

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 166
HOUSE BILL 2173

AN ACT

AMENDING SECTION 32-2091.03, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2091.05, ARIZONA REVISED STATUTES; AMENDING SECTION 32-2091.07, ARIZONA REVISED STATUTES; AMENDING SECTION 32-2091.07, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 32-2091.08, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF PSYCHOLOGIST EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2091.03, Arizona Revised Statutes, is amended to
3 read:

4 32-2091.03. Educational and training standards for
5 licensure

6 ~~A.~~ An applicant for licensure as a behavior analyst must ~~MEET~~
7 ~~STANDARDS ADOPTED BY THE STATE BOARD OF PSYCHOLOGIST EXAMINERS, INCLUDING~~
8 ~~MEETING GRADUATE LEVEL EDUCATION AND SUPERVISED EXPERIENCE REQUIREMENTS AND~~
9 ~~PASSING A NATIONAL EXAMINATION. THE STATE BOARD OF PSYCHOLOGIST EXAMINERS~~
10 ~~SHALL ADOPT STANDARDS CONSISTENT WITH THE STANDARDS SET BY A NATIONALLY~~
11 ~~RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD, EXCEPT THAT THE NUMBER OF~~
12 ~~HOURS REQUIRED FOR SUPERVISED EXPERIENCE MUST BE AT LEAST ONE THOUSAND FIVE~~
13 ~~HUNDRED HOURS OF SUPERVISED WORK EXPERIENCE OR INDEPENDENT FIELDWORK,~~
14 ~~UNIVERSITY PRACTICUM OR INTENSIVE UNIVERSITY PRACTICUM. THE STANDARDS~~
15 ~~ADOPTED FOR SUPERVISED EXPERIENCE MUST ALSO BE CONSISTENT WITH THE STANDARDS~~
16 ~~SET BY A NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD. IF THE~~
17 ~~STATE BOARD OF PSYCHOLOGIST EXAMINERS DOES NOT AGREE WITH A STANDARD SET BY A~~
18 ~~NATIONALLY RECOGNIZED BEHAVIOR ANALYST CERTIFICATION BOARD, THE STATE BOARD~~
19 ~~MAY ADOPT AN ALTERNATE STANDARD.~~

20 ~~1. Have a graduate degree, master's degree or doctoral degree from an~~
21 ~~accredited college or university or institution of higher learning accredited~~
22 ~~by a recognized accrediting agency.~~

23 ~~2. Complete a minimum of one thousand five hundred hours of supervised~~
24 ~~work experience or independent fieldwork, university practicum or intensive~~
25 ~~university practicum which shall follow appropriate academic preparation and~~
26 ~~may run concurrently with coursework, if the applicant completes a degree and~~
27 ~~coursework requirements in the practice of behavior analysis after January 1,~~
28 ~~2000. The supervised work experience, independent fieldwork, university~~
29 ~~practicum or intensive university practicum shall include supervision once~~
30 ~~every two weeks for five per cent of the total hours the applicant spends in~~
31 ~~the supervised work experience, independent fieldwork, university practicum~~
32 ~~or intensive university practicum. The total hours spent in supervised work~~
33 ~~experience, independent fieldwork, university practicum or intensive~~
34 ~~university practicum shall not be more than thirty hours per week. The total~~
35 ~~supervision hours must be at least seventy-five hours.~~

36 ~~3. Have as part of or in addition to the coursework required for the~~
37 ~~graduate degree at least two hundred twenty-five classroom hours of specific~~
38 ~~graduate level instruction that meet nationally recognized standards for~~
39 ~~behavior analysts as determined by the board.~~

40 ~~4. Have the supervised work experience, independent fieldwork,~~
41 ~~practicum or intensive practicum pursuant to paragraph 2 of this subsection,~~
42 ~~as a behavior analyst engaged in tasks that meet nationally recognized~~
43 ~~standards for behavior analysts as determined by the board.~~

44 ~~B. The supervised work experience, independent fieldwork, practicum or~~
45 ~~intensive practicum required pursuant to subsection A, paragraph 4 must~~
46 ~~include the following:~~

1 ~~1. Conducting behavioral assessments and assessment activities related~~
2 ~~to the need for behavioral interventions.~~

3 ~~2. Designing, implementing and monitoring behavior analysis programs~~
4 ~~for clients.~~

5 ~~3. Overseeing the implementation of behavior analysis programs by~~
6 ~~others.~~

7 ~~4. Other activities normally performed by a behavior analyst that are~~
8 ~~directly related to behavior analysis, such as attending planning meetings~~
9 ~~regarding the behavior analysis program, researching the literature related~~
10 ~~to the program, talking to individuals about the program and any additional~~
11 ~~activities related to oversight of behavioral programming such as behavior~~
12 ~~analyst supervision issues or evaluation of behavior analysts' performance.~~

13 ~~C. The following activities are not considered supervised work~~
14 ~~experience, independent fieldwork, practicum or intensive practicum required~~
15 ~~pursuant to subsection A, paragraph 4:~~

16 ~~1. Attending meetings with little or no behavior analytic content.~~

17 ~~2. Providing interventions that are not based in behavior analysis.~~

18 ~~3. Doing nonbehavior analytic administrative activities.~~

19 ~~4. Any other activities that are not directly related to behavior~~
20 ~~analysis.~~

21 ~~D. For supervised work experience, independent fieldwork, practicum or~~
22 ~~intensive practicum required pursuant to subsection A, paragraph 4, the~~
23 ~~supervisor must observe the applicant engaging in behavior analytic~~
24 ~~activities in the natural environment. This observation may be conducted by~~
25 ~~web cameras, videotape, videoconferencing or similar means instead of the~~
26 ~~supervisor being physically present. Supervision may be conducted in small~~
27 ~~groups of ten or fewer participants for not more than half of the total~~
28 ~~supervised hours in each supervisory period. The remainder of the total~~
29 ~~supervision hours in each supervisory period must consist of direct~~
30 ~~one to one contact. Supervision hours may be counted toward the total number~~
31 ~~of experience hours required.~~

32 ~~E. A supervisor conducting the supervised work experience, independent~~
33 ~~fieldwork, practicum or intensive practicum pursuant to subsection D shall~~
34 ~~not be the applicant's relative, subordinate or employee during the~~
35 ~~experience period. The supervisor is not an employee of the applicant if the~~
36 ~~only compensation received by the supervisor from the applicant consists of~~
37 ~~payment for supervision. For any applicant who obtained supervised~~
38 ~~experience pursuant to subsection A, paragraph 2 after January 1, 2011, the~~
39 ~~supervisor must be a licensed behavior analyst who meets requirements for~~
40 ~~licensure pursuant to subsection A.~~

41 ~~F. An applicant may submit a written request to the board for an~~
42 ~~exemption from the requirement prescribed in subsection E. The request must~~
43 ~~include the name of the behavior analyst proposed by the applicant to act as~~
44 ~~the clinical supervisor, a copy of the proposed clinical supervisor's~~
45 ~~transcript and curriculum vitae and any additional documentation requested by~~
46 ~~the board. The board shall review the supervision exemption request to~~

1 ~~determine if the proposed supervisor has the necessary education, training~~
2 ~~and experience to provide supervision acceptable for behavior analyst~~
3 ~~licensure. If the proposed supervisor has the necessary education, training~~
4 ~~and experience, the board shall grant the supervision exemption request. The~~
5 ~~board shall not grant an exemption request for an unlicensed clinical~~
6 ~~supervisor providing clinical supervision in this state after July 1, 2011,~~
7 ~~except that an exemption may be granted by the board if the clinical~~
8 ~~supervisor holds a current national certification from a nationally~~
9 ~~recognized behavior analyst certification board as determined by the board~~
10 ~~and the applicant received the supervised work experience, independent~~
11 ~~fieldwork, practicum or intensive practicum in a state that did not license~~
12 ~~behavior analysts during the period in which the supervision was obtained.~~

13 ~~G. An individual who completed the degree, coursework or experience~~
14 ~~before January 1, 2000 may have supervised work experience or core specified~~
15 ~~coursework that was accrued in a setting outside of a college or university~~
16 ~~program if the following conditions are met:~~

17 ~~1. The acquired coursework or supervised work experience was acquired~~
18 ~~after the graduate degree and before January 1, 2000.~~

19 ~~2. The applicant has met the requirements for and received the~~
20 ~~certification credential from a nationally recognized behavior analyst~~
21 ~~certification board as determined by the board.~~

22 ~~H. The board may prescribe by rule additional requirements relating to~~
23 ~~education and training.~~

24 Sec. 2. Repeal

25 Section 32-2091.05, Arizona Revised Statutes, is repealed.

26 Sec. 3. Section 32-2091.07, Arizona Revised Statutes, is amended to
27 read:

28 32-2091.07. Active license; issuance; renewal; expiration;
29 continuing education

30 A. If the applicant satisfies all of the requirements for licensure
31 pursuant to this article, the board shall issue an active license and shall
32 prorate the fee for issuing that license for the period remaining until May 1
33 of the next odd-numbered year.

34 B. A person holding an active or inactive license shall apply to renew
35 the license on or before April 30 of each odd-numbered year. The application
36 shall include any applicable renewal fee as prescribed by the board by rule.
37 EXCEPT AS PROVIDED IN SECTION 32-4301 OR 41-1092.11, a license expires if the
38 licensee fails to renew the license on or before April 30 of that year. A
39 licensee may reinstate an expired license by paying a reinstatement fee as
40 prescribed by the board by rule on or before June 30 of that year. Beginning
41 on July 1 of that year through April 30 of the next year, a licensee may
42 reinstate the license by paying a reinstatement fee as prescribed by the
43 board by rule and providing proof of competency and qualifications to the
44 board. This proof may include continuing education, an oral examination, a
45 written examination or an interview with the board. A licensee whose license
46 is not reinstated on or before April 30 of the next even-numbered year may

1 reapply for licensure as prescribed by this article. A notice to renew is
2 fully effective by mailing **OR ELECTRONICALLY PROVIDING** the ~~renewal~~
3 ~~application~~ **NOTICE** to the licensee's last known address of record **OR LAST**
4 **KNOWN E-MAIL ADDRESS OF RECORD** in the board's file. Notice is complete at
5 the time of deposit in the mail **OR WHEN THE E-MAIL IS SENT**.

6 C. A person renewing a license shall attach to the completed renewal
7 form a report of disciplinary actions or restrictions placed against the
8 license by another state licensing or disciplinary board or disciplinary
9 actions or sanctions imposed by a state or national behavior analysis ethics
10 committee or health care institution. The report shall include the name and
11 address of the sanctioning agency or health care institution, the nature of
12 the action taken and a general statement of the charges leading to the
13 action.

14 D. A person who renews an active license to practice behavior analysis
15 in this state shall satisfy a continuing education requirement designed to
16 provide the necessary understanding of current developments, skills,
17 procedures or treatment related to the practice of behavior analysis in the
18 amount and during the period the board prescribes. The board shall prescribe
19 documentation requirements.

20 Sec. 4. Section 32-2091.07, Arizona Revised Statutes, as amended by
21 section 3 of this act, is amended to read:

22 32-2091.07. Active license; issuance; renewal; expiration;
23 continuing education

24 A. **BEGINNING MAY 1, 2017**, if the applicant satisfies all of the
25 requirements for licensure pursuant to this article, the board shall issue an
26 active license and shall prorate the fee for issuing that license for the
27 period remaining until ~~May 1~~ **THE LAST DAY OF THE BIRTH MONTH OF THE APPLICANT**
28 **of the next odd-numbered year OR EVEN-NUMBERED YEAR PURSUANT TO SUBSECTION B,**
29 **PARAGRAPH 1 OR 2 OF THIS SECTION.**

30 B. **BEGINNING MAY 1, 2017**, a person holding an active or inactive
31 license shall apply to renew the license on or before ~~April 30 of each~~
32 ~~odd-numbered year.~~ **THE LAST DAY OF THE BIRTH MONTH OF THE LICENSEE EVERY**
33 **OTHER YEAR AS FOLLOWS:**

34 1. **IN EACH ODD-NUMBERED YEAR, IF THE LICENSEE HOLDS AN ODD-NUMBERED**
35 **LICENSE.**

36 2. **IN EACH EVEN-NUMBERED YEAR, IF THE LICENSEE HOLDS AN EVEN-NUMBERED**
37 **LICENSE.**

38 C. The application shall include any applicable renewal fee as
39 prescribed by the board by rule. Except as provided in section 32-4301 or
40 41-1092.11, a license expires if the licensee fails to renew the license on
41 or before ~~April 30 of that year~~ **THE LAST DAY OF THE LICENSEE'S BIRTH MONTH OF**
42 **THE LICENSEE'S RENEWAL YEAR PURSUANT TO SUBSECTION B OF THIS SECTION.** A
43 licensee may reinstate an expired license by paying a reinstatement fee as
44 prescribed by the board by rule ~~on or before June 30 of that year~~ **WITHIN TWO**
45 **MONTHS AFTER THE LAST DAY OF THE LICENSEE'S BIRTH MONTH OF THAT YEAR.**
46 ~~Beginning on July 1 of that year through April 30 of the next year~~ **TWO MONTHS**

1 AFTER THE LAST DAY OF THE LICENSEE'S BIRTH MONTH DURING THE LICENSEE'S
2 RENEWAL YEAR UNTIL THE LAST DAY OF THE LICENSEE'S BIRTH MONTH THE FOLLOWING
3 YEAR, a licensee may reinstate the license by paying a reinstatement fee as
4 prescribed by the board by rule and providing proof of competency and
5 qualifications to the board. This proof may include continuing education, an
6 oral examination, a written examination or an interview with the board. A
7 licensee whose license is not reinstated ~~on or before April 30 of the next~~
8 ~~even-numbered year~~ WITHIN A YEAR AFTER THE LAST DAY OF THE LICENSEE'S BIRTH
9 MONTH OF THE LICENSEE'S RENEWAL YEAR may reapply for licensure as prescribed
10 by this article. A notice to renew is fully effective by mailing or
11 electronically providing the notice to the licensee's last known address of
12 record or last known e-mail address of record in the board's file. Notice is
13 complete at the time of deposit in the mail or when the e-mail is sent.

14 ~~C.~~ D. A person renewing a license shall attach to the completed
15 renewal form a report of disciplinary actions or restrictions placed against
16 the license by another state licensing or disciplinary board or disciplinary
17 actions or sanctions imposed by a state or national behavior analysis ethics
18 committee or health care institution. The report shall include the name and
19 address of the sanctioning agency or health care institution, the nature of
20 the action taken and a general statement of the charges leading to the
21 action.

22 ~~D.~~ E. A person who renews an active license to practice behavior
23 analysis in this state shall satisfy a continuing education requirement
24 designed to provide the necessary understanding of current developments,
25 skills, procedures or treatment related to the practice of behavior analysis
26 in the amount and during the period the board prescribes. The board shall
27 prescribe documentation requirements.

28 Sec. 5. Section 32-2091.08, Arizona Revised Statutes, is amended to
29 read:

30 32-2091.08. Exemptions from licensure

31 A. This article does not limit the activities, services and use of a
32 title by the following:

33 1. A behavior analyst who is employed in a common school, high school
34 or charter school setting and who is certified to use that title by the
35 department of education if the services or activities are a part of the
36 duties of that person's common school, high school or charter school
37 employment.

38 2. An employee of a government agency in a subdoctorate position who
39 uses the word "assistant" or "associate" after the title and who is
40 supervised by a doctorate position employee who is licensed as a behavior
41 analyst, including a temporary licensee.

42 3. ~~A student of behavior analysis pursuing an official course of~~
43 ~~graduate study at an educational institution accredited as prescribed by the~~
44 ~~board, if after the title the word "trainee", "intern" or "extern" appears~~
45 ~~and the student uses the title only in conjunction with activities and~~
46 ~~services that are a part of the supervised program. A MATRICULATED GRADUATE~~

1 STUDENT, OR A TRAINEE WHOSE ACTIVITIES ARE PART OF A DEFINED BEHAVIOR
2 ANALYSIS PROGRAM OF STUDY, PRACTICUM, INTENSIVE PRACTICUM OR SUPERVISED
3 INDEPENDENT FIELDWORK. THE PRACTICE UNDER THIS PARAGRAPH REQUIRES DIRECT
4 SUPERVISION CONSISTENT WITH THE STANDARDS SET BY A NATIONALLY RECOGNIZED
5 BEHAVIOR ANALYST CERTIFICATION BOARD, AS DETERMINED BY THE STATE BOARD OF
6 PSYCHOLOGIST EXAMINERS. A STUDENT OR TRAINEE MAY NOT CLAIM TO BE A BEHAVIOR
7 ANALYST AND MUST USE A TITLE THAT CLEARLY INDICATES THE PERSON'S TRAINING
8 STATUS, SUCH AS "BEHAVIOR ANALYSIS STUDENT" OR "BEHAVIOR ANALYSIS TRAINEE".

9 4. A person who resides outside of this state and who is currently
10 licensed or certified as a behavior analyst in that state if the activities
11 and services conducted in this state are within the behavior analyst's
12 customary area of practice, do not exceed twenty days per year and are not
13 otherwise in violation of this article and the client, public or consumer is
14 informed of the limited nature of these activities and services and that the
15 behavior analyst is not licensed in this state.

16 5. A person in the employ of Arizona state university, northern
17 Arizona university, ~~or~~ the university of Arizona OR ANOTHER REGIONALLY
18 ACCREDITED UNIVERSITY IN THIS STATE if the services are a part of the faculty
19 duties of that person's salaried position and the person is participating in
20 a ~~postdoctoral~~ GRADUATE program.

21 ~~6. A supervisee who is pursuing a postdoctoral professional experience~~
22 ~~if the services or activities are provided under the direct supervision of a~~
23 ~~licensed behavior analyst, clients are informed of the training nature of the~~
24 ~~services provided and the supervisee has a title that designates that~~
25 ~~person's training status.~~ A NONCREDENTIALLED INDIVIDUAL WHO DELIVERS APPLIED
26 BEHAVIOR ANALYSIS SERVICES UNDER THE EXTENDED AUTHORITY AND DIRECTION OF A
27 LICENSED BEHAVIOR ANALYST. THE INDIVIDUAL MAY NOT CLAIM TO BE A PROFESSIONAL
28 BEHAVIOR ANALYST AND MUST USE A TITLE INDICATING THE PERSON'S NONPROFESSIONAL
29 STATUS, SUCH AS "ABA TECHNICIAN", "BEHAVIOR TECHNICIAN" OR "TUTOR".

30 ~~B. This article does not limit the use of the title "behavior analyst"~~
31 ~~by a person who possesses a doctoral degree from an educational institution~~
32 ~~if that person is not engaged in the practice of behavior analysis.~~

33 ~~C.~~ B. This article does not prevent a member of other recognized
34 professions who is licensed, certified or regulated under the laws of this
35 state from rendering services within that person's scope of practice and code
36 of ethics if that person does not claim to be a behavior analyst.

