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Arizona Revised Statutes and Arizona Administrative Code Telemedicine / Telepractice & Temporary Licensure Exemptions

This document presents a compilation of Arizona Revised Statutes (A.R.S.) and Arizona Administrative Code (A.A.C.) sections addressing telemedicine/telepractice and temporary licensure exemption of psychology practice in Arizona. This may not be a comprehensive list. It is recommended that anyone interested in these topics seek legal advice. Board staff cannot provide interpretation or legal advice on this or any other topic. This information may be revised.

Arizona Revised Statutes

[A.R.S. §36-3601. Definitions](#)

For the purposes of this chapter:

1. "Health care decision maker" has the same meaning prescribed in section 12-2801.
2. "Health care provider" means a person licensed pursuant to title 32, chapter 7, 13, 14, 15, 17, 18, [19.1](#), 25, 28, 29 or 33.
3. "Telemedicine" means the practice of health care delivery, diagnosis, consultation and treatment and the transfer of medical data through interactive audio, video or data communications that occur in the physical presence of the patient, including audio or video communications sent to a health care provider for diagnostic or treatment consultation.

Psychologists &
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[A.R.S. §36-3602. Delivery of health care through telemedicine; requirements; exceptions](#)

- A. Except as provided in subsection E of this section, before a health care provider delivers health care through telemedicine, the treating health care provider shall obtain verbal or written informed consent from the patient or the patient's health care decision maker. If the informed consent is obtained verbally, the health care provider shall document the consent on the patient's medical record.
- B. The patient is entitled to all existing confidentiality protections pursuant to section [12-2292](#).
- C. All medical reports resulting from a telemedicine consultation are part of a patient's medical record as defined in section [12-2291](#).
- D. Dissemination of any images or information identifiable to a specific patient for research or educational purposes shall not occur without the patient's consent, unless authorized by state or federal law.
- E. The consent requirements of this section do not apply:
 1. If the telemedicine interaction does not take place in the physical presence of the patient.
 2. In an emergency situation in which the patient or the patient's health care decision maker is unable to give informed consent.
 3. To the transmission of diagnostic images to a health care provider serving as a consultant or the reporting of diagnostic test results by that consultant.

[A.R.S. §36-3603. State jurisdiction; scope](#)

The provisions of this article apply to the practice of telemedicine within the state of Arizona. Nothing in this article shall be construed to expand, reduce or otherwise amend the health care provider licensing requirements of title 32.

[A.R.S. §32-2061 \(15\). Definitions](#)

"Telepractice" means providing psychological services through interactive audio, video or electronic communication that occurs between the psychologist and the patient or client, including any electronic communication for diagnostic, treatment or consultation purposes in a secure platform, and that meets the requirements of telemedicine pursuant to section §36-3602. Telepractice includes supervision.

[A.R.S. §32-2075. Exemptions from licensure](#)

4. A person who resides outside of this state and who is currently licensed or certified to practice psychology at the independent level by a licensing jurisdiction of the United States or Canada if the activities and services conducted in this state are within the psychologist's customary area of practice, do not exceed twenty days per year and are not otherwise in violation of this chapter and the client or patient, public or consumer is informed of the limited nature of these activities and services and that the

psychologist is not licensed in this state. A person may exceed the twenty-day limitation requirement of this paragraph to assist in public service that is related to a disaster as acknowledged by the board.

Arizona Administrative Code

A.A.C. R4-26-101. Definitions

13. "Day" means a calendar day except in A.R.S. § 32-2075(A)(4), "day" means a total of eight hours in providing psychological services regardless of the number of calendar days over which the hours are accumulated.

A.A.C. R4-26-109. General Provisions Regarding Telepractice

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

A.A.C. R4-26-110. Providing Psychological Service by Telepractice

- A.** As specified under A.R.S. § 32-2071(F) and (G), a licensee who provides in-person individual supervision shall ensure that supervision provided through telepractice is conducted using secure, confidential, real-time telecommunication technology. The licensee shall ensure at least 50 percent of individual supervision is either in person or using visual technology.
- B.** A licensee shall not provide psychological service by telepractice unless both conditions of the risk analysis conducted under subsection (A) are met.
- C.** Before providing psychological service by telepractice, a licensee shall:
 - 1.** Obtain the written informed consent of the client or patient, using language that is clear and understandable and consistent with accepted professional and legal requirements. The licensee shall ensure the written informed consent addresses the following and a copy is placed in the client or patient's record required under R4-26-106:
 - a.** The manner in which the licensee will verify the identity of the client or patient before each psychological service if the telepractice does not involve video;
 - b.** The manner in which the licensee will ensure the client or patient's electronic communications are received only by the licensee or supervisee;
 - c.** Limitations and innovative nature of using technology to provide psychological service;
 - d.** Inherent confidentiality risk resulting from use of technology;
 - e.** Potential risk of technology failure that disrupts provision of psychological service and how to reestablish communication if disruption occurs;
 - f.** When and how the licensee will respond to routine electronic communications;
 - g.** The circumstances under which the licensee and client or patient will use an alternative means of communication;
 - h.** Who is authorized to access the electronic communication between the licensee and client or patient;
 - i.** The manner in which the licensee stores the electronic communication between the licensee and the client or patient; and
 - j.** The type of secure electronic technology the licensee will use to communicate with the client or patient;
 - 2.** Establish a written agreement with the client or patient that specifies contact information for sources of face-to-face emergency services in the client or patient's geographical area and requires the client or patient to contact a source of face-to-face emergency services when the client or patient experiences a suicidal or homicidal crisis or other emergency. If the licensee has knowledge the client or patient is experiencing a suicidal or homicidal crisis or other emergency, the licensee shall assist the client or patient to contact a source of face-to-face emergency services. The licensee shall place a copy of the written agreement required under this subsection in the client or patient's record required under R4-26-106.
 - 3.** Obtain the name and contact information for an emergency contact;
 - 4.** Obtain information about an alternative means of contacting the client or patient; and
 - 5.** Provide the client or patient with information about an alternative means of contacting the licensee.

D. A licensee who provides psychological service by telepractice shall repeat the risk analysis required under subsection (A) as clinically indicated.

E. If a licensee does not provide psychological service by telepractice to a client or patient, the provisions of this Section do not apply to electronic communications with the client or patient regarding:

1. Scheduling an appointment, billing, establishing benefits, or determining eligibility for services; and
2. Checking the welfare of the client or patient in accord with reasonable professional judgment.

R4-26-111. Providing Supervision through Telepractice

A. As specified under A.R.S. § 32-2071(F) and (G), a licensee who provides in-person individual supervision shall ensure that:

1. No more than 50 percent of the supervision is provided through telepractice; and
2. Supervision provided through telepractice is conducted using secure, confidential, real-time visual telecommunication technology.

B. Before providing supervision by telepractice, a licensee who is in compliance with R4-26-109 shall conduct a risk analysis as clinically indicated and document whether providing supervision by telepractice:

1. Is appropriate for the issue presented by the supervisee's client or patient involved in the supervisory process,
2. Is consistent with the supervisee's knowledge and skill regarding use of the technology involved in providing supervision by telepractice, and
3. Is in the best interest of both the supervisee and the supervisee's client or patient involved in the supervisory process.

C. A licensee shall not provide supervision by telepractice unless all conditions of the risk analysis conducted under subsection B are met.

D. Before providing supervision by telepractice, a licensee shall:

1. Enter a written agreement with the supervisee, using language that is clear and understandable and consistent with accepted professional and legal requirements. The licensee shall ensure the written agreement addresses the following and a copy is provided to the supervisee:
 - a. The manner in which the licensee will identify the supervisee before each supervisory session that does not involve video;
 - b. Limitations and innovative nature of using technology to provide supervision;
 - c. Potential risk of technology failure that disrupts provision of supervision and how to re-establish communication if disruption occurs;
 - d. When and how the licensee will respond to routine electronic communications from the supervisee;
 - e. The circumstances under which the licensee and supervisee will use an alternative means of communication; and
 - f. The type of secure electronic technology the licensee will use to communicate with the supervisee;
2. Obtain information about an alternative means of contacting the supervisee; and
3. Provide the supervisee with information about an alternative means of contacting the licensee.