



STATE OF ARIZONA  
BOARD OF BEHAVIORAL HEALTH EXAMINERS  
1740 WEST ADAMS STREET, SUITE 3600  
PHOENIX, AZ 85007  
PHONE: 602.542.1882 FAX: 602.364.0890  
Board Website: [www.azbbhe.us](http://www.azbbhe.us)  
Email Address: [information@azbbhe.us](mailto:information@azbbhe.us)

KATIE HOBBS  
Governor

TOBI ZAVALA  
Executive Director

---

October 9, 2024

**VIA EMAIL:** [grrc@azdoa.gov](mailto:grrc@azdoa.gov)

Jessica Klein, Chair  
Governor's Regulatory Review Council  
100 North 15th Avenue, Suite 305  
Phoenix, Arizona 85007

**RE: 4A.A.C. 6. Board of Behavioral Health Examiners  
Five-year-review Report, Articles 1-11**

Dear Ms Klein:

The Board submits the referenced report for Council's review and approval. The report is due under an extension on November 28, 2024.

The Board certifies it complies with A.R.S. § 41-1091.

For questions about this report, please contact Polly Knape at 602-524-1811 or [polly.knape@azbbhe.us](mailto:polly.knape@azbbhe.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Tobi Zavala".

Tobi Zavala  
Executive Director

**Five-year-review Report**  
**A.A.C. Title 4. Professions and Occupations**  
**Chapter 6. Board of Behavioral Health Examiners**  
**Submitted for**

INTRODUCTION

The Arizona Board of Behavioral Health Examiners (Board), which was established in 1988, protects public health and safety by regulating the practice of behavioral health professionals. This includes licensing counselors, marriage and family therapists, social workers, and addiction counselors, investigating allegations of unprofessional conduct, and ordering appropriate discipline. The Board is assisted in its work by four credentialing committees, one for each of the behavioral health disciplines.

Since the Board's last 5YRR was approved by the Council on March 3, 2020, the legislature has amended the Board's rules multiple times:

- Under Laws 2021, Chapter 320, the legislature amended A.R.S. § 32-3251 to provide that direct client contact includes providing therapeutic or clinical care by telehealth. The legislation also added A.R.S. § 36-3606 regarding registration of out-of-state providers of telehealth services.
- Under Laws 2021, Chapter 62, the legislature amended A.R.S. §§ 32-3293 (social work), 32-3301 (counseling), 32-3311 (marriage and family therapy), and 32-3321 (addiction counseling) to remove the requirement that an applicant provide evidence of indirect client hours obtained during training. The applicant must provide evidence of direct client hours and clinical supervision.
- Under Laws 2024, Chapter 77, the legislature enacted A.R.S. § 32-3306, which establishes a compact to facilitate interstate practice of licensed professional counselors.
- Under Laws 2024, Chapter 169, the legislature changed the term “substance abuse counseling” to “addiction counseling” and expanded the scope to include compulsive dependence on a behavior and activities known as process addictions.

- Under Laws 2024, Chapter 37, the legislature amended A.R.S. § 32-2372 to require the Board to waive a renewal fee for an associate level license if the licensee has an application for independent licensure pending when a renewal application is submitted.
- Under Laws 2024, Chapter 227, the legislature enacted the Social Work Licensure Compact.

Statute that generally authorizes the agency to make rules: A.R.S. § 32-3253

1. Specific statute authorizing the rule:

R4-6-101. A.R.S. § 32-3253

R4-6-201. A.R.S. § 32-3253

R4-6-203. A.R.S. § 32-3262

R4-6-205. A.R.S. § 32-3276

R4-6-206. A.R.S. § 32-3253

R4-6-207. A.R.S. §§ 32-3253 and 32-3282

R4-6-208. A.R.S. §§ 32-3251(16) and 32-3275

R4-6-209. A.R.S. §§ 32-3253, 32-3277, and 41-1073

R4-6-210. A.R.S. §§ 32-3253, 32-3279, 32-3291, 32- 3292, 32-3303, 32-3313 and 32-3321

R4-6-211. A.R.S. §§ 32-3253, 32-3279, 32-3291, 32- 3292, 32-3303, 32-3313 and 32-3321

R4-6-212. A.R.S. §§ 32-3253, 32-3293, 32-3301, 32-3311 and 32-3321

R4-6-212.01. A.R.S. §§ 32-3253, 32-3293, 32-3301, 32-3311 and 32-3321

R4-6-213. A.R.S. § 32-3253

R4-6-214. A.R.S. § 32-3253

R4-6-215. A.R.S. §§ 32-3253 and 32-3272

R4-6-216. A.R.S. §§ 32-3253, 32-3291, 32-3292, 32- 3293, 32-3301, 32-3311 and 32-3321

R4-6-301. A.R.S. §§ 32-3253, 32-3275, 32-3280, 41- 1080(A), 25-320(P), and 25-502(K)

R4-6-302. A.R.S. §§ 41-1073 and 32-3253(A)(3)

Table 1. A.R.S. §§ 41-1073 and 32-3253(A)(3)

R4-6-304. A.R.S. §§ 32-3274 and 32-4302

R4-6-305. A.R.S. § 32-3278

R4-6-306. A.R.S. § 32-3279

R4-6-307. A.R.S. § 32-3253

R4-6-401. A.R.S. §§ 32-3291, 32-3292, and 32-3293  
R4-6-402. A.R.S. §§ 32-3291, 32-3292, and 32-3293  
R4-6-403. A.R.S. § 32-3293  
R4-6-404. A.R.S. § 32-3293  
R4-6-501. A.R.S. §§ 32-3301 and 32-3303  
R4-6-502. A.R.S. §§ 32-3301 and 32-3303  
R4-6-503. A.R.S. § 32-3301  
R4-6-504. A.R.S. § 32-3301  
R4-6-505. A.R.S. §§ 32-3301 and 32-3303  
R4-6-601. A.R.S. §§ 32-3311 and 32-3313  
R4-6-602. A.R.S. §§ 32-3311 and 32-3313  
R4-6-603. A.R.S. § 32-3311  
R4-6-604. A.R.S. § 32-3311  
R4-6-605. A.R.S. §§ 32-3311 and 32-3313  
R4-6-701. A.R.S. § 32-3321  
R4-6-702. A.R.S. § 32-3321  
R4-6-703. A.R.S. § 32-3321  
R4-6-704. A.R.S. § 32-3321  
R4-6-705. A.R.S. § 32-3321  
R4-6-706. A.R.S. § 32-3321  
R4-6-707. A.R.S. § 32-3321  
R4-6-801. A.R.S. §§ 32-3273 and 32-4301  
R4-6-802. A.R.S. § 32-3273  
R4-6-803. A.R.S. § 32-3273  
R4-6-901. A.R.S. §§ 32-3253, 32-3275, and 41-1092  
R4-6-902. A.R.S. §§ 32-3253, 32-3275, and 41-1092  
R4-6-1001. A.R.S. §§ 32-3253, 32-3281 and 32-3282  
R4-6-1002. A.R.S. §§ 32-3253, 32-3281 and 32-3282  
R4-6-1101. A.R.S. § 32-3253  
R4-6-1102. A.R.S. § 32-3253  
R4-6-1103. A.R.S. §§ 32-3253, 12-2293, and 12-2297

R4-6-1104. A.R.S. § 32-3253

R4-6-1105. A.R.S. §§ 32-3253 and 32-3283

R4-6-1106. A.R.S. § 32-3253

2. Objective of the rules:

R4-6-101. Definitions: The objective of this rule is to enhance understandability of the rules by defining terms used in a manner not explained adequately by a dictionary definition.

R4-6-201. Board Meetings; Elections: The objective of this rule is to establish minimum requirements for Board operation.

R4-6-203. Academic Review Committee Meetings; Elections: The objective of this rule is to establish minimum requirements for operation of the Academic Review Committees.

R4-6-205. Change of Contact Information: The objective of this rule is to facilitate communication between the Board and a licensee or applicant by requiring the licensee or applicant provide the Board with current contact information.

R4-6-206. Change of Name: The objective of this rule is to assist the Board in maintaining accurate records by requiring a licensee or applicant inform the Board when the licensee's or applicant's name changes.

R4-6-207. Confidential Records: The objective of this rule is to specify which Board records are confidential and not available for public review.

R4-6-208. Conviction of a Felony or Prior Disciplinary Action: The objective of this rule is to inform a licensee or applicant of the factors the Board considers when determining whether a felony conviction or prior disciplinary action will result in disciplinary sanctions.

R4-6-209. Deadline Extensions: The objective of this rule is to inform a licensee or applicant which deadlines may be extended, which may not be extended, and how to obtain an extension.

R4-6-210. Practice Limitations: The objective of this rule is to indicate which licensees are required to work under direct supervision only.

R4-6-211. Direct Supervision; Supervised Work Experience: General: The objective of this rule is to provide standards for the direct supervision required of a supervised work experience.

R4-6-212. Clinical Supervision Requirements: The objective of this rule is to establish minimum standards for clinical supervision acceptable for licensure.

R4-6-212.01. Exemptions to the Clinical Supervision Requirements: The objective of this rule is to specify exemptions to the minimum standards for clinical supervision.

R4-6-213. Registry of Clinical Supervisors: The objective of this rule is to specify the requirements with which a licensee must comply to be included on the Board's registry of clinical supervisors.

R4-6-214. Clinical Supervisor Educational Requirements: The objective of this rule is to maintain clinical supervision standards by ensuring licensees included on the Board's registry of clinical supervisors remain qualified.

R4-6-215. Fees and Charges: The objective of this rule is to provide notice of the fees and charges collected by the Board for its licensing and service responsibilities. The rule also specifies acceptable methods of payment.

R4-6-216. Foreign Equivalency Determination: The objective of this rule is to specify the manner in which the Board determines whether a degree obtained in a foreign country is substantially equivalent to one obtained in this country.

R4-6-301. Application for a License by Examination: The objective of this rule is to specify the information and documents required from an applicant for licensure by examination.

R4-6-302. Licensing Time Frames: The objective of this rule is to inform an applicant or licensee of the time and manner in which the Board acts on an application.

Table 1. Time Frames (in Days): The objective of this table is to inform an applicant or licensee of the time in which the Board acts on an application.

R4-6-304. Application for a License by Endorsement: The objective of this rule is to specify the information and documents required from an applicant for licensure by endorsement.

R4-6-305. Inactive Status: The objective of this rule is to specify the procedure for placing a license on inactive status, the consequences of a license being inactive, and the procedure for reactivating a license.

R4-6-306. Application for a Temporary License: The objective of this rule is to specify who is eligible for a temporary license, the procedure for application, and the consequences of having a temporary license.

R4-6-307. Approval of an Educational Program: The objective of this rule is to inform representatives of regionally accredited colleges and universities of the procedure for obtaining the Board's approval of an educational program in behavioral health.

R4-6-401. Curriculum: The objective of this rule is to specify the standard for the curriculum of a degree in social work, which is required for licensure.

R4-6-402. Examination: The objective of this rule is to specify the examination required of an applicant for social work licensure and time restrictions for passing the required examination.

R4-6-403. Supervised Work Experience for Clinical Social Worker Licensure: The objective of this rule is to specify the supervised work experience requirements for an applicant seeking licensure as a clinical social worker.

R4-6-404. Clinical Supervision for Clinical Social Worker Licensure: The objective of this rule is to specify that some of the supervision of an applicant seeking licensure as a clinical social worker must be clinical supervision and specify requirements for the clinical supervision hours.

R4-6-501. Curriculum: The objective of this rule is to specify the standard for the curriculum, including a supervised practicum, of a master's or higher degree in counseling, which is required for licensure.

R4-6-502. Examination: The objective of this rule is to specify the examination required of an applicant for counseling licensure and time restrictions for passing the required examination.

R4-6-503. Supervised Work Experience for Professional Counselor Licensure: The objective of this rule is to specify the supervised work experience requirements for an applicant seeking licensure as a professional counselor.

R4-6-504. Clinical Supervision for Professional Counselor Licensure: The objective of this rule is to specify that some of the supervision of an applicant seeking licensure as a professional counselor must be clinical supervision and specify requirements for the clinical supervision hours.

R4-6-505. Post-degree Programs: The objective of this rule is to specify the amount of course work an applicant for associate or professional counselor licensure may take to correct curriculum deficiencies.



R4-6-601. Curriculum: The objective of this rule is to specify the standard for the curriculum, including a supervised practicum, of a master's or higher degree in marriage and family therapy, which is required for licensure.

R4-6-602. Examination: The objective of this rule is to specify the examination required of an applicant for marriage and family therapy licensure and time restrictions for passing the required examination.

R4-6-603. Supervised Work Experience for Marriage and Family Therapy Licensure: The objective of this rule is to specify the supervised work experience requirements for an applicant seeking licensure as a marriage and family therapist.

R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure: The objective of this rule is to specify that some of the supervision of an applicant seeking licensure as a marriage and family therapist must be clinical supervision and specify requirements for the clinical supervision hours.

R4-6-605. Post-degree Programs: The objective of this rule is to specify the amount of course work an applicant for licensure as a marriage and family therapist may take to correct curriculum deficiencies.

R4-6-701. Licensed Substance Abuse Technician Curriculum: The objective of this rule is to specify the curriculum requirements for licensure as a substance abuse technician.

R4-6-702. Licensed Associate Substance Abuse Counselor Curriculum: The objective of this rule is to establish the curriculum requirements for licensure as an associate substance abuse counselor.

R4-6-703. Licensed Independent Substance Abuse Counselor Curriculum: The objective of this rule is to establish the curriculum requirements for licensure as an independent substance abuse counselor.

R4-6-704. Examination: The objective of this rule is to establish the examination requirements for substance abuse licensure and specify the examinations acceptable to the Board.

R4-6-705. Supervised Work Experience for Substance Abuse Counselor Licensure: The objective of this rule is to specify the supervised work experience requirements for licensure as a substance abuse counselor.

R4-6-706. Clinical Supervision for Substance Abuse Counselor Licensure: The objective of this rule is to specify the number of hours of supervised work experience that must involve clinical supervision by a qualified supervisor.

R4-6-707. Post-degree Programs: The objective of this rule is to specify the standards for course work an applicant for licensure as a substance abuse counselor may take to correct curriculum deficiencies.

R4-6-801. Renewal of Licensure: The objective of this rule is to specify the requirements for biennial license renewal.

R4-6-802. Continuing Education: The objective of this rule is to specify limitations regarding acceptable hours of continuing education.

R4-6-803. Continuing Education Documentation: The objective of this rule is to specify acceptable documentation of continuing education and the time the documentation needs to be maintained.

R4-6-901. Appeal Process for Licensure Ineligibility: The objective of this rule is to specify the appeal procedure an applicant may use when an ARC finds the applicant is ineligible for licensure.

R4-6-902. Appeal Process for Licensure Renewal Ineligibility: The objective of this rule is to specify the appeal procedure an applicant may use when an ARC finds the applicant is ineligible for license renewal.

R4-6-1001. Disciplinary Process: The objective of this rule is to specify the manner in which the Board handles complaints against a licensee including determining whether disciplinary action is appropriate.

R4-6-1002. Review or Rehearing of a Board Decision: The objective of this rule is to specify the procedures and standards for requesting a rehearing or review of a Board decision.

R4-6-1101. Consent for Treatment: The objective of this rule is to specify that informed consent is required before any treatment is provided, the elements of informed consent, and the manner in which informed consent is documented.

R4-6-1102. Treatment Plan: The objective of this rule is to specify the requirements for a treatment plan, including review and revision of the treatment plan.

R4-6-1103. Client Record: The objective of this rule is to specify the standards for maintaining client records and the manner in which client records are to be used and confidentiality ensured.

R4-6-1104. Financial and Billing Records: The objective of this rule is to ensure a client is aware of a licensee's billing practices before a therapeutic relationship is entered and to require billing records be maintained separate from client records.

R4-6-1105. Confidentiality: The objective of this rule is to protect client confidentiality by establishing procedures for release of client information.

R4-6-1106. Telepractice: The objective of this rule is to establish standards for providing behavioral health services by telepractice.

3. Are the rules effective in achieving their objectives? Yes

The Board determined the rules are effective in achieving their objectives because the Board is able to use the rules to fulfill its statutory responsibility to protect public health and safety by licensing and regulating behavioral health professionals.

4. Are the rules consistent with other rules and statutes? Mostly yes

The Board's rules are inconsistent with the multiple changes the legislature made to the Board's statutes in the last three years. The rules are inconsistent as follows:

- A fee is needed for registration of an out-of-state provider of telehealth. Additionally, this registration needs to be addressed in the licensure rule and the time frame table;
- The definition of "direct client contact" needs to be updated to include telehealth;
- For all four professions, evidence of indirect client hours needs to be removed from the licensing requirements;
- The privilege to practice under the Counseling Compact needs to be added for professional counselors;
- The multistate license under the Social Work Compact needs to be added for social workers; and
- The term "substance abuse counselor" needs to be changed to "addiction counselor."

Additionally, the Board needs to address licensure by universal recognition as specified under A.R.S. § 32-4302 and to align provisions regarding supervised private practice with requirements of the Commission on Accreditation for Marriage and Family Therapy Education.

5. Are the rules enforced as written? Mostly yes

The Board enforces the rules in a manner consistent with statute.

6. Are the rules clear, concise, and understandable? Yes

7. Has the agency received written criticisms of the rules within the last five years? No  
The Board submitted a rule package for the Council's approval at its July 5, 2023, meeting. However, in response to public comments at the meeting, the Council tabled the rule package rather than approve it. In response, the Board terminated the rule package (See 29 A.A.R. 1895, August 25, 2023).

8. Economic, small business, and consumer impact comparison:  
The Board completed one rulemaking since the Council approved the Board's previous 5YRR. In the rulemaking, the Board made clarifying amendments to 21 rules and reduced regulatory burdens, including eliminating the \$100 fee for issuing a license and providing options to non-independent level licensees for clinical supervision.

2020 rulemaking: 26 A.A.R. 2881, November 13, 2020

The economic, small business, and consumer impact statement prepared with this rulemaking was available for review. In the EIS, the Board estimated the fee elimination would impact approximately 2,000 applicants each year and that approximately 2,500 non-independent level licensees would benefit from expanded access to a qualified clinical supervisor.

There are currently 18,417 licensed behavioral health professionals in Arizona. During the last fiscal year, the Board issued 3,434 first-time licenses. This means the Board did not collect the \$343,400 it would have collected if the license issuance fee had remained in place and under A.R.S. § 32-3254, did not deposit \$34,340 into the state's general fund. During the last fiscal year, 6,637 non-independent level licensees benefited from expanded access to a qualified clinical supervisor. The Board benefited from having rules that do not impose unnecessary regulatory burdens.

9. Has the agency received any business competitiveness analyses of the rules? No

10. Has the agency completed the course of action indicated in the agency's previous 5YRR: Yes

In the 5YRR approved by the Council on March 3, 2020, the Board indicated it intended to complete the rulemaking referenced in item 8.

11. A determination after analysis that the probable benefits of the rule outweigh within this state the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

The Board determined the benefits of the rules, protecting public health and safety, outweigh the costs and regulatory burdens imposed on those subject to the rules. Many of the costs and regulatory burdens result from statute rather than rule. Among the costs and regulatory burdens are:

- All applicants must submit an application for licensure and pay the applicable fee;
- Applicants must obtain specified education, including supervised work experience, pass a licensing examination, and pass a criminal background check;
- Licensees must renew the license biennially and pay a renewal fee;
- Licensees must obtain continuing education;
- Licensees must work within the scope of the licensed practice level; and
- Licensees must adhere to community standards of practice including maintaining client records and financial records and protecting confidentiality.

12. Are the rules more stringent than corresponding federal laws? No

No federal law is applicable to the subject matter of the rules.

13. For a rule made after July 29, 2010, that require issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037:

All of the Board's rules were made after July 29, 2010. However, A.R.S. § 41-1037 is not applicable because the Board does not issue general permits. The Board is required by statute to assess the qualifications of applicants and issue licenses only to those who meet the statutory standards (See A.R.S. §§ 32-3275, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311, and 32-3321).

14. Proposed course of action:

The Board received the approval required under A.R.S. § 41-1039(A) to do a rulemaking that will complete the rulemaking terminated in 2023 and address the items identified in this report. The Board expects to submit the rulemaking to the Council by June 2025.