

ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

**Arizona Administrative Code
Title 4, Chapter 26, Articles 1 through 3**

Five Year Review of Rules

August 2014

Arizona Board of Psychologist Examiners

Five Year Review of Rules

Agency Overview

Mission

The mission of the Arizona Board of Psychologist Examiners is to protect the health, safety and welfare of Arizona citizens by regulating the professions of psychology and behavior analysis.

Board Function

The function of the Board is to regulate and monitor the professions of psychology and behavior analysis on behalf of the citizens of Arizona. The Board has regulated psychology since August, 1965. Effective July 1, 2010, the Board began regulating and monitoring the practice of behavior analysis; licensure for behavior analysts became effective January 1, 2011. The Board has two major areas of regulatory authority. First, the Board licenses individuals to practice psychology and behavior analysis in the State of Arizona. Second, the Board investigates and adjudicates allegations of unprofessional conduct filed against psychologists and behavior analysts licensed in the State of Arizona. In addition, the Board investigates complaints that individuals are practicing psychology and behavior analysis without a license.

Board Composition

Pursuant to A.R.S. § 32-2062(A) and (B), the Arizona Board of Psychologist Examiners is composed of nine members including six members licensed by the Board and three public members who do not have a substantial business interest in the health care industry. At least three of the six licensees must be professional practitioners in psychology and two must be full-time faculty members from universities in Arizona with a doctoral program in psychology that meets the requirements of A.R.S. § 32-2071. All Board members are appointed by the Governor of the State of Arizona and confirmed by the Arizona Senate (A.R.S. §32-2062(D) and A.R.S. §38-211). Members serve a five-year term or may be appointed to fill the unexpired term of a previous member (A.R.S. §32-2062(C)).

Board Meetings

A.R.S. § 32-2064(A) states that the Board shall hold regular quarterly meetings with special meetings held as deemed necessary by the Chairman. The Board currently meets monthly including at least four in-person meetings each year and telephonic meetings during those months in which an in-person meeting is not held. All meetings of the Board are open to the public. The Board sets aside time to hear comments from the public. The Board offers continuing education credit in professional ethics to licensees who attend in-person Board meetings.

Committees

The Complaint Screening Committee (CSC) established in A.R.S. § 32-2081(F), generally meets monthly to provide an initial review of complaints. The CSC has the authority to dismiss complaints or refer complaints to the full Board for action. Additional committees established by the Board pursuant to A.R.S. § 32-2064(B) include the Application Review Committee, which meets monthly to review applications for licensure as well as other committees that meet as necessary including Continuing Education Committee, Executive Committee, Legislative Committee, Scope of Practice Committee, Telepractice Committee, and Rules Committee. All committee meetings are open to the public.

Board Office

The Board office is staffed Monday through Friday 8:00 a.m. to 5:00 p.m., except on state holidays. The Board is authorized four full-time positions.

2014 Five Year Review of Rules

1. Authorization of the Rules by Existing Statutes*:

A.R.S. § 32-2063(A)(9) authorizes the Board to “Adopt rules pursuant to title 41, chapter 6 to carry out this chapter and to define unprofessional conduct.”

Legislation passed during the 2014 Legislative Session added a definition of “Telepractice” (A.R.S. 32-2061(14)); A.R.S. 32-2063(A)(12) authorizes the Board to “Adopt rules regarding the use of telepractice on or before June 30, 2016.” In addition, pursuant to A.R.S. 32-2071(F)(6) and A.R.S. 32-2071(G)(5), the Board’s rules on telepractice will include rules pertaining to telepractice supervision.

Specific Statute Authorizing the Rule:

- R4-26-101. Definitions: A.R.S. § 32-2063(A)(9)
- R4-26-102. Board Officers: A.R.S. § 32-2063(A)(8)
- R4-26-103. Official Signatures: A.R.S. § 32-2063(A)(8) [Note: This statute identifies the Board’s elected officers; the rule clarifies that those officers may sign officials papers of the Board. The Board has drafted rules that would repeal this section.]
- R4-26-104. Advisory Committees: A.R.S. § 32-2064(B)
- R4-26-105. Board Records: A.R.S. §§ 39-121, 39-121.03
- R4-26-106. Client Records: A.R.S. §§ 12-2297, 32-2061(2) and (15)(h); 45 CFR 164
- R4-26-107. Current Address: A.R.S. § 32-2066(B)
- R4-26-108. Fees: A.R.S. § 32-2067
- R4-26-201. Application Deadline: A.R.S. § 32-2063(A)(3)
- R4-26-202. Doctorate: A.R.S. §§ 32-2071(A) through (C)
- R4-26-203. Application for Licensure: A.R.S. §§ 32-2063(A)(3), 32-2071, 32-2072
- R4-26-203.01. Application for Licensure by Credential Under: A.R.S. §§ 32-2063(A)(3), 32-2071, 32-2071.01(D)
- R4-26-204. Examinations: A.R.S. §§ 32-2063 (A)(11), 32-2072, 32-2071.01(2)

*Note: Statutes effective July 24, 2014, are cited throughout this report including Version 1 of A.R.S. §§32- 2071 and 32-2074

- R4-26-205. Renewal of License: A.R.S. §§ 32-2063(A)(3), 32-2074(B)
- R4-26-206. Inactive Status: A.R.S. § 32-2073(G) through (I)
- R4-26-207. Continuing Education: A.R.S. §§ 32-2073(I), 32-2074(D)
- R4-26-208. Time-frames for Processing Applications: A.R.S. §§ 32-2063(A)(3), 32-2071 through 32-2076, 41-1073
- Table 1. Time-frames (in Days) for Processing Applications: A.R.S. §§ 32-2063(A)(3), 41-1073
- R4-26-209. General Supervision: A.R.S. §§ 32-2071, 38-502(11) [Note: The Board has drafted rules that would amend this rule and delete reference to A.R.S. § 38-502(11).]
- R4-26-210. Internship or Training Experience: A.R.S. § 32-2071
- R4-26-211. Foreign Graduates: A.R.S. §§ 32-2063(A)(3), 32-2071(B)
- R4-26-301. Rules of Professional Conduct: A.R.S. § 32-2063(A)(11)
- R4-26-302. Informal Interviews: A.R.S. § 32-2081(I)
- R4-26-303. Titles: A.R.S. § 32-2061 et seq.
- R4-26-304. Representation Before the Board by Attorney Not Admitted to the State Bar of Arizona: A.R.S. § 32-2082(D)
- R4-26-305. Confidentiality of Investigative Materials: A.R.S. § 32-2082(E)
- R4-26-308. Rehearing or Review of Decision: A.R.S. § 41-1092.09

2. Objective of the rules:

Article 1 GENERAL PROVISIONS

R4-26-101. Definition. The objective of the rule is to define terms used in the context of statute and rule in a manner not adequately provided by a dictionary. This facilitates understanding by the reader.

R4-26-102. Board Officers. The objective of the rule is to set forth the process for electing Board officers and their terms under A.R.S. § 32-2063(A)(8). This informs the public of the Board's process for electing officers as well as replacing officers when a vacancy occurs.

R4-26-103. Official Signatures. The objective of the rule is to sets forth the signature powers of the Board officers elected under A.R.S. § 32-2063. This informs the public of signature authority.

R4-26-104. Advisory Committees. The objective of the rule is to clarify the circumstances under which the Board may established committees under A.R.S. § 32-2064(B). The public will know that the Board may appoint advisory committees; a general scope of work for those committees is also provided. [Note: The Board is drafting rules that would amend this rule to reflect that, in addition to Board appointed committees, the Board Chair may appoint committees to assist the Board in fulfilling the Board's responsibility.]

R4-26-105. Board Records. The objective of the rule is to set forth days and times for viewing Board records as well as providing guidelines for the inspection of Board records, with the exception of confidential information in the Board's files under A.R.S. § 32-2082(E). This tells interested individuals when they may view records as well as informing that some information is confidential so that individuals will not be surprised.

R4-26-106. Client Records. The objective of the rule is to provide clarification regarding patients' access to their records under A.R.S. § 32-2061(15)(s) and (cc). It further specifies guidelines for licensees regarding the maintenance of adequate records under A.R.S. § 32-2061(15)(h), and the Board's right to access records as required for investigations under A.R.S. § 32-2082. It also specifies that licensees on inactive status are not exempt from this rule. This provides guidelines for licensees and the general public pertaining to access and maintenance of patient records.

R4-26-107. Current Address. The objective of the rule is to set forth guidelines regarding correspondence sent from the Board to the licensee's last known address of record under A.R.S. § 32-2074(B). A.R.S. §32-2066(B) advices that licensees must notify the Board of an address change within 30 days. This informs licensees that failure to receive correspondence that the Board sends to the last known address is not justification for untimely license renewal or omission of action.

R4-26-108. Fees. The objective of the rule is to set forth the fees adopted by the Board under A.R.S. § 32-2067. Applicants, licensees and the general public will know the correct amount to pay.

Article 2 LICENSURE

R4-26-201. Application Deadline. The objective of the rule it so set forth the deadline for submitting an application and/or supporting materials prior to a Board meeting. This section will avoid surprises when applicants learn the deadline for submitting materials.

R4-26-202. Doctorate. The objective of the rule is to provide specific criteria that the Board applies to determine whether an applicant's doctoral program meets requirements for licensure as required by A.R.S. § 32-2071. This is helpful for applicants as well as doctoral programs in determining whether their doctoral programs satisfy criteria required for licensure in Arizona.

R4-26-203. Application for Licensure. The objective of the rule is to specify the content of an application for licensure and the supporting documentation required under A.R.S. § 32-2071. Prospective applicants and other interested parties are able to review the areas of questions that are posed on the licensure application.

R4-26-203.01 Application for Licensure by Credential Under A.R.S. § 32-2071.01(D) (formerly Section (B)). The objective of the rule is to specify the contents of an application for licensure by credential including the supporting documentation as required under A.R.S. § 32-2071.01(D). This is helpful for applicants as well as the general public in understanding the process for applying for licensure by credential, which differs from the application for exam and licensure.

R4-26-204. Examinations. The objective of the rule is to set forth:

- a. the procedures required for reapplication after failing the national written examination required under A.R.S. § 32-2072(C) three or more times;
- b. the grounds under which an applicant may have licensure denied for violation or attempted violation of examination restrictions;
- c. procedures for the administration, passing scores, and notification of results of the national written examination, and disallowance of inspection of the national examination; and
- d. procedures regarding the Board's option to administer an additional examination as authorized in A.R.S. § 32-2072(B); the rule addresses the process of examination development, administration and security for the examination.

This is informative for current and future applicants as well as the general public to assist in understanding the procedures involved in the examination process.

R4-26-205. Renewal of License. Pursuant to A.R.S. § 32-2074, the objective of the rule is to set forth the deadlines for timely renewal of licenses, specify the contents of an application for renewal of licenses, and provide information pertaining to the continuing education audit conducted by the Board. This informs licensees what to expect as far as questions on the license renewal application, the license renewal process, and provides clarification pertaining to the continuing education audit.

R4-26-206. Inactive Status. The objective of the rule is to set forth procedures regarding reinstatement from inactive to active status and compliance with the requirement to maintain and update professional knowledge and capability to practice as a psychologist under A.R.S. § 32-2073(I). This assists individuals seeking to reinstate a license by clarifying the reinstatement process, including calculation of continuing education hours required for reinstatement.

R4-26-207. Continuing Education. The objective of the rule is to set forth the continuing education requirements authorized under A.R.S. § 32-2074(D). This provides specific continuing education guidelines for use by licensees as well as providers of continuing education courses.

R4-26-208. Time frames for Processing Applications. Pursuant to A.R.S. § 41-1073 The objective of the rule is to set forth the general time frames for completion of applications for

licensure filed with the Board. This provides current or future applicants with time frames in which to expect a decision by the Board regarding the application for licensure.

Table 1. Time frames (in days) for Processing Applications. The objective of Table 1 is to provide time frames in days for processing applications by the Board. This provides current or future applicants with time frames in which to expect a decision by the Board on the application for licensure.

R4-26-209. General Supervision. Three thousand hours of supervised professional work experience is required for licensure as a psychologist pursuant to A.R.S. §32-2071(D). The objective of the rule is to define unacceptable supervisory relations under A.R.S. § 32-2071(E through G). This provides guidance to trainees and supervisors in order to avoid problems with multiple relationships or conflicts of interest. [Note: The Board has drafted rules that would amend this section to further clarify that supervisors do not accept payment for supervision; however, supervisees may receive payment for work performed.]

R4-26-210. Internship or Training Experience. The objective of section A is to set forth procedures under A.R.S. § 32-2071(F) (formerly Section D) pertaining to supervised internship experience including:

- a. A.R.S. § 32-2071(F)(9) (formerly Section (D)(9)), The requirement for submission of an internship written statement;
- b. A.R.S. § 32-2071(F)(2) (formerly Section (D)(2)), The supervisor's availability to supervisee for decision-making functions and the availability of written procedures to be followed in the event the supervisor is unavailable;
- c. Inability to double-credit academic coursework used to satisfy educational requirements of A.R.S. § 32-2071(A) or dissertation time and to satisfy supervision requirements under A.R.S. § 32-2072(F)(6) (formerly Section (D)(6));
- d. Examples of acceptable learning activities to meet the "two additional hours per week" training requirements under A.R.S. § 32-2071(F)(6) (formerly (D)(6)); and
- e. Alternative options for the A.R.S. § 32-2071(F)(7) (formerly section (D)(7)) requirement for interaction with other psychology trainees.

Section B addresses training deadlines for individuals who take the national examination prior to completion of the required 3,000 hours of supervised experience pursuant to A.R.S. §32-2072(C). [Note: A.R.S. 32-2071(F)(2) does not apply to Section B of this rule]

These sections provide guidance and clarification to trainees and supervisors before training begins; doctoral programs may tailor training experiences to meet licensure requirements based on the rule; potential applicants also benefit by learning requirements for licensure prior to submitting an application; and individuals who take the national examination prior to completion of the required supervised experience know the length of time in which the experience must be completed.

R4-26-211. Foreign Graduates. The objective of the rule is to set forth requirements for compliance with A.R.S. § 32-2071(B) for graduates of foreign institutions. This provides guidance to foreign graduates who wish to apply for licensure.

Article 3 REGULATION

R4-26-301. Rules of Professional Conduct. The objective of the rule is to incorporate by reference the ethical standards contained in the Ethical Principles of Psychologists and Code of Conduct adopted by the American Psychological Association (APA) effective June 1, 2003, for compliance with A.R.S. § 32-2063(A)(11). This informs licensees and the public that the APA Ethical Principles impact the regulation of psychologists. This is important in guiding licensees toward ethical practices and important for members of the public who receive psychological services to assist in determining whether a psychologist's conduct appears to warrant a complaint.

R4-26-302. Informal Interviews. The objective of the rule is to set forth the process used by the Board to notice a licensee prior to conducting an informal interview as well as the process for conducting an informal interview for compliance with A.R.S. § 32-2081(I). This provides procedural guidelines to licensees, attorneys, complainants, as well as information to the general public.

R4-26-303. Titles. The objective of the rule is to clarify the prohibition in the use of titles or designations that claim a potential or future degree or qualification. This helps guide the actions of students, unlicensed individuals, and licensees in accurately representing their degrees and/or qualifications.

R4-26-304. Representation Before the Board by Attorney Not Admitted to State Bar of Arizona. The objective of the rule is to further clarify A.R.S. § 32-2082(D) by prohibiting an attorney who is not a member of the State Bar of Arizona from representing a party before the Board unless the attorney is admitted to practice pro hac vice before the Board under Rule 38(a) of the Arizona Rules of the Supreme Court. This guides licensees, attorneys, and the general public in order to ensure proper representation and avoid problems when hearings are held.

R4-26-305. Confidentiality of Investigative Materials. The objective of the rule is to set forth exceptions for disclosing confidential records as defined by R4-26-101 as related to a Board investigation pursuant to A.R.S. § 32-2082(E). While A.R.S. § 32-2082(E) directs the Board that documents associated with an investigation are not open to the public and shall remain confidential, R4-26-305 contemplates constitutional and statutory obligations, such as the licensee's constitutional right to legal representation. The clarification provided in this rule is informative for licensees and attorneys. It also informs complainants and the general public of the confidentiality of investigative documents.

R4-26-308. Rehearing or Review of Decision. The objective of the rule is to set forth procedures for filing a motion for rehearing or review of a Board decision under A.R.S. §§ 32-2081 and 41-1062(B). This provides procedural information for licensees and their attorneys who may wish to file a motion for rehearing or review.

3. **Effectiveness of the rules in achieving the objectives including a summary of any available data supporting the conclusion:**

The Board concluded that the rules are generally effective in achieving their objectives. This is supported by the fact that the Board is able to protect the public by issuing licenses, adjudicating complaints, and taking disciplinary action. It is important to note, however, that changes to statutes in 2009 and 2014 require changes to the rules. The Board is currently drafting rules that incorporate changes made to the statutes in 2009 as well as generally clean up grammar and improve language usage. Examples of changes to the statute that will be reflected in rule include:

- Revising the licensure requirements for supervised experience,
- Requiring that complaints filed against judicially appointed psychologists must first be reviewed by the Court, and
- Adding a provision for cancellation of a license.

The Board will develop an additional rule package to incorporate those changes made recently during the 2014 legislative session including development of telepractice rules A.R.S. § 32-2063(12) and establishment of a temporary license for psychology A.R.S. § 32-2073(B).

4. **Consistency of the rules with state statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency:**

All rules have been assessed for consistency. Due to changes in state statutes in 2009 and 2014, some sections of rules are inconsistent with statute, especially statute citations. The Board is currently drafting rules that would remedy the inconsistencies. The following sections of rules have been identified as inconsistent with the current statute effective July 24, 2014:

R4-26-101 Definitions: A.R.S. 32-2061(2); 32-2081(F); 32-2071(F)(2); A.R.S. 32-2061(9)

Discrepant Rule:	Associated Statute:
R4-26-101(9)	A.R.S. § 32-2061(2) and A.R.S. § 12-2291(6)
R4-26-101(10)	A.R.S. § 32-2081(F)
R4-26-101(15)	A.R.S. § 32-2071(F)(2)
R4-26-101(19)	A.R.S. § 32-2071(F)
R4-26-101(22)	A.R.S. § 32-2061(9)
R4-26-101(25)	A.R.S. § 32-2071(K)
R4-26-101(26)	A.R.S. § 32-2061(9)

R4-26-106 Client Records: A.R.S. §§ 12-2297, and 32-2061(A)(2) and (13)(h)

Discrepant Rule:	Associated Statute:
R4-26-106(E)	A.R.S. § 32-2073(G)

R4-26-203 Application for Licensure A.R.S. §§ 32-2063(A)(3), 32-2071, 32-2072(C), A.A.C. R4-26-108, R4-26-202, R4-26-208(C)

Discrepant Rule:	Associated Statute:
R4-26-203(B)(2)	A.R.S. § 32-2071(K)
R4-26-203(B)(3)	A.R.S. § 32-2071(F)
R4-26-203(B)(4)	A.R.S. § 32-2071(G)

R4-26-203.01 Application for Licensure by Credential Under A.R.S. §§ 32-2071.01(B) A.R.S. §§ 32-2063(A)(3), 32-2071, 32-2071.01(D)

Discrepant Rule:	Associated Statute:
R4-26-203.01(A)	A.R.S. § 32-2071.01(D)

R4-26-207 Continuing Education A.R.S. § 32-2074(D)

Discrepant Rule:	Associated Statute:
R4-26-207(C)(1)(a)(i)	A.R.S. 2061(9)
R4-26-207(I)(3)	A.R.S. 2073(G)

R4-26-210 Internship or Training Experience

Discrepant Rule:	Associated Statute:
R4-26-210(A)	A.R.S. § 32-2071(F)
R4-26-210(A)(1)	A.R.S. § 32-2071(F)(9)
R4-26-210(A)(2)	A.R.S. § 32-2071(F)(2)
R4-26-210(A)(3)	A.R.S. § 32-2071(F)(6)
R4-26-210(A)(4)	A.R.S. § 32-2071(F)(6)
R4-26-210(A)(5)	A.R.S. § 32-2071(F)(9)
R4-26-210(A)(6)	A.R.S. § 32-2071(F)
R4-26-210(A)(7)	A.R.S. §§ 32-2071(F); 32-2701(F)(9)

R4-26-211 Foreign Graduates

Discrepant Rule:	Associated Statutes:
R4-26-211(B)(4)	A.R.S. §§ 32-2071(D-G)

The following rules are consistent with state statutes and rules as well as A.R.S. § 32-2063(9). The following statutes and rules are used to determine their consistency:

R4-26-102. Board Officers: A.R.S. § 32-2063(A)(8)

R4-26-103. Official Signatures: A.R.S. § 32-2063(A)(8)

R4-26-104. Advisory Committees: A.R.S. § 32-2064(B)

- R4-26-105. Board Records: A.R.S. §§ 39-121, 39-121.03
- R4-26-107. Current Address: A.R.S. § 32-2066(B)
- R4-26-108. Fees: A.R.S. § 32-2067
- R4-26-201. Application Deadline: A.R.S. § 32-2063(A)(3)
- R4-26-202. Doctorate: A.R.S. §§ 32-2063(A)(3), 32-2071
- R4-26-204. Examinations: A.R.S. §§ 32-2063, 32-2072, 32-2071.01
- R4-26-205. Renewal of License: A.R.S. §§ 32-2063(A)(3), 32-2067(A)(6), 32-2074(B), A.A.C. R4-26-207
- R4-26-206. Inactive Status: A.R.S. § 32-2073(G)
- R4-26-208. Time-frames for Processing Applications: A.R.S. §§ 32-2063(A)(3), 32-2071 through 32-2076, 41-1072
- Table 1. Time-frames (in Days) for Processing Applications: A.R.S. § 32-2063(A)(3) [Note: Time frames are based on the date an application is received.]
- R4-26-209 General Supervision: A.R.S. §§ 32-2071 [Note: A.R.S. 32-2071(D) states that 3,000 hours of supervised professional experience is required for licensure. This rule clarifies unacceptable supervisory relations under A.R.S. 32-2071(E through G). The Board has drafted rules that would amend this section to eliminate reference to A.R.S. 38-502(11) and further clarify that supervisors do not accept payment for supervision; however, supervisees may receive payment for work performed.]
- R4-26-301. Rules of Professional Conduct: A.R.S. § 32-2063(A)(11)
- R4-26-302. Informal Interviews: A.R.S. § 32-2081(I)
- R4-26-303. Titles: A.R.S. § 32-2084(C)(2)
- R4-26-304. Representation Before the Board by Attorney Not Admitted to the State Bar of Arizona: A.R.S. § 32-2082(D)
- R4-26-305. Confidentiality of Investigative Materials: A.R.S. § 32-2082(E) [Note: A.R.S. § 32-2082(E) directs that documents associated with an investigation are not open to the public and shall remain confidential, which is a primary responsibility of the Board. The rule, R4-26-305, contemplates constitutional and statutory obligations, and clarifies confidentiality of materials in such cases as the licensee's constitutional right to legal representation when a complaint is filed.]

5. **Agency enforcement policy including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement:**

In a consistent and fair manner, the Board enforces the rules as written. No enforcement issues have been identified.

6. **Clarity, conciseness, and understandability of the rule:**

The rules meet the structure and format guidelines consistent with the Secretary of State; define terminology; fully address the subject matter; and are generally clear, concise, and understandable. The Board is currently drafting changes to the rules that will improve the clarity, conciseness and understandability of the rules.

7. **Summary of written criticisms of the rules received by the agency within the past five years:**

During the summer of 2012, the Board invited input regarding existing rules in preparation for consideration in future rule making. Correspondence from three psychologists was received.

1. Email received July, 2012, from Licensed Psychologist who Practices with Family Court cases.

Psychologist expressed concern that some psychologists without proper specialized training in forensic psychology are working in the family court arena. The psychologist recommends that the Board establish minimum training for all psychologists who perform court ordered child custody evaluations, limited family assessments, parenting coordination, therapeutic intervention. In addition, the psychologist recommends the Board require one course on “Forensically Informed Treatment” for all psychologists who do not perform family court work.

The Board considered these recommendations at a public meeting held August 17, 2012. The Board expressed that Arizona does not offer a specialization in forensic psychology or any other specialty area of psychology. Therefore, it was the consensus of the Board not to require psychologists licensed in Arizona to complete courses in forensic psychology.

2. Letter from Licensed Psychologist

On January 10, 2013, the Board received a letter from a licensed psychologist who offered recommendations for changing statutes and rules. The following are his recommendations for rule changes:

A. Greater specificity and Consistency regarding Release of Client Raw Test Data and Protection of Psychometric Testing Materials.

Inconsistencies between rules adopted 2007 and statutory changes effective 2009 were discussed in the letter with regard to raw test data. Updated statute A.R.S. §32-2061(13)(cc) states that unprofessional conduct includes:

Failing to make available to a client or to the client's designated representative, on written request, a copy of the client's record, including raw test data, psychometric testing materials and other information as provided by law.

This is inconsistent with R4-26-106(B), which states,

A psychologist shall release, with a client's written consent, the client's raw test data or psychometric testing materials to another licensed psychologist. Without a client's consent, a psychologist shall release a client's raw test data or psychometric testing materials only to the extent required by federal or Arizona law or court order compelling production.

At the Board's October 3, 2014, meeting, the Board adopted proposed rules that include revisions to this rule in order to be consistent with A.R.S. §12-2293, A.R.S. §32-2061(15)(cc) and the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct as adopted by reference in R4-26-301 pursuant to A.R.S. §32-2063(A)(11).

B. Updating Incorporated A.P.A Ethical Standards

The Board has incorporated by reference standards 1.01 through 10.10 of the "Ethical Principles of Psychologists and Code of Conduct" adopted by the American Psychological Association (APA) effective June 1, 2003 (A.A.C. R4-26-301). APA has subsequently adopted two amendments to the 2003 Code. The psychologist recommends adding the amendments in rule. However, at a public meeting held August 17, 2012, the Board discussed the implications for psychologists in the military if the amendments are adopted. The Board did not adopt the amendments at that time. In addition, the Board's Rules Committee reviewed the amendments at a meeting held November 8, 2013. It was the consensus of the Rules Committee to recommend that the Board not adopt the amendments due to the effect on psychologists in the military. The Board considered this recommendation at the August 1, 2014, Board meeting and will not adopt the amendments due to the effect on psychologists in the military.

C. Confidentiality of Complainants

Section R4-26-101(11) defines "Confidential record." The definition includes,

All materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, and any other information relating to a client's diagnosis, treatment, or personal or family life;

In addition, R4-26-305(A) pertaining to Confidentiality of Investigative Materials states,

A psychologist shall not disclose confidential records as defined by R4-26-101 that are related to a Board investigation to any person or entity, other than the psychologist's attorney, except: . . .

The licensed psychologist identifies three issues:

- a. Provisions expressly relate to "records" or "materials," but do not address verbal disclosures.
- b. There are situations involving forensic matters where client identities and client records are not otherwise confidential or have limited confidentiality.
- c. Whether licensees can explain at least the significant details of the complaint and context of complaint to an employer, insurance panel carrier, malpractice insurance carrier, or judge in a forensic case. Focus could be on protecting the complainant's identity versus protecting the details of the complaint.

The Board's Rules Committee considered these recommendations at the Committee's June 2, 2014, meeting. The Committee recommended that the rule does not need to be changed because it already implies that complaint records should not be disclosed in any manner—written, verbal, or otherwise. Current rule should not preclude a psychologist from discussing a complaint with a malpractice insurance carrier. The Board accepted the recommendation of the Rules Committee at the August 1, 2014, Board meeting and will not change the rule.

D. Fulfilling A.R.S. 25-406(C) CEUs Simultaneously with Every Two Years on a Cycle Consistent with Licensure Renewal

Pursuant to A.R.S. 32-2074(D), the Board has established rules pertaining to Continuing Education (R4-26-207) requirements for psychologists, which are tied to the license renewal process. The psychologist indicates that psychologists who practice in the forensic arena are also required to complete continuing education requirements. The psychologist requests that the Board change the timing of continuing education requirements to coincide with the requirements in Family Court statutes. The Board's Rules Committee does not recommend changing the rules for all psychologists in order to accommodate psychologists who work in the forensic arena. The Board consider this recommendation at the August 1, 2014, Board meeting and agreed with the Board's Rules Committee recommendation that the timing of continuing education requirements not be moved to align with Family Court statutes because the Board does not regulate specialty areas of psychology and very few psychologists work with Family Court.

E. Establishing Non-treatment, Forensic Records Retention Requirements

A.R.S. 12-2297 addresses medical records, from which rules have been developed by the Board for retention of client/patient records by psychologists. The psychologist recommends establishing records retention requirements for non-medical forensic records. The Board's

Rules Committee considered this issue at the June 2, 2014, meeting and recommends that forensic psychologists follow the records retention requirements of the Court, rather than establishing records retention requirements in psychology rule. The Board consider this recommendation at the August 1, 2014, Board meeting and agreed with the Board's Rules Committee that the Board does not regulate specialty areas of psychology and should not develop record retention requirements for forensic records. Rather, psychologists who work for the Courts should follow records retention requirements of the Court.

3. Email from Psychologist Representing the Arizona Psychology Training Consortium

On September 10, 2012, an email was received from a psychologist representing the Arizona Psychology Training Consortium. This psychologist expressed concern regarding R4-26-209 pertaining to General Supervision. Specifically, he recommended that the "substantial financial interest" clause be eliminated because it has caused a hardship for internship and residency training supervisors. This issue was previously raised in 2007. In 2009, the Board issued a Substantive Policy Statement addressing this issue until a rule could be written. The Substantive Policy Statement clarifies that a supervisor shall not accept payment for supervision. Further, a stipend paid by the supervisor to the supervisee is not considered a "substantial financial interest." The email recognized that the Substantive Policy Statement "was a major step forward. . ." The Board considered this email request at a meeting held August 17, 2012, and concurred with the psychologist's recommendation. The Board has drafted a change to this rule.

8. Economic, Small Business, and Consumer Impact Comparison

General Information

This General Information section pertains to all rules. The Arizona Board of Psychologist Examiners has not made rules pertaining to Title 4, Chapter 26, Articles 1, 2, and 3, since submission of the 2009 Five Year Review of Rules. Since that time, the number of psychologists licensed by the Arizona Board of Psychologist Examiners has increased. The Board currently licenses 1,678 psychologists on active status compared with 1,498 in 2009 (12% increase) and 315 psychologists on inactive status compared with 288 (9% increase). In addition, the number of application/reapplications receipted per year for licensure increased from 93 in FY 2009 to 184 in FY 2014 (98% increase).

Although no rules have been promulgated since 2007, pursuant to A.R.S. § 41-1005(A)(16), effective 9/1/12, the Board increased some fees including biennial renewal of an active license increased from \$400 biennially to \$500 biennially; biennial renewal of an inactive license increased from \$50 to \$85, and an initial license increased from \$400 to \$500 (prorated). Licensees with active licenses must pay an additional \$100 every two years to renew licenses while licensees with inactive licenses must pay an additional \$35 every two years to renew licenses. An individual approved by the Board for licensure will pay an additional prorated amount up to an additional \$100 for an initial license. Maximum fees that may be charged by the

Board are listed in A.R.S. §32-2067(A). On October 3, 2014, the Board voted to amend R4-26-108 to reflect the change in fees.

**Estimated Economic, Small Business, and Consumer Impact Comparison
for All Current Rules
Summary**

Article 1 General Provisions

This Article provides definitions for all rules and offers information regarding the operations of the Board, agency hours of operation, as well as fees charged.

No known economic impact has resulted from the following rules:

- R4-26-101 provides definitions, which offer clarity and facilitates understanding by the reader of the rules,
- R4-26-102 informs the public about the Board's election of officers,
- R4-26-103 informs that the Board's officers are authorized to sign official papers of the Board,

Possible economic impact is identified for the following rules:

- R4-26-104 authorizes the Board to appoint advisory committees. A cost to the agency is incurred in order to convene and conduct public meetings for Board appointed Committees.
- R4-26-105 informs the public about access to public records, through public inspection. Individuals who request public records pay a fee of \$.25 per page pursuant to R4-26-108.
- R4-25-106 informs licensees and the public regarding access to and retention of public records. This rule is being amended to comply with statutes pertaining to medical records. The cost to maintain and retain records is incurred by the licensee as a cost of doing business and meeting the requirements of state and federal law.
- R4-26-107 admonishes licensees about the requirement to provide a current address to the Board. The cost to report a change of address to the agency is minimal and can be accomplished through email, fax, US Postal Service or any other means of relaying written information. Maintaining a current address is a part of the Board's responsibility to protect the public.
- R4-26-108 addresses fees charged by the agency. Individuals incur the appropriate fee for the service provided. The Board approved a fee increase to obtain an initial license, or renew active and inactive licenses (see General Information section), which is necessary to fund regulatory activities such as licensing and complaint investigation. Fee increases are consistent with A.R.S. §32-2067.

Article 2 Licensure

This Article includes requirements to obtain and maintain a license to practice psychology in Arizona. Costs are associated with the activities addressed in most of the rules contained in this Article. In the case of all rules in this article that address activities for which a fee is required, fees pay for the cost of regulating the profession including licensure and investigation of complaints. Protection of the public from individuals who not qualified to practice psychology outweigh the costs associated with licensure. For psychologists, the costs associated with licensure are a part of the cost of doing business in order to ensure compliance with state and federal law and, in some cases, meet requirements of employers who require that a psychologist be licensed in order to be employed.

- R4-26-201 advises applicants of the deadline for submitting application materials to be considered by the Board. Individuals pay a fee to apply for licensure, which contributes toward the cost of licensure and regulation.
- R4-26-202 clarifies educational requirements for licensure and processes used to verify educational requirements. Individuals bear the cost of meeting educational requirements by obtaining a doctoral degree that meets requirements in statute and rule.
- R4-26-203 details the questions asked in the application form. Again, the cost to apply for licensure is borne by the applicant.
- R4-26-203.01 allows individuals who have specific credentials to qualify for licensure in Arizona. These individuals pay the fees associated with applying for and obtaining an initial license; however, this method of application expedites the licensure process, which reduces the time involved in the application process.
- R4-26-204 addresses the examination process. Arizona, and all other states, require applicants to take and pass a national examination. The cost of taking the examination is borne by the applicant and paid directly to the examination service. The Board receives no portion of the examination fee.
- R4-26-205 details questions asked on the licensure renewal application and provides clarification on the license renewal process. Licenses are renewed biennially by every licensee. A fee is paid by the licensee to renew the license. This rule also addresses reinstatement of the license, in the event the license expires due to failure to renew the license on time or failure to complete continuing education requirements. In those cases, a fee is required to reinstate the license.
- R4-26-206 addresses continuing education requirements for licensees who desire to reinstatement an inactive license to active status. In order to return to active status, the licensee must pay a licensing fee.
- R4-26-207 addresses continuing education requirements. Through continuing education activities, licensees are informed in areas such as current standards of care in the profession, updated research in evidence based practice, as well as new methods of treatment. The cost of continuing education is borne by the licensee and paid directly to organizations (e.g., businesses, professional associations) that provide continuing education. The Board offers some continuing education credit in ethics at no charge for licensees who attend in-person Board meetings.
- R4-26-208 and Table 1 address timeframes for processing applications. Again, this rule falls under the cost of applying for licensure.

- R4-26-209 in order to avoid ethical conflicts, this rule clarifies that supervision may not be provided by a family member, employer, or in instances where the supervisor and supervisee have a “substantial financial interest.” The Board proposes to amend this rule to eliminate reference to “substantial financial interest” and, instead, clarify that supervisors are not to receive payment for supervision; however, supervisees may be paid a stipend for work performed.
- R4-26-210 clarifies requirements for internship or training experiences. All states in the United States, including Arizona, require individuals to complete supervised professional training experiences in order to obtain a license to practice psychology. Individuals generally receive a stipend from the training site for complete these experiences.
- R4-26-211 addresses how an individual who has completed educational requirements at a foreign institution can apply for licensure. Again, the cost involved is the application fee.

Article 3 Regulation

This Article addresses the code of ethics incorporated by reference by the Board as well as the process for investigating and adjudicating complaints. Protection of the public against individuals who commit unprofessional conduct outweighs the costs associated with adjudicating and investigating complaints.

No known costs are associated with the following rules in this article:

- R4-26-301 is the incorporation by reference of the Ethical Principles of Psychologists and Code of Conduct adopted by the American Psychological Association effective June 1, 2003.
- R4-26-303 admonishes individuals regarding the use of titles that might lead the public to believe an individual is licensed to practice psychology in Arizona.
- R4-26-305 requires that investigative materials remain confidential.

Possible economic impact is identified for the following rules:

- R4-26-302 addresses the process by which the Board conducts Informal Interviews as part of the process for investigating complaints. Individuals are not charged a fee to file a complaint. Rather the costs of investigating and adjudicating a complaint are borne by the agency through fees collected. Licensees against whom complaints are filed must bear the cost of responding to complaints and either representing themselves in all proceedings or retaining an attorney. In some instances, professional liability insurance companies may pay the cost of legal representation for licensees who carry this coverage on their insurance policies.
- R4-26-304 addresses representation by an attorney who is not a member of the State Bar of Arizona. Again, the cost of legal representation for a licensee is paid by the licensee or the professional liability insurance company.
- R4-26-308 provides clarification regarding a licensee’s right to a rehearing or review of a disciplinary decision made by the Board. The cost of a rehearing or review is borne

by the agency except that costs associated with legal representation of the licensee are borne by the licensee.

The following sections provide Estimated economic, small business, and consumer impact comparisons from rulemakings in 2007, 2003, and 2000. No rules have been promulgated since 2007. No economic impact statements are available for rulemakings prior to 2000.

Estimated economic, small business, and consumer impact comparison: Rulemaking 2007

Article 1 General Provisions

R4-26-106. Client Records

This rule change is consistent with retention of records requirements for health care providers pursuant to A.R.S. § 12-2297. This rule reduced by one year the amount of time client records must be retained. The rule also permits retaining scanned, electronic records in place of the original paper records. Outcome data (e.g., savings and expenditures) are not available for this rule change. It is believed that the economic impact statement written in 2007 is accurate. Specifically, it is anticipated that licensees are experiencing some reduction in the cost to store paper records since fewer records are retained. Also, as stated in 2007, licensees who choose to store records electronically, as permitted by this rule, may experience initial costs to scan electronic records as well as costs to ensure secure data storage and maintenance of backup copies of records, while the cost to store paper records would be reduced or eliminated. Businesses impacted by this rule change primarily include private practices owned by psychologists.

R4-26-108. Fees

The fee associated with the national examination (\$475) was removed from the Board's statutes and rules, since the Board has not collected this fee since 2000 nor has the Board incurred costs associated with the exam since that time. The Association for State and Provincial Psychology Boards, the organization that owns the exam, is now administering a computerized exam through the Professional Examination Service (PES). The economic impact statement written in 2007 remains accurate. Applicants continue to pay an exam fee; however, the fee is paid directly to PES.

The economic impact statement associated with the fee charged to create customized computer discs with mailing labels of licensees is also accurate. The Board was unable to generate customized computer discs of mailing labels using current software. However, the Board continues to provide computerized discs containing names and business addresses of licensees to organizations that request this information. The Board continues to collect fees, pursuant to A.R.S. § 32-2067 and A.A.C. R4-26-108, which are for these requests.

Article 2 Licensure

R4-26-203. Application for Licensure

Changes to this rule required applicants to provide a self-query from the National Practitioner Data Bank-HealthCare Integrity and Protection Data Bank at a cost of \$8 per applicant. The economic impact statement written in 2007 projected the cost to be \$8 to \$10 per applicant. The cost has remained constant at \$8. This query provides information to the Board about prior disciplinary action, if any, taken by other states or regulatory bodies. Since this rule went into effect in 2007, approximately 200 applicants have paid the \$8 fee to the National Practitioners Data Bank for self-inquiry. This is a nominal amount when considering protection of the public from individuals who have been previously disciplined by other states or regulatory boards.

R4-26-204. Examinations

Statute changes effective September 2006, allow applicants to take the national examination following completion of the doctoral degree. Prior to this change, applicants were required to take the national exam following completion of the postdoctoral experience, which may be one year or more beyond completion of the doctoral degree. Rule changes align rules with this statute change. It was anticipated that the number of failing scores would decrease since applicants could take the exam closer to completion of their coursework. Thus applicants would not have the expense of time and money to retake the exam. The average scaled score for the cohort of individuals (n=31) who took the exam under the new rule (closer to completion of the doctoral degree) from December 2, 2006 to December 7, 2007 was 569 (500 is passing). Seventy-four percent of this cohort passed the exam. In comparison, the average scaled score for the cohort of individuals (n=36) who took the exam during the same period (December 2, 2006 to December 7, 2007) following completion of postdoctoral experience was 528. Only 64 percent of this cohort passed the exam. An additional 10 percent of this cohort was required to retake the exam when compared to the first cohort. Based on this information, it appears that applicants performed better under the new rule, which appears to be economically beneficial for applicants who do not incur costs of both time and money associated with retaking the exam.

The economic impact statement associated with this rule change also indicated that the Board would need to review applications a second time for applicants who take and pass the national examination following completion of the doctoral degree, since these applicants will need to submit documentation confirming the completion of the required postdoctoral hours at a later date. It was projected that these applications would take additional time from Board members as well as file space since applications would be pended until all requirements are completed. The amount of file space for pending applications is negligible. Since Board members are only reviewing one form documenting completion of postdoctoral hours and not the entire file, the amount of time Board members spend in review is also limited.

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

Previous rules required that licensees on inactive status must complete continuing education hours at the prorated amount of 2.5 hours per month while inactive. Licensees who wished to reinstate

their licenses to active status, must submit documentation proving completion of continuing education hours. The rule change that took effect in 2007 required that licensees on inactive status complete a total of 60 continuing education hours in order to reinstate to active status. Since the rule took effect, 13 licensees reinstated from inactive to active status. Of those licensees, one licensee benefited from the new rule. That licensee was on inactive status from 1993 until 2007. Under the previous rule, 360 continuing education hours would have been required compared with 60 under the revised rule. Based on an estimated average cost of \$25 per continuing education hour, the licensee would have had to pay approximately \$10,500 for 360 continuing education hours compared with \$1,500 for 60 continuing education hours for a total saving of \$9,000.

Article 3. Regulation

R4-26-301. Rules of Professional Conduct

The Board incorporated by reference the ethical standards contained in the American Psychological Association's *Ethical Principles of Psychologists and Code of Conduct* (2003). The economic impact statement from 2007 included a cost of \$0.25 per page to provide copies of this document upon request. This publication is available at no charge on the website of the American Psychological Association. No requests for copies have been received by the Board office.

Estimated economic, small business, and consumer impact comparison: Rulemaking 2003

Article 2. Licensure

Changes to R4-26-201, Application Deadline, decreased the number of days (from 60 to 14) for applicants to complete and file required documentation in order to be considered at the next scheduled Board meeting. The impact of this change was anticipated to positively impact applicants by decreasing the wait time for consideration of applications by the Board. Applicants whose applications were subsequently approved by the Board were potentially able to take the national exam or enter employment sooner, depending upon the individual situation. The impact of this change continues to have a positive impact on applicants.

Changes to R4-26-202, Doctorate, provided additional clarification regarding the equivalence of quarter hours to semester hours in doctoral programs as well as greater precision in wording of rules. Changes resulted in greater clarification, but no known economic impact.

Estimated economic, small business, and consumer impact comparison: Rulemaking 2000

Article 1. General Provisions.

Several changes in Article 1 included improvements to the wording of the rules as seen in R4-26-102, Board Officers; R4-26-103, Official Signatures; and R4-26-107, Current Address. In addition, the word "chairman" was changed to "chairperson" in R4-26-102 and R4-26-103. Changes to R4-26-102, included revised dates for election of Board officers from "prior to July 1"

to “before December 31”. Subsequently, the dates officers serve changed from a fiscal year to a calendar year, which is more consistent with the date of appointment (Third Monday in January) for Board members. No known economic impact resulted from these changes. \

Article 2. Licensure

Changes in R4-26-209, General Supervision, included improvements in wording as well as a correction in citation of a statute. No known economic impact has been observed.

Article 3. Regulation

Changes in R4-26-303, Titles, included improvements in wording as well as the manner in which citations are given. No known economic impact has been observed.

9. **Analysis submitted by another Person Regarding the Rules’ Impact on this State’s Business Competitiveness as compared to the competitiveness of business in Other States**

No analysis has been submitted.

10. **How the agency completed the course of action indicated in the agency’s previous five Year Review of Rules:**

Five Year Review Reports for 2009, 2004, and 1999 were available for review. No other previous reports were found. The following summarizes the agency’s courses of action for each of these reports.

Proposed Course of Action Submitted with 2009 Five Year Review

During the 2009 Legislative Session, an omnibus bill was passed that changed a number of statutes affecting the regulation of psychology. The 2009 Five Year Review of Rules identified sections of rules the Board intended to amend including:

R4-26-101	Definitions
R4-26-202	Doctorate
R4-26-203	Application for Licensure
R4-26-205	Renewal of License
R4-26-206	Reinstatement of License from Inactive to Active Status
R4-26-207	Continuing Education
R4-26-209	General Supervision
R4-26-210	Internship or Training Experience

Council was advised that the agency planned to amend the rules within three years (2012). The agency was unable to meet that deadline because the agency assumed responsibility for regulating an additional profession—behavior analysts.

Initial licensure for behavior analysts became effective January 1, 2011 with rules required by September 29, 2012. On June 13, 2011, the Board received approval from the Governor’s Office to promulgate rules for behavior analysts. On June 22, 2011, the Governor’s Office clarified that rules could also be promulgated for psychologists. The agency diverted its staffing and resources to develop rules new rules for behavior analysts, which were finalized on September 11, 2012. As a result, rules for psychologists were delayed. However, rules for psychologists have been drafted and posted on the Board’s website with an invitation for comment. Comments were reviewed by the Board’s Rule Committee on September 18. Based on comments received, recommended changes were made and presented to the Board October 3, 2014. The Board voted to approve the revised draft rules with amendments to all sections. A Notice of Rulemaking Docket Opening will be submitted with the Secretary of State in October, 2014.

Proposed Course of Action Submitted with 2004 Five Year Review

The 2004 Five Year Review of Rules identified rules to amend including:

- R4-26-101 Definitions
- R4-26-204 Examinations
- R4-26-205 Renewal of License
- R4-26-206 Reinstatement of License from Inactive to Active Status
- R4-26-207 Continuing Education
- Table 1 Timeframes (in days) for Processing Applications
- R4-26-211 Foreign Graduates
- R4-26-308 Rehearing or Review of Decision

In a subsequent rulemaking that took effect in 2007, amendments to rules were made including:

- R4-26-101 Definitions
- R4-26-106 Client Records
- R4-26-108 Fees
- R4-26-203 Application for Licensure
- R4-26-203.01 Application for Licensure by Credential Under A.R.S.§ 32-2071.01(B)
- R4-26-204 Examinations
- R4-26-205 Renewal of License
- R4-26-206 Reinstatement of License from Inactive to Active Status
- R4-26-208 Timeframes for Processing Applications
- Table 1 Timeframes (in days) for Processing Applications
- R4-26-210 Internship or Training Experience
- R4-26-301 Rules of Professional Conduct
- R4-26-302 Informal Interviews
- R4-26-304 Titles
- R4-26-305 Confidentiality of Investigative Materials

Proposed Course of Action Submitted with 1999 Five Year Review

The 1999 Five Year Review of Rules identified rules to amend including:

R4-26-101	Definitions
R4-26-105	Confidentiality of Board Records
R4-26-106	Client Records
R4-26-202	Doctorate
R4-26-203	Evaluation of Applicant Credentials
R4-26-204	Examinations
R4-26-205	Renewal of License
R4-26-207	Continuing Education
R4-26-208	Completion of the Application Process
R4-26-209	General Supervision
R4-26-303	Titles
R4-26-308	Rehearing of Decision

Notice of Final Rulemaking for 2003 indicate the following sections were amended:

R4-26-101	Definitions
R4-26-201	Application Deadline
R4-26-202	Doctorate
R4-26-203	Evaluation of Applicant Credentials
R4-26-203.01	(New Section)
R4-26-204	Examinations
R4-26-207	Continuing Education
R4-26-208	Completion of the Application Process
Table 1	Timeframes (in days) for Processing Applications

Notice of Final Rulemaking for 2000 indicate the following sections were amended:

R4-26-101	Definitions
R4-26-102	Board Officers
R4-26-103	Official Signatures
R4-26-104	Advisory Committees
R4-26-105	Confidentiality of Board Records
R4-26-106	Client Records
R4-26-107	Current Address
R4-26-108	(Renumbered) (Formerly Application Deadline)
R4-26-201	Application Deadline
R4-26-202	Doctorate
R4-26-203	Application for Licensure
R4-26-204	Examinations
R4-26-205	Renewal of License
R4-26-207	Continuing Education
R4-26-208	Timeframes for Processing Application

Table 1	(New Table) Timeframes (in days) for Processing Applications
R4-26-209	General Supervision
R4-26-210	Internship or Training Experience
R4-26-211	Foreign Graduates
R4-26-303	Titles
R4-26-308	Rehearing or Review of Decision

11. Probable Benefits Outweigh Probable Costs/Rules Impose Least Burden on Regulated Persons

Costs associated with the rules are a result of statutory requirements. The benefit of the cost is public protection. Statutes protect the public by defining unprofessional conduct as well as establishing minimum requirements for licensure including, but not limited to, education, examination and experience for those practicing psychology in Arizona.

Statutes created the Board of Psychologist Examiners (A.R.S. §32-2062) to regulate the profession of psychology (A.R.S. §32-2063). Statutes also created the Board of Psychologist Examiners Fund (A.R.S. §32-2065) and requires the Board to charge and collect fees (A.R.S. §32-2067), which in turn, fund the costs associated with regulation of the profession.

Statutes require individuals who wish to practice psychology in Arizona to submit an application for licensure to the Board (A.R.S. §32-2071). Costs associated with the licensure process include completing and submitting an application, providing required documentation, as well as paying an application fee. If approved for licensure, an initial license fee (prorated) is charged (A.R.S. §32-2074(A)). Individuals who choose to seek licensure in Arizona in order to practice psychology bear the costs associated with the licensure process.

According to statute, a license issued by the Board expires and must be renewed every two years in order to continue practicing psychology in Arizona (A.R.S. §32-2074(B)). As prescribed in statute, license renewal requires completion of a renewal application, completion of continuing education credits, and a renewal fee.

In addition, statute specifies that certain acts and omissions will cause a licensed psychologist to be disciplined by the Board. Statute prescribes a complaint review process as well as disciplinary proceedings (A.R.S. 32-2081). No fee is required in order for a member of the public to file a complaint with the Board. Costs associated with the complaint adjudication process are borne by fees collected primarily from fees collected from license renewals, applications, and initial licenses.

Rules provide guidance and clarification for applicants and licensees pertaining to procedures associated with making application for licensure and/or maintaining licensure. In addition, rules inform the public as well as licensees about the complaint and subsequent disciplinary process. Rules implement statutory requirements. It is presumed that the Arizona Legislature determined, and the Board agrees, that the benefits of regulating the profession of psychology outweighed the costs of protecting the public, which is the primary objective of regulation.

12. **A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

The one federal regulation that corresponds to rule (A.A.C. R4-26-106. Client Records) is 45 CFR 164, which pertains to privacy of individually identifiable health information under HIPAA (Health Insurance Portability & Accountability Act of 1996). Arizona rules pertaining to client records are not more stringent than HIPAA.

13. **For Rules Adopted After July 29, 2010, that Require Issuance of a Regulatory Permit, License or Agency Authorization, Whether the Rule Complies with the General Permit Requirement in the A.R.S. §41-1037.**

The agency has not made or amended rules requiring issuance of a regulatory permit, license, or agency authorization since July 29, 2010.

14. **Course of action the Agency Proposes to Take Regarding Each Rule, Including the Month and Year in which the Agency anticipates Submitting the Rules to the Council if the Agency determines it is Necessary to amend or repeal an existing rule or to make a new rule.**

The Board intends to amend all rules in Articles 1, 2, and 3 in order to comply with statute revisions from 2009 as well as improve conciseness, clarity and understandability. These draft rules are currently posted on the agency website with an invitation for public comment. The Board plans to submit the rulemaking package to Council by July, 2015.

In addition, the Board intends to address new statutory changes recently passed during the 2014 Legislation session by submitting an additional rule package to Council in time to meet the statutory requirement that rules be adopted by June 30, 2016. Also, the Board will submit an additional rule package to address changes to the license renewal process, which takes effect in May, 2017. Those rules will be submitted to Council in time for those rules to take effect in May 2017.