
NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated the rules. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING**TITLE 2. ADMINISTRATION****CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R16-221]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R2-8-126 Amend
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 38-714(E)(4)
Implementing statutes: A.R.S. §§ 38-711, 38-764, 38-769, 38-771, 38-771.01, 38-774, and 38-775
- 3. The effective date for the rules:**
December 3, 2016
 - a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
 - b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable
- 4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
Notice of Docket Opening: 21 A.A.R. 1834, September 11, 2015
Notice of Proposed Rulemaking: 21 A.A.R. 2281, October 9, 2015
Notice of Final Rulemaking: 22 A.A.R. 79, January 15, 2016
Notice of Substantive Policy Statement: 22 A.A.R. 707, April 1, 2016
Notice of Rulemaking Docket Opening: 22 A.A.R. 1064, May 6, 2016
Notice of Proposed Rulemaking: 22 A.A.R. 1727, July 8, 2016
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Jessica A.R. Thomas, Rules Writer
Address: State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaT@azasrs.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
R2-8-126 provides notice to members regarding what type of annuity the member may elect at retirement based on age and/or dollar amount. However, the ASRS will amend subsections (F), (H), (I) and (J) of this rule to better clarify which annuity options are applicable only to retirees with an original retirement date on or after the effective



date of those provisions. These amendments are necessary to improve the clarity and consistency of the rule as discussed in the Economic Impact Statement.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on 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:**

No study was reviewed

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

Not applicable

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

The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administers how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer partner charter schools, which have voluntarily contracted to join the ASRS. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rule will have minimal economic impact, if any, because it merely clarifies current annuity options without imposing any additional requirements on the public. Clarifying the applicability of R2-8-126(I) and (J), as well as amending subsections (F) and (H) while adopting a new subsection (K) will increase understandability of the annuity options available to a member at retirement and will ensure ASRS members and their spouses have notice regarding those options; thus, reducing the regulatory burden and the economic impact.

10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

There were no changes between the proposed rulemaking and the final rulemaking.

11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on August 16, 2016.

12. **All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rules do not require a permit.

- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

26 U.S.C. 401(a)(9), and corresponding Treasury Regulations: §§ 1.401(a)(9)-1 (Q&A-2(d)); 1.401(a)(9)-9 (Q&A-2); 1-401(a)(9)-6 (Q&A-2) specifically apply to this rulemaking. These federal regulations indicate that a member may participate in certain types of annuity options at certain ages, regardless whether the contingent annuitant is a current or former spouse. With the changes completed in this rulemaking, R2-8-126 will not be more stringent than these federal laws.

- c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

No materials are incorporated by reference.

14. **Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable

15. **The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD



ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

Section

R2-8-126. Calculating Optional Forms of Benefits

ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

R2-8-126. Calculating Optional Forms of Benefits

- A. For the purposes of this Section, the following definitions apply, unless stated otherwise:
1. "~~prior~~-Prior service credit" means a "service credit" listed in R2-8-501(24), credited service that is earned pursuant to A.R.S. § 38-739, or a service credit that is transferred or redeemed pursuant to A.R.S. §§ 38-730, 38-771, or 38-921 et seq.
 2. "Original retirement date" means:
 - a. The date a member retires from the ASRS for the first time; or
 - b. The date a member retires from the ASRS after returning to active membership for 60 consecutive months or more pursuant to A.R.S. § 38-766(C).
- B. An individual who is 104 years of age or older at the time of retirement is not eligible to ~~select~~ elect an option of life annuity with a term certain.
- C. An individual who is 93 years of age or older at the time of retirement is not eligible to ~~select~~ elect the options of life annuity with ten years certain or life annuity with 15 years certain.
- D. An individual who is 85 years of age or older at the time of retirement is not eligible to ~~select~~ elect the option of life annuity with 15 years certain.
- E. As authorized under A.R.S. § 38-764(F), if the life annuity of any ~~Plan~~ member is less than a monthly amount determined by the Board, the ASRS shall not pay the annuity. Instead, the ASRS shall make a lump sum payment in the amount determined by using appropriate actuarial assumptions.
- F. The ASRS shall calculate a member's or beneficiary's benefits, based on the attained age of the member or beneficiary, determined in years and full months, as of:
 1. ~~the effective~~ The date of the benefit payment member's retirement; or
 2. The date of the member's death, if the beneficiary is eligible to elect the survivor benefit as monthly income for life pursuant to A.R.S. § 38-762(C).
- G. ~~The~~ Before the ASRS applies the calculation for an optional form of retirement benefit provided in A.R.S. § 38-760, the ASRS shall add include any prior service credit benefit that is payable to a member applicable to the life annuity of the member before the ASRS applies any optional payment plan calculation provided for in A.R.S. § 38-760.
- H. A member who is ten ~~or more~~ years and one day, or more, older than the member's non-spousal contingent annuitant is not eligible to participate in a 100% joint-and-survivor option. A member who is 24 ~~or more~~ years and one day, or more, older than the member's non-spousal contingent annuitant is not eligible to participate in a 66 2/3% joint-and-survivor option.
- I. ~~Notwithstanding~~ For members whose original retirement date is on or after March 6, 2016, notwithstanding subsection (H), a member who is ten ~~or more~~ years and one day, or more, older than the member's ex-spouse contingent annuitant is eligible to participate in a 100% joint-and-survivor option, if:
 1. The member ~~selected~~ elected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
 2. The member submits a DRO to the ASRS which requires the ex-spouse to be the contingent annuitant on the member's account.
- J. ~~Notwithstanding~~ For members whose original retirement date is on or after March 6, 2016, notwithstanding subsection (H), a member who is 24 ~~or more~~ years and one day, or more, older than the member's ex-spouse contingent annuitant is eligible to participate in a 66 2/3% joint-and-survivor option, if:
 1. The member ~~selected~~ elected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
 2. The member submits a DRO to the ASRS which requires the ex-spouse to be the contingent annuitant on the member's account.
- K. Notwithstanding subsection (F), for purposes of determining whether a member is eligible to participate in a joint-and-survivor option, the ASRS shall calculate the difference in a member's age and the contingent annuitant's age based on the birthdates of the member and the contingent annuitant.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R16-222]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R4-26-101	Amend
R4-26-108	Amend



R4-26-109	New Section
R4-26-110	New Section
R4-26-111	New Section
R4-26-203.03	Amend
R4-26-203.04	New Section
R4-26-205	Amend
R4-26-206	Amend
R4-26-207	Amend
R4-26-208	Amend
R4-26-210	Amend
R4-26-304	Amend
R4-26-310	Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-2063(A)(9) and (12)

Implementing statute: A.R.S. §§ 32-2061(14), 32-2071(F)(6) and (G)(5), 32-2073, and 32-2074 (version 2)

3. The effective date for the rules:

October 4, 2016

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

A.R.S. § 41-1032(A)(3) authorizes an immediate effective date if needed to comply with a deadline in an amendment to the Board's governing statutes and the need for an immediate effective date was not created by Board delay or inaction.

A.R.S. § 32-2063(A)(12) instructed the Board to make rules regarding telepractice on or before June 30, 2016. An immediate effective date is needed to enable the Board to have the required rules in effect as soon as possible. Failure to comply with the June 30, 2016 deadline was not due to Board delay or inaction.

The Board received an exemption from EO2015-01 on June 1, 2015. The Board immediately began working with the State Procurement Office to obtain the services of a rule writer. Because the amount appropriated for rule-writing services exceeded the signature authority of the Board's executive director, SPO handled the procurement process. The SPO process failed to produce a rule writer the Board believed would meet its needs. The Board worked with SPO to amend the process and succeeded in obtaining the services of a rule writer in November 2015. The rule writer's first invoice entry for this rulemaking was made on November 17, 2015. The procurement process caused a five-month delay in the Board's ability to comply with A.R.S. § 32-2063(A)(12). The Board has made timely progress on this rulemaking since obtaining the services of a rule writer.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 22 A.A.R. 1109, May 13, 2016

Notice of Proposed Rulemaking: 22 A.A.R. 1591, June 17, 2016

5. The agency's contact person who can answer questions about the rulemaking:

Name: Dr. Cindy Olvey, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Suite 240
Phoenix, AZ 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

E-mail: Cindy.Olvey@psychboard.az.gov

Web site: <https://psychboard.az.gov>

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In 2014, the legislature made several important changes to the Board's statutes (See Laws 2014, Chapter 258). The changes include allowing psychological services and supervision to be provided by telepractice, establishing a temporary license, and amending the biennial license renewal so half of all licenses are renewed each year rather than



all in one year and so licenses are renewed throughout a year rather than all during one month. Conforming changes are made to rules dealing with definitions and fees.

The Board amended R4-26-203.03 to further clarify who may reapply for licensure and who must apply anew; R4-26-206 to align provisions regarding reinstatement from inactive to active status with the change to biennial renewal; and R4-26-310 to clarify disciplinary supervision and practice monitoring.

In a rulemaking that went into effect on January 30, 2016, the Board amended many of its rules to make changes identified as needed in a five-year-review report, make the rules consistent with Board practice, and make the language clear, concise, and understandable. In this rulemaking, the Board further amends some of the rules to correct minor errors.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 1, 2015.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on 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 Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

Being able to provide psychological services and supervision by telepractice and able to obtain a temporary license will have economic impact for those who are in position to take advantage of the new statutory provisions. However, the economic benefit results from legislative action rather than from these rules. The rules establish minimal requirements for working by telepractice and clarify some of the statutory requirements for obtaining a temporary license.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

To clarify the terms "supervision" and "practice monitor," as used in R4-26-310, definitions were added to R4-26-101.

In R4-26-205(H)(2), the fee listed as "no change" in the proposed rulemaking was for delinquent compliance with the continuing education requirement. This is incorrect. The correct fee is for reinstatement of an active or inactive license. Both of these fees are for the same amount (\$200) so relabeling the fee correctly is not a substantial change.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

No one attended an oral proceeding regarding the rules on July 26, 2016. A written comment was received from ERIC—the ERISA Industry Committee. ERIC is a national association that advocates for the employee benefit and compensation interests of large employers. The comment did not specifically address the proposed rulemaking. Rather, it made general recommendations regarding regulation of telehealth.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The new temporary license in R4-26-203.02 and the biennial license renewal in R4-26-205 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There are numerous federal laws that apply to health care practitioners such as psychologists. These include the Affordable Care Act, Medicare and Medicaid, and HIPAA. However, none of these laws is directly applicable to the subject matter of these rules and the rules are not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None



14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No rule in the rule package was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

- R4-26-101. Definitions
- R4-26-108. Fees and Charges
- R4-26-109. ~~Repealed~~ General Provisions Regarding Telepractice
- R4-26-110. ~~Repealed~~ Providing Psychological Service by Telepractice
- R4-26-111. ~~Reserved~~ Providing Supervision through Telepractice

ARTICLE 2. LICENSURE

Section

- R4-26-203.03. Reapplication for License; Applying Anew
- ~~R4-26-203.04.~~ Temporary License under A.R.S. § 32-2073(B)
- R4-26-205. Renewal of License
- R4-26-206. Reinstatement of License from Inactive to Active Status; Cancellation of License
- R4-26-207. Continuing Education
- R4-26-208. Time Frames for Processing Applications
- R4-26-210. Supervised Professional Experience

ARTICLE 3. REGULATION

Section

- R4-26-304. Representation before the Board by Attorney Not Admitted to State Bar of Arizona
- R4-26-310. Disciplinary Supervision; Practice Monitor

ARTICLE 1. GENERAL PROVISIONS

R4-26-101. Definitions

A. The definitions in A.R.S. § 32-2061 apply to this Chapter.

B. Additionally, in this Chapter:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
12. No change
13. No change



14. No change
15. No change
16. No change
17. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
18. No change
19. No change
20. No change
21. No change
22. "License period" means:
 - a. For a licensee who holds an odd-numbered license, the two years between May 1 the first day of the month after the licensee's birth month of one odd-numbered year and April 30 the last day of the licensee's birth month of the next odd-numbered year; and
 - b. For a licensee who holds an even-numbered license, the two years between the first day of the month after the licensee's birth month of one even-numbered year and the last day of the licensee's birth month of the next even-numbered year.
23. No change
24. No change
25. "Practice monitor," as used in R4-26-310, means a Board-approved licensed psychologist who monitors or oversees the remediation of the practice of another psychologist as part of a disciplinary process.
- ~~25-26.~~ No change
- ~~26-27.~~ No change
- ~~27-28.~~ No change
- ~~28-29.~~ No change
- ~~29-30.~~ No change
31. "Renewal year" means:
 - a. Each odd-numbered year for a licensee who holds an odd-numbered license, and
 - b. Each even-numbered year for a licensee who holds an even-numbered license.
- ~~30-32.~~ No change
- ~~31-33.~~ No change
- ~~32-34.~~ No change
- ~~33-35.~~ No change
36. "Supervision," as used in R4-26-310, means review and oversight of the professional work of a psychologist by a Board-approved licensed psychologist as part of a disciplinary process.
- ~~34-37.~~ No change
- ~~35-38.~~ No change
 - a. No change
 - b. No change
 - c. No change
- ~~36-39.~~ No change

R4-26-108. Fees and Charges

- A. As specifically authorized by A.R.S. § 32-2067(A), the Board establishes and shall collect the following fees:
 1. Application for an active license to practice psychology: \$350;
 2. Application for a temporary license under A.R.S. § 32-2073(B): \$200
 - ~~2-3.~~ Reapplication for an active license: \$200;
 - ~~3-4.~~ Initial Issuance of an initial active or temporary license (prorated, as applicable): \$500;
 - ~~4-5.~~ Duplicate license: \$25;
 - ~~5-6.~~ Biennial renewal of an active license: \$500;
 - ~~6-7.~~ Biennial renewal of an inactive license: \$85;
 - ~~7-8.~~ Reinstatement of an active or inactive license: \$200; and
 - ~~8-9.~~ Delinquent compliance with continuing education requirements: \$200.
- B. No change
 1. No change
 2. No change
 3. No change
 4. No change



- 5. No change
- 6. No change
- 7. No change
- 8. No change
- C. No change

R4-26-109. Repealed General Provisions Regarding Telepractice

- A.** Except as otherwise provided by law, a licensee who provides psychological service or supervision by telepractice to a client or patient or supervisee located outside Arizona shall comply with not only A.R.S. Title 32, Chapter 19.1, and this Chapter but also the laws and rules of the jurisdiction in which the client or patient or supervisee is located.
- B.** Before providing psychological service or supervision by telepractice, a licensee shall establish competence in use of telepractice that conforms to prevailing standards of scientific and professional knowledge.
- C.** A licensee who provides psychological service or supervision by telepractice shall maintain competence in use of telepractice through continuing education, consultation, or other procedures designed to address changing technology used in telepractice.
- D.** A licensee who provides psychological service or supervision by telepractice shall take all reasonable steps to ensure confidential communications stored electronically cannot be recovered or accessed by an unauthorized person when the licensee disposes of electronic equipment or data.

R4-26-110. Repealed Providing Psychological Service by Telepractice

- A.** Before providing psychological service by telepractice, a licensee who is in compliance with R4-26-109 shall conduct a risk analysis as clinically indicated and document in the client or patient's record required under R4-26-106 whether use of telepractice:
 - 1.** Is consistent with the client or patient's knowledge and skill regarding use of the technology involved in providing psychological service by telepractice or with ready access to assistance with use of the technology, and
 - 2.** Is in the best interest of the client or patient.
- B.** A licensee shall not provide psychological service by telepractice unless both conditions of the risk analysis conducted under subsection (A) are met.
- C.** Before providing psychological service by telepractice, a licensee shall:
 - 1.** Obtain the written informed consent of the client or patient, using language that is clear and understandable and consistent with accepted professional and legal requirements. The licensee shall ensure the written informed consent addresses the following and a copy is placed in the client or patient's record required under R4-26-106:
 - a.** The manner in which the licensee will verify the identity of the client or patient before each psychological service if the telepractice does not involve video;
 - b.** The manner in which the licensee will ensure the client or patient's electronic communications are received only by the licensee or supervisee;
 - c.** Limitations and innovative nature of using technology to provide psychological service;
 - d.** Inherent confidentiality risk resulting from use of technology;
 - e.** Potential risk of technology failure that disrupts provision of psychological service and how to re-establish communication if disruption occurs;
 - f.** When and how the licensee will respond to routine electronic communications;
 - g.** The circumstances under which the licensee and client or patient will use an alternative means of communication;
 - h.** Who is authorized to access the electronic communication between the licensee and client or patient;
 - i.** The manner in which the licensee stores the electronic communication between the licensee and the client or patient; and
 - j.** The type of secure electronic technology the licensee will use to communicate with the client or patient;
 - 2.** Establish a written agreement with the client or patient that specifies contact information for sources of face-to-face emergency services in the client or patient's geographical area and requires the client or patient to contact a source of face-to-face emergency services when the client or patient experiences a suicidal or homicidal crisis or other emergency. If the licensee has knowledge the client or patient is experiencing a suicidal or homicidal crisis or other emergency, the licensee shall assist the client or patient to contact a source of face-to-face emergency services. The licensee shall place a copy of the written agreement required under this subsection in the client or patient's record required under R4-26-106.
 - 3.** Obtain the name and contact information for an emergency contact;
 - 4.** Obtain information about an alternative means of contacting the client or patient; and
 - 5.** Provide the client or patient with information about an alternative means of contacting the licensee.
- D.** A licensee who provides psychological service by telepractice shall repeat the risk analysis required under subsection (A) as clinically indicated.
- E.** If a licensee does not provide psychological service by telepractice to a client or patient, the provisions of this Section do not apply to electronic communications with the client or patient regarding:
 - 1.** Scheduling an appointment, billing, establishing benefits, or determining eligibility for services; and
 - 2.** Checking the welfare of the client or patient in accord with reasonable professional judgment.



R4-26-111. ~~Reserved~~ Providing Supervision through Telepractice

- A.** As specified under A.R.S. § 32-2071(F) and (G), a licensee who provides in-person individual supervision shall ensure that:
1. No more than 50 percent of the supervision is provided through telepractice; and
 2. Supervision provided through telepractice is conducted using secure, confidential, real-time visual telecommunication technology.
- B.** Before providing supervision by telepractice, a licensee who is in compliance with R4-26-109 shall conduct a risk analysis as clinically indicated and document whether providing supervision by telepractice:
1. Is appropriate for the issue presented by the supervisee's client or patient involved in the supervisory process,
 2. Is consistent with the supervisee's knowledge and skill regarding use of the technology involved in providing supervision by telepractice, and
 3. Is in the best interest of both the supervisee and the supervisee's client or patient involved in the supervisory process.
- C.** A licensee shall not provide supervision by telepractice unless all conditions of the risk analysis conducted under subsection (B) are met.
- D.** Before providing supervision by telepractice, a licensee shall:
1. Enter a written agreement with the supervisee, using language that is clear and understandable and consistent with accepted professional and legal requirements. The licensee shall ensure the written agreement addresses the following and a copy is provided to the supervisee:
 - a. The manner in which the licensee will identify the supervisee before each supervisory session that does not involve video;
 - b. Limitations and innovative nature of using technology to provide supervision;
 - c. Potential risk of technology failure that disrupts provision of supervision and how to re-establish communication if disruption occurs;
 - d. When and how the licensee will respond to routine electronic communications from the supervisee;
 - e. The circumstances under which the licensee and supervisee will use an alternative means of communication; and
 - f. The type of secure electronic technology the licensee will use to communicate with the supervisee;
 2. Obtain information about an alternative means of contacting the supervisee; and
 3. Provide the supervisee with information about an alternative means of contacting the licensee.

ARTICLE 2. LICENSURE

R4-26-203.03. Reapplication for License; Applying Anew

- A.** No change
1. No change
 2. No change
- B.** No change
- C.** No change
1. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 4. No change
 5. Pay the fee required under R4-26-108(A)(2).
- D.** No change
1. No change
 2. An individual who was permitted by the Board to withdraw an application submitted under R4-26-203 or R4-26-203.01 before the Board acted on the application, ~~and~~
 3. An individual whose application submitted under R4-26-203 or R4-26-203.01 was administratively closed by the Board under R4-26-208(H) more than one year before another application is submitted,;
 4. An individual whose license was revoked under A.R.S. § 32-2081(N)(1).
 5. An individual whose license expired under A.R.S. § 32-2074.
 6. An individual whose license was cancelled under A.R.S. 32-2074, and



7. An individual who retired under A.R.S. § 32-2073(G).

R4-26-203.04. Temporary License under A.R.S. § 32-2073(B)

- A.** To be eligible to be issued a temporary license under A.R.S. § 32-2073(B), an individual shall:
 1. Have completed the educational requirements specified in A.R.S. § 32-2071(A) through (C);
 2. Have completed 1,500 hours of supervised professional experience as described in A.R.S. § 32-2071(F); and
 3. Be participating in a supervised postdoctoral professional experience as described in A.R.S. § 32-2071(G).
- B.** An applicant seeking a temporary license under A.R.S. § 32-2073(B), shall submit an application packet to the Board that includes:
 1. The application form required under R4-26-203 and provide all required information except that specified in R4-26-203(C)(3), (5), and (7); and
 2. The written training plan required under A.R.S. § 32-2071(G)(7) from the entity at which the supervised postdoctoral professional experience is occurring that includes at least the following:
 - a. Goal and content of each training experience.
 - b. Expectations regarding the nature, quality, and quantity of work to be done by the supervisee during the supervised postdoctoral professional experience.
 - c. Methods of evaluating the supervisee and the supervised postdoctoral professional experience.
 - d. Total number of hours to be accrued during the supervised postdoctoral professional experience.
 - e. Total number of face-to-face contact hours the supervisee is to have with clients or patients during the supervised postdoctoral professional experience.
 - f. Total number of hours of supervision the supervisee is to receive during the supervised postdoctoral professional experience.
 - g. Qualifications of all individuals who provide supervision during the supervised postdoctoral professional experience including documentation that each is qualified under the standards at A.R.S. § 32-2071(G), and
 - h. Acknowledgement that ethics training is included in the training experience.
- C.** An individual issued a temporary license under A.R.S. § 32-2073(B) shall practice psychology only under supervision. It is unprofessional conduct for the holder of a temporary license issued under A.R.S. § 32-2073(B) to practice psychology without supervision.
- D.** A temporary license issued under A.R.S. § 32-2073(B) is valid for 36 months and is not renewable. If the Board denies an active license under R4-26-203 to the holder of a temporary license issued under A.R.S. § 32-2073(B), the temporary license terminates at the time of license denial.
- E.** The holder of a temporary license issued under A.R.S. § 32-2073(B) shall:
 1. Comply fully with all provisions of A.R.S. Title 32, Chapter 19.1, and this Chapter;
 2. Not practice psychology outside the postdoctoral experience specified in the written training plan required under subsection (B)(2) and
 3. Submit to the Board any modification to the written training plan required under subsection (B)(2) within 10 days after the effective date of the modification.

R4-26-205. Renewal of License

- A.** ~~A Beginning May 1, 2017, a license issued by the Board, whether active or inactive, expires on April 30 of every odd-numbered year unless renewed; the last day of a licensee's birth month during the licensee's renewal year.~~
- B.** The Board considers a license renewal application packet timely submitted if delivered or mailed to the Board's office and date stamped or postmarked on or before April 30 of the odd-numbered year in which the license expires the last day of a licensee's birth month during the licensee's renewal year.
- C.** No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 2. No change
 3. No change
 4. No change
 - a. No change
 - b. No change
 - c. No change



- d. No change
- e. No change
- f. No change
- g. No change
- h. No change
- i. No change
- j. No change
- k. No change
- l. No change
- m. No change
- n. No change
- o. No change
- p. No change
- q. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 7. No change
- 8. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
- E. No change
- F. Under A.R.S. § 32-2074(B) (C), the license of a licensee who fails to submit a renewal application, including the information about continuing education completed, on or before April 30 of an odd numbered year the last day of the licensee's birth month during the licensee's renewal year expires and the licensee shall immediately stop practicing psychology.
- G. A psychologist whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board on or before June 30 of the year in which the license expired within two months after the last day of the licensee's birth month during the licensee's renewal year:
 - 1. No change
 - 2. No change
- H. A psychologist whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) may have the license reinstated by:
 - 1. Complying with subsections (G)(1) and (2) on or before the following April 30th subsection (G) within one year after the last day of the licensee's birth month during the licensee's renewal year, and
 - 2. Paying the delinquent compliance fee for reinstatement of an active or inactive license as specified in R4-26-108(A)(7).
- I. No change
- J. No change

R4-26-206. Reinstatement of License from Inactive to Active Status; Cancellation of License

- A. No change
- B. A psychologist who is on inactive status for at least two years may reinstate the license to active status by presenting to the Board documentation of completion of at least 40 hours of continuing education that meets the standards in R4-26-207. A psychologist who is on inactive status for less than two years may reinstate the license to active status by presenting to the Board documentation of completion of a prorated amount of continuing education. To calculate the prorated amount of continuing education hours required, the Board shall multiply 1.67 by the number of months from the date of inactive status until the date the application for reinstatement is received by the Board. For every six months of inactive status, the Board shall require one hour of continuing education in:
 - 1. Ethics, as specified under R4-26-207(B)(1); and
 - 2. Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults, as specified under R4-26-207(B)(2).



C. No change

R4-26-207. Continuing Education

A. No change

B. A licensee shall ensure the continuing education hours obtained include at least four hours in each of the following:

1. Professional ethics; and
2. Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults. The topic of bullying satisfies the requirement for child abuse.

~~**B.C.** During the license period in which an individual is initially licensed, the Board shall pro-rate the number of continuing education hours, including a pro-rated number of hours addressing ethics, domestic violence, intimate partner abuse, abuse of vulnerable adults, child abuse, and bullying that the new licensee must complete during the initial license period. To calculate the number of continuing education hours that a new licensee must obtain, the Board shall divide the 40 hours of continuing education required in a license period by 24 and multiply the quotient by the number of whole months from the date of initial licensure until the end of the license period. To determine the number of ethics hours required during the first license period, the licensee shall complete one hour of ethics for every six months from the month of license issuance to the end of the license period. During the first license period, for every six months from the month of license issuance to the end of the license period, the Board shall require one hour of continuing education in:~~

1. Ethics, as specified under subsection (B)(1); and
2. Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults, as specified under subsection (B)(2).

~~**C.** A licensee shall ensure that the continuing education hours obtained include at least four hours in each of the following:~~

1. Professional ethics; and
2. Domestic violence, intimate partner abuse, child abuse, or abuse of vulnerable adults. The topic of bullying satisfies the requirement for child abuse.

D. ~~If the standards in subsection (F) are met, the Board shall accept the following for continuing education hours. In completing the continuing education requirement, a licensee shall ensure that hours are obtained from participating in at least two of the following:~~

1. ~~Post-doctoral study sponsored by a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1) and provides a graduate-level degree program;~~
2. ~~A course, seminar, workshop, or home study for which a certificate of attendance or completion is provided;~~
3. ~~A continuing education program offered by a national, international, regional, or state association, society, board, or continuing education provider;~~
4. ~~Teaching a graduate-level course in applied psychology at a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1). A licensee who teaches a graduate-level course in applied psychology receives the same number of continuing education hours as number of classroom hours for those who take the graduate-level course;~~
5. ~~Organizing and presenting a continuing education activity. A licensee who organizes and presents a continuing education activity receives the same number of continuing education hours as those who attend the continuing education activity;~~
6. ~~Attending a Board meeting or serving as a member of the Board. A licensee receives up to six continuing education hours in professional ethics for attending both morning and afternoon sessions of a Board meeting and three continuing education hours for attending either the morning or afternoon session or at least four hours of a Board meeting. A licensee shall complete documentation provided by the Board at the time the licensee attends a Board meeting. During a license period, the Board shall not accept from a licensee more than 10 continuing education hours obtained by attending a Board meeting;~~
7. ~~Serving as a complaint consultant. During a license period, a licensee who serves as a Board complaint consultant to review Board complaints and provide a provides written report reports to the Board or provides expert testimony on behalf of the Board may receive continuing education hours equal to the actual number of hours served as a complaint consultant to a maximum of 20 hours. A licensee who is paid by the Board for services rendered shall not receive continuing education credit for the time or services for which payment was made;~~
7. The Board shall allow a maximum of 10 continuing education hours for each of the following during a license period:
 - a. Attending a Board meeting or serving as a member of the Board. A licensee receives up to six continuing education hours in professional ethics for attending both morning and afternoon sessions of a Board meeting and three continuing education hours for attending either the morning or afternoon session or at least four hours of a Board meeting. A licensee shall complete documentation provided by the Board at the time the licensee attends a Board meeting;
 - ~~8-b.~~ Having an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published. A licensee who has an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published receives 10 continuing education hours in the year of publication;
 - ~~9-c.~~ Participating in a study group for professional growth and development as a psychologist. A licensee receives one hour of continuing education for each hour of participation to a maximum of 10 continuing education



hours for participating in a study group. The Board shall allow continuing education hours for participating in a study group only if the licensee maintains the documentation required under subsection (G)(5);

~~10.d.~~ Presenting a symposium or paper at a state, regional, national, or international psychology meeting. A licensee who presents a symposium or paper receives the same number of continuing education hours as hours of the session, as published in the agenda of the meeting, at which the symposium or paper is presented to a maximum of 10 continuing education hours ~~in a license period~~;

~~11.e.~~ Presenting a poster during a poster session at a state, regional, national, or international psychology meeting. A licensee who presents a poster receives an hour of continuing education for each hour the licensee is physically present with the poster during the poster session, as published in the agenda of the meeting, to a maximum of 10 continuing education hours ~~in a license period~~; and

~~12.f.~~ Serving as an elected officer of an international, national, regional, or state psychological association or society. A licensee who serves as an elected officer may receive continuing education hours equal to the actual number of hours served to a maximum of 10 continuing education hours ~~in a license period~~.

E. No change

1. No change
2. No change
3. No change

F. Standards for continuing education. To be acceptable for continuing education credit, an activity identified in subsections (D)(1) through (4) shall:

1. Focus on the practice of psychology, as defined at A.R.S. § 32-2061~~(8)~~ (9), for at least 75 percent of the program hours; and
2. Be taught by an instructor who is:
 - a. ~~Currently licensed or certified in the instructor's profession or works at least 20 hours each week as a faculty member at a regionally accredited college or university;~~
 - b. ~~A fellow diplomate, or specialist; or~~
 - c. ~~Readily~~ readily identifiable as competent in the subject of the continuing education by having an advanced degree, teaching experience, work history, published professional articles, or previously presented continuing education on the same subject.

G. The Board shall accept the following documents as evidence of completion of continuing education hours:

1. A certificate of attendance or completion;
2. Statement signed by the provider verifying participation in the activity;
3. ~~Official transcript~~ Copy of transcript of course completed under subsection (D)(1);
4. Documents indicating a licensee's participation as an elected officer or appointed member as specified in subsection ~~(D)(12)~~ (D)(7)(f); or
5. An attestation signed by all participants of a study group under subsection ~~(D)(9)~~ (D)(7)(c) that includes a description of the activity, subject covered, dates, and number of hours.

H. No change

I. No change

J. No change

1. No change
2. No change
3. No change

K. No change

L. No change

R4-26-208. Time Frames for Processing Applications

A. No change

B. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

I. No change

J. No change

1. No change
2. No change

~~H-K.~~ If the Board denies a license or approval, the Board shall send the applicant or person requesting approval a written notice explaining:

1. No change
2. No change
3. No change



4. No change

H.L. If the last day of a time frame falls on a Saturday, Sunday, or an official state holiday, the time frame ends on the next business day.

R4-26-210. Supervised Professional Experience

A. No change

1. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change

B. No change

1. No change
 - a. No change
 - b. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
5. No change
6. No change

C. Under A.R.S. § 32-2071(G)(5), at least 40 percent of an applicant's supervised postdoctoral experience shall involve direct client or patient contact. If an applicant's supervised postdoctoral hours applied toward licensure include less than 40 percent direct ~~contract~~ contact hours, the applicant shall work additional time to achieve the required percentage of direct contact hours. While additional direct contact hours may be obtained to meet this requirement, the Board shall count no more than 1,500 hours of total postdoctoral experience for the purpose of licensure.

ARTICLE 3. REGULATION

R4-26-304. Representation before the Board by Attorney Not Admitted to State Bar of Arizona

An attorney who is not a member of the State Bar of Arizona shall not represent a party before the Board unless the attorney is admitted to practice ~~pro hac vice~~ pro hac vice before the Board under Rule 38(a) of the Rules of the Supreme Court of Arizona.

R4-26-310. Disciplinary Supervision; Practice Monitor

A. If the Board determines, after a hearing conducted under A.R.S. Title 41, Chapter 6, Article 10, after an informal interview under A.R.S. § 32-2081(K), or through an agreement with the Board, that to protect public health and safety and ensure a licensee's ability to engage safely in the practice of psychology, it is necessary to require that the licensee practice psychology for a specified term under ~~the supervision of another licensee who provides supervision or service as a practice monitor~~, the Board shall enter into an agreement with the licensee or issue an order regarding the disciplinary supervision or practice monitoring.

B. Payment between a ~~licensee and supervisor and supervisee~~ or practice monitor.

1. A licensed psychologist who enters into an agreement with the Board or is ordered by the Board to practice psychology under the supervision of another licensee may pay the supervising licensee for the supervisory service; ~~and~~
2. A licensed psychologist who provides supervisory service to a licensed psychologist who has been ordered by the Board or entered into an agreement with the Board to practice psychology under supervision may accept payment for the supervisory service;
3. A licensed psychologist who enters into an agreement with the Board or is ordered by the Board to practice psychology under a practice monitor may pay the practice monitor for the service provided; and
4. A licensed psychologist who provides practice monitoring to a licensed psychologist who has been ordered by the Board or entered into an agreement with the Board to practice psychology under a practice monitor may accept payment for the service provided.

C. A licensed psychologist who supervises or serves as a practice monitor for a licensed psychologist who has entered an



agreement with the Board or been ordered by the Board to practice psychology under supervision or with a practice monitor is professionally responsible only for work specified in the agreement or order.