

AZBBHE Panel Discussion by Clinicians for Clinicians



PRESENTED BY:

**RICHARD J. POPPY, MA, LISAC
&
ELIZABETH FORSYTH**

Meet the Presenters



- **Richard J. Poppy, MA, LISAC**
 - ✦ Executive Director / Owner: Desert Star Addiction Recovery Center
 - ✦ Vice-President, Therapeutic Practitioners Alliance of Arizona

- **Elizabeth Forsyth**
 - ✦ President-Elect, Arizona Counselors Association
 - ✦ President, Arizona Association for LGBT Issues in Counseling

BBHE History: The Need for Change



- BBHE History: 2004; Certification to Licensor
- History of Advocacy & Legislation since 2004
- **Sunset Review –Auditor Generals Report, 2012**
- **Identifying issues /concerns**

BBHE Governance & Role



- **BBHE**
 - Purpose: Protect the Public
 - Regulated by Az. Statues & Az. Rules
 - Appointed to Board by Governors office
 - ✦ Boards and Commissions
- **Structure**
 - Board members (8)
 - Attorney General appointee
 - Four credentialing committees
 - ✦ Head of each credentialing committee is appointed to the Board
 - ✦ Term limits
 - **Executive Director:** Appointed by the Governor; “Serves at the pleasure of the Board.” Oversees:
 - ✦ Board Staff
 - ✦ Investigators

Who Was Involved in the Stakeholder Process?



- BBHE; Michelle C, and Stuart G; Board Lobbyist
- Senator Barto
- Arizona Council of Human Service Providers: RHBA's
- AzACA: American Counseling Association
- NASW: National Association of Social Workers, AZ Chapter
- AzADAAC: Substance Abuse Counselors
- AzMFT: Marriage and Family Therapist
- Counselor Educators & Program Directors: ASU, University of Phoenix, NAU, Ottawa, & Prescott College
- TPAA: Therapeutic Practitioners Alliance of Arizona
- AICA: Arizona Independent Counselors Association.
- Past Board Members
- Other Stakeholders

For More Information, Please Contact:



- Therapeutic Practitioners Alliance of Arizona
 - ✦ Tpallianceofaz.org
 - ✦ Richard Poppy @ rpoppy@Desertstararc.com
 - Arizona Counseling Association
 - ✦ Elizabeth Forsyth @ Elizabeth.Forsyth@me.com
 - Arizona Council of Human Service Providers
 - www.azcouncil.com
 - Arizona Association of Marriage and Family Therapy
 - ✦ Karen Gage @ Karen.Gage@cox.net
 - National Association of Social Workers
 - ✦ Jeremy Arp @ ExecutiveDirector@naswaz.com
 - Substance Abuse Counselors
 - ✦ Bobbe McGinley @ Bob4act@aol.com
- Arizona Independent Counselors Association
- ✦ www.aicabbhe.com

Stakeholder Process: Sunset Review



- **Stakeholder Process; with BBHE**
 - Auditor Generals Report
 - Identifying issues

- **Subcommittees:**
 - ✦ **Reciprocity**
 - ✦ **Curriculum**
 - ✦ **Supervision**
 - ✦ **Disciplinary / Adverse Actions**
 - ✦ **BBHE Restructure (w/o BBHE participation)**

- **Other issues:**
 - **Definitions**
 - **Impaired Professionals Program**
 - **Indirect- Direct services, psycho-education**
 - **Fees**

- **Legislative Actions**
 - Sunset Hearings
 - SB1374: Senator Barto
 - Committee hearing and legislative Actions

SB1374: Overview



- **Licensure Changes**
 - ✦ Curriculum
 - ✦ Supervision
 - ✦ Endorsement (Reciprocity)

- **Definitions:**

- **Disciplinary Action / Adverse Actions**

- **Board Organizational Restructure**
 - ✦ Increase the number of persons serving on the Board from 8 to 12
 - ✦ Academic Review Committees
 - ✦ Training for Board members and investigators
 - ✦ Executive Director

SB1374: Definitions



- Direct Client Contact (p.1)
 - Definition

- Indirect Client Service (p.1)
 - Definition

- Equivalent (p.1)
 - “Means comparable in content and quality but not identical.”
 - ✦ *(Embedded)*

- Psycho-education (p.2)
 - “Education of a client as part of a treatment process that provides the client with information regarding mental health, emotional disorders or behavioral health.”

BBHE Restructure



- **Board Makeup (p.6)**
 - ✦ 2 Licensed Social Workers, 1 must be LCSW
 - ✦ 2 Licensed Counselors, 1 must be LPC
 - ✦ 2 Licensed Marriage and Family Therapists, 1 must be LMFT
 - ✦ 2 Licensed Substance Abuse Counselors, 1 must be LISAC
 - All must be licensed for the past 5 years and in good standing.
 - ✦ 4 Public Members
 - ✦ Serve three year commitment, may serve for two terms

Board Members



- **Mandatory 12-Hour Training Program (p.7)**
 - “Complete a 12 hour training program that emphasizes responsibilities for Administrative management, licensure, Judicial processes and temperament, within one year after the appointment to the Board.”
 - Compensation \$85.00/day
 - Immune from law suits

Board Meetings



- Pg. 9 Board meetings
- “The Board shall audio record all meetings and maintain all audio video recordings or stenographic records of interview and meetings for a period of three years from when the record was created.”

Executive Director: Compensation: Duties



- **Executive Director: Compensation, duties (Pg. 9)**
- On or after January 31, 2014 . The Board shall appoint an Executive Director who shall serve at the pleasure of the Board.
- The Executive Director shall perform the duties of the board
- Employ personnel including:
 - Professional consultants
 - Investigators

Board Restructure (Continued)



- Academic Review Committees ,
Re[place credentialing committees
(p.10)
- Application reviewed by staff (checklist
per discipline) Problems or concerns
regarding curriculum will go to
Academic Review committees.
 - ✦ 3 Members per committee per
discipline:
 - Composed of 3 members
 - Arizona resident for at least one year
 - At least one but not more than 2 members that are
licensed in the state of Arizona and have 5 years of
experience in the applicable profession.
 - At least one but not more than 2 members that have
served as faculty within the previous 10 years as core
or full time faculty as a regionally accepted college or
university in the applicable profession.
 - Serve at the pleasure of the Board

Board Restructure (Continued)



Professional Conduct Complaints (Pg.15):

- “For complaints related to conduct that is inconsistent with professional standards or ethics, scope of practice, or standards of care, The Board may consult with one or more licensed or retired behavioral health professionals of the same profession as the licensee to review complaints and make recommendations to the Board.”
- On determination of reasonable cause the Board shall require any combination of
 - Psychological examinations
 - Assessment or skills evaluation
 - Licensees expense
 - ✦ To determine competency or ability to practice safely
 - ✦ Board may conduct investigation
 - ✦ Board may require assessment by a rehabilitative, retraining or assessment program

Counselor Curriculum



- Pre-approved Educational Curriculum from non CACREP or CORE approved programs.(p.8)
 - CACREP Counseling Programs: ASU, NAU & Univ. of Phoenix
 - Non-CACREP: Ottawa, Univ, Prescott College, Grand Canyon Univ....
 - Programs can have their curriculum pre-approved (In-state & Out of State).

Counselors who Attend Non-CACREP Universities



- CACREP Standards for Non-CACREP Schools (p.24)
 - 8 core classes vs 14, which is the CACREP standard
- Require 700 hours of clinical supervision
- 24 semester hours or 32 quarter hours in the following 8 core content areas as prescribed in rules :
 - PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE.
 - SOCIAL AND CULTURAL DIVERSITY.
 - HUMAN GROWTH AND DEVELOPMENT.
 - CAREER DEVELOPMENT.
 - HELPING RELATIONSHIPS.
 - GROUP WORK.
 - ASSESSMENT.
 - RESEARCH AND PROGRAM EVALUATION.
- The remaining hours are to be in counseling related course work as prescribed by the Board.
- “The Board may accept **EQUIVALENT** coursework in which core content area subject matter is **EMBEDDED** or **CONTAINED** within another course including **another subject matter.**”

Direct – Indirect Hours



- **Required Hours (p.25)**
 - ✦ 3,200 Total
 - ✦ 1,600 Direct; 1,600 Indirect, 100 Clinical Supervision
- **Psycho-education included: Up to 400 hours for work experience .**

Supervision



- Registry of Approved Licensees (p.8)
- The Board will “Maintain a registry of licensees who have met the educational requirements to provide supervision.”
- Adopt rules to allow supervision by professionals not licensed by this Board.

Impaired Professional Program



- Confidential Monitoring Program (p.8)
 - ✦ Licensee Volunteers
 - ✦ Licensee is Compliant w/Treatment and Monitoring Requirements, including bodily fluid testing
 - ✦ Licensee Refrains from Professional Practice until the return to practice has been approved by treatment program & Board.
 - ✦ Licensee's Employer is Notified
- Structured similarly to Nurses Candu Program.
- Stipulated agreement for the confidential treatment, rehabilitation and monitoring of chemical dependency, medical, psychiatric, psychological or behavioral health disorders in a program.
- Licensee who fails to comply may be removed from the program and their records are not confidential or exempt from public records law

Endorsement



- Eliminates Reciprocity replaced with Endorsement
- May be licensed in 1 or More Other States (p.12)
- Practiced in the past 3 Years. For at least 3,600 Hours in past 5 Years. (p.12)
- Endorsed at the same practice level per discipline.
- For independent level, must have passed the appropriate national exam.
- **Notarized Affidavit:** listing jurisdictions that one is licensed in. (p.12)
 - Verification
 - In good standing
 - List disciplinary actions, surrendering of license, as applicable

Licensure



- Synchronized Renewal Dates for 2 or More Licenses (p.14)
 - “At the request of the licensee who has two or more licenses. The Board shall establish the same renewal dates for those licenses”
 - “The Board may pro-rate any fees due as necessary to synchronize the date.”s
- Application Withdrawal (p.14)
 - May withdrawal application unless under investigation for unprofessional conduct that may result in an adverse action.
 - ✦ Includes Sexual Misconduct

Deficiencies



- Pg. 10
- When Application is deficient
 - Board will outline and make recommendation to the board regarding “the manner in which the deficiencies can be addressed.”

Disciplinary Action



○ **Investigators (Pg.9)**

- ✦ Investigators must complete a nationally recognized investigator training program within one year from the date of hire.
- ✦ Until they complete the training program, they must work under supervision.

● **Investigation of Complaints (p.19)**

- ✦ Due process
- ✦ 7 Year Statute of Limitation
- ✦ Clear and Convincing Evidence
- ✦ Inform Licensee Regarding Investigation **(p.20)**
- ✦ Receive complaint documentation 5 business days before hearing vs 5 minute rule.

Disciplinary Action (Cont.)



- (Pg.14)
- Notify applicant of deficiency
- Public meeting
- Within 35 days after notification
- Applicant may provide evidence
- May have consul
- If denied, right to hearing & appeal

- Statue of limitations on complaints 7 years (except Malpractice or Judgments).
- Can not accept anonymous complaints
- Follow due process

Documentation Task Force



- Representative from DHS (Az- Department of Health Services)
- Individual employed by community health center & not licensed by the Board
- Examine current clinical documentation requirements of both the Board & DHS
- Make recommendations for best practices for form & content of clinical documentation
- Submit report that contains task forces recommendations & findings by 3/31/14
- The Board & DHS shall adopt recommendations in rule by 3/31/15

BBHE: Rule Making Process



- Exemption from the rule making process until 11/1/15
- Provides opportunities for interested parties to provide written comments or testimony on proposed rules.
- Board must adequately address those comments
- Creation of mailing list of person who wish to be notified of public hearings related to proposed rule changes
- At least 2 public hearings on proposed rules before adoption
- Board must testify before the joint legislative budget committee regarding the proposed rules.
- **Legislature** appropriated \$100.000 for the rule making process and implementation of new standards

What's Next?



- September 30, 2013
 - ✦ 32-3253 Effective (p.30)

- January 31, 2014
 - ✦ Board Appointment of Executive Director (p.9)

- Rule Making process
 - Board hires someone to draft rules
 - Legislature has appropriate \$100,000 for this process (That was the amount requested by the Board)
 - Public meetings

- October 31, 2015
 - ✦ 32-3253, 32-3273, 32-3291, 32-3292, 32-3293, 32-3301, 32-3303, 32-3311, 32-3321, 32-3261 Effective (p.30)

Board Reporting Requirements



- Requires quarterly reports on progress by the Board to:
 - **Speaker of the House**
 - **President of the Senate**
 - **Members of the House & Senate Health Committees or their successor committees.**
- The BBHE, terminates on July, 1, 2017
 - (Pg. 28) Sunset review process

Advocacy Concerns



- Promote Transparency
- Continue to promote and work collaboratively among stakeholders and with the Arizona Council of Human Services Providers.
- Attention to the timeline.
- Recognize and understand the details and complexity of the process. Streamline where appropriate.

Advocacy Needs: Moving Forward



- Gather & Analyze comments about existing rules, provide information on what is wrong with those rules and why. Make recommendations.
- Gather and identify problems.
- Outline recommendations for changes, including language.
- Provide report on written and oral comments during public comment period.
- Help / urge appropriate and open processes.
- Share information with stakeholders

Financial Support



- Continue to Partner with Arizona Council of Human Service and Stakeholders.
- Elicit financial support from the professional and for-profit community, so we can stay engaged in the process. (Currently RHBA's are financially supporting Arizona Council of Human Service Providers legal - lobbying activities).
- Contributions from individual practitioners.
- Fundraising activities.
- Az Council has provided considerable financial support up until now.

Financial Support



- Tax Free Donations
 - Tax deductible 501c3
 - Arizona Foundation for Human Service Providers
 - Subject line BBHE

 - Address:
 - ✦ 2100 N. Central, Suite 225
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Thank You For Your Support!

