

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

[R05-262]

PREAMBLE

1. Sections Affected

R4-6-210
R4-6-211
R4-6-212
R4-6-301
R4-6-304
R4-6-305
R4-6-306
R4-6-404
R4-6-501
R4-6-504
R4-6-601
R4-6-604
R4-6-701
R4-6-702
R4-6-703
R4-6-705
R4-6-706
R4-6-801
R4-6-802
R4-6-804

Rulemaking Action

Amend
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2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statutes: A.R.S. §§ 32-3253(A)(1), 32-3272(A), 32-3273, 32-3274, 32-3275, 32-3277 through 32-3280, 32-3291 through 32-3293, 32-3301, 32-3303, 32-3311, 32-3313, and 32-3321

3. The effective date of the rules:

June 27, 2005

4. A list of all previous notices appearing in the *Register* addressing the exempt rule:

None

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sherry D. Blatner
Address: 1400 W. Washington, Ste. 350
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6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

The attached rules are being promulgated to implement the behavioral health licensure statutes that were effective July 1, 2004.

Laws 2003, Ch. 65, § 39, provides, "The board of behavioral health professionals is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after June 30, 2004."

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Not applicable

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

The proposed amendments were posted on the Board's web site and available for public review beginning on February 15, 2005. The Board then held public meetings in Phoenix and Tucson to explain the rules process and accept public comments. As a result of these efforts, the Board received a number of written comments on the proposed amendments from state professional organizations, other state agencies and behavioral health professionals.

The Counseling Curriculum Review Subcommittee of the Board reviewed comments on proposed amendments to R4-6-501. The Rules Subcommittee of the Board reviewed all other comments on proposed amendments. A summary of the comments received and the Board's final response to them is as follows:

- a. A comment was received asking the Board to clarify in Article 5 the quarter hour equivalency for required semester credit hours. That change was not adopted because the definitions in Article 1 clarify quarter and trimester equivalencies for semester credit hour requirements in Articles 5, 6, and 7.
- b. A comment was received from the Arizona Association for Marriage and Family Therapy to require that 120 hours of the 200 hours of clinical supervision required in R4-6-604 relate specifically to couples, families and relational systems. Because the requested change would increase licensure requirements and because the late arrival of this comment prevented the Board from accepting any public comment on it, the Board declined to adopt the proposed change at this time. The Board will open a rulemaking docket to allow the regulated community an opportunity to comment on the proposed change.
- c. A comment was received to delete the requirement in R4-6-1103(H)(2) that licensees record in progress notes the duration of time spent during a session. The Board did not adopt the requested change because of the need for licensees to maintain complete and accurate records. The Board has not received any other modification requests regarding this requirement since the rule was originally adopted in July 2004.
- d. A number of comments were received requesting technical changes. Requested changes were adopted where appropriate.
- e. A comment was made that the rule limiting the maximum allowable number of supervisees to 15 for direct and clinical supervisors could be unreasonable depending on the circumstances. The rule was modified to allow the credentialing committees to approve, where appropriate, the allowable number of supervisees for direct and clinical supervisors up to a maximum of 30.
- f. The Board received a request to allow licensees to submit general computer classes as acceptable continuing education. The requested change was not adopted because the Board felt that allowing continuing education for non-behavioral health related education was not appropriate.
- g. Several comments were received regarding current rule limitations that limit acceptable continuing education to hours obtained within two years of a licensee's expiration date. Those rules were modified to allow a licensee to submit acceptable continuing education acquired anytime after submission of the licensee's last renewal application.
- h. Comments were received regarding obsolete language included in the rules regarding Class 1 and Class 2 fingerprint cards issued by DPS. The rules were modified to delete obsolete language.
- i. A comment was received asking to modify the list of approved continuing education providers to include programs sponsored by a state superior court and adult probation or juvenile probation departments. That change

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was adopted as requested.

- j. A comment was received to waive the clinical supervision continuing education requirements for medical doctors and psychologists holding an approved national certification as a clinical supervisor. That change was adopted as requested.
- k. A comment was received to delete the requirement that clinical supervision include 10 hours of direct observation or a review of video or audiotapes. The requested change was not adopted because the Board felt that direct observation of a supervisee's skills is a critical component of the required 100 hours of clinical supervision. The Board has not received any other modification requests regarding this requirement since the rule was originally adopted in July 2004.
- l. A comment was received to reduce continuing education and fee requirements for older licensees. The Board did not adopt the proposed changes as they were not deemed appropriate.
- m. The Arizona chapter of the National Association of Social Workers ("AzNASW") provided a comment to eliminate the clinical supervisor's responsibility over the supervisee and establish a mentor relationship instead. The Board did not adopt the requested change because it was not deemed appropriate.
- n. A comment was received to modify the rule limiting acceptable work experience for Licensed Clinical Social Work ("LCSW") applicants to clinical work involving assessment, diagnosis and treatment. The proposed change was not adopted as it is inconsistent with the Board's authorizing statute, which limits the LCSW license to an individual qualified to practice clinical social work independently.
- o. AzNASW proposed a change to delay implementation of required training for clinical supervisors from July 1, 2006, to July 1, 2007, to provide additional time for clinical supervisors to acquire necessary training. The Board declined to adopt the requested change based on a finding that the original two year delayed effective date of this rule was appropriate.
- p. AzNASW proposed a change to require the Board to automatically issue a license to an applicant licensed in another state who has been licensed for a minimum of five years without complaint and who was not grandfathered into licensure. The Board declined to adopt the proposed change as it could force the Board to issue a license to an unqualified applicant.
- q. The Arizona Association of Alcohol and Drug Abuse Counselors ("AzAADAC") submitted a comment requesting that R4-6-705 be modified to delete the requirement that work experience be acquired after completion of the bachelor's degree. This change was adopted.
- r. AzAADAC submitted a comment requesting that the limitation of 6 semester credit hours in R4-6-702(3) be raised to 12 semester credit hours until June 30, 2007, to provide sufficient notice to professionals seeking licensure. This change was adopted.
- s. A comment was received that the requirement that clinical supervisors be licensed in Arizona should be modified to account for licensed behavioral health professionals practicing within the federal system on reservations. This change was adopted.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

Not applicable

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

ARTICLE 2. GENERAL PROVISIONS

Section	
R4-6-210.	Supervision Requirements – General
R4-6-211.	Direct Supervision Requirements
R4-6-212.	Clinical Supervision Requirements

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ARTICLE 3. LICENSURE

Section

- R4-6-301. Application for a Regular License
- R4-6-304. Application for a License by Reciprocity
- R4-6-305. Inactive Status
- R4-6-306. Application for a Temporary License

ARTICLE 4. SOCIAL WORK

Section

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

ARTICLE 5. COUNSELING

Section

- R4-6-501. Curriculum
- R4-6-504. Clinical Supervision for Professional Counselor Licensure

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

Section

- R4-6-601. Curriculum
- R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

Section

- R4-6-701. Licensed Substance Abuse Technician Curriculum
- R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum
- R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum
- R4-6-705. Supervised Work Experience for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure
- R4-6-706. Clinical Supervision for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

Section

- R4-6-801. Renewal of Licensure
- R4-6-802. Continuing Education
- R4-6-804. Licensure and Activity Specific Continuing Education Requirements

ARTICLE 2. GENERAL PROVISIONS

R4-6-210. Supervision Requirements – General

In addition to the specific supervision requirements contained in Articles 4, 5, 6, and 7:

1. An immediate family member or other individual whose objective assessment of the supervisee's performance may be limited by a relationship with the supervisee shall not provide direct or clinical supervision.
2. A supervisee may not acquire supervised work experience in a professional setting which the supervisee operates or manages or in which the supervisee has an ownership interest.
3. Supervised work experience acquired as an independent contractor must include the following:
 - a. The supervisee has entered into a written contract to provide services for a behavioral health entity;
 - b. The supervisee receives an appropriate level of direct supervision from the contracting behavioral health entity, as determined by the Board;
 - c. The supervisee is paid by the contracting behavioral health entity and receives no payment directly from clients;
 - d. The supervisee provides services to clients who are advised in writing that they are clients of the contracting behavioral health entity;
 - e. The written contract between the contracting behavioral health entity and the supervisee provides that the supervisee is required to comply with the contracting behavioral health entity's clinical policies and procedures,

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- including its code of ethics and record-keeping procedures; and
- f. The written contract between the contracting behavioral health entity and the supervisee provides that all client records belong to the contracting behavioral health entity and remain the contracting behavioral health entity's property at the termination of the contract between the contracting behavioral health entity and the supervisee.
4. Beginning on January 1, 2006, the Board shall not accept work experience acquired after December 31, 2005, by an unlicensed professional practicing under an exemption provided in A.R.S. § 32-3271.

R4-6-211. Direct Supervision Requirements

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

R4-6-212. Clinical Supervision Requirements

- A.** An individual shall provide clinical supervision to a maximum of 15 supervisees at the same time.
- B.** A clinical supervisor shall have experience, training and competence adequate to perform and direct the services provided by the supervisee.
- C.** No more than 25 percent of the clinical supervision hours required for licensure as a professional counselor, marriage and family therapist, social worker or substance abuse counselor may be acquired telephonically.
- D.** Clinical supervision acquired telephonically shall not be accepted for communications lasting less than 30 minutes.
- E.** To be approved by the Board, clinical supervision shall include all of the following elements:
1. A review of ethical and legal requirements applicable to the supervisee's practice, including unprofessional conduct as defined in A.R.S. § 32-3251(12).
 2. Monitoring of the supervisee's activities to verify the supervisee is providing services safely and competently.
 3. Verification that the supervisee provides clients with appropriate written notice of clinical supervision and the name and telephone number of the supervisee's clinical supervisor.
 4. Documentation written and maintained by the clinical supervisor for a minimum of seven years of all clinical supervision sessions that, for each clinical supervision session, at a minimum, includes the following:
 - a. The date and duration of each clinical supervision session;
 - b. A comprehensive clinical description of topics discussed during each clinical supervision session. Identifying information regarding clients is not required;
 - c. Beginning on July 1, 2006, the name and signature of the individual receiving clinical supervision;
 - d. The name, signature and telephone number of the clinical supervisor and the date signed; and
 - e. Whether clinical supervision occurred on a group or individual basis.
 5. Verification that no conflict of interest exists between the clinical supervisor and the supervisee.
 6. Verification that no conflict of interest exists between the supervisee and the supervisee's clients.
 7. Monitoring of the supervisee's clinical documentation through on going compliance review to ensure that the supervisee maintains adequate written documentation.
- F.** Effective July 1, 2006, an applicant must receive a minimum of 10 hours of clinical supervision obtained during direct observation or a review of audiotapes or videotapes by the clinical supervisor of the applicant while the applicant is providing treatment and evaluation services to a client.
- G.** An applicant may submit clinical supervision hours by a maximum of four clinical supervisors.
- H.** Clinical supervision may include both individual and group supervision. Group clinical supervision hours shall not exceed individual supervision hours.
- I.** Beginning on July 1, 2006, an individual providing clinical supervision in Arizona to qualify a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker or an independent substance abuse counselor shall initially complete a minimum of 12 clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. After the required initial training, the clinical supervisor shall obtain a minimum of six clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. Training or coursework required pursuant to this Section is limited to the following categories:
1. The roles and responsibilities of a clinical supervisor.
 2. Skill sets involved in providing oversight and guidance to a supervisee engaged in diagnosing, treatment planning, and treatment of clients.
 3. Conceptual knowledge of supervision methods and techniques.
 4. Evaluation of a supervisee's role, performance and capacity to conceptualize and implement clinical assessment and

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~~treatment processes.~~

- ~~J. Clinical supervision training required pursuant to subsection (I) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:
 - 1. NBCC/CCE Approved Clinical Supervisor certification.
 - 2. ICRC Clinical Supervisor certification.
 - 3. American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.~~
- A. An individual shall provide clinical supervision to a maximum of 15 supervisees at the same time.
- B. An applicant may submit a written request to the credentialing committee for an exemption from the requirement of subsection (A). The credentialing committee shall review the exemption request and the clinical supervisor's other job responsibilities to determine whether the clinical supervisor can provide an appropriate level of clinical supervision to more than 15 supervisees at the same time. The credentialing committee shall not grant an exemption request for more than 30 supervisees.
- C. A clinical supervisor shall have experience, training, and competence adequate to perform and direct all services provided by the supervisee.
- D. No more than 25 percent of the clinical supervision hours required for licensure as a professional counselor, marriage and family therapist, social worker, or substance abuse counselor may be acquired telephonically.
- E. Clinical supervision acquired telephonically shall not be accepted for a communication lasting less than 30 minutes.
- F. To be approved by the Board, clinical supervision of an applicant shall include all of the following:
 - 1. A review of ethical and legal requirements applicable to the supervisee's practice, including unprofessional conduct as defined in A.R.S. § 32-3251(12);
 - 2. Monitoring of the supervisee's activities to verify the supervisee is providing services safely and competently;
 - 3. Verification that the supervisee provides clients with appropriate written notice of clinical supervision, including the name and telephone number of the supervisee's clinical supervisor;
 - 4. Documentation written and maintained by the clinical supervisor for a minimum of seven years of all clinical supervision sessions that, for each clinical supervision session, at a minimum, includes the following:
 - a. The date and duration of each clinical supervision session;
 - b. A comprehensive clinical description of topics discussed during each clinical supervision session. Identifying information regarding clients is not required;
 - c. Beginning on July 1, 2006, the name and signature of the individual receiving clinical supervision;
 - d. The name, signature, and telephone number of the clinical supervisor and the date signed; and
 - e. Whether clinical supervision occurred on a group or individual basis;
 - 5. Verification that no conflict of interest exists between the clinical supervisor and the supervisee;
 - 6. Verification that no conflict of interest exists between the supervisee and the supervisee's clients; and
 - 7. Monitoring of the supervisee's clinical documentation through on-going compliance review to ensure that the supervisee maintains adequate written documentation.
- G. Effective July 1, 2006, an applicant must receive a minimum of 10 hours of clinical supervision obtained during direct observation or a review of audiotapes or videotapes by the clinical supervisor of the applicant while the applicant is providing treatment and evaluation services to a client.
- H. An applicant may submit clinical supervision hours from a maximum of four clinical supervisors.
- I. Clinical supervision may include both individual and group supervision. Group clinical supervision hours shall not exceed individual supervision hours.
- J. Clinical supervision of a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker, or independent substance abuse counselor. Beginning on July 1, 2006, a licensee acting as a clinical supervisor shall complete continuing education as follows:
 - 1. Between July 1, 2004, and the individual's first license expiration date following July 1, 2006, at least 12 clock hours shall be taken in the following categories:
 - a. The role and responsibility of a clinical supervisor;
 - b. The skill sets necessary to provide oversight and guidance to a supervisee who diagnoses, creates treatment plans, and treats clients;
 - c. The concepts of supervision methods and techniques; and
 - d. Evaluation of a supervisee's ability to plan and implement clinical assessment and treatment processes; and
 - 2. A licensee who seeks to continue providing clinical supervision after completion of the requirements under subsection (J)(1) shall complete at least six clock hours of continuing education as provided in subsections (J)(1)(a) through (d) between the date the Board receives the licensee's last renewal application and the next license expiration date.
- K. Clinical supervision by a licensee of the Arizona Board of Psychologist Examiners, the Arizona Medical Board, the Arizona Board of Osteopathic Examiners in Medicine and Surgery, or the Arizona Board of Nursing. Beginning on July 1, 2006, a clinical supervisor of a supervisee listed in subsection (J) shall comply with the continuing education requirements under subsections (J)(1) and (2).

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- L.** Clinical supervision training required pursuant to subsections (J) and (K) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:
- National Board for Certified Counselors/Center for Credentialing and Education ("NBCC/CCE") Approved Clinical Supervisor certification.
 - International Certification and Reciprocity Consortium ("ICRC") Clinical Supervisor certification, or
 - American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.

ARTICLE 3. LICENSURE

R4-6-301. Application for a Regular License

An applicant for a regular license shall submit a completed application packet that contains the following:

- A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
- The license fee required ~~in~~ under R4-6-213;
- The applicant's name, date of birth, social security number, residence and business address, and residence and business telephone number;
- Each name or alias previously or currently ~~being~~ being used by the applicant; ;
- The name of each college or university the applicant ~~has~~ has attended;
- A completed and legible fingerprint card for a state and federal criminal history records check ~~along with~~ and a certified check, cashier's check, or money order in the amount prescribed ~~at~~ under R4-6-213(A)(4) as authorized at A.R.S. § 32-3280(A), if the applicant has not previously submitted a full set of fingerprints to the Board or verification that the applicant holds a current ~~class 1 or class 2~~ class 1 or class 2 fingerprint card issued by the Department of Public Safety;
- An official transcript or education documentation acceptable to the credentialing committee; and
- Other documents or information requested by the credentialing committee to determine the applicant's eligibility.

R4-6-304. Application for a License by Reciprocity

A. An applicant for a license by reciprocity shall submit a completed application packet that includes the following:

- A notarized statement, signed by the applicant, stating that all information submitted in support of the application is true and correct;
- The license fee required ~~in~~ under R4-6-213;
- The applicant's name, date of birth, social security number, residence and business address, and residence and business telephone number;
- Each name or alias previously or currently ~~being~~ being used by the applicant;
- A completed and legible fingerprint card for a state and federal criminal history records check, ~~along with~~ and a certified check, cashier's check, or money order in the amount prescribed ~~at~~ under R4-6-213(A)(4) as authorized at A.R.S. § 32-3280(A), if the applicant has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a ~~class 1 or class 2~~ class 1 or class 2 current fingerprint card issued by the Department of Public Safety;
- The name of each state where the applicant was certified or licensed by a state regulatory entity continuously for seven years immediately before the date of the application;
- A verification of the certificate or license identified in subsection (A)(6) by the state regulatory entity issuing the certification or license that at a minimum includes the following:
 - The certificate or license number issued to the applicant by the state regulatory entity;
 - Whether the state regulatory entity has instituted disciplinary proceedings against the applicant or has unresolved complaints pending against the applicant; ~~and~~
 - Whether the certificate or license is in good standing; and
 - Whether the applicant took and passed an examination to qualify for certification or licensure;
- A copy of the statutes and rules that were in effect at the time the applicant was originally certified or licensed; and
- Other documents or information requested by the credentialing committee to determine the applicant's eligibility.

B. An applicant is eligible for licensure by reciprocity if the applicant meets ~~all of~~ the following requirements, as applicable:

- The applicant is currently licensed or certified in another state by a state regulatory entity in the discipline for which the applicant is requesting licensure in Arizona and the license or certification is in effect and in good standing; ;
- Passage of an examination was required for the certification or licensure and the applicant passed the required examination or the applicant has passed the licensure examination required pursuant to Articles 4, 5, 6, ~~and~~ or 7 for the discipline and level license sought by the applicant; ;
- The credentialing committee determines that the applicant's qualifications substantially meet the current requirements for Arizona licensure;
- Prior to applying for licensure in Arizona, an applicant for licensure as an associate counselor, professional counselor, associate marriage and family therapist, marriage and family therapist, clinical social worker, substance abuse technician, associate substance abuse counselor, ~~and~~ or independent substance abuse counselor ~~has been~~ was engaged in the

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practice of behavioral health for a minimum of 800 hours each year for at least five out of the last seven years in the state issuing the license used by the applicant to qualify for licensure by reciprocity;

5. Prior to applying for licensure in Arizona, an applicant for licensure as a bachelor social worker or a master social worker has practiced as a social worker for a minimum of 800 hours each year for at least five out of the last seven years in the state issuing the license used by the applicant to qualify for licensure by reciprocity; and
6. The applicant is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity and has not had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity.

R4-6-305. Inactive Status

- A. A licensee seeking inactive status shall submit:
 1. A written request to the credentialing committee before expiration of the current license, and
 2. The inactive status fee.
- B. A licensee seeking inactive status after the expiration date of a license but no longer than three months after the expiration date of a license shall submit:
 1. A written request for inactive status to the credentialing committee,
 2. The inactive status fee, and
 3. The late inactive status fee.
- C. The credentialing committee shall grant a request for inactive status upon receiving a written request for inactive status from a licensee.
- D. The credentialing committee shall not grant a request to be placed on inactive status received more than three months after expiration of the current license.
- E. Placement on inactive status for any time period shall not change a licensee's licensure expiration date.
- F. To return to active status, a licensee on inactive status shall meet all renewal requirements, including the following:
 1. Submitting the renewal fee, ~~and~~
 2. Completion of 40 clock hours of continuing education activities during the 24 months before renewal of licensure; and
 3. Submitting a completed renewal application.
- G. Upon a showing of good cause, the credentialing committee shall grant a written request for modification or reduction of the continuing education requirement received from a licensee on inactive status.
- H. The credentialing committee may, upon a written request filed before the expiration of the original 24 months of inactive status and for good cause, permit an already inactive license to remain on inactive status for one additional period not to exceed 24 months. To return to active status after being placed on a 24-month extension of inactive status, a licensee shall, in addition to the continuing education hours required under subsection (F)(2), complete 40 clock hours of continuing education during the additional 24-month extension.
- I. A licensee on inactive status shall not engage in the practice of behavioral health.
- J. To return to active practice, the licensee must establish the licensee's competence to practice safely and competently. When reviewing a licensee's request to return to active practice, the Board may order any type of mental or physical evaluation, at the licensee's expense, it deems necessary to determine the licensee's competence to practice safely and competently.
- K. The Board may start or continue an investigation against a licensee regardless of whether the licensee seeks to obtain inactive status or is on inactive status.

R4-6-306. Application for a Temporary License

- A. Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license if the applicant is currently licensed or certified by another state behavioral health regulatory entity.
- B. Subject to subsection (G), the Board may issue a temporary license to an applicant for a regular license where the following conditions have been met:
 1. The applicant submits an application for licensure within 12 months of graduation from the educational program submitted to meet licensure educational requirements; ~~and~~
 2. The applicant has completed all the requirements to become licensed, as determined by the credentialing committee, other than passage of the required examination; and
 3. The applicant has not previously taken the required examination.
- C. A temporary license issued pursuant to subsection (B) to an applicant for counseling, marriage and family therapy, or substance abuse licensure shall expire 90 days after the next available examination date in Arizona.
- D. A temporary license issued pursuant to subsection (B) to an applicant for social work licensure shall expire 120 days after issuance by the Board.
- E. A temporary license issued to an applicant for counseling, marriage and family therapy, or substance abuse licensure shall be immediately revoked where the applicant fails to take the next available examination as notified by the Board or fails the required examination.

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1. An applicant for counseling, marriage and family therapy, or substance abuse licensure who fails to take the next available examination as notified by the Board must provide written notice of the failure to the Board and return the temporary license to the Board within five days of the date of the examination.
 2. An applicant for counseling, marriage and family therapy, or substance abuse licensure who takes and fails the examination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.
- F.** A temporary license issued to an applicant for social work licensure shall be immediately revoked where the applicant fails to take the required examination within 120 days of receiving a temporary license or fails the required examination. An applicant for social work licensure who takes and fails the required examination must provide written notice of the failure to the Board and return the temporary license to the Board within five days of receiving notice of the failure.
- G.** The applicant is not the subject of a pending complaint before the Board or any other state behavioral health regulatory entity and has not had a license or certificate to practice a health care profession suspended or revoked by another state behavioral health regulatory entity.
- H.** An applicant who has a criminal history or history of disciplinary action by a state behavioral health regulatory entity is not eligible for a temporary license without prior Board approval.
- I.** An applicant who is issued a temporary license shall practice as a behavioral health professional only under direct supervision. The temporary license may contain restrictions as to time, place, and supervision that the Board deems appropriate. The temporary license shall expire one year after the date of issuance or sooner if specified by the Board.
- J.** No extensions are available for temporary licenses.
- K.** A temporary license is subject to disciplinary action by the Board pursuant to A.R.S. § 32-3281. A temporary license may also be summarily revoked without a hearing pursuant to A.R.S. § ~~32-3279(4)~~ 32-3279(C)(4).
- L.** The Board's denial of a license application terminates a temporary license. An applicant must return the temporary license to the Board within five days of receiving notice of the denial of the applicant's license application from the Board.
- M.** An individual is not eligible for a temporary license if the Board has previously denied an application for a regular license, an application for a license by reciprocity, or an application for a temporary license for that individual.

ARTICLE 4. SOCIAL WORK

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

- A.** During the supervised work experience required in R4-6-403, an applicant for clinical social worker licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.
- B.** During the supervised work experience required in R4-6-403, an applicant for clinical social worker licensure shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the agency.
- C.** The time span covered by the performance evaluations shall be the same as that for the supervised work experience required in R4-6-403.
- D.** Clinical supervision of an applicant for clinical social worker licensure shall be provided by a clinical social worker licensed in Arizona.
- E.** An applicant may submit a written request to the social work credentialing committee for an exemption from the requirement of subsection (D). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee. The social work credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for clinical social worker licensure. If the proposed supervisor has the necessary education, training, and experience, the social work credentialing committee shall grant the supervision exemption request.
1. The social work credentialing committee shall accept a maximum of 75 hours of clinical supervision provided by an alternative behavioral health professional as provided in subsection (E)(2). An applicant must obtain a minimum of 25 hours of clinical supervision by a social worker at the masters or higher level certified or licensed at the independent level by a state behavioral health regulatory entity.
 2. When reviewing supervision exemption requests, the social work credentialing committee will only consider supervision provided by a masters or higher level professional certified or licensed at the independent level by a state behavioral health regulatory entity, a licensed psychologist, or a medical doctor with a specialty in psychiatry. The social work credentialing committee will take into consideration an applicant's ability to demonstrate that supervision by a certified or licensed social worker was not available or available supervision was not specific to the applicant's area of practice. When considering the availability of a certified or licensed social worker, the social work credentialing committee will consider the size of the professional setting in which the applicant worked and its geographic location.

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3. The social work credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except that an exemption may be granted by the committee if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683.
4. Beginning on July 1, 2006, the social work credentialing committee will not grant an exemption request for a substance abuse counselor.

ARTICLE 5. COUNSELING

R4-6-501. Curriculum

- A. An applicant for licensure as an associate counselor or a professional counselor shall have a master or higher degree ~~with a major emphasis in counseling in counseling or a related field~~ from:
 1. A regionally accredited college or university in a program that consists of a minimum of 48 semester credit hours, or
 2. A program accredited by C.A.C.R.E.P. or C.O.R.E. in a program that consists of a minimum of 48 semester credit hours.
- B. Beginning on January 1, 2008, the program of study required ~~pursuant to subsection (A) must~~ under subsections (A)(1) or (2) shall include a minimum of 60 semester credit hours.
- C. The curriculum for degrees from programs not accredited by C.A.C.R.E.P. or C.O.R.E. shall include:
 1. One three-semester credit hour course from each of the following four content areas:
 - a. Counseling Theory - studies that are limited to providing a broad understanding of multiple counseling theories, principles, and their application, including such theories as client-centered, behaviorism, psychoanalytic, gestalt, rational-emotive, reality, and existential;
 - b. Supervised Counseling Practicum - studies that are limited to the provision of counseling services within an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university;
 - c. Multi-cultural Foundations - studies that are limited to providing a broad understanding of cultures and the implications for counseling with individuals and families within the major racial and cultural groups in the U.S.; and
 - d. Professional Counseling Ethics - studies that are limited to providing a broad understanding of professional counseling ethics, legal standards, and responsibilities;
 2. Five three-semester credit hour courses from the following seven content areas:
 - a. Human Growth and Development - studies that are limited to providing a broad understanding of the physical, psychological, social and moral development of individuals throughout the lifespan, including normal and abnormal behavior;
 - b. The Helping Relationship - studies that are limited to providing a broad understanding of the counseling processes, basic and advanced interview skills, consultation theories, and their applications;
 - c. Group Dynamics Processing and Counseling - studies that are limited to providing a broad understanding of group development and dynamics, group counseling theories, group leadership styles, and basic and advanced group counseling methods and skills;
 - d. Life and Career Development - studies that are limited to providing a broad understanding of career development theories;, occupational and educational information sources and systems;, career and leisure counseling, guidance, and education, career decision making, and career development program planning and placement;
 - e. Social and Lifestyle Issues - studies that are limited to providing a broad understanding of social norms, changes, and trends, human roles, and alternative lifestyles;
 - f. Appraisal of Individuals - studies that are limited to providing a broad understanding of group and individual psychometric theories, formal and informal approaches to appraisal, data and information gathering methods, validity and reliability, factors influencing appraisals, diagnostic procedures, and use of appraisal results in the helping process; and
 - g. Research and Evaluation - studies that are limited to providing a broad understanding of types of research, statistics, research-report development, research implementation, program evaluation, needs assessment, and publication of research.
 3. Sufficient semester credit hour courses in studies that provide a broad understanding in counseling-related subjects, including psychology, marriage and family studies, substance abuse, career counseling, and rehabilitation studies to equal the semester credit hour course requirements of subsection (A).
 4. This subsection expires December 31, 2006.
- ~~D. To be applicable toward curriculum requirements, a course must be exclusively devoted to the subject matter described in each curriculum requirement. Courses in which the required curriculum subject matter is embedded in a course including other subject matter will not be accepted.~~
- D. To be applicable toward curriculum requirements, a course shall be exclusively devoted to the subject matter described in

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each curriculum requirement. The Board shall not accept a course in which the required curriculum subject matter is embedded in a course including other subject matter.

- E. To receive credit towards licensure, an applicant shall complete each course described in this Section with a passing grade.
- F. To be applicable towards curriculum requirements, a course taken before an applicant is accepted into a master or higher degree program shall be used by the applicant to meet the master or higher degree requirements.
- G. The counseling credentialing committee shall approve the curriculum of an applicant with a degree of less than 48 semester credit hours if the applicant's degree was received before July 1, 1989, and all other current curriculum requirements are met. This subsection expires December 31, 2006.
- H. An applicant for professional counselor licensure shall be deemed to meet the curriculum requirements in this Section if the applicant holds an active associate counselor license in good standing.
- I. To be eligible for licensure, an applicant for professional counselor licensure who received a master or higher degree before July 1, 1989, and whose program of study did not ~~include offer~~ a practicum, shall ~~complete~~ have completed three years of post-master or higher degree ~~supervised~~ work experience in counseling under direct supervision. One year of a doctoral-clinical internship may be substituted for one year of supervised work experience.
- J. An applicant who does not meet all curriculum requirements is ineligible for licensure.
 - 1. An applicant who is ineligible but has a master or higher degree in counseling or a related field may submit a re-assessment request in accordance with R4-6-303.
 - 2. An ineligible applicant is considered to have a degree with a major emphasis in counseling if the ineligibility results from curriculum deficiencies that constitute no more than 15 semester credit hours.
 - 3. This subsection expires December 31, 2006.
- K. Beginning on January 1, 2007, the curriculum for degrees from programs not accredited by C.A.C.R.E.P. or C.O.R.E. shall include:
 - 1. Coursework from each of the following fourteen required content areas:
 - a. Diagnosis, Assessment, and Treatment Planning – one three-semester credit hour course in studies that are limited to providing an understanding of the use of assessment and diagnosis to develop appropriate treatment interventions for behavioral health disorders. Studies in this area shall include the use of the current Diagnostic and Statistical Manual, the integration of diagnostic and other assessment information, and the development of treatment plans;
 - b. Basic Tests and Appraisal in Counseling - one three-semester credit hour course in studies that are limited to providing an understanding of individual and group approaches to assessment and evaluation. Studies in this area shall include all of the following:
 - i. Basic concepts of standardized and non-standardized testing and other assessment techniques, which could include norm-referenced and criterion referenced assessment, environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;
 - ii. Statistical concepts, which could include scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions, and correlations;
 - iii. Reliability, which could include theory of measurement error, models of reliability, and the use of reliability information; and
 - iv. Validity, which could include evidence of validity, types of validity, and the relationship between reliability and validity;
 - c. Pre-practicum - A pre-practicum or supervised field work experience under the supervision of a faculty member, which shall include either of the following:
 - i. 100 total hours of pre-practicum activities, of which a minimum of 40 hours shall be direct client contact hours; or
 - ii. 300 clock hours in a supervised counseling practicum, field work experience, or internship in addition to the 600 clock hours required in subsection (K)(1)(d);
 - d. Supervised Counseling Practicum, Field Work Experience, or Internship – A supervised counseling practicum, field work experience, or internship shall provide for the development of counseling skills under supervision. The counseling practicum, field work experience, or internship must include a minimum of six semester credit hours and 600 clock hours in a professional counseling setting. The counseling practicum, field work experience, or internship must provide the opportunity for the student to perform all the activities that a regularly employed professional counselor would be expected to perform. Counseling practicum, field work experience, or internship services must be under the direction and supervision of a faculty member and an onsite supervisor approved by the college or university;
 - e. Counseling Theories - one three-semester credit hour course in studies that are limited to providing a comprehensive survey of the major counseling theories and principles. At a minimum, coursework shall include five of the following theories:

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- i. Cognitive behavioral;
 - ii. Person centered;
 - iii. Brief solution focused;
 - iv. Adlerian;
 - v. Behavioral;
 - vi. Psychoanalytic and neopsychoanalytic; or
 - vii. Rational emotive;
- f. Professional Counseling Ethics – one three-semester credit hour course in studies that are limited to providing a broad understanding of professional counseling ethics, legal standards, and responsibilities. Coursework may not include material in an adjunctive therapeutic area;
- g. Social and Cultural Diversity Issues in Counseling – one three-semester credit hour course in studies that are limited to providing a broad understanding of issues and trends in a multicultural and diverse society. Studies in this area shall include all of the following:
 - i. Attitudes and behaviors based on such factors as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, family patterns, gender, socioeconomic status and intellectual ability;
 - ii. Individual, family, group, and community strategies for working with diverse populations; and
 - iii. Theories of multicultural counseling, theories of identity development, and multicultural competencies;
- h. Basic Counseling Skills in the Helping Relationship – one three-semester credit hour course in studies that are limited to providing a broad understanding of counseling processes, including all of the following:
 - i. Counselor and client characteristics and behaviors that influence helping processes, which could include age, gender and ethnic differences, verbal and nonverbal behaviors, and personal characteristics, orientations, and skills; and
 - ii. Essential interviewing and counseling skills with a focus on the development of a therapeutic relationship, establishment of appropriate counseling goals and intervention strategies, evaluation of client outcome, and successful termination of the counseling relationship;
- i. Human Growth and Development – one three-semester credit hour course in studies that are limited to providing an understanding of the nature and needs of individuals at all developmental levels, including all of the following:
 - i. Theories of individual and family development and transitions across the life-span;
 - ii. Theories of learning and personality development; and
 - iii. Strategies for facilitating optimum development over the life-span;
- j. Career Development and Counseling – one three-semester credit hour course in studies that are limited to providing an understanding of career development and related life factors, including all of the following:
 - i. Career development theories and decision-making models;
 - ii. Interrelationships among and between work, family, and other life roles and factors including the role of diversity and gender in career development; and
 - iii. Psychotherapy and career counseling processes, techniques, and resources, including those applicable to specific populations;
- k. Group Counseling Theory and Practice – one three-semester credit hour course in studies that are limited to providing a broad understanding of group development, group dynamics, group counseling theories, group counseling methods and skills, and other group work approaches. Studies in this area shall include all of the following:
 - i. Principles of group dynamics, which could include group process components, developmental stage theories, and group members' roles and behaviors;
 - ii. Group leadership styles and approaches, which could include characteristics of various types of group leaders and leadership styles;
 - iii. Theories of group counseling, which could include commonalities, distinguishing characteristics, and pertinent research and literature; and
 - iv. Group counseling methods, which could include group counselor orientations and behaviors, ethical standards, appropriate selection criteria and methods, and methods of evaluation of effectiveness;
- l. Research Methods – one three-semester credit hour course in studies that are limited to providing an understanding of research methods and basic statistical analysis, including all of the following:
 - i. The importance of research and opportunities and difficulties in conducting research in the counseling profession;
 - ii. Research methods such as qualitative, quantitative, single-case designs, action research and outcome-based research; and
 - iii. Use of research to improve counseling effectiveness;
- m. Marriage and Family Therapy – one three-semester credit hour course in studies that are limited to providing a broad understanding of the structure and dynamics of the family, which may include assessment and methods of marital and family intervention and counseling; and

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- n. Chemical Dependency Counseling – one three-semester credit hour course in studies that are limited to providing a broad understanding of the stages, processes, and effects of chemical dependency, social and psychological dynamics of chemical dependency, and the professional’s role in prevention, intervention, and aftercare. Coursework shall include all of the following:
 - i. Drug classification and effects;
 - ii. Chemical dependency assessment; and
 - iii. Theories and methods of chemical dependency counseling; and
- 2. Sufficient semester credit hour courses in any of the following counseling related elective subjects to equal the semester credit hour course requirements of subsections (A) and (B):
 - a. Human sexuality;
 - b. Psychopharmacology;
 - c. Crisis intervention;
 - d. Biological basis of behavior;
 - e. Counseling special populations, including forensic populations, sex offenders, children and adolescents, adults, elderly, gender specific populations, seriously mentally ill individuals, and individuals affected by domestic violence, dual diagnosis, co-morbidity, or co-occurring disorders;
 - f. Rehabilitation counseling;
 - g. Counseling interventions; or
 - h. Additional or advanced courses in any required curriculum category listed in subsection (K)(1).
- L. Beginning on January 1, 2007, an applicant who did not attend a college or university in Arizona shall provide:
 - 1. A university or college catalogue course description for the year and semester the applicant was enrolled in the course for every course the applicant submits to meet the curriculum requirements in subsection (K), and
 - 2. Any additional documentation the Counseling Credentialing Committee determines is necessary to evaluate an applicant’s curriculum.
- M. Beginning on January 1, 2008, an applicant with a master or higher degree in counseling or a related field from a program accredited by C.A.C.R.E.P. or C.O.R.E. whose program of study did not include a minimum of 60 semester credit hours may submit coursework obtained outside of the degree from a regionally accredited college or university. Coursework completed outside of the degree shall meet curriculum requirements listed in any curriculum category in subsection (K).
- N. Beginning on January 1, 2007, an applicant who does not meet all curriculum requirements is ineligible for licensure.
 - 1. If an applicant is determined ineligible, but has a master or higher degree in counseling or a related field, the applicant may submit a request for reassessment according to R4-6-303.
 - 2. An ineligible applicant is considered to have a degree in counseling or a related field if the degree included a minimum of 36 semester credit hours in coursework identified in subsection (K).

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

- A. During the supervised work experience required in R4-6-503, an applicant for professional counselor licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.
- B. During the supervised work experience required in R4-6-503, an applicant for licensure as a professional counselor shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client’s problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant’s clinical supervisor submit a performance evaluation on forms available from the Agency.
- C. The time span covered by the performance evaluation shall be the same as that for the supervised work experience requirement required in R4-6-503.
- D. An applicant for professional counselor licensure shall receive the clinical supervision required by subsection (A) from any of the following behavioral health professionals licensed at the independent level in Arizona:
 - 1. A licensed professional counselor;
 - 2. A licensed clinical social worker;
 - 3. A licensed marriage and family therapist;
 - 4. A licensed psychologist; or
 - 5. An allopathic or osteopathic medical doctor with a specialty in psychiatry.
- E. An applicant may submit a written request to the counseling credentialing committee for an exemption from the requirement in subsection (D). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor’s transcript and curriculum vitae, and any additional documentation requested by the committee. The counseling credentialing committee shall review the supervision exemption request to determine if the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for professional counselor licensure. If the proposed supervisor has the necessary education, training, and experience, the counseling credentialing committee shall grant the supervision exemption request.
 - 1. The counseling credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except that an exemption may be granted by the committee

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if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683.

2. Beginning on July 1, 2006, the counseling credentialing committee will not grant an exemption request for a substance abuse counselor.

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum

- A. An applicant for licensure as an associate marriage and family therapist or a marriage and family therapist shall have a master or higher degree in a behavioral health science from a regionally accredited college or university whose program is:
1. Accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or
 2. Determined by the marriage and family therapy credentialing committee to be substantially equivalent to a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education. A program is substantially equivalent if it includes the following courses for a minimum of three-semester credit hours each:
 - a. Marriage and Family Studies (3 courses) - studies of introductory systems theory, family development, family systems, including marital, sibling, and individual subsystems, special family issues, and gender and cultural issues, all with a major focus from a systems theory orientation;
 - b. Marriage and Family Therapy (3 courses) - studies of advanced systems theory and interventions, major systemic marriage and family treatment approaches, structural, strategic, neo-analytic, group therapy, behavioral marriage and family therapy, communications, ~~and~~ sex therapy, and psychopharmacology;
 - c. Human Development (3 courses) - studies of normal and abnormal human development, personality theory, human sexuality, and psychopathology and abnormal behavior, which may be integrated with systems theory;
 - d. Professional Studies (1 course) - studies of professional ethics as a therapist, including legal and ethical responsibilities and liabilities, and family law;
 - e. Research (1 course) - studies of research design, methodology, and statistics in marriage and family therapy; and
 - f. Practicum or Internship (2 courses) – studies that are limited to the provision of marriage and family therapy services to individuals, couples, and families within an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university as provided in subsections (2)(f)(ii) or (iii).
 - i. The supervised practicum or internship shall consist of a minimum of 300 client-contact hours under direct supervision; and
 - ii. A licensed marriage and family therapist shall supervise the required practicum or internship; or
 - iii. An applicant may submit a written request to the marriage and family therapy credentialing committee for an exemption from the requirement of subsection (2)(f)(ii). The request shall include the name of the behavioral health professional proposed by the applicant to act as the practicum or internship supervisor, a copy of the proposed supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee. The marriage and family therapy credentialing committee shall determine whether an individual is qualified to provide supervision by evaluating the proposed supervisor's education, experience, and training.
- B. ~~An applicant for licensure as an associate marriage and family therapist or a marriage and family therapist shall complete a supervised internship as part of the master or higher degree curriculum.~~
1. ~~The supervised internship shall consist of a minimum of 300 client contact hours under direct supervision.~~
 2. ~~A licensed marriage and family therapist or an individual determined by the marriage and family therapy credentialing committee as qualified to provide supervision shall supervise the required internship. The marriage and family therapy credentialing committee shall determine whether an individual is qualified to provide supervision by evaluating the supervisor's education, experience, and training.~~

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

- A. During the supervised work experience required in R4-6-603, an applicant for licensure as a marriage and family therapist shall receive a minimum of 200 hours of clinical supervision in no less than 24 months.
- B. An applicant for licensure as a marriage and family therapist shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
- C. The time span covered by the performance evaluation shall be the same as that for the supervised work experience requirement.
- D. Clinical supervision of an applicant for marriage and family therapist licensure shall be provided by a marriage and family therapist licensed in Arizona.

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- E. An applicant may submit a written request to the marriage and family therapy credentialing committee for an exemption from the requirement of subsection (D). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee. The marriage and family therapy credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for marriage and family therapist licensure. If the proposed supervisor has the necessary education, training, and experience, the marriage and family therapy credentialing committee shall grant the supervision exemption request.
1. The marriage and family therapy credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except that an exemption may be granted by the committee if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683.
 2. Beginning on July 1, 2006, the marriage and family credentialing committee will not grant an exemption for a substance abuse counselor.

ARTICLE 7. SUBSTANCE ABUSE COUNSELING

R4-6-701. Licensed Substance Abuse Technician Curriculum

- A. An applicant for licensure as a substance abuse technician shall have an associate of applied science degree from a regionally accredited college or university in chemical dependency with a minimum of 30 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee.
1. Undergraduate or graduate coursework completed outside of the associate of applied science degree and submitted to meet curriculum requirements shall constitute no more than six semester credit hours.
 2. The required degree must contain a minimum of eighteen hours of coursework specifically related to chemical dependency.
- B. The substance abuse credentialing committee may waive the education requirement in subsection (A) for an applicant requesting licensure as a substance abuse technician if the applicant demonstrates the following:
1. The applicant provides services pursuant to ~~contracts or grants~~ a contract or grant with the federal government under the authority of ~~P.L. 93-638, 25 U.S.C. sections 450 through 450(n) or P.L. 94-437, 25 U.S.C. sections 1601 through 1683~~ 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683;
 2. The applicant has obtained a high school diploma or equivalent degree;
 3. Because of cultural considerations, obtaining the degree required for substance abuse technician licensure would be an extreme hardship for the applicant;
 4. The applicant has completed a minimum of 6400 hours of supervised work experience in substance abuse counseling in no less than 48 months completed within the seven years before the date of application; and
 5. The applicant has completed a minimum of 200 hours of clinical supervision in no less than 48 months within the supervised work experience submitted pursuant to R4-6-701(B)(4).
- C. A person who becomes licensed pursuant to ~~subsection (B)~~ shall only provide substance abuse counseling services to those eligible for services pursuant to ~~P.L. 93-638, 25 U.S.C. sections 450 through 450(n) or P.L. 94-437, 25 U.S.C. sections 1601 through 1683~~ 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683.
- D. The supervised work experience in the practice of substance abuse counseling required in subsection (B) is limited to the use of psychotherapy for the purpose of assessment, diagnosis, and treatment of individuals, couples, families, and groups as they relate to substance abuse and chemical dependency issues. The 6400 hours of supervised work experience in substance abuse counseling shall include a minimum of 3200 hours of direct client contact.
- E. During the period of required supervised work experience in the practice of substance abuse counseling required in subsection (B), an applicant for substance abuse technician licensure shall not engage in independent practice.
- F. During the supervised work experience required in subsection (B), an applicant for substance abuse technician licensure shall receive a minimum of 200 hours of clinical supervision in no less than 48 months.
- G. During the supervised work experience required in subsection (B), an applicant for substance abuse technician licensure shall demonstrate satisfactory performance in the following areas as they relate to substance abuse counseling: intake, diagnostics, assessment, triage, crisis intervention, treatment planning, family, group and individual psychotherapy, outreach, and consultation with other professionals by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
- H. The time span covered by the performance evaluations shall be the same as that for the supervised work experience required in subsection (B).
- I. Clinical supervision of an applicant for substance abuse technician licensure required in subsection (B) shall be provided by an independent substance abuse counselor licensed in Arizona.
- J. An applicant may submit a written request to the substance abuse credentialing committee for an exemption from subsec-

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tion (I). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee.

1. The substance abuse credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for substance abuse technician licensure. If the proposed supervisor has the necessary education, training, and experience, the substance abuse credentialing committee shall grant the supervision exemption request.
2. The substance abuse credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except than an exemption may be granted by the committee if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 – 450(n) or 25 U.S.C. 1601 – 1683.

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum

An applicant for licensure as an associate substance abuse counselor shall present evidence acceptable to the substance abuse credentialing committee that the applicant has either:

1. A bachelor degree from a regionally accredited college or university in a behavioral health service with a minimum of 30 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee; or
2. A master or higher degree from a regionally accredited college or university in a behavioral health service with a minimum of 24 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee.
3. Undergraduate or graduate coursework completed outside of the bachelor degree and submitted to meet the curriculum requirements in subsection (1) shall constitute no more than 12 semester credit hours through June 30, 2007, and six semester credit hours as of July 1, 2007.
4. Graduate coursework completed outside of the master or higher degree and submitted to meet curriculum requirements in subsection (2) shall constitute no more than three semester credit hours.
5. The Board shall not accept coursework in a general survey course, such as Psychology 101, as meeting the coursework requirements in this Section.
6. The Board shall not accept coursework that does not include a significant clinical component, such as statistics coursework, as meeting the coursework requirements in this Section.

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum

An applicant for licensure as an independent substance abuse counselor shall have a master or higher degree from a regionally accredited college or university in a behavioral health service with a minimum of 24 semester credit hours of counseling related coursework as determined by the substance abuse credentialing committee. ~~Graduate coursework completed outside of the master or higher degree and submitted to meet curriculum requirements shall constitute no more than three semester credit hours.~~

1. The Board shall not accept coursework in a general survey course, such as Introduction to Human Services, as meeting the coursework requirements in this Section.
2. The Board shall not accept coursework that does not include a significant clinical component, such as statistics coursework, as meeting the coursework requirements in this Section.
3. Graduate coursework completed outside of the master or higher degree and submitted to meet curriculum requirements shall constitute no more than three semester credit hours.

R4-6-705. Supervised Work Experience for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure

- A. After completing the bachelor degree described in R4-6-702(1), an An applicant for associate substance abuse counselor licensure under R4-6-702(1) shall complete a minimum of 3200 hours of supervised work experience in substance abuse counseling in no less than 24 months.
- B. After completing the master or higher degree described in R4-6-703, an applicant for independent substance abuse counselor licensure shall complete a minimum of 3200 hours of supervised work experience in substance abuse counseling in no less than 24 months.
- C. The supervised work experience in the practice of substance abuse counseling required in this Section is limited to the use of psychotherapy for the purpose of assessment, diagnosis and treatment of individuals, couples, families and groups as they relate to substance abuse and chemical dependency issues. The 3200 hours of supervised work experience in substance abuse counseling shall include a minimum of 1600 hours of direct client contact.
- D. During the period of required supervised work experience, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall not engage in independent practice.
- E. There is no supervised work experience requirement for licensure as a substance abuse technician for an applicant qualifying pursuant to R4-6-701(A) or associate substance abuse counselor for an applicant qualifying pursuant to R4-6-702(2).

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R4-6-706. Clinical Supervision for Associate Substance Abuse Counselor and Independent Substance Abuse Counselor Licensure

- A. During the supervised work experience required in R4-6-705, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall receive a minimum of 100 hours of clinical supervision in no less than 24 months.
- B. During the supervised work experience required in R4-6-705, an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall demonstrate satisfactory performance in the following areas as they relate to substance abuse counseling: intake, diagnostics, assessment, triage, crisis intervention, treatment planning, family, group and individual psychotherapy, outreach, and consultation with other professionals by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
- C. The time span covered by the performance evaluations shall be the same as that for the supervised work experience required in R4-6-705.
- D. Clinical supervision of an applicant for associate substance abuse counselor and independent substance abuse counselor licensure shall be provided by an independent substance abuse counselor licensed in Arizona.
- E. An applicant may submit a written request to the substance abuse credentialing committee for an exemption from the requirement of subsection (D). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee. The substance abuse credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for associate substance abuse counselor and independent substance abuse counselor licensure. If the proposed supervisor has the necessary education, training, and experience, the substance abuse credentialing committee shall grant the supervision exemption request. The substance abuse credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except that an exemption may be granted by the committee if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 – 450(n) or 25 U.S.C. 1601 – 1683.

ARTICLE 8. LICENSE RENEWAL AND CONTINUING EDUCATION

R4-6-801. Renewal of Licensure

- A. A licensee holding an active license to practice behavioral health in this state shall complete 40 clock hours of continuing education ~~during the two years before the expiration date of the license as prescribed under R4-6-802 and R4-6-804~~ between the date the Board receives the licensee's last renewal application and the next license expiration date. A licensee may not carry excess hours over to another renewal cycle. One hour of credit is allowed for each clock hour of participation in continuing education activities.
- B. To renew licensure, a licensee shall submit the following to the agency:
 - 1. A completed renewal application form that includes a notarized verification of 40 hours of continuing education activities signed by the licensee;
 - 2. Certified check, cashier's check, or money order for the renewal fee;
 - 3. A completed and legible fingerprint card for a state and federal criminal history records check along with a certified check, cashier's check or money order in the amount prescribed ~~at~~ under R4-6-213(A)(4) as authorized at A.R.S. § 32-3280(B), if the licensee has not previously submitted a full set of fingerprints to the Board, or verification that the applicant holds a current ~~class 1 or class 2~~ fingerprint card issued by the Department of Public Safety;
 - 4. Other documents requested by the credentialing committee to determine the licensee's continued eligibility.
- C. A license shall expire unless the licensee submits to the agency the items listed in subsection (B) on or before the license expiration date.
- D. The Board shall mail to each licensee a license renewal application. The licensee shall submit a signed and notarized statement with each renewal application that the continuing education requirements under subsection (A) are satisfied. Failure to receive the license renewal application shall not relieve the licensee of the requirements of subsection (A). The Board may audit a licensee to verify compliance with the continuing education requirements under subsection (A).
- E. A licensee whose license expires may renew licensure by submitting a complete renewal application, other documents requested by the credentialing committee, and a late fee within 90 days of the license expiration date. A license that is renewed under this ~~rule~~ subsection shall be considered effective on the first of the month following the expiration date with no lapse in licensure.

Notices of Exempt Rulemaking

- ~~F. If the agency finds deficiencies in continuing education activities during the administrative review of a completed renewal application, the agency shall provide written notice of the deficiencies to the licensee. The licensee shall submit documentation of completion of the continuing education activities deficiencies within 90 days of the date of service of the deficiency notice. If the licensee does not submit the required documentation within the required 90 days, the license shall expire.~~

R4-6-802. Continuing Education

- A. A licensee who maintains more than one license may apply the same continuing education hours for each license renewal if the content of the continuing education relates to the scope of practice of each specific license.
- B. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education from first-time presentations by the licensee that deal with current developments, skills, procedures, or treatments related to the practice of behavioral health. The licensee may claim one clock hour for each hour spent preparing, writing, and presenting information.
- C. For each renewal period, a licensee other than a Board or credentialing committee member may report a maximum of six clock hours of continuing education for attendance at a Board or credentialing committee meeting where the licensee does not address the Board or credentialing committee with regard to any matter on the agenda.
- D. For each renewal period, a licensee may report a maximum of 10 clock hours of continuing education for service as a Board or credentialing committee member.
- E. Continuing education activities shall relate to the scope of practice of the specific license held. The credentialing committee shall determine whether continuing education submitted by a licensee is appropriate for the purpose of maintaining or improving the skills and competency of a licensee. Appropriate continuing education activities include:
1. Activities sponsored or approved by national, regional, or state professional associations or organizations in the specialties of marriage and family therapy, professional counseling, social work, substance abuse counseling, or in the allied professions of psychiatry, psychiatric nursing, psychology, or pastoral counseling;
 2. Programs in the behavioral health field sponsored or approved by a regionally accredited college or university;
 3. In-service training, courses, or workshops in the behavioral health field sponsored by federal, state, or local social service agencies, public school systems, or licensed health facilities or hospitals;
 4. Graduate-level or undergraduate coursework in the behavioral health field offered by regionally accredited colleges or universities. One semester-credit hour is equivalent to 15 clock hours of continuing education and one quarter-credit hour is equivalent to 10 clock hours of continuing education. Audited courses shall have hours in attendance documented;
 5. A licensee's first-time presentation of an academic course, in-service training workshop, or seminar, as prescribed in subsection (B);
 6. Publishing a paper, report or book that deals with current developments, skills, procedures, or treatments related to the practice of behavioral health. The licensee may claim one clock hour for each hour spent preparing and writing materials. Publications can only be claimed after the date of actual publication;
 7. Attendance at a Board or credentialing committee meeting, as prescribed in subsection (C), where the licensee does not address the Board or credentialing committee with regard to any matter on the agenda; ~~and~~
 8. Service as a Board or credentialing committee member; as prescribed in subsection (D); and
 9. Programs in the behavioral health field sponsored by a state superior court, adult probation department, or juvenile probation department.

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

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

Notices of Exempt Rulemaking

- ~~C.~~ An individual providing clinical supervision in Arizona to qualify a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker or an independent substance abuse counselor shall initially complete a minimum of 12 clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. After the required initial training, the clinical supervisor shall obtain a minimum of six clock hours of continuing education as specified in this Section during the two years before the clinical supervisor's license renewal date. Training or coursework required pursuant to this Section is limited to the following categories:
 - 1. The roles and responsibilities of a clinical supervisor.
 - 2. Skill sets involved in providing oversight and guidance to a supervisee engaged in diagnosing, treatment planning, and treatment of clients.
 - 3. Conceptual knowledge of supervision methods and techniques.
 - 4. Evaluation of a supervisee's role, performance and capacity to conceptualize and implement clinical assessment and treatment processes.
- ~~C.~~ Clinical supervision of a supervisee for licensure as a marriage and family therapist, professional counselor, clinical social worker, or independent substance abuse counselor. Beginning on July 1, 2006, a licensee acting as a clinical supervisor shall complete continuing education as follows:
 - 1. Between July 1, 2004, and the individual's first license expiration date following July 1, 2006, at least 12 clock hours shall be taken in the following categories:
 - a. The role and responsibility of a clinical supervisor;
 - b. The skill sets necessary to provide oversight and guidance to a supervisee who diagnoses, creates treatment plans, and treats clients;
 - c. The concepts of supervision methods and techniques; and
 - d. Evaluation of a supervisee's ability to plan and implement clinical assessment and treatment processes; and
 - 2. A licensee who seeks to continue providing clinical supervision after completion of the requirements under subsection (C)(1) shall complete at least six clock hours of continuing education as provided in subsection (C)(1)(a) through (d) between the date the Board receives the licensee's last renewal application and the next license expiration date.
- ~~D.~~ Clinical supervision training required pursuant to subsection ~~C~~ (C) shall be waived if the clinical supervisor holds any of the following certifications or designations if the certification or designation is current as of the clinical supervisor's license renewal date:
 - 1. NBCC/CCE Approved Clinical Supervisor certification.
 - 2. ICRC Clinical Supervisor certification.
 - 3. American Association of Marriage and Family Therapists Clinical Member with Approved Supervisor designation.
- ~~E.~~ Continuing education clock hours completed pursuant to this Section may be submitted to meet the general continuing education requirements described in ~~R4-6-802(A)~~ R4-6-801(A).
- ~~F.~~ The agency shall ~~not~~ begin enforcement of the requirements of this Section ~~until~~ on July 1, 2006.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

[R05-239]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| Appendix A | Repeal |
| Appendix A | New Section |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statute: A.R.S. §§ 41-1005(A)(25); 41-1954(A)(3); 46-134(A)(12); 46-805
 Implementing statute: A.R.S. §§ 46-801 through 46-810
 Statute authorizing the exemption: A.R.S. § 41-1005(A)(25)
- 3. The effective date of the rules:**
 July 1, 2005. This date is consistent with statutory requirements regarding eligibility levels.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
 None

Notices of Exempt Rulemaking

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Beth A. Broeker
Address: 1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

A.R.S. § 41-1005(A)(25) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting a new Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule to adjust the eligibility limits for child care assistance (to reflect updated Federal Poverty Guidelines).

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(25), the Department did not prepare an economic impact statement.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

No.

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY

SOCIAL SERVICES

ARTICLE 49. CHILD CARE ASSISTANCE

~~Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule Repealed~~

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

Notices of Exempt Rulemaking

ARTICLE 49. CHILD CARE ASSISTANCE

Appendix A: Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES – CHILD CARE ADMINISTRATION
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE**

(EFFECTIVE JULY 1, 2004)

Family Size	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 125% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 660	661 – 776	777 – 1,048	1,049 – 1,126	1,127 – 1,203	1,204 – 1,281
2	0 – 885	886 – 1,041	1,042 – 1,406	1,407 – 1,510	1,511 – 1,614	1,615 – 1,718
3	0 – 1,111	1,112 – 1,306	1,307 – 1,764	1,765 – 1,894	1,895 – 2,025	2,026 – 2,155
4	0 – 1,336	1,337 – 1,571	1,572 – 2,121	2,122 – 2,278	2,279 – 2,436	2,437 – 2,593
5	0 – 1,561	1,562 – 1,836	1,837 – 2,479	2,480 – 2,663	2,664 – 2,846	2,847 – 3,030
6	0 – 1,786	1,787 – 2,101	2,102 – 2,837	2,838 – 3,047	3,048 – 3,257	3,258 – 3,467
7	0 – 2,012	2,013 – 2,366	2,367 – 3,195	3,196 – 3,431	3,432 – 3,668	3,669 – 3,904
8	0 – 2,237	2,238 – 2,631	2,632 – 3,552	3,553 – 3,815	3,816 – 4,079	4,080 – 4,342
9	0 – 2,462	2,463 – 2,896	2,897 – 3,910	3,911 – 4,200	4,201 – 4,489	4,490 – 4,779
10	0 – 2,687	2,688 – 3,161	3,162 – 4,268	4,269 – 4,584	4,585 – 4,900	4,901 – 5,216
11	0 – 2,913	2,914 – 3,426	3,427 – 4,626	4,627 – 4,968	4,969 – 5,311	5,312 – 5,653
12	0 – 3,138	3,139 – 3,691	3,692 – 4,983	4,984 – 5,352	5,353 – 5,722	5,723 – 6,042**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

No minimum required co-pay for 4th {or more} child in care. Full day = six or more hours; part day = less than six hours.

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL)

** This amount is equal to the Federal Child Care & Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

Notices of Exempt Rulemaking

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

**CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE
EFFECTIVE JULY 1, 2005**

Family Size	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 679	680 – 798	799 – 1,078	1,079 – 1,158	1,159 – 1,237	1,238 – 1,317
2	0 – 910	911 – 1,070	1,071 – 1,445	1,446 – 1,552	1,553 – 1,659	1,660 – 1,766
3	0 – 1,140	1,141 – 1,341	1,342 – 1,811	1,812 – 1,945	1,946 – 2,079	2,080 – 2,213
4	0 – 1,372	1,373 – 1,613	1,614 – 2,178	2,179 – 2,339	2,340 – 2,501	2,502 – 2,662
5	0 – 1,603	1,604 – 1,885	1,886 – 2,545	2,546 – 2,734	2,735 – 2,922	2,923 – 3,111
6	0 – 1,833	1,834 – 2,156	2,157 – 2,911	2,912 – 3,127	3,128 – 3,342	3,343 – 3,558
7	0 – 2,064	2,065 – 2,428	2,429 – 3,278	3,279 – 3,521	3,522 – 3,764	3,765 – 4,007
8	0 – 2,295	2,296 – 2,700	2,701 – 3,645	3,646 – 3,915	3,916 – 4,185	4,186 – 4,455
9	0 – 2,526	2,527 – 2,971	2,972 – 4,011	4,012 – 4,308	4,309 – 4,606	4,607 – 4,903
10	0 – 2,757	2,758 – 3,243	3,244 – 4,379	4,380 – 4,703	4,704 – 5,027	5,028 – 5,351
11	0 – 2,988	2,989 – 3,515	3,516 – 4,746	4,747 – 5,097	5,098 – 5,449	5,450 – 5,800
12	0 – 3,219	3,220 – 3,786	3,787 – 5,112	5,113 – 5,490	5,491 – 5,869	5,870 – 6,186**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

Families receiving Child Care Assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, the Arizona Works Program or those who are receiving Cash Assistance (CA) and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the minimum required co-payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL) = US DHHS 2005 poverty guidelines.

** This amount is equal to the Federal Child Care & Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 14. DEPARTMENT OF HEALTH SERVICES
LABORATORIES**

[R05-268]

PREAMBLE

1. Sections Affected
Article 1
R9-14-101

Rulemaking Action
New Article
New Section

Notices of Exempt Rulemaking

R9-14-102
R9-14-103

New Section
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-136(A)(7) and 36-136(F)

Implementing statute: A.R.S. § 36-466

Statute or session law authorizing the exemption: Laws 2004, Ch. 49, § 3

3. The effective date of the rules:

July 1, 2005

The rules are effective upon filing of the Notice of Exempt Rulemaking with the Secretary of State by August 25, 2005.

4. A list of all previous notices appearing in the Register addressing the proposed exempt rule:

Notice of Public Information: 11 A.A.R. 1367, April 8, 2005

Notice of Proposed Exempt Rulemaking: 11 A.A.R. 1499, April 22, 2005

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Joan Apt, Clinical Laboratory Program Manager

Address: Arizona Department of Health Services
Bureau of State Laboratory Services
250 N. 17th Ave.
Phoenix, AZ 85007-3231

Telephone: (602) 364-0738

Fax: (602) 364-0759

E-mail: aptj@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

According to A.R.S. § 36-466, as added by Laws 2004, Ch. 49, § 1, the Advisory Committee on Clinical Laboratories (ACCL) recommends to the Department of Health Services (Department) a list of direct access tests, as defined in A.R.S. § 36-466(H), and standards for laboratory standing orders. The ACCL conducted public meetings on January 10, 2005, and February 2, 2005. At the February 2, 2005 public meeting, the ACCL approved a direct access test list and requirements for laboratory standing orders. Based on the direct access test list and the requirements for laboratory standing orders approved by the ACCL, the Department made rules as required by A.R.S. § 36-466(D).

Laws 2004, Ch. 49, § 3 provides the Department with an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 until August 25, 2005. According to the exemption's requirements, the Department published in the *Arizona Administrative Register* for April 8, 2005, a Notice of Public Information, noticing a May 31, 2005 public hearing with an opportunity for public comment on the proposed exempt rules. The Department also published in the *Arizona Administrative Register* for April 22, 2005, a Notice of Proposed Exempt Rulemaking, containing the proposed rules and reiterating the May 31, 2005 public hearing information. The Department conducted the public hearing on May 31, 2005.

From April 15, 2005, through June 14, 2005, the Department received from the public both verbal and written comments on the proposed rules. After considering the comments, the Department made the final exempt rules contained in this Notice of Exempt Rulemaking.

Notices of Exempt Rulemaking

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

According to Laws 2004, Ch. 49, § 3, the Department is exempt from the rulemaking requirements of A.R.S. Title 41, Chapter 6 until August 25, 2005.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The following table describes the changes between the proposed rules and the final rules.

SECTION	PROPOSED RULE TEXT	FINAL RULE TEXT
R9-14-101	Contained 18 definitions	The Department added definitions of “component,” “Hct,” “Hgb,” “Hgb A1c,” “MCH,” “MCHC,” “MCV,” “MPV,” “panel,” “pH,” “profile,” “RBC,” “RDW,” “test,” and “WBC.”
R9-14-102(A) and (B)	Contained only one first-level subsection	The Department added a first-level subsection, subsection (A) in the final rule, specifically providing that unless expressly excluded, a component is a direct access test. The direct access test list is subsection (B) in the final rule.
R9-14-102(B)(1)	Proposed R9-14-102(1) provided: “Lipid profile, including:”	Final R9-14-102(B)(1) provides: “Lipid profile, including the following components:”
R9-14-102(B)(3)	Proposed R9-14-102(3) provided: “Dipstick urinalysis;”	Final R9-14-102(B)(3) provides: “Dipstick urinalysis, including the following components:” and lists the components in subsections (B)(3)(a) through (B)(3)(k).
R9-14-102(B)(7)	Proposed R9-14-102(7) provided: “CBC;”	Final R9-14-102(B)(7) provides: “CBC, including the following components:” and lists the components in subsections (B)(7)(a) through (B)(7)(k).
R9-14-102(B)(9)	Proposed R9-14-102(9) provided: “Hemoglobin A1C;”	Final R9-14-102(B)(9) provides: “Hgb A1C;”
R9-14-102(B)(11)(a)	Proposed R9-14-102(11) provided: “Including:”	Final R9-14-102(B)(11)(a) provides: “Including the following components:”

Notices of Exempt Rulemaking

11. A summary of the comments made regarding the rule and the agency response to them:

The following table describes the substantive comments related to the proposed rules received by the Department from April 15, 2005, through June 14, 2005, and the Department's responses.

Comment	Organization	Department Response
Verbal comment asking if direct access tests deal with mass public screenings	Employee Health Management Systems, Mesa, AZ	Direct access tests, as defined in A.R.S. § 36-466(H), are tests that may be obtained from a clinical laboratory without a doctor's order. The Department's rulemaking, based on the ACCL's recommendation, includes a direct access test list and standards for laboratory standing orders. A.R.S. § 36-405.01 and R9-14 701 through R9-14-703, R9-14-708, and R9-14-709 contain the health screening services requirements. The ACCL was not charged with the issue of the relationship between direct access tests and health screening services and did not discuss that issue. The Department is not certain of the relationship between direct access tests and health screening services.
Verbal comments asking for an explanation of direct access tests	A physician in Scottsdale, AZ Arizona Diagnostic and Surgical Center, Mesa, AZ Boswell Memorial Hospital, Sun City, AZ	Direct access tests are tests an individual may obtain from a clinical laboratory without a doctor's order, as defined in A.R.S. § 36-466(H).
Verbal comment asking how the direct access test rules impact laboratory procedures done in doctors' offices and whether the 2004 legislation authorizes an AHCCCS health plan to pay for direct access tests	A physician in Tucson, AZ	The ACCL was not charged with the issue of the impact on doctors' offices and did not discuss that issue. The Department is not certain of what impact the direct access test rules will have on doctors' offices. A.R.S. § 36-446(C) states "designation of a test as a direct access test does not require that the test be covered by" health insurance or an AHCCCS program.
Verbal comment asking if direct access tests include pulmonary function tests and hearing tests and how direct access tests will impact the training requirements of the occupational health workers	ALCOA, Chandler, AZ	Direct access tests are tests an individual may obtain from a clinical laboratory without a doctor's order, and do not include pulmonary function and hearing tests. The ACCL was not charged with the issue of the impact on occupational health workers and did not discuss that issue. The Department is not certain of what impact the direct access test rules will have on occupational health workers.

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<p>Written comment asking if patients can order individual tests in panels for CBC, UA, CMP, Lipid and TSH: "Please define."</p>	<p>Sonora Quest Laboratories, Phoenix, AZ</p>	<p>Final R9-14-102 specifically provides that unless expressly excluded, a component is a direct access test. Final R9-14-102 also specifically lists the components of dipstick urinalysis and complete blood count (CBC). The proposed rule already contained the lipid profile and comprehensive metabolic panel (CMP) components. In final R9-14-101, the Department defines terms used in the component provisions specified in final R9-14-102. The Department determined that TSH does not have any components.</p>
<p>Written comment stating that the direct access test list does not specify the components of urinalysis</p>	<p>Pima County Health Department, Tucson, AZ</p>	<p>Both proposed and final R9-14-102, include "urine pregnancy," in accordance with the direct access test list recommended to the Department by the ACCL. Final R9-14-102 specifically lists hemoglobin as a component of the CBC. Final R9-14-102 specifically lists the dipstick urinalysis component. Specifying a test strip is not necessary. The Department believes that proposed R9-14-103 does not affect Pima County Health Department's routine practice since the test is not duplicated within a year. R9-14-102 and R9-14-103 are separate rules. A licensed practitioner's standing order may specify a test that is included in the direct access test list. The R9-14-103 standards are appropriate.</p>
<p>Written comment stating that pregnancy testing has waived status under the Clinical Laboratory Improvement Act (CLIA), but is not on the direct access test list in R9-14-102; stating that the direct access test list does not include hemoglobin and does not specify the dipstick to be used for urinalysis; requesting clarification of laboratory standing orders for Pima County Health Department patients whose tests are not duplicated within one year; and questioning the need for the laboratory standing order requirements in R9-14-103 if there are direct access tests.</p>	<p>Pima County Health Department, Tucson, AZ</p>	<p>The minutes of the February 2, 2005 public meeting establish that the ACCL approved the CMP without anion gap. The direct access test list approved by the ACCL, proposed R9-14-102, and final R9-14-102 do not include a separate electrolyte panel. The anion gap exclusion means that a laboratory could not include the anion gap as part of a CMP performed as a direct access test. If calculated, the laboratory could not report the anion gap to an individual who requests a CMP as a direct access test. The Department believes that a CMP used by laboratories, obtained with a physician's referral or as a direct access test, does not necessarily include anion gap; and that anion gap would not be useful to and might confuse an individual requesting CMP as a direct access test. Final R9-14-102 retains the anion gap exclusion.</p>
<p>Written comment stating that most laboratories' complete metabolic panels include anion gap; asking if this means that laboratories are not allowed to include anion gap in a comprehensive metabolic panel requested as a direct access test; and stating that laboratories would have to create a comprehensive metabolic panel and electrolyte panel for direct access testing.</p>	<p>Laboratory Management Support Services, Phoenix, AZ</p>	<p>The minutes of the February 2, 2005 public meeting establish that the ACCL approved the CMP without anion gap. The direct access test list approved by the ACCL, proposed R9-14-102, and final R9-14-102 do not include a separate electrolyte panel. The anion gap exclusion means that a laboratory could not include the anion gap as part of a CMP performed as a direct access test. If calculated, the laboratory could not report the anion gap to an individual who requests a CMP as a direct access test. The Department believes that a CMP used by laboratories, obtained with a physician's referral or as a direct access test, does not necessarily include anion gap; and that anion gap would not be useful to and might confuse an individual requesting CMP as a direct access test. Final R9-14-102 retains the anion gap exclusion.</p>

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12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

No.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 14. DEPARTMENT OF HEALTH SERVICES

LABORATORIES

ARTICLE 1. ~~EXPIRED~~ DIRECT ACCESS TESTS AND LABORATORY STANDING ORDERS

Section

R9-14-101. ~~Expired~~ Definitions

R9-14-102. ~~Expired~~ Direct Access Test List

R9-14-103. ~~Expired~~ Laboratory Standing Orders

ARTICLE 1. ~~EXPIRED~~ DIRECT ACCESS TESTS AND LABORATORY STANDING ORDERS

R9-14-101. ~~Expired~~ Definitions

In this Article, unless otherwise specified:

1. "ALT" means alanine amino transferase.
2. "AST" means aspartate amino transferase.
3. "BUN" means blood urea nitrogen.
4. "CBC" means complete blood count.
5. "Clinical laboratory" means the same as in A.R.S. § 36-451.
6. "CMP" means comprehensive metabolic panel.
7. "Component" means a test included in a panel or profile.
8. "Direct access test" means the same as in A.R.S. § 36-466.
9. "Hct" means hematocrit.
10. "HDL" means high-density lipoprotein.
11. "Hgb" means hemoglobin.
12. "Hgb A1c" means glycosylated hemoglobin.
13. "Laboratory standing order" means a written directive by a licensed practitioner to a clinical laboratory to perform a test.
14. "LDL" means low-density lipoprotein.
15. "Licensed practitioner" means:
 - a. A podiatrist licensed under A.R.S. Title 32, Chapter 7;
 - b. A doctor of chiropractic licensed under A.R.S. Title 32, Chapter 8;
 - c. A doctor of medicine licensed under A.R.S. Title 32, Chapter 13 or licensed in another state;
 - d. A doctor of naturopathic medicine licensed under A.R.S. Title 32, Chapter 14;
 - e. A doctor of osteopathic medicine licensed under A.R.S. Title 32, Chapter 17 or licensed in another state;
 - f. A homeopathic physician licensed under A.R.S. Title 32, Chapter 29;
 - g. A dentist licensed under A.R.S. Title 32, Chapter 11, Article 2;
 - h. A physician assistant who is licensed under Title 32, Chapter 25 and who has the supervising physician's delegation required in A.R.S. § 32-2531; or
 - i. A registered nurse practitioner licensed under A.R.S. Title 32, Chapter 15 and certified under A.A.C. R4-19-504.
16. "MCH" means mean corpuscular hemoglobin.
17. "MCHC" means mean corpuscular hemoglobin concentration.
18. "MCV" means mean corpuscular volume.
19. "MPV" means mean platelet volume.
20. "Panel" means a group of clinical laboratory tests associated with specific organs or diseases.
21. "Patient" means an individual receiving services from a licensed practitioner.
22. "pH" means acidity-alkalinity status.
23. "Profile" means a group of clinical laboratory tests frequently done together or in combinations.
24. "PSA" means prostatic specific antigen.

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25. "RBC" means red blood cells.
26. "RDW" means red cell distribution width.
27. "Reflex testing" means a follow-up test automatically initiated by a clinical laboratory after an abnormal test result.
28. "State" means the same as in A.R.S. § 36-841.
29. "Supervising physician" means the same as in A.R.S. § 32-2501.
30. "Test" means a clinical laboratory's examination or analysis of material from an individual's body.
31. "T4" means thyroxine.
32. "TSH" means thyroid stimulating hormone.
33. "WBC" means white blood cells.

R9-14-102. ~~Expired~~ Direct Access Test List

A. Unless expressly excluded in subsection (B), a component is a direct access test.

B. The direct access test list includes:

1. Lipid profile, including the following components:
 - a. Total cholesterol,
 - b. Triglycerides,
 - c. HDL, and
 - d. LDL;
2. Glucose;
3. Dipstick urinalysis, including the following components:
 - a. Specific gravity,
 - b. Glucose,
 - c. Bilirubin,
 - d. Ketone,
 - e. Blood,
 - f. pH,
 - g. Protein,
 - h. Urobilinogen,
 - i. Nitrite,
 - j. Leukocytes, and
 - k. Ascorbic acid;
4. TSH with T4 reflex testing;
5. PSA;
6. Blood typing;
7. CBC, including the following components:
 - a. RBC,
 - b. WBC,
 - c. Hgb,
 - d. Hct,
 - e. Platelets,
 - f. WBC differential,
 - g. MCV,
 - h. MCH,
 - i. MCHC,
 - j. MPV, and
 - k. RDW;
8. Fecal occult blood;
9. Hgb A1C;
10. Urine pregnancy; and
11. CMP:
 - a. Including the following components:
 - i. Carbon dioxide,
 - ii. Sodium,
 - iii. Potassium,
 - iv. Chloride,
 - v. Albumin,
 - vi. Alkaline phosphatase,
 - vii. ALT,
 - viii. AST,
 - ix. Total bilirubin,

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- x. BUN,
- xi. Creatinine,
- xii. BUN-creatinine ratio,
- xiii. Glucose,
- xiv. Albumin-globulin ratio,
- xv. Calcium,
- xvi. Globulin, and
- xvii. Total protein; and
- b. Excluding anion gap.

R9-14-103. ~~Expired~~ Laboratory Standing Orders

A laboratory standing order:

- 1. Shall specify:
 - a. The licensed practitioner's name, type of license, and licensing state;
 - b. The patient's name;
 - c. One or more tests; and
 - d. The frequency of testing; and
- 2. Remains in effect up to one year.