by the county, or  
24 a licensed behavioral health provider selected by the proposed patient,  
25 shall be immediately notified by the evaluation agency and shall provide a  
26 voluntary evaluation of the proposed patient at a scheduled time and place  
27 within ten days after the notice. The voluntary evaluation may be on an  
28 inpatient or outpatient basis and on completion shall be immediately  
29 delivered to the evaluation agency provided for by the county. The  
30 evaluation agency provided for by the county shall confirm receipt of the  
31 voluntary evaluation. If the voluntary evaluation recommends that the  
32 patient receive a court-ordered evaluation, the recommendation must be  
33 accompanied with an application for court-ordered evaluation.

34           B. Voluntary inpatient evaluation is subject to article 3 of this  
35 chapter.

36           C. Voluntary outpatient evaluation shall conform to the  
37 requirements of section 36-530, subsection D and section 36-531,  
38 subsections B, C and D and shall proceed only after the person to be  
39 evaluated has given consent to be evaluated by signing a form prescribed  
40 by the director that includes information to the proposed patient that the  
41 patient-physician privilege does not apply and that the VOLUNTARY  
42 OUTPATIENT evaluation may result in a petition for the person to undergo  
43 court-ordered treatment or for guardianship.

44           D. If the person who requested a voluntary evaluation does not  
45 appear or does not complete the appointments scheduled, the evaluation



1 agency provided for by the county shall be immediately notified by the  
2 provider who was to conduct the VOLUNTARY evaluation. The evaluation  
3 agency shall then provide prepetition screening of the application for  
4 court-ordered evaluation in accordance with sections 36-521 and 36-521.01.

5 E. For the purposes of this section:

6 1. "Licensed behavioral health provider" means any of the  
7 following:

8 (a) A person who is licensed pursuant to title 32, chapter 33 and  
9 whose scope of practice allows the person to either:

10 (i) Independently engage in the practice of behavioral health.

11 (ii) Except for a licensed ~~substance abuse~~ ADDICTION technician,  
12 engage in the practice of behavioral health under direct supervision.

13 (b) A psychiatrist.

14 (c) A psychologist who is licensed pursuant to title 32, chapter  
15 19.1.

16 (d) A registered nurse practitioner who is licensed pursuant to  
17 title 32, chapter 15 and who is certified as an adult psychiatric and  
18 mental health nurse.

19 2. "Practice of behavioral health" has the same meaning prescribed  
20 in section 32-3251.

21 Sec. 14. License designation; licensure renewal

22 A person who is a licensed substance abuse technician, a licensed  
23 associate substance abuse counselor or a licensed independent substance  
24 abuse counselor pursuant to title 32, chapter 33, Arizona Revised  
25 Statutes, on the effective date of this act has until the person's license  
26 renewal date to change the person's licensure designation to licensed  
27 addiction technician, licensed associate addiction counselor or licensed  
28 independent addiction counselor, as applicable.

29 Sec. 15. Exemption from rulemaking

30 Notwithstanding any other law, for the purposes of this act, the  
31 board of behavioral health examiners is exempt from the rulemaking  
32 requirements of title 41, chapter 6, Arizona Revised Statutes, for one  
33 year after the effective date of this act.