

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HOUSE BILL 2470

AN ACT

AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 44; AMENDING SECTION 41-1092, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3018.01; RELATING TO THE BEHAVIOR ANALYST BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, Arizona Revised Statutes, is amended by adding  
3 chapter 44, to read:

4 CHAPTER 44

5 BEHAVIOR ANALYST BOARD

6 ARTICLE 1. GENERAL PROVISIONS

7 32-4401. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ACTIVE LICENSE" MEANS A CURRENT LICENSE ISSUED BY THE BOARD.

10 2. "ADEQUATE RECORDS" MEANS RECORDS THAT CONTAIN, AT A MINIMUM,  
11 SUFFICIENT INFORMATION TO IDENTIFY THE CLIENT, THE DATES OF SERVICE, THE FEE  
12 FOR SERVICE, THE PAYMENTS FOR SERVICE AND THE TYPE OF SERVICE GIVEN AND  
13 COPIES OF ANY REPORTS THAT MAY HAVE BEEN MADE.

14 3. "BEHAVIOR ANALYSIS" MEANS THE DESIGN, IMPLEMENTATION AND EVALUATION  
15 OF SYSTEMATIC ENVIRONMENTAL MODIFICATIONS BY A BEHAVIOR ANALYST TO PRODUCE  
16 SOCIALLY SIGNIFICANT IMPROVEMENTS IN HUMAN BEHAVIOR BASED ON THE PRINCIPLES  
17 OF BEHAVIOR IDENTIFIED THROUGH THE EXPERIMENTAL ANALYSIS OF BEHAVIOR.  
18 BEHAVIOR ANALYSIS DOES NOT INCLUDE COGNITIVE THERAPIES OR PSYCHOLOGICAL  
19 TESTING, NEUROPSYCHOLOGY, PSYCHOTHERAPY, SEX THERAPY, PSYCHOANALYSIS,  
20 HYPNOTHERAPY AND LONG-TERM COUNSELING AS TREATMENT MODALITIES.

21 4. "BEHAVIOR ANALYSIS SERVICES" MEANS THE USE OF BEHAVIOR ANALYSIS TO  
22 ASSIST A PERSON TO LEARN NEW BEHAVIOR, INCREASE EXISTING BEHAVIOR, REDUCE  
23 EXISTING BEHAVIOR AND EMIT BEHAVIOR UNDER PRECISE ENVIRONMENTAL CONDITIONS.  
24 BEHAVIOR ANALYSIS INCLUDES BEHAVIORAL PROGRAMMING AND BEHAVIORAL PROGRAMS.

25 5. "BEHAVIOR ANALYST" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS  
26 CHAPTER TO PRACTICE BEHAVIOR ANALYSIS.

27 6. "BOARD" MEANS THE BEHAVIOR ANALYST BOARD.

28 7. "CLIENT" MEANS:

29 (a) A PERSON OR ENTITY THAT RECEIVES BEHAVIOR ANALYSIS SERVICES.

30 (b) A CORPORATE ENTITY, A GOVERNMENTAL ENTITY OR ANY OTHER  
31 ORGANIZATION THAT HAS A PROFESSIONAL CONTRACT TO PROVIDE SERVICES OR BENEFITS  
32 PRIMARILY TO AN ORGANIZATION RATHER THAN TO AN INDIVIDUAL.

33 (c) AN INDIVIDUAL'S LEGAL GUARDIAN FOR DECISION MAKING PURPOSES,  
34 EXCEPT THAT THE INDIVIDUAL IS THE CLIENT FOR ISSUES THAT DIRECTLY AFFECT THE  
35 INDIVIDUAL'S PHYSICAL OR EMOTIONAL SAFETY AND ISSUES THAT THE LEGAL GUARDIAN  
36 AGREES TO SPECIFICALLY RESERVE TO THE INDIVIDUAL.

37 8. "EXPLOIT" MEANS AN ACTION BY A BEHAVIOR ANALYST WHO TAKES UNDUE  
38 ADVANTAGE OF THE PROFESSIONAL ASSOCIATION WITH A CLIENT, STUDENT OR  
39 SUPERVISEE FOR THE ADVANTAGE OR PROFIT OF THE BEHAVIOR ANALYST.

40 9. "HEALTH CARE INSTITUTION" MEANS A FACILITY THAT IS LICENSED  
41 PURSUANT TO TITLE 36, CHAPTER 4, ARTICLE 1, A PERSON WHO IS AUTHORIZED TO  
42 TRANSACT DISABILITY INSURANCE PURSUANT TO TITLE 20, CHAPTER 6, ARTICLE 4 OR 5  
43 OR A PERSON WHO IS ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO TITLE 20,  
44 CHAPTER 4, ARTICLE 9.

1           10. "LETTER OF CONCERN" MEANS AN ADVISORY LETTER TO NOTIFY A LICENSEE  
2 THAT WHILE THERE IS INSUFFICIENT EVIDENCE TO SUPPORT DISCIPLINARY ACTION THE  
3 BOARD BELIEVES THE LICENSEE SHOULD MODIFY OR ELIMINATE CERTAIN PRACTICES AND  
4 THAT CONTINUATION OF THE ACTIVITIES THAT LED TO THE INFORMATION BEING  
5 SUBMITTED TO THE BOARD MAY RESULT IN ACTION AGAINST THE LICENSE.

6           11. "SUPERVISEE" MEANS A PERSON WHO ACTS UNDER THE EXTENDED AUTHORITY  
7 OF A BEHAVIOR ANALYST TO PROVIDE BEHAVIORAL SERVICES AND INCLUDES A PERSON  
8 WHO IS IN TRAINING TO PROVIDE THESE SERVICES.

9           12. "UNPROFESSIONAL CONDUCT" INCLUDES THE FOLLOWING ACTIVITIES, WHETHER  
10 OCCURRING IN THIS STATE OR ELSEWHERE:

11           (a) OBTAINING A FEE BY FRAUD OR MISREPRESENTATION.

12           (b) BETRAYING PROFESSIONAL CONFIDENCES.

13           (c) MAKING OR USING STATEMENTS OF A CHARACTER TENDING TO DECEIVE OR  
14 MISLEAD.

15           (d) AIDING OR ABETTING A PERSON WHO IS NOT LICENSED PURSUANT TO THIS  
16 CHAPTER IN REPRESENTING THAT PERSON AS A BEHAVIOR ANALYST.

17           (e) GROSS NEGLIGENCE IN THE PRACTICE OF A BEHAVIOR ANALYST.

18           (f) SEXUAL INTIMACIES OR SEXUAL INTERCOURSE WITH A CURRENT CLIENT OR A  
19 SUPERVISEE OR WITH A FORMER CLIENT WITHIN TWO YEARS AFTER THE CESSATION OR  
20 TERMINATION OF TREATMENT. FOR THE PURPOSES OF THIS SUBDIVISION, "SEXUAL  
21 INTERCOURSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1401.

22           (g) ENGAGING OR OFFERING TO ENGAGE AS A BEHAVIOR ANALYST IN ACTIVITIES  
23 THAT ARE NOT CONGRUENT WITH THE BEHAVIOR ANALYST'S PROFESSIONAL EDUCATION,  
24 TRAINING AND EXPERIENCE.

25           (h) FAILING OR REFUSING TO MAINTAIN AND RETAIN ADEQUATE BUSINESS,  
26 FINANCIAL OR PROFESSIONAL RECORDS PERTAINING TO THE BEHAVIOR ANALYSIS  
27 SERVICES PROVIDED TO A CLIENT.

28           (i) COMMITTING A FELONY, WHETHER OR NOT INVOLVING MORAL TURPITUDE, OR  
29 A MISDEMEANOR INVOLVING MORAL TURPITUDE. IN EITHER CASE, CONVICTION BY A  
30 COURT OF COMPETENT JURISDICTION OR A PLEA OF NO CONTEST IS CONCLUSIVE  
31 EVIDENCE OF THE COMMISSION.

32           (j) MAKING A FRAUDULENT OR UNTRUE STATEMENT TO THE BOARD OR ITS  
33 INVESTIGATORS, STAFF OR CONSULTANTS.

34           (k) VIOLATING ANY FEDERAL OR STATE LAW THAT RELATES TO THE PRACTICE OF  
35 BEHAVIOR ANALYSIS OR TO OBTAIN A LICENSE TO PRACTICE BEHAVIOR ANALYSIS.

36           (l) PRACTICING BEHAVIOR ANALYSIS WHILE IMPAIRED OR INCAPACITATED TO  
37 THE EXTENT AND IN A MANNER THAT JEOPARDIZES THE WELFARE OF A CLIENT OR  
38 RENDERS THE SERVICES PROVIDED INEFFECTIVE.

39           (m) USING FRAUD, MISREPRESENTATION OR DECEPTION TO OBTAIN OR ATTEMPT  
40 TO OBTAIN A BEHAVIOR ANALYSIS LICENSE OR TO PASS OR ATTEMPT TO PASS A  
41 BEHAVIOR ANALYSIS LICENSING EXAMINATION OR IN ASSISTING ANOTHER PERSON TO DO  
42 SO.

1 (n) UNPROFESSIONAL CONDUCT IN ANOTHER JURISDICTION THAT RESULTED IN  
2 CENSURE, PROBATION OR A CIVIL PENALTY OR IN THE DENIAL, SUSPENSION,  
3 RESTRICTION OR REVOCATION OF A CERTIFICATE OR LICENSE TO PRACTICE AS A  
4 BEHAVIOR ANALYST.

5 (o) PROVIDING SERVICES THAT ARE UNNECESSARY OR UNSAFE OR OTHERWISE  
6 ENGAGING IN ACTIVITIES AS A BEHAVIOR ANALYST THAT ARE UNPROFESSIONAL BY  
7 CURRENT STANDARDS OF PRACTICE.

8 (p) FALSELY OR FRAUDULENTLY CLAIMING TO HAVE PERFORMED A PROFESSIONAL  
9 SERVICE, CHARGING FOR A SERVICE OR REPRESENTING A SERVICE AS THE LICENSEE'S  
10 OWN IF THE LICENSEE HAS NOT RENDERED THE SERVICE OR ASSUMED SUPERVISORY  
11 RESPONSIBILITY FOR THE SERVICE.

12 (q) REPRESENTING ACTIVITIES OR SERVICES AS BEING PERFORMED UNDER THE  
13 LICENSEE'S SUPERVISION IF THE BEHAVIOR ANALYST HAS NOT ASSUMED RESPONSIBILITY  
14 FOR THEM AND HAS NOT EXERCISED CONTROL, OVERSIGHT AND REVIEW.

15 (r) FAILING TO OBTAIN A CLIENT'S INFORMED AND WRITTEN CONSENT TO  
16 RELEASE PERSONAL OR OTHERWISE CONFIDENTIAL INFORMATION TO ANOTHER PARTY  
17 UNLESS THE RELEASE IS OTHERWISE AUTHORIZED BY LAW.

18 (s) FAILING TO MAKE CLIENT RECORDS IN THE BEHAVIOR ANALYST'S  
19 POSSESSION PROMPTLY AVAILABLE TO ANOTHER BEHAVIOR ANALYST ON RECEIPT OF  
20 PROPER AUTHORIZATION TO DO SO FROM THE CLIENT, A MINOR CLIENT'S PARENT, THE  
21 CLIENT'S LEGAL GUARDIAN OR THE CLIENT'S AUTHORIZED REPRESENTATIVE OR FAILING  
22 TO COMPLY WITH TITLE 12, CHAPTER 13, ARTICLE 7.1.

23 (t) FAILING TO TAKE REASONABLE STEPS TO INFORM OR PROTECT A CLIENT'S  
24 INTENDED VICTIM AND INFORM THE PROPER LAW ENFORCEMENT OFFICIALS IF THE  
25 BEHAVIOR ANALYST BECOMES AWARE DURING THE COURSE OF PROVIDING OR SUPERVISING  
26 BEHAVIOR ANALYSIS SERVICES THAT A CLIENT INTENDS OR PLANS TO INFLICT SERIOUS  
27 BODILY HARM ON ANOTHER PERSON.

28 (u) FAILING TO TAKE REASONABLE STEPS TO PROTECT A CLIENT IF THE  
29 BEHAVIOR ANALYST BECOMES AWARE DURING THE COURSE OF PROVIDING OR SUPERVISING  
30 BEHAVIOR ANALYSIS SERVICES THAT A CLIENT INTENDS OR PLANS TO INFLICT SERIOUS  
31 BODILY HARM ON HIMSELF.

32 (v) ABANDONING OR NEGLECTING A CLIENT IN NEED OF IMMEDIATE CARE  
33 WITHOUT MAKING SUITABLE ARRANGEMENTS FOR CONTINUATION OF THE CARE.

34 (w) ENGAGING IN DIRECT OR INDIRECT PERSONAL SOLICITATION OF CLIENTS  
35 THROUGH THE USE OF COERCION, DURESS, UNDUE INFLUENCE, COMPULSION OR  
36 INTIMIDATION PRACTICES.

37 (x) ENGAGING IN FALSE, DECEPTIVE OR MISLEADING ADVERTISING.

38 (y) EXPLOITING A CLIENT, STUDENT OR SUPERVISEE.

39 (z) FAILING TO REPORT INFORMATION TO THE BOARD REGARDING A POSSIBLE  
40 ACT OF UNPROFESSIONAL CONDUCT COMMITTED BY ANOTHER BEHAVIOR ANALYST WHO IS  
41 LICENSED PURSUANT TO THIS CHAPTER UNLESS THIS REPORTING VIOLATES THE BEHAVIOR  
42 ANALYST'S CONFIDENTIAL RELATIONSHIP WITH A CLIENT PURSUANT TO THIS CHAPTER.  
43 A BEHAVIOR ANALYST WHO REPORTS OR PROVIDES INFORMATION TO THE BOARD IN GOOD  
44 FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL DAMAGES.

1 (aa) VIOLATING A FORMAL BOARD ORDER, CONSENT AGREEMENT, TERM OF  
2 PROBATION OR STIPULATED AGREEMENT ISSUED UNDER THIS CHAPTER.

3 (bb) FAILING TO FURNISH INFORMATION IN A TIMELY MANNER TO THE BOARD OR  
4 ITS INVESTIGATORS OR REPRESENTATIVES IF REQUESTED OR SUBPOENAED BY THE BOARD  
5 AS PRESCRIBED BY THIS CHAPTER.

6 (cc) FAILING TO MAKE AVAILABLE TO A CLIENT OR TO THE CLIENT'S  
7 DESIGNATED REPRESENTATIVE, ON WRITTEN REQUEST, A COPY OF THE CLIENT'S RECORD,  
8 EXCLUDING RAW TEST DATA, PSYCHOMETRIC TESTING MATERIALS AND OTHER INFORMATION  
9 AS PROVIDED BY LAW.

10 (dd) VIOLATING AN ETHICAL STANDARD ADOPTED BY THE BOARD.

11 32-4402. Board; members; qualifications; appointments; terms;  
12 compensation; immunity

13 A. THE BEHAVIOR ANALYST BOARD IS ESTABLISHED CONSISTING OF FIVE  
14 MEMBERS WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211.

15 B. EACH MEMBER OF THE BOARD SHALL BE A CITIZEN OF THE UNITED STATES  
16 AND A RESIDENT OF THIS STATE AT THE TIME OF APPOINTMENT. THREE MEMBERS SHALL  
17 BE LICENSED PURSUANT TO THIS CHAPTER, EXCEPT THAT THE INITIAL THREE  
18 APPOINTEES ARE NOT REQUIRED TO BE LICENSED PURSUANT TO THIS CHAPTER AT THE  
19 TIME OF SELECTION BUT SHALL MEET ALL OF THE QUALIFICATIONS FOR LICENSURE AS  
20 PRESCRIBED BY THIS CHAPTER. TWO MEMBERS SHALL BE PUBLIC MEMBERS WHO ARE NOT  
21 ELIGIBLE FOR LICENSURE. THE BOARD SHALL HAVE AT ALL TIMES, EXCEPT FOR THE  
22 PERIOD WHEN A VACANCY EXISTS, AT LEAST TWO MEMBERS WHO ARE BEHAVIOR ANALYSTS  
23 IN PROFESSIONAL PRACTICE. THE PUBLIC MEMBERS SHALL NOT HAVE A SUBSTANTIAL  
24 FINANCIAL INTEREST IN THE HEALTH CARE INDUSTRY AND SHALL NOT HAVE A HOUSEHOLD  
25 MEMBER WHO IS ELIGIBLE FOR LICENSURE UNDER THIS CHAPTER.

26 C. EACH MEMBER SHALL SERVE FOR A TERM OF FIVE YEARS BEGINNING AND  
27 ENDING ON THE THIRD MONDAY IN JANUARY.

28 D. A VACANCY ON THE BOARD OCCURRING OTHER THAN BY EXPIRATION OF THE  
29 TERM SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM AS  
30 PROVIDED IN SUBSECTION C OF THIS SECTION. THE GOVERNOR, AFTER A HEARING, MAY  
31 REMOVE ANY MEMBER OF THE BOARD FOR MISCONDUCT, INCOMPETENCY OR NEGLECT OF  
32 DUTY.

33 E. BOARD MEMBERS MAY RECEIVE COMPENSATION IN AN AMOUNT OF NOT MORE  
34 THAN ONE HUNDRED DOLLARS FOR EACH CUMULATIVE EIGHT HOURS OF ACTUAL SERVICE IN  
35 THE BUSINESS OF THE BOARD AND REIMBURSEMENT OF ALL EXPENSES PURSUANT TO TITLE  
36 38, CHAPTER 4, ARTICLE 2.

37 F. MEMBERS OF THE BOARD AND ITS EMPLOYEES, CONSULTANTS AND TEST  
38 EXAMINERS ARE PERSONALLY IMMUNE FROM SUIT WITH RESPECT TO ALL ACTS DONE AND  
39 ACTIONS TAKEN IN GOOD FAITH AND IN FURTHERANCE OF THE PURPOSES OF THIS  
40 CHAPTER.

41 32-4403. Powers and duties

42 A. THE BOARD SHALL:

43 1. ADMINISTER AND ENFORCE THIS CHAPTER AND BOARD RULES.

- 1           2. REGULATE DISCIPLINARY ACTIONS, THE GRANTING, DENIAL, REVOCATION,  
2 RENEWAL AND SUSPENSION OF LICENSES AND THE REHABILITATION OF LICENSEES  
3 PURSUANT TO THIS CHAPTER AND BOARD RULES.
- 4           3. PRESCRIBE THE FORMS, CONTENT AND MANNER OF APPLICATION FOR  
5 LICENSURE AND RENEWAL OF LICENSURE AND SET DEADLINES FOR THE RECEIPT OF  
6 MATERIALS REQUIRED BY THE BOARD.
- 7           4. KEEP A RECORD OF ALL LICENSEES, BOARD ACTIONS TAKEN ON ALL  
8 APPLICANTS AND LICENSEES AND THE RECEIPT AND DISBURSAL OF MONIES.
- 9           5. ADOPT AN OFFICIAL SEAL FOR ATTESTATION OF LICENSES AND OTHER  
10 OFFICIAL PAPERS AND DOCUMENTS.
- 11           6. INVESTIGATE CHARGES OF VIOLATIONS OF THIS CHAPTER AND BOARD RULES  
12 AND ORDERS.
- 13           7. ANNUALLY ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON, A  
14 VICE-CHAIRPERSON AND A SECRETARY.
- 15           8. ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 TO CARRY OUT THIS  
16 CHAPTER AND TO DEFINE UNPROFESSIONAL CONDUCT.
- 17           9. ENGAGE IN A FULL EXCHANGE OF INFORMATION WITH OTHER REGULATORY  
18 BOARDS AND ASSOCIATIONS, NATIONAL ORGANIZATIONS AND STATEWIDE AND REGIONAL  
19 ASSOCIATIONS.
- 20           10. BY RULE, ADOPT A CODE OF ETHICS RELATING TO THE PRACTICE OF  
21 BEHAVIOR ANALYSIS THAT IS BASED ON THE CODE OF ETHICS ADOPTED AND PUBLISHED  
22 BY THE NATIONAL BEHAVIOR ANALYSIS CERTIFICATION BOARD. THE BOARD SHALL APPLY  
23 THE CODE TO ALL BOARD ENFORCEMENT POLICIES AND DISCIPLINARY CASE EVALUATIONS  
24 AND TO THE DEVELOPMENT OF LICENSING EXAMINATIONS.
- 25           B. THE BOARD MAY EMPLOY PERMANENT OR TEMPORARY PERSONNEL IT DEEMS  
26 NECESSARY TO CARRY OUT THIS CHAPTER, EXCEPT THAT THE EXECUTIVE DIRECTOR OF  
27 THE STATE BOARD OF CHIROPRACTIC EXAMINERS SHALL SERVE AS THE EXECUTIVE  
28 DIRECTOR OF THE BEHAVIOR ANALYST BOARD AND THE STAFF OF THE STATE BOARD OF  
29 CHIROPRACTIC EXAMINERS SHALL CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES OF  
30 THE BEHAVIOR ANALYST BOARD.
- 31           C. THE BOARD, IN INVESTIGATING VIOLATIONS OF THIS CHAPTER, MAY EMPLOY  
32 INVESTIGATORS WHO MAY BE BEHAVIOR ANALYSTS. THE BOARD OR ITS EXECUTIVE  
33 DIRECTOR MAY TAKE AND HEAR EVIDENCE, ADMINISTER OATHS AND AFFIRMATIONS AND  
34 COMPEL BY SUBPOENA THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF BOOKS,  
35 PAPERS, RECORDS, DOCUMENTS AND OTHER INFORMATION RELATING TO THE  
36 INVESTIGATION OR HEARING.
- 37           D. THE BOARD MAY ACCEPT AND SPEND FEDERAL MONIES AND PRIVATE GRANTS,  
38 GIFTS, CONTRIBUTIONS AND DEVICES TO ASSIST IT IN CARRYING OUT THE PURPOSES OF  
39 THIS CHAPTER.
- 40           32-4404. Meetings; committees; quorum
- 41           A. THE BOARD SHALL HOLD REGULAR QUARTERLY MEETINGS AT A TIME AND PLACE  
42 DETERMINED BY THE CHAIRPERSON. THE BOARD SHALL HOLD SPECIAL MEETINGS THE  
43 CHAIRPERSON DETERMINES NECESSARY TO CARRY OUT THE FUNCTIONS OF THE BOARD.

1 B. THE CHAIRPERSON MAY ESTABLISH COMMITTEES FROM THE BOARD MEMBERSHIP  
2 NECESSARY TO CARRY OUT THE FUNCTIONS OF THE BOARD. THE BOARD MAY ESTABLISH  
3 COMMITTEES OF LICENSED BEHAVIOR ANALYSTS TO ACT AS CONSULTANTS TO THE BOARD.  
4 MEMBERS OF CONSULTANT COMMITTEES ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES  
5 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

6 C. A MAJORITY OF BOARD MEMBERS CONSTITUTES A QUORUM AND A MAJORITY  
7 VOTE OF A QUORUM PRESENT IS NECESSARY FOR THE BOARD TO TAKE ANY ACTION.

8 32-4405. Behavior analyst board fund

9 A. THE BEHAVIOR ANALYST BOARD FUND IS ESTABLISHED.

10 B. EXCEPT AS PROVIDED IN SECTION 32-4451, SUBSECTION H THE BOARD SHALL  
11 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, TEN PER CENT OF ALL MONIES  
12 COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE GENERAL FUND AND DEPOSIT THE  
13 REMAINING NINETY PER CENT IN THE BEHAVIOR ANALYST BOARD FUND.

14 C. ALL MONIES DEPOSITED IN THE BEHAVIOR ANALYST BOARD FUND ARE SUBJECT  
15 TO SECTION 35-143.01.

16 32-4406. Directory; change of address; costs; civil penalty

17 A. THE BOARD SHALL COMPILE AND PUBLISH ON ITS WEBSITE A DIRECTORY  
18 CONTAINING:

- 19 1. THE NAMES AND ADDRESSES OF THE OFFICERS AND MEMBERS OF THE BOARD.
- 20 2. THE NAMES AND ADDRESSES OF ALL LICENSEES.
- 21 3. CURRENT BOARD RULES.
- 22 4. A COPY OF THIS CHAPTER.
- 23 5. ADDITIONAL INFORMATION THE BOARD DEEMS OF INTEREST AND IMPORTANCE  
24 TO LICENSEES.

25 B. A LICENSEE SHALL INFORM THE BOARD IN WRITING OF THE LICENSEE'S  
26 CURRENT RESIDENCE ADDRESS, OFFICE ADDRESS AND TELEPHONE NUMBER WITHIN THIRTY  
27 DAYS AFTER EACH CHANGE IN THIS INFORMATION. THE BOARD MAY ASSESS THE COSTS  
28 INCURRED BY THE BOARD IN LOCATING A LICENSEE AND MAY ASSESS A CIVIL PENALTY  
29 OF NOT MORE THAN ONE HUNDRED DOLLARS AGAINST A LICENSEE WHO FAILS TO NOTIFY  
30 THE BOARD WITHIN THIRTY DAYS AFTER THE DATE OF ANY CHANGE OF INFORMATION  
31 REQUIRED TO BE REPORTED UNDER THIS SUBSECTION.

32 32-4407. Fees

33 A. THE BOARD, BY A FORMAL VOTE, SHALL ESTABLISH FEES FOR THE  
34 FOLLOWING:

- 35 1. AN APPLICATION FOR AN ACTIVE LICENSE.
- 36 2. AN APPLICATION FOR A TEMPORARY LICENSE.
- 37 3. RENEWAL OF AN ACTIVE LICENSE.
- 38 4. ISSUANCE OF AN INITIAL LICENSE.

39 B. THE BOARD MAY CHARGE ADDITIONAL FEES FOR SERVICES IT DEEMS  
40 NECESSARY AND APPROPRIATE TO CARRY OUT THIS CHAPTER.

41 C. THE BOARD SHALL NOT REFUND FEES EXCEPT AS OTHERWISE PROVIDED IN  
42 THIS CHAPTER. ON SPECIAL REQUEST AND FOR GOOD CAUSE, THE BOARD MAY RETURN  
43 THE LICENSE RENEWAL FEE.

ARTICLE 2. LICENSURE

32-4421. Qualifications of applicant

BEGINNING JANUARY 1, 2010, A PERSON WHO WISHES TO PRACTICE AS A BEHAVIORAL ANALYST MUST BE LICENSED PURSUANT TO THIS ARTICLE. AN APPLICANT FOR LICENSURE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

1. SUBMIT AN APPLICATION AS PRESCRIBED BY THE BOARD.
2. BE AT LEAST TWENTY-ONE YEARS OF AGE.
3. BE OF GOOD MORAL CHARACTER. THE BOARD'S STANDARD TO DETERMINE GOOD MORAL CHARACTER SHALL NOT VIOLATE FEDERAL DISCRIMINATION LAWS.
4. PAY ALL APPLICABLE FEES PRESCRIBED BY THE BOARD.
5. HAVE THE PHYSICAL AND MENTAL CAPABILITY TO SAFELY AND COMPETENTLY ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS.
6. NOT HAVE COMMITTED ANY ACT OR ENGAGED IN ANY CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSEE PURSUANT TO THIS CHAPTER.

7. NOT HAVE HAD A PROFESSIONAL LICENSE OR CERTIFICATE REFUSED, REVOKED, SUSPENDED OR RESTRICTED IN ANY REGULATORY JURISDICTION IN THE UNITED STATES OR IN ANOTHER COUNTRY FOR REASONS THAT RELATE TO UNPROFESSIONAL CONDUCT. IF THE BOARD FINDS THAT THE APPLICANT COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT THE CONDUCT HAS BEEN CORRECTED, MONITORED AND RESOLVED. IF THE MATTER HAS NOT BEEN RESOLVED, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT MITIGATING CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION.

8. NOT HAVE VOLUNTARILY SURRENDERED A LICENSE OR CERTIFICATE IN ANOTHER REGULATORY JURISDICTION IN THE UNITED STATES OR IN ANOTHER COUNTRY WHILE UNDER INVESTIGATION FOR REASONS THAT RELATE TO UNPROFESSIONAL CONDUCT. IF ANOTHER JURISDICTION HAS TAKEN DISCIPLINARY ACTION AGAINST AN APPLICANT, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT THE CAUSE FOR THE ACTION WAS CORRECTED AND THE MATTER RESOLVED. IF THE MATTER HAS NOT BEEN RESOLVED BY THAT JURISDICTION, THE BOARD SHALL DETERMINE TO ITS SATISFACTION THAT MITIGATING CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION.

9. NOT HAVE A COMPLAINT, ALLEGATION OR INVESTIGATION PENDING BEFORE ANOTHER REGULATORY JURISDICTION IN THE UNITED STATES OR ANOTHER COUNTRY THAT RELATES TO UNPROFESSIONAL CONDUCT. IF AN APPLICANT HAS ANY SUCH COMPLAINTS, ALLEGATIONS OR INVESTIGATIONS PENDING, THE BOARD SHALL SUSPEND THE APPLICATION PROCESS AND MAY NOT ISSUE OR DENY A LICENSE TO THE APPLICANT UNTIL THE COMPLAINT, ALLEGATION OR INVESTIGATION IS RESOLVED.

32-4422. Educational and training qualifications for licensure

A. AN APPLICANT FOR LICENSURE AS A BEHAVIOR ANALYST MUST:

1. HAVE A GRADUATE DEGREE, MASTER'S DEGREE OR DOCTORATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY OR INSTITUTION OF HIGHER LEARNING ACCREDITED BY A RECOGNIZED ACCREDITING AGENCY.



- 1           2. IF THE APPLICANT COMPLETES A DEGREE, COURSEWORK AND WORK EXPERIENCE  
2 REQUIREMENTS AFTER JANUARY 1, 2000, COMPLETE A MINIMUM OF ONE THOUSAND FIVE  
3 HUNDRED HOURS OF SUPERVISED WORK EXPERIENCE OR INDEPENDENT FIELDWORK IN THE  
4 PRACTICE OF APPLIED BEHAVIOR ANALYSIS IN NOT LESS THAN TWELVE MONTHS.
- 5           3. HAVE AS PART OF OR IN ADDITION TO THE COURSEWORK REQUIRED FOR THE  
6 GRADUATE DEGREE AT LEAST TWO HUNDRED TWENTY-FIVE CLASSROOM HOURS OF SPECIFIC  
7 GRADUATE LEVEL INSTRUCTION THAT MEET NATIONALLY RECOGNIZED STANDARDS FOR  
8 BEHAVIOR ANALYSTS AS DETERMINED BY THE BOARD.
- 9           4. HAVE A MINIMUM OF ONE THOUSAND FIVE HUNDRED HOURS OF SUPERVISED  
10 WORK EXPERIENCE AS A BEHAVIOR ANALYST ENGAGED IN TASKS THAT MEET NATIONALLY  
11 RECOGNIZED STANDARDS FOR BEHAVIOR ANALYSTS AS DETERMINED BY THE BOARD. THE  
12 SUPERVISED WORK EXPERIENCE HOURS MAY BE COMPLETED CONCURRENTLY WITH THE  
13 REQUIRED COURSEWORK PRESCRIBED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION.
- 14           5. OBTAIN AND MAINTAIN CERTIFICATION BY A NATIONALLY RECOGNIZED  
15 BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY THE BOARD.
- 16           B. THE SUPERVISED WORK EXPERIENCE REQUIRED PURSUANT TO SUBSECTION A,  
17 PARAGRAPH 4 MUST INCLUDE THE FOLLOWING:
  - 18           1. CONDUCTING BEHAVIORAL ASSESSMENTS AND ASSESSMENT ACTIVITIES RELATED  
19 TO THE NEED FOR BEHAVIORAL INTERVENTIONS.
  - 20           2. DESIGNING, IMPLEMENTING AND MONITORING BEHAVIOR ANALYSIS PROGRAMS  
21 FOR CLIENTS.
  - 22           3. OVERSEEING THE IMPLEMENTATION OF BEHAVIOR ANALYSIS PROGRAMS BY  
23 OTHERS.
  - 24           4. OTHER ACTIVITIES NORMALLY PERFORMED BY A BEHAVIOR ANALYST THAT ARE  
25 DIRECTLY RELATED TO BEHAVIOR ANALYSIS, SUCH AS ATTENDING PLANNING MEETINGS  
26 REGARDING THE BEHAVIOR ANALYSIS PROGRAM, RESEARCHING THE LITERATURE RELATED  
27 TO THE PROGRAM, TALKING TO INDIVIDUALS ABOUT THE PROGRAM AND ANY ADDITIONAL  
28 ACTIVITIES RELATED TO OVERSIGHT OF BEHAVIORAL PROGRAMMING SUCH AS BEHAVIOR  
29 ANALYST SUPERVISION ISSUES OR EVALUATION OF BEHAVIOR ANALYSTS' PERFORMANCE.
- 30           C. THE FOLLOWING ACTIVITIES ARE NOT CONSIDERED SUPERVISED WORK  
31 EXPERIENCE REQUIRED PURSUANT TO SUBSECTION A, PARAGRAPH 4:
  - 32           1. ATTENDING MEETINGS WITH LITTLE OR NO BEHAVIOR ANALYTIC CONTENT.
  - 33           2. PROVIDING INTERVENTIONS THAT ARE NOT BASED IN BEHAVIOR ANALYSIS.
  - 34           3. DOING NONBEHAVIOR ANALYTIC ADMINISTRATIVE ACTIVITIES.
  - 35           4. ANY OTHER ACTIVITIES THAT ARE NOT DIRECTLY RELATED TO BEHAVIOR  
36 ANALYSIS.
- 37           D. FOR SUPERVISED WORK EXPERIENCE REQUIRED PURSUANT TO SUBSECTION A,  
38 PARAGRAPH 4, THE SUPERVISOR MUST OBSERVE THE APPLICANT ENGAGING IN BEHAVIOR  
39 ANALYTIC ACTIVITIES IN THE NATURAL ENVIRONMENT AT LEAST ONCE EVERY TWO WEEKS.  
40 THIS OBSERVATION MAY BE CONDUCTED BY WEB CAMERAS, VIDEOTAPE,  
41 VIDEOCONFERENCING OR SIMILAR MEANS INSTEAD OF THE SUPERVISOR BEING PHYSICALLY  
42 PRESENT. SUPERVISION MAY BE CONDUCTED IN SMALL GROUPS OF TEN OR FEWER  
43 PARTICIPANTS FOR NOT MORE THAN HALF OF THE TOTAL SUPERVISED HOURS IN EACH  
44 SUPERVISORY PERIOD. THE REMAINDER OF THE TOTAL SUPERVISION HOURS IN EACH

1 SUPERVISORY PERIOD MUST CONSIST OF DIRECT ONE-TO-ONE CONTACT. SUPERVISION  
2 HOURS MAY BE COUNTED TOWARD THE TOTAL NUMBER OF EXPERIENCE HOURS REQUIRED.

3 E. A SUPERVISOR CONDUCTING THE SUPERVISED WORK EXPERIENCE PURSUANT TO  
4 SUBSECTION D SHALL NOT BE THE APPLICANT'S RELATIVE, SUBORDINATE OR EMPLOYEE  
5 DURING THE EXPERIENCE PERIOD. THE SUPERVISOR IS NOT AN EMPLOYEE OF THE  
6 APPLICANT IF THE ONLY COMPENSATION RECEIVED BY THE SUPERVISOR FROM THE  
7 APPLICANT CONSISTS OF PAYMENT FOR SUPERVISION. A SUPERVISOR MUST BE ONE OF  
8 THE FOLLOWING:

9 1. A LICENSED BEHAVIOR ANALYST WHO MEETS REQUIREMENTS FOR LICENSURE  
10 PURSUANT TO SUBSECTION A.

11 2. A BEHAVIOR ANALYST WHO IS CERTIFIED BY A NATIONALLY RECOGNIZED  
12 BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY THE BOARD AND WHOSE  
13 CERTIFICATION IS IN GOOD STANDING.

14 3. AN INDIVIDUAL WHO HAS APPLIED AND BEEN APPROVED TO TAKE A  
15 NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION EXAMINATION AS  
16 DETERMINED BY THE BOARD.

17 4. AN INDIVIDUAL PROVIDING SUPERVISION BEFORE SEPTEMBER 1, 2006.

18 F. AN APPLICANT MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR AN  
19 EXEMPTION FROM THE REQUIREMENT PRESCRIBED IN SUBSECTION E. THE REQUEST MUST  
20 INCLUDE THE NAME OF THE BEHAVIOR ANALYST PROPOSED BY THE APPLICANT TO ACT AS  
21 THE CLINICAL SUPERVISOR, A COPY OF THE PROPOSED CLINICAL SUPERVISOR'S  
22 TRANSCRIPT AND CURRICULUM VITAE AND ANY ADDITIONAL DOCUMENTATION REQUESTED BY  
23 THE BOARD. THE BOARD SHALL REVIEW THE SUPERVISION EXEMPTION REQUEST TO  
24 DETERMINE IF THE PROPOSED SUPERVISOR HAS THE NECESSARY EDUCATION, TRAINING  
25 AND EXPERIENCE TO PROVIDE SUPERVISION ACCEPTABLE FOR BEHAVIOR ANALYST  
26 LICENSURE. IF THE PROPOSED SUPERVISOR HAS THE NECESSARY EDUCATION, TRAINING  
27 AND EXPERIENCE, THE BOARD SHALL GRANT THE SUPERVISION EXEMPTION REQUEST. THE  
28 BOARD SHALL NOT GRANT AN EXEMPTION REQUEST FOR AN UNLICENSED CLINICAL  
29 SUPERVISOR PROVIDING CLINICAL SUPERVISION IN THIS STATE AFTER JULY 1, 2010,  
30 EXCEPT THAT AN EXEMPTION MAY BE GRANTED BY THE BOARD IF THE CLINICAL  
31 SUPERVISOR HOLDS A CURRENT NATIONAL CERTIFICATION FROM A NATIONALLY  
32 RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD AS DETERMINED BY THE  
33 BEHAVIORAL ANALYST BOARD.

34 G. AN INDIVIDUAL WHO COMPLETED THE DEGREE, COURSEWORK OR EXPERIENCE  
35 BEFORE JANUARY 1, 2000 MAY HAVE SUPERVISED WORK EXPERIENCE OR CORE SPECIFIED  
36 COURSEWORK THAT WAS ACCRUED IN A SETTING OUTSIDE OF A COLLEGE OR UNIVERSITY  
37 PROGRAM IF THE FOLLOWING CONDITIONS ARE MET:

38 1. THE ACQUIRED COURSEWORK OR SUPERVISED WORK EXPERIENCE WAS ACQUIRED  
39 AFTER THE GRADUATE DEGREE AND BEFORE JANUARY 1, 2000.

40 2. THE APPLICANT HAS MET THE REQUIREMENTS FOR AND RECEIVED THE  
41 CERTIFICATION CREDENTIAL FROM A NATIONALLY RECOGNIZED BEHAVIOR ANALYST  
42 CERTIFICATION BOARD AS DETERMINED BY THE BEHAVIOR ANALYST BOARD.

43 H. THE BOARD MAY PRESCRIBE BY RULE ADDITIONAL REQUIREMENTS RELATING TO  
44 EDUCATION AND TRAINING.



1 D. THE BOARD'S DENIAL OF AN APPLICATION FOR LICENSURE TERMINATES A  
2 TEMPORARY LICENSE.

3 E. THE BOARD MAY PLACE ON INACTIVE STATUS AND WAIVE THE LICENSE  
4 RENEWAL FEE REQUIREMENTS FOR A PERSON WHO IS TEMPORARILY OR PERMANENTLY  
5 UNABLE TO PRACTICE AS A BEHAVIOR ANALYST DUE TO PHYSICAL OR MENTAL INCAPACITY  
6 OR DISABILITY. AN INITIAL REQUEST FOR THE WAIVER OF RENEWAL FEES SHALL BE  
7 ACCOMPANIED BY THE RENEWAL FEE FOR AN ACTIVE LICENSE, WHICH THE BOARD SHALL  
8 RETURN IF THE WAIVER IS GRANTED. THE BOARD SHALL JUDGE EACH REQUEST FOR THE  
9 WAIVER OF RENEWAL FEES ON ITS OWN MERITS AND MAY SEEK THE VERIFICATION IT  
10 DEEMS NECESSARY TO SUBSTANTIATE THE FACTS OF THE SITUATION. A BEHAVIOR  
11 ANALYST WHO IS RETIRED IS EXEMPT FROM PAYING THE RENEWAL FEE. A BEHAVIOR  
12 ANALYST MAY REQUEST VOLUNTARY INACTIVE STATUS BY SUBMITTING TO THE BOARD AN  
13 APPLICATION ON A FORM PRESCRIBED BY THE BOARD AND AN AFFIRMATION THAT THE  
14 BEHAVIOR ANALYST WILL NOT PRACTICE AS A BEHAVIOR ANALYST IN THIS STATE FOR  
15 THE DURATION OF THE VOLUNTARY INACTIVE STATUS AND BY PAYING THE REQUIRED FEE.

16 F. A BEHAVIOR ANALYST WHO IS ON ANY FORM OF INACTIVE STATUS SHALL  
17 RENEW THE INACTIVE STATUS EACH YEAR BY SUBMITTING A RENEWAL FORM PROVIDED BY  
18 THE BOARD AND PAYING ANY APPLICABLE FEE. A NOTICE TO RENEW IS FULLY  
19 EFFECTIVE BY MAILING THE RENEWAL APPLICATION TO THE LICENSEE'S LAST KNOWN  
20 ADDRESS OF RECORD IN THE BOARD'S FILE. NOTICE IS COMPLETE AT THE TIME OF ITS  
21 DEPOSIT IN THE MAIL. A BEHAVIOR ANALYST WHO IS ON INACTIVE STATUS DUE TO  
22 PHYSICAL OR MENTAL INCAPACITY OR DISABILITY OR RETIREMENT SHALL USE THE TERM  
23 "INACTIVE" TO DESCRIBE THE PERSON'S STATUS AND SHALL NOT PRACTICE AS A  
24 BEHAVIOR ANALYST.

25 G. A BEHAVIOR ANALYST ON INACTIVE STATUS MAY REQUEST REINSTATEMENT OF  
26 THE LICENSE TO ACTIVE STATUS BY APPLYING TO THE BOARD. THE BOARD SHALL  
27 DETERMINE WHETHER THE PERSON HAS BEEN OR IS IN VIOLATION OF ANY PROVISIONS OF  
28 THIS CHAPTER AND WHETHER THE PERSON HAS MAINTAINED AND UPDATED THE PERSON'S  
29 PROFESSIONAL KNOWLEDGE AND CAPABILITY TO PRACTICE AS A BEHAVIOR ANALYST. THE  
30 BOARD MAY REQUIRE THE PERSON TO TAKE OR RETAKE THE LICENSURE EXAMINATIONS AND  
31 MAY REQUIRE OTHER KNOWLEDGE OR SKILL TRAINING EXPERIENCES. IF APPROVED FOR  
32 ACTIVE STATUS, THE PERSON SHALL PAY A RENEWAL FEE THAT EQUALS THE RENEWAL FEE  
33 FOR THE LICENSE TO BE REINSTATED.

34 32-4426. Active license; issuance; renewal; expiration;  
35 continuing education

36 A. IF THE APPLICANT SATISFIES ALL OF THE REQUIREMENTS FOR LICENSURE  
37 PURSUANT TO THIS ARTICLE, THE BOARD SHALL ISSUE AN ACTIVE LICENSE AND SHALL  
38 PRORATE THE FEE FOR ISSUING THAT LICENSE FOR THE PERIOD REMAINING UNTIL MAY 1  
39 OF THE NEXT YEAR.

40 B. A PERSON HOLDING AN ACTIVE OR INACTIVE LICENSE SHALL APPLY TO RENEW  
41 THE LICENSE ON OR BEFORE APRIL 30 OF EACH YEAR. THE APPLICATION SHALL  
42 INCLUDE ANY APPLICABLE RENEWAL FEE. A LICENSE EXPIRES IF THE LICENSEE FAILS  
43 TO RENEW THE LICENSE ON OR BEFORE APRIL 30 OF THAT YEAR. A LICENSEE MAY  
44 REINSTATE AN EXPIRED LICENSE BY PAYING A REINSTATEMENT FEE ON OR BEFORE JUNE  
45 30 OF THAT YEAR. BEGINNING ON JULY 1 OF THAT YEAR THROUGH APRIL 30 OF THE

1 NEXT YEAR, A LICENSEE MAY REINSTATE THE LICENSE BY PAYING A REINSTATEMENT FEE  
2 AND PROVIDING PROOF OF COMPETENCY AND QUALIFICATIONS TO THE BOARD. THIS  
3 PROOF MAY INCLUDE CONTINUING EDUCATION, AN ORAL EXAMINATION, A WRITTEN  
4 EXAMINATION OR AN INTERVIEW WITH THE BOARD. A LICENSEE WHOSE LICENSE IS NOT  
5 REINSTATED ON OR BEFORE APRIL 30 OF THE NEXT YEAR MAY REAPPLY FOR LICENSURE  
6 AS PRESCRIBED BY THIS ARTICLE. A NOTICE TO RENEW IS FULLY EFFECTIVE BY  
7 MAILING THE RENEWAL APPLICATION TO THE LICENSEE'S LAST KNOWN ADDRESS OF  
8 RECORD IN THE BOARD'S FILE. NOTICE IS COMPLETE AT THE TIME OF DEPOSIT IN THE  
9 MAIL.

10 C. A PERSON RENEWING A LICENSE SHALL ATTACH TO THE COMPLETED RENEWAL  
11 FORM A REPORT OF DISCIPLINARY ACTIONS OR RESTRICTIONS PLACED AGAINST THE  
12 LICENSE BY ANOTHER STATE LICENSING OR DISCIPLINARY BOARD OR DISCIPLINARY  
13 ACTIONS OR SANCTIONS IMPOSED BY A STATE OR NATIONAL BEHAVIOR ANALYSIS ETHICS  
14 COMMITTEE OR HEALTH CARE INSTITUTION. THE REPORT SHALL INCLUDE THE NAME AND  
15 ADDRESS OF THE SANCTIONING AGENCY OR HEALTH CARE INSTITUTION, THE NATURE OF  
16 THE ACTION TAKEN AND A GENERAL STATEMENT OF THE CHARGES LEADING TO THE  
17 ACTION.

18 D. A PERSON WHO RENEWS AN ACTIVE LICENSE TO PRACTICE BEHAVIOR ANALYSIS  
19 IN THIS STATE SHALL SATISFY A CONTINUING EDUCATION REQUIREMENT DESIGNED TO  
20 PROVIDE THE NECESSARY UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS,  
21 PROCEDURES OR TREATMENT RELATED TO THE PRACTICE OF BEHAVIOR ANALYSIS IN THE  
22 AMOUNT AND DURING THE PERIOD THE BOARD PRESCRIBES. THE BOARD SHALL PRESCRIBE  
23 DOCUMENTATION REQUIREMENTS.

24 32-4427. Exemptions from licensure

25 A. THIS CHAPTER DOES NOT LIMIT THE ACTIVITIES, SERVICES AND USE OF A  
26 TITLE BY THE FOLLOWING:

27 1. A BEHAVIOR ANALYST WHO IS EMPLOYED IN A COMMON SCHOOL, HIGH SCHOOL  
28 OR CHARTER SCHOOL SETTING AND WHO IS CERTIFIED TO USE THAT TITLE BY THE  
29 DEPARTMENT OF EDUCATION IF THE SERVICES OR ACTIVITIES ARE A PART OF THE  
30 DUTIES OF THAT PERSON'S COMMON SCHOOL, HIGH SCHOOL OR CHARTER SCHOOL  
31 EMPLOYMENT.

32 2. AN EMPLOYEE OF A GOVERNMENT AGENCY IN A SUBDOCTORATE POSITION WHO  
33 USES THE WORD "ASSISTANT" OR "ASSOCIATE" AFTER THE TITLE AND WHO IS  
34 SUPERVISED BY A DOCTORATE POSITION EMPLOYEE WHO IS LICENSED AS A BEHAVIOR  
35 ANALYST, INCLUDING A TEMPORARY LICENSEE.

36 3. A STUDENT OF BEHAVIOR ANALYSIS PURSUING AN OFFICIAL COURSE OF  
37 GRADUATE STUDY AT AN EDUCATIONAL INSTITUTION ACCREDITED AS PRESCRIBED BY THE  
38 BOARD, IF AFTER THE TITLE THE WORD "TRAINEE", "INTERN" OR "EXTERN" APPEARS  
39 AND THE STUDENT USES THE TITLE ONLY IN CONJUNCTION WITH ACTIVITIES AND  
40 SERVICES THAT ARE A PART OF THE SUPERVISED PROGRAM.

41 4. A PERSON WHO RESIDES OUTSIDE OF THIS STATE AND WHO IS CURRENTLY  
42 LICENSED OR CERTIFIED AS A BEHAVIOR ANALYST IN THAT STATE IF THE ACTIVITIES  
43 AND SERVICES CONDUCTED IN THIS STATE ARE WITHIN THE BEHAVIOR ANALYST'S  
44 CUSTOMARY AREA OF PRACTICE, DO NOT EXCEED TWENTY DAYS PER YEAR AND ARE NOT  
45 OTHERWISE IN VIOLATION OF THIS CHAPTER AND THE CLIENT, PUBLIC OR CONSUMER IS

1 INFORMED OF THE LIMITED NATURE OF THESE ACTIVITIES AND SERVICES AND THAT THE  
2 BEHAVIOR ANALYST IS NOT LICENSED IN THIS STATE.

3 5. A PERSON IN THE EMPLOY OF ARIZONA STATE UNIVERSITY, NORTHERN  
4 ARIZONA UNIVERSITY OR THE UNIVERSITY OF ARIZONA IF THE SERVICES ARE A PART OF  
5 THE FACULTY DUTIES OF THAT PERSON'S SALARIED POSITION AND THE PERSON IS  
6 PARTICIPATING IN A POSTDOCTORAL PROGRAM.

7 6. A SUPERVISEE WHO IS PURSUING A POSTDOCTORAL PROFESSIONAL EXPERIENCE  
8 IF THE SERVICES OR ACTIVITIES ARE PROVIDED UNDER THE DIRECT SUPERVISION OF A  
9 LICENSED BEHAVIOR ANALYST, CLIENTS ARE INFORMED OF THE TRAINING NATURE OF THE  
10 SERVICES PROVIDED AND THE SUPERVISEE HAS A TITLE THAT DESIGNATES THAT  
11 PERSON'S TRAINING STATUS.

12 B. THIS CHAPTER DOES NOT LIMIT THE USE OF THE TITLE "BEHAVIOR ANALYST"  
13 BY A PERSON WHO POSSESSES A DOCTORAL DEGREE FROM AN EDUCATIONAL INSTITUTION  
14 IF THAT PERSON IS NOT ENGAGED IN THE PRACTICE OF BEHAVIOR ANALYSIS.

15 C. THIS CHAPTER DOES NOT PREVENT A MEMBER OF OTHER RECOGNIZED  
16 PROFESSIONS WHO IS LICENSED, CERTIFIED OR REGULATED UNDER THE LAWS OF THIS  
17 STATE FROM RENDERING SERVICES WITHIN THAT PERSON'S SCOPE OF PRACTICE AND CODE  
18 OF ETHICS IF THAT PERSON DOES NOT CLAIM TO BE A BEHAVIOR ANALYST.

19 ARTICLE 3. REGULATION

20 32-4451. Grounds for disciplinary action; duty to report;  
21 immunity; proceedings; board action; notice  
22 requirements; civil penalty

23 A. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE EVIDENCE THAT APPEARS  
24 TO SHOW THAT A LICENSEE IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF  
25 UNPROFESSIONAL CONDUCT OR MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN  
26 THE PRACTICE OF BEHAVIOR ANALYSIS. A HEALTH CARE INSTITUTION SHALL, AND ANY  
27 OTHER PERSON MAY, REPORT TO THE BOARD INFORMATION THAT APPEARS TO SHOW THAT A  
28 LICENSEE IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF UNPROFESSIONAL CONDUCT OR  
29 MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR  
30 ANALYSIS. THE BOARD SHALL NOTIFY THE LICENSEE ABOUT WHOM INFORMATION HAS  
31 BEEN RECEIVED AS TO THE CONTENT OF THE INFORMATION WITHIN ONE HUNDRED TWENTY  
32 DAYS AFTER RECEIVING THE INFORMATION. A PERSON WHO REPORTS OR PROVIDES  
33 INFORMATION TO THE BOARD IN GOOD FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL  
34 DAMAGES. THE BOARD, IF REQUESTED, SHALL NOT DISCLOSE THE NAME OF THE PERSON  
35 PROVIDING INFORMATION UNLESS THIS INFORMATION IS ESSENTIAL TO PROCEEDINGS  
36 CONDUCTED PURSUANT TO THIS SECTION. THE BOARD SHALL REPORT A HEALTH CARE  
37 INSTITUTION THAT FAILS TO REPORT AS REQUIRED BY THIS SECTION TO THE  
38 INSTITUTION'S LICENSING AGENCY.

39 B. A HEALTH CARE INSTITUTION SHALL INFORM THE BOARD IF THE PRIVILEGES  
40 OF A LICENSEE TO PRACTICE IN THAT INSTITUTION ARE DENIED, REVOKED, SUSPENDED  
41 OR LIMITED BECAUSE OF ACTIONS BY THE LICENSEE THAT APPEAR TO SHOW THAT THE  
42 PERSON IS PSYCHOLOGICALLY INCOMPETENT, GUILTY OF UNPROFESSIONAL CONDUCT OR  
43 MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR  
44 ANALYSIS, ALONG WITH A GENERAL STATEMENT OF THE REASONS THAT LED THE HEALTH  
45 CARE INSTITUTION TO TAKE THIS ACTION. A HEALTH CARE INSTITUTION SHALL INFORM

1 THE BOARD IF A LICENSEE UNDER INVESTIGATION RESIGNS THE LICENSEE'S PRIVILEGES  
2 OR IF A LICENSEE RESIGNS IN LIEU OF DISCIPLINARY ACTION BY THE HEALTH CARE  
3 INSTITUTION. NOTIFICATION MUST INCLUDE A GENERAL STATEMENT OF THE REASONS  
4 FOR THE RESIGNATION.

5 C. THE BOARD MAY REQUIRE THE LICENSEE TO UNDERGO ANY COMBINATION OF  
6 MENTAL, PHYSICAL OR PSYCHOLOGICAL COMPETENCE EXAMINATIONS AT THE LICENSEE'S  
7 EXPENSE AND SHALL CONDUCT INVESTIGATIONS NECESSARY TO DETERMINE THE  
8 COMPETENCE AND CONDUCT OF THE LICENSEE.

9 D. IF THE BOARD FINDS, BASED ON THE INFORMATION IT RECEIVES UNDER  
10 SUBSECTION A OR B OF THIS SECTION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE  
11 REQUIRES EMERGENCY ACTION, THE BOARD MAY ORDER A SUMMARY SUSPENSION OF A  
12 LICENSE PENDING PROCEEDINGS FOR REVOCATION OR OTHER ACTION. IF THE BOARD  
13 ISSUES THIS ORDER, IT SHALL SERVE THE LICENSEE WITH A WRITTEN NOTICE OF  
14 COMPLAINT AND FORMAL HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10,  
15 SETTING FORTH THE CHARGES MADE AGAINST THE LICENSEE AND THE LICENSEE'S RIGHT  
16 TO A FORMAL HEARING BEFORE THE BOARD OR AN ADMINISTRATIVE LAW JUDGE WITHIN  
17 SIXTY DAYS.

18 E. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO  
19 SUBSECTION A OR B OF THIS SECTION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT  
20 DIRECT ACTION AGAINST THE LICENSEE, IT MAY TAKE ANY OF THE FOLLOWING ACTIONS:

- 21 1. DISMISS IF THE BOARD BELIEVES THE INFORMATION IS WITHOUT MERIT.
- 22 2. FILE A LETTER OF CONCERN.

23 3. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSEE TO COMPLETE A  
24 PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA OR AREAS  
25 PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSEE WITH THE NECESSARY  
26 UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR TREATMENT.

27 F. IF THE BOARD BELIEVES THE INFORMATION PROVIDED PURSUANT TO  
28 SUBSECTION A OR B OF THIS SECTION IS OR MAY BE TRUE, IT MAY REQUEST AN  
29 INFORMAL INTERVIEW WITH THE LICENSEE. IF THE LICENSEE REFUSES TO BE  
30 INTERVIEWED OR IF PURSUANT TO AN INTERVIEW THE BOARD DETERMINES THAT CAUSE  
31 MAY EXIST TO REVOKE OR SUSPEND THE LICENSE, IT SHALL ISSUE A FORMAL COMPLAINT  
32 AND HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF AS A  
33 RESULT OF AN INFORMAL INTERVIEW OR A HEARING THE BOARD DETERMINES THAT THE  
34 FACTS DO NOT WARRANT REVOCATION OR SUSPENSION OF THE LICENSE, IT MAY TAKE ANY  
35 OF THE FOLLOWING ACTIONS:

- 36 1. DISMISS IF THE BOARD BELIEVES THE INFORMATION IS WITHOUT MERIT.
- 37 2. FILE A LETTER OF CONCERN.
- 38 3. ISSUE A DECREE OF CENSURE.

39 4. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE  
40 PUBLIC HEALTH AND SAFETY AND TO REHABILITATE OR EDUCATE THE LICENSEE.  
41 PROBATION MAY INCLUDE TEMPORARY SUSPENSION FOR NOT MORE THAN TWELVE MONTHS,  
42 RESTRICTION OF THE LICENSE OR RESTITUTION OF FEES TO A CLIENT RESULTING FROM  
43 VIOLATIONS OF THIS CHAPTER. IF A LICENSEE FAILS TO COMPLY WITH A TERM OF  
44 PROBATION, THE BOARD MAY FILE A COMPLAINT AND NOTICE OF HEARING PURSUANT TO  
45 TITLE 41, CHAPTER 6, ARTICLE 10 AND TAKE FURTHER DISCIPLINARY ACTION.

1           5. ENTER INTO AN AGREEMENT WITH THE LICENSEE TO RESTRICT OR LIMIT THE  
2 LICENSEE'S PRACTICE OR ACTIVITIES IN ORDER TO REHABILITATE THE LICENSEE,  
3 PROTECT THE PUBLIC AND ENSURE THE LICENSEE'S ABILITY TO SAFELY ENGAGE IN THE  
4 PRACTICE OF BEHAVIOR ANALYSIS.

5           6. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSEE TO COMPLETE A  
6 PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA OR AREAS  
7 PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSEE WITH THE NECESSARY  
8 UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR TREATMENT.

9           G. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED PURSUANT TO  
10 SUBSECTION A OR B OF THIS SECTION WARRANTS SUSPENSION OR REVOCATION OF A  
11 LICENSE, IT SHALL HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.  
12 NOTICE OF A COMPLAINT AND HEARING IS FULLY EFFECTIVE BY MAILING A TRUE COPY  
13 TO THE LICENSEE'S LAST KNOWN ADDRESS OF RECORD IN THE BOARD'S FILES. NOTICE  
14 IS COMPLETE AT THE TIME OF ITS DEPOSIT IN THE MAIL.

15           H. THE BOARD MAY IMPOSE A CIVIL PENALTY OF AT LEAST THREE HUNDRED  
16 DOLLARS BUT NOT MORE THAN THREE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS  
17 CHAPTER OR A RULE ADOPTED UNDER THIS CHAPTER. THE BOARD SHALL DEPOSIT,  
18 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES IT COLLECTS FROM CIVIL  
19 PENALTIES PURSUANT TO THIS SUBSECTION IN THE STATE GENERAL FUND.

20           I. IF THE BOARD DETERMINES AFTER A HEARING THAT A LICENSEE HAS  
21 COMMITTED AN ACT OF UNPROFESSIONAL CONDUCT, IS MENTALLY OR PHYSICALLY UNABLE  
22 TO SAFELY ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS OR IS PSYCHOLOGICALLY  
23 INCOMPETENT, IT MAY DO ANY OF THE FOLLOWING IN ANY COMBINATION AND FOR ANY  
24 PERIOD OF TIME IT DETERMINES NECESSARY:

- 25           1. SUSPEND OR REVOKE THE LICENSE.
- 26           2. CENSURE THE LICENSEE.
- 27           3. PLACE THE LICENSEE ON PROBATION.

28           J. A LICENSEE MAY SUBMIT A WRITTEN RESPONSE TO THE BOARD WITHIN THIRTY  
29 DAYS AFTER RECEIVING A LETTER OF CONCERN. THE RESPONSE IS A PUBLIC DOCUMENT  
30 AND SHALL BE PLACED IN THE LICENSEE'S FILE.

31           K. A LETTER OF CONCERN IS A PUBLIC DOCUMENT AND MAY BE USED IN FUTURE  
32 DISCIPLINARY ACTIONS AGAINST A LICENSEE. A DECREE OF CENSURE IS AN OFFICIAL  
33 ACTION AGAINST THE BEHAVIOR ANALYST'S LICENSE AND MAY INCLUDE A REQUIREMENT  
34 THAT THE LICENSEE RETURN FEES TO A CLIENT.

35           L. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, A PERSON  
36 MAY APPEAL A FINAL DECISION MADE PURSUANT TO THIS SECTION TO THE SUPERIOR  
37 COURT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

38           M. IF DURING THE COURSE OF AN INVESTIGATION THE BOARD DETERMINES THAT  
39 A CRIMINAL VIOLATION MAY HAVE OCCURRED INVOLVING THE DELIVERY OF BEHAVIOR  
40 ANALYSIS SERVICES, IT SHALL INFORM THE APPROPRIATE CRIMINAL JUSTICE AGENCY.

41           32-4452. Right to examine and copy evidence; subpoenas; right  
42                           to counsel; confidentiality

43           A. IN CONNECTION WITH AN INVESTIGATION CONDUCTED PURSUANT TO THIS  
44 CHAPTER, AT ALL REASONABLE TIMES THE BOARD AND ITS AUTHORIZED AGENTS MAY  
45 EXAMINE AND COPY DOCUMENTS, REPORTS, RECORDS AND OTHER PHYSICAL EVIDENCE



1 WHEREVER LOCATED RELATING TO THE LICENSEE'S PROFESSIONAL COMPETENCE,  
2 UNPROFESSIONAL CONDUCT OR MENTAL OR PHYSICAL ABILITY TO SAFELY PRACTICE  
3 BEHAVIOR ANALYSIS.

4 B. THE BOARD AND ITS AUTHORIZED AGENTS MAY ISSUE SUBPOENAS TO COMPEL  
5 THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF DOCUMENTS AND  
6 OTHER PHYSICAL EVIDENCE AS PRESCRIBED IN SUBSECTION A. THE BOARD MAY  
7 PETITION THE SUPERIOR COURT TO ENFORCE A SUBPOENA.

8 C. WITHIN FIVE DAYS OF RECEIVING A SUBPOENA, A PERSON MAY PETITION THE  
9 BOARD TO REVOKE, LIMIT OR MODIFY THE SUBPOENA. THE BOARD SHALL TAKE THIS  
10 ACTION IF IT DETERMINES THAT THE EVIDENCE DEMANDED IS NOT RELEVANT TO THE  
11 INVESTIGATION. THE PERSON MAY PETITION THE SUPERIOR COURT FOR THIS RELIEF  
12 WITHOUT FIRST PETITIONING THE BOARD.

13 D. A PERSON APPEARING BEFORE THE BOARD OR ITS AUTHORIZED AGENTS MAY BE  
14 REPRESENTED BY AN ATTORNEY.

15 E. DOCUMENTS ASSOCIATED WITH AN INVESTIGATION ARE NOT OPEN TO THE  
16 PUBLIC AND SHALL REMAIN CONFIDENTIAL. DOCUMENTS MAY NOT BE RELEASED WITHOUT  
17 A COURT ORDER COMPELLING THEIR PRODUCTION.

18 F. THIS SECTION OR ANY OTHER PROVISION OF LAW MAKING COMMUNICATIONS  
19 BETWEEN A BEHAVIOR ANALYST AND CLIENT PRIVILEGED DOES NOT APPLY TO AN  
20 INVESTIGATION CONDUCTED PURSUANT TO THIS CHAPTER. THE BOARD, ITS EMPLOYEES  
21 AND ITS AGENTS SHALL KEEP IN CONFIDENCE THE NAMES OF CLIENTS WHOSE RECORDS  
22 ARE REVIEWED DURING AN INVESTIGATION.

23 32-4453. Injunction

24 A. THE BOARD MAY PETITION THE SUPERIOR COURT FOR AN ORDER TO ENJOIN  
25 THE FOLLOWING:

26 1. A PERSON WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER FROM  
27 PRACTICING BEHAVIOR ANALYSIS.

28 2. THE ACTIVITIES OF A LICENSEE THAT ARE AN IMMEDIATE THREAT TO THE  
29 PUBLIC.

30 3. CRIMINAL ACTIVITIES.

31 B. IF THE BOARD SEEKS AN INJUNCTION TO STOP THE UNLICENSED PRACTICE OF  
32 BEHAVIOR ANALYSIS, IT IS SUFFICIENT TO CHARGE THAT THE RESPONDENT ON A  
33 CERTAIN DAY IN A SPECIFIC COUNTY ENGAGED IN THE PRACTICE OF BEHAVIOR ANALYSIS  
34 WITHOUT A LICENSE AND WITHOUT BEING EXEMPT FROM THE LICENSURE REQUIREMENTS OF  
35 THIS CHAPTER. IT IS NOT NECESSARY TO SHOW SPECIFIC DAMAGES OR INJURY.

36 C. THE ISSUANCE OF AN INJUNCTION DOES NOT LIMIT THE BOARD'S AUTHORITY  
37 TO TAKE OTHER ACTION AGAINST A LICENSEE PURSUANT TO THIS CHAPTER.

38 32-4454. Violations; classification

39 A. IT IS A CLASS 2 MISDEMEANOR FOR A PERSON WHO IS NOT LICENSED  
40 PURSUANT TO THIS CHAPTER TO ENGAGE IN THE PRACTICE OF BEHAVIOR ANALYSIS.

41 B. IT IS A CLASS 2 MISDEMEANOR FOR ANY PERSON TO:

42 1. SECURE A LICENSE TO PRACTICE PURSUANT TO THIS CHAPTER BY FRAUD OR  
43 DECEIT.

44 2. IMPERSONATE A MEMBER OF THE BOARD IN ORDER TO ISSUE A LICENSE TO  
45 PRACTICE PURSUANT TO THIS CHAPTER.

1 C. IT IS A CLASS 2 MISDEMEANOR FOR A PERSON WHO IS NOT LICENSED  
2 PURSUANT TO THIS CHAPTER TO USE ANY COMBINATION OF WORDS, INITIALS AND  
3 SYMBOLS THAT LEADS THE PUBLIC TO BELIEVE THE PERSON IS LICENSED TO PRACTICE  
4 BEHAVIOR ANALYSIS IN THIS STATE.

5 32-4455. Confidential communications

6 A. THE CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN A CLIENT AND  
7 A LICENSEE, INCLUDING TEMPORARY LICENSEES, ARE PLACED ON THE SAME BASIS AS  
8 THOSE PROVIDED BY LAW BETWEEN AN ATTORNEY AND CLIENT. UNLESS THE CLIENT  
9 WAIVES THE BEHAVIOR ANALYST-CLIENT PRIVILEGE IN WRITING OR IN COURT  
10 TESTIMONY, A BEHAVIOR ANALYST SHALL NOT VOLUNTARILY OR INVOLUNTARILY DIVULGE  
11 INFORMATION THAT IS RECEIVED BY REASON OF THE CONFIDENTIAL NATURE OF THE  
12 BEHAVIOR ANALYST'S PRACTICE. THE BEHAVIOR ANALYST SHALL DIVULGE TO THE BOARD  
13 INFORMATION IT REQUIRES IN CONNECTION WITH ANY INVESTIGATION, PUBLIC HEARING  
14 OR OTHER PROCEEDING. THE BEHAVIOR ANALYST-CLIENT PRIVILEGE DOES NOT  
15 EXTEND TO CASES IN WHICH THE BEHAVIOR ANALYST HAS A DUTY TO REPORT  
16 INFORMATION AS REQUIRED BY LAW.

17 B. THE BEHAVIOR ANALYST SHALL ENSURE THAT CLIENT RECORDS AND  
18 COMMUNICATIONS ARE TREATED BY CLERICAL AND PARAPROFESSIONAL STAFF AT THE SAME  
19 LEVEL OF CONFIDENTIALITY AND PRIVILEGE REQUIRED OF THE BEHAVIOR ANALYST.

20 Sec. 2. Section 41-1092, Arizona Revised Statutes, is amended to read:

21 41-1092. Definitions

22 In this article, unless the context otherwise requires:

23 1. "Administrative law judge" means an individual or an agency head,  
24 board or commission that sits as an administrative law judge, that conducts  
25 administrative hearings in a contested case or an appealable agency action  
26 and that makes decisions regarding the contested case or appealable agency  
27 action.

28 2. "Administrative law judge decision" means the findings of fact,  
29 conclusions of law and recommendations or decisions issued by an  
30 administrative law judge.

31 3. "Appealable agency action" means an action that determines the  
32 legal rights, duties or privileges of a party and that is not a contested  
33 case. Appealable agency actions do not include interim orders by  
34 self-supporting regulatory boards or rules, orders, standards or statements  
35 of policy of general application issued by an administrative agency to  
36 implement, interpret or make specific the legislation enforced or  
37 administered by it, nor does it mean or include rules concerning the internal  
38 management of the agency that do not affect private rights or interests. For  
39 the purposes of this paragraph, administrative hearing does not include a  
40 public hearing held for the purpose of receiving public comment on a proposed  
41 agency action.

42 4. "Director" means the director of the office of administrative  
43 hearings.

44 5. "Final administrative decision" means a decision by an agency that  
45 is subject to judicial review pursuant to title 12, chapter 7, article 6.

- 1           6. "Office" means the office of administrative hearings.  
2           7. "Self-supporting regulatory board" means any one of the following:  
3           (a) The ARIZONA state board of accountancy.  
4           (b) The state board of appraisal.  
5           (c) The board of barbers.  
6           (d) The board of behavioral health examiners.  
7           (e) The Arizona state boxing commission.  
8           (f) The state board of chiropractic examiners.  
9           (g) The board of cosmetology.  
10           (h) The state board of dental examiners.  
11           (i) The state board of funeral directors and embalmers.  
12           (j) The Arizona game and fish commission.  
13           (k) The board of homeopathic medical examiners.  
14           (l) The Arizona medical board.  
15           (m) The naturopathic physicians board of medical examiners.  
16           (n) The state board of nursing.  
17           (o) The board of examiners of nursing care institution administrators  
18 and adult care home managers.  
19           (p) The board of occupational therapy examiners.  
20           (q) The state board of dispensing opticians.  
21           (r) The state board of optometry.  
22           (s) The Arizona board of osteopathic examiners in medicine and  
23 surgery.  
24           (t) The Arizona peace officer standards and training board.  
25           (u) The Arizona state board of pharmacy.  
26           (v) The board of physical therapy examiners.  
27           (w) The state board of podiatry examiners.  
28           (x) The state board for private postsecondary education.  
29           (y) The state board of psychologist examiners.  
30           (z) The board of respiratory care examiners.  
31           (aa) The structural pest control commission.  
32           (bb) The state board of technical registration.  
33           (cc) The Arizona state veterinary medical examining board.  
34           (dd) The acupuncture board of examiners.  
35           (ee) The Arizona regulatory board of physician assistants.  
36           (ff) The board of athletic training.  
37           (gg) The board of massage therapy.  
38           (hh) THE BEHAVIOR ANALYST BOARD.

39           Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
40 amended by adding section 41-3018.01, to read:

41           41-3018.01. Behavior analyst board; termination July 1, 2018

42           A. THE BEHAVIOR ANALYST BOARD TERMINATES ON JULY 1, 2018.

43           B. TITLE 32, CHAPTER 43 IS REPEALED ON JANUARY 1, 2019.

