House Engrossed Senate Bill

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 299

SENATE BILL 1087

AN ACT

AMENDING SECTION 32-2091.03, ARIZONA REVISED STATUTES; RELATING TO BEHAVIOR ANALYSTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

32-2091.03. 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 doctoral degree from an accredited college or university or institution of higher learning accredited by a recognized accrediting agency.

2. If the applicant completes a degree, coursework and work experience requirements after January 1, 2000, complete a minimum of one thousand five hundred hours of supervised work experience or independent fieldwork in the practice of applied behavior analysis in not less than twelve months.

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

4. Have a minimum of one thousand five hundred hours of supervised work experience as a behavior analyst engaged in tasks that meet nationally recognized standards for behavior analysts as determined by the board. The supervised work experience hours must be completed after the applicant completes the required coursework prescribed pursuant to paragraph 3 of this subsection.

B. The supervised work experience required pursuant to subsection A, paragraph 4 must include the following:

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

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

3. Overseeing the implementation of behavior analysis programs by others.

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

C. The following activities are not considered supervised work experience required pursuant to subsection A, paragraph 4:

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

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

3. Doing nonbehavior analytic administrative activities.

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

D. For supervised work experience required pursuant to subsection A, paragraph 4, the supervisor must observe the applicant engaging in behavior analytic activities in the natural environment at least once every two weeks. This observation may be conducted by web cameras, videotape, videoconferencing or similar means instead of the supervisor being physically present. Supervision may be conducted in small groups of ten or fewer participants for not more than half of the total supervised hours in each supervisory period. The remainder of the total supervision hours in each supervisory period must consist of direct one-to-one contact. Supervision hours may be counted toward the total number of experience hours required.

E. A supervisor conducting the supervised work experience pursuant to subsection D shall not be the applicant's relative, subordinate or employee during the experience period. The supervisor is not an employee of the applicant if the only compensation received by the supervisor from the applicant consists of payment for supervision. A supervisor must be ~~one of the following:~~

~~1.~~ a licensed behavior analyst who meets requirements for licensure pursuant to subsection A.

~~2. A behavior analyst who is certified by a nationally recognized behavior analyst certification board as determined by the board and whose certification is in good standing.~~

~~3. An individual who has applied and been approved to take a nationally recognized behavior analyst certification examination as determined by the board.~~

~~4. An individual providing supervision before September 1, 2006.~~

F. An applicant may submit a written request to the board for an exemption from the requirement prescribed in subsection E. The request must include the name of the behavior analyst proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor's transcript and curriculum vitae and any additional documentation requested by the board. The board shall review the supervision exemption request to determine if the proposed supervisor has the necessary education, training and experience to provide supervision acceptable for behavior analyst licensure. If the proposed supervisor has the necessary education, training and experience, the board shall grant the supervision exemption request. The board shall not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in this state after July 1, ~~2010~~ 2011, except that an exemption may be granted by the board if the clinical supervisor holds a current national certification from a nationally recognized behavior analyst certification board as determined by the board.

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

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

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

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

Sec. 2. Behavior analysts

A. Beginning on the effective date of this act and ending on August 15, 2012, the board of psychologist examiners shall waive the requirements of sections 32-2091.03 and 32-2091.05, Arizona Revised Statutes, for an applicant requesting a license as a behavior analyst if the applicant meets all of the following requirements:

1. Submits an application as prescribed by the board.

2. Has been certified by a nationally recognized behavior analyst certification board as chosen by the board of psychologist examiners for a period of not less than two years and is in good standing.

3. Be at least twenty-one years of age.

4. Be of good moral character. The board's standard to determine good moral character shall not violate federal discrimination laws.

5. Pay all applicable fees prescribed by the board.

6. Have the physical and mental capability to safely and competently engage in the practice of behavior analysis.

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.

B. The board may deny an application submitted under subsection A of this section if the nationally recognized behavior analyst certification board adopts substantial changes that reduces the qualifications necessary to issue a certificate, as determined by the board of psychologist examiners.

Sec. 3. Supervision requirements

Before January 1, 2011, an applicant for licensure as a behavior analyst pursuant to title 32, chapter 19.1, article 4, Arizona Revised Statutes, may obtain the supervised work experience required pursuant to section 32-2091.03, Arizona Revised Statutes, from a person who is certified by a nationally recognized behavior analyst certification board. The nationally recognized behavior analyst certification board must be approved by the board of psychologist examiners.

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.