

Senate Engrossed

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 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.