

Bill Number: S.B. 1374

Barto Floor Amendment

Reference to: printed bill

Amendment drafted by: Marianne Yamnik

FLOOR AMENDMENT EXPLANATION

The Barto Floor Amendment is a substitute amendment to the HHS Committee amendment that encompasses the committee amendment and makes the following changes:

- Clarifies when an applicant may withdrawal an application.
- Requires the Board, per request, to conduct a new hearing concerning previous revocations or denials and to establish the same renewal dates for licensees who have two or more licenses.
- Modifies the definitions of *indirect client service* and *psychotherapy*.
- Establishes a task force on patient consent and documentation.
- Clarifies hour requirements and information an applicant must provide.
- Makes technical corrections and clarifies effective dates.

Fifty-first Legislature Barto
First Regular Session S.B. 1374

**BARTO FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1374
(Reference to printed bill)**

Page 1, line 22, after "**PERFORMED**" insert "**OR ARE PROVIDED IN SUPERVISING LICENSEES PROVIDING DIRECT CLIENT CONTACT**"

Page 2, line 9, after "mental" insert ", **BEHAVIORAL**"

Strike line 15

Line 32, after "development" insert "**INCLUDING THE PROVISION OF CLINICAL SERVICES THROUGH EDUCATIONAL TREATMENT PROTOCOLS**"

Page 6, line 42, after "compensation" strike remainder of line

Line 43, strike "pursuant to section 38-611" insert "**OF NOT MORE THAN EIGHTY-FIVE DOLLARS**"

Page 7, line 6, strike "**THREE MONTHS**" insert "**ONE YEAR**"

Page 8, line 11, after "**UNIVERSITIES**" insert "**WITH A PROGRAM NOT OTHERWISE ACCREDITED BY AN ORGANIZATION OR ENTITY RECOGNIZED BY THE BOARD**"

Line 13, after the period insert "**APPROVALS SHALL BE VALID FOR A PERIOD OF FIVE YEARS PROVIDED NO CHANGES OF CURRICULA ARE MADE THAT ARE INCONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER OR BOARD RULE.**"

Line 19, strike "**THAT OF**" insert "**THE PROFESSION IN WHICH**"; after "**APPLICANT**" insert "**IS SEEKING LICENSURE**"

Between lines 23 and 24, insert:

"C. THE BOARD MAY REQUIRE THE EXECUTIVE DIRECTOR TO MAKE PERIODIC REPORTS CONCERNING COMPLAINTS DISMISSED OR AGREEMENTS ENTERED PURSUANT TO SECTION 32-3255."

Reletter to conform

Line 28, after the period insert **"THE LICENSEE SHALL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH REHABILITATIVE SERVICES AND MONITORING."**

Page 8, between lines 32 and 33, insert:

"E. THE BOARD SHALL AUDIO RECORD ALL MEETINGS AND MAINTAIN ALL AUDIO AND VIDEO RECORDINGS OR STENOGRAPHIC RECORD OF INTERVIEWS AND MEETINGS FOR A PERIOD OF THREE YEARS FROM WHEN THE RECORD WAS CREATED."

Page 9, line 7, after **"DEPENDENCY"** insert **"OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS"**

Line 8, strike **"C"** insert **"D"**

Line 24, after **"DEPENDENCY"** insert **"OR MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL OR BEHAVIORAL HEALTH DISORDERS"**

Line 40, after **"TO"** strike remainder of line

Strike lines 41 and 42, insert **"DETERMINE:**

(a) IF AN APPLICANT, WHOSE CURRICULUM HAS NOT BEEN APPROVED PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH 15 OR WHOSE PROGRAM IS NOT ACCREDITED BY AN ORGANIZATION OR ENTITY APPROVED BY THE BOARD, HAS MET THE EDUCATIONAL REQUIREMENTS OF THIS CHAPTER OR BOARD RULES.

(b) IF AN APPLICANT HAS MET THE REQUIREMENTS OF WORK SUPERVISION REQUIRED FOR LICENSURE PURSUANT TO THIS CHAPTER OR BOARD RULES."

Page 10, between lines 2 and 3, insert:

"4. AT THE REQUEST OF THE BOARD, MAKE RECOMMENDATIONS REGARDING EXAMINATIONS REQUIRED PURSUANT TO THIS CHAPTER."

Line 5, after **"ONE"** insert **"BUT NOT MORE THAN TWO"**; strike **"IS"** insert **"ARE"**

Line 6, after the period insert **"AT LEAST ONE BUT NOT MORE THAN"**

Line 7, strike **"FIVE"** insert **"TEN"**; after **"AS"** insert **"CORE OR FULL-TIME"**

Lines 12 and 13, strike **"AS DETERMINED PURSUANT TO SECTION 38-611 FOR EACH DAY"** insert **"OF NOT MORE THAN EIGHTY-FIVE DOLLARS FOR EACH EIGHT HOURS"**

Line 22, after **"chapter"** insert **"INCLUDING APPLICATION FEES"**

Between lines 29 and 30, insert:

"C. THE BOARD BY RULE MAY ADOPT A FEE FOR APPLICATIONS FOR APPROVAL OF EDUCATIONAL CURRICULA PURSUANT TO SECTION 32-3253, SUBSECTION A, PARAGRAPH 15."

Reletter to conform

Page 10, line 31, strike **"and"**; strike **"AN"**

Line 32, strike **"ACADEMIC REVIEW COMMITTEE"**

Page 11, between lines 6 and 7, insert:

"D. AT THE REQUEST OF A LICENSEE WHO HAS BEEN ISSUED TWO OR MORE LICENSES, THE BOARD SHALL ESTABLISH THE SAME RENEWAL DATES FOR THOSE LICENSES. THE BOARD MAY PRORATE ANY FEES DUE AS NECESSARY TO SYNCHRONIZE THE DATES."

Line 26, strike **"FOR AT LEAST THREE years before applying for"**

Strike line 27, insert **"IN A PERIOD OF NOT MORE THAN FIVE YEARS PRIOR TO APPLYING FOR LICENSURE BY ENDORSEMENT. THE THREE THOUSAND SIX HUNDRED HOURS MUST BE IN THE DISCIPLINE AND AT LEAST IN THE PRACTICE LEVEL FOR WHICH THE PERSON IS APPLYING."**

Line 42, after "AGENCY" insert "OR ANY INSTANCE IN WHICH A LICENSE HAS BEEN SURRENDERED IN LIEU OF DISCIPLINE"

Page 13, line 20, after "BOARD" insert "PROVIDED THAT THE BOARD HAS NOT SENT TO THE APPLICANT NOTIFICATION THAT THE BOARD HAS INITIATED AN INVESTIGATION CONCERNING PROFESSIONAL MISCONDUCT. FOLLOWING SUCH NOTIFICATION THE APPLICANT MAY REQUEST THAT THE BOARD DETERMINE WHETHER THE REQUEST TO WITHDRAW THE APPLICATION HAS BEEN MADE TO AVOID DENIAL OF A LICENSE AS RESULT OF UNPROFESSIONAL CONDUCT. THIS SUBSECTION DOES NOT PREVENT THE BOARD FROM DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO AGREE TO A WITHDRAWAL."

Line 43, strike "SHALL" insert "MAY"; after "WITH" insert "ONE OR MORE"

Line 44, after "PROFESSIONALS" insert "OF THE SAME PROFESSION AS THE LICENSEE"

Page 18, line 7, after the period insert "THE TIME LIMITATION DOES NOT APPLY TO MALPRACTICE SETTLEMENTS OR JUDGMENTS."

Line 10, after the period insert "EXCEPT FOR DISCIPLINARY MATTERS BROUGHT PURSUANT TO SECTION 32-3251, PARAGRAPH 15, SUBDIVISION (v),"

Page 19, line 6, after "LICENSEE" insert "OR THE LICENSEE'S DESIGNATED REPRESENTATIVE"

Line 8, strike "SHALL" insert "MAY"

Page 20, line 22, after the period strike remainder of line

Page 20, strike line 23

Line 43, after the period strike remainder of line

Strike line 44

Page 21, line 23, after the period insert "FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION."

Line 25, after the period strike remainder of line

Strike line 26

Line 37, after the period strike remainder of line

Strike line 38

Page 22, line 21, strike "THIRTY-FOUR" insert "THIRTY-TWO"

Page 23, line 7, after the period insert "FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION."

Page 24, line 5, after the period insert "FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION."

Line 7, after the period strike remainder of line

Strike lines 8 and 9

Line 34, strike "of applied science"; after "dependency" insert "OR SUBSTANCE ABUSE"

Line 43, after the period strike remainder of line

Strike line 44

Page 25, line 29, after the period insert "FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION."

Page 26, line 8, after the period insert "FOR THE DIRECT CLIENT CONTACT HOURS, NOT MORE THAN FOUR HUNDRED HOURS CAN BE IN PSYCHOEDUCATION."

Line 10, after the period strike remainder of line

Strike line 11

Line 30, after "examiners" strike remainder of line

Strike line 31, insert "shall not base a decision solely on the board's finding that an applicant had a license refused or revoked after July 1, 2004. The board at the request of the applicant shall conduct a de nova hearing concerning the conduct that constituted the grounds for the previous revocation or denial by the board.

Sec. 26. Task force on patient consent and documentation best practices; rule adoption; delayed repeal

A. The task force on patient consent and documentation best practices is established consisting of the following members:

1. A representative appointed by the board of behavioral health examiners.
2. A representative of the department of health services, appointed by the director of the department of health services.

3. A person who is employed by a licensed qualifying community health center as defined by section 42-5001, Arizona Revised Statutes, or a health care institution as defined pursuant to section 36-401, Arizona Revised Statutes, appointed by the director of the department of health services and who is not licensed by the board of behavioral health examiners.

4. A person who is employed by a licensed qualifying community health center as defined by section 42-5001, Arizona Revised Statutes, or a health care institution as defined pursuant to section 36-401, Arizona Revised Statutes, appointed by the board of behavioral health examiners and who is licensed by the board of behavioral health examiners.

5. A representative of the Arizona health care cost containment system, appointed by the director of the Arizona health care cost containment system.

B. The director of the department of health services shall appoint one member to serve as the task force chairperson.

C. The task force shall:

1. Examine and evaluate the present requirements of the board of behavioral health examiners and the requirements of the department of health services regarding the form and content of patient consent and documentation required of practitioners licensed by the board of behavioral health examiners and employed in facilities licensed by the department of health services.

2. Make recommendations for best practices for the form and content of patient consent and documentation for practitioners licensed by the board of behavioral health examiners that assure consistent regulation by the board and the department of health services.

3. Submit a written report that contains the task force's recommendations and findings by March 31, 2014, to the governor, the speaker of the house of representatives and the president of the senate. The task force shall provide a copy of the report to the secretary of state and the director of the state library, archives and public records.

D. The task force may use the services and expertise of the staff of the department of health services.

E. The board of behavioral health examiners shall adopt the recommendations in its rules by March 31, 2015.

F. This section is repealed from and after May 31, 2014.

Sec. 27. Board membership

Notwithstanding section 32-3252, Arizona Revised Statutes, as amended by this act, the appointed members of the board of behavioral health examiners who are currently serving shall continue to serve until their term expires."

Re-number to conform

Page 27, line 11, strike “December 31, 2013” insert “October 31, 2015”

Amend title to conform

2/28/13

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