

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)

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 qualifications for
5 licensure

6 A. An applicant for licensure as a behavior analyst must:

7 1. Have a graduate degree, master's degree or doctoral degree from an
8 accredited college or university or institution of higher learning accredited
9 by a recognized accrediting agency.

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

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

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

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

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

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

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

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

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

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

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

42 3. Doing nonbehavior analytic administrative activities.

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

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

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

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

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

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

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

26 F. An applicant may submit a written request to the board for an
27 exemption from the requirement prescribed in subsection E. The request must
28 include the name of the behavior analyst proposed by the applicant to act as
29 the clinical supervisor, a copy of the proposed clinical supervisor's
30 transcript and curriculum vitae and any additional documentation requested by
31 the board. The board shall review the supervision exemption request to
32 determine if the proposed supervisor has the necessary education, training
33 and experience to provide supervision acceptable for behavior analyst
34 licensure. If the proposed supervisor has the necessary education, training
35 and experience, the board shall grant the supervision exemption request. The
36 board shall not grant an exemption request for an unlicensed clinical
37 supervisor providing clinical supervision in this state after July 1, 2010
38 2011, except that an exemption may be granted by the board if the clinical
39 supervisor holds a current national certification from a nationally
40 recognized behavior analyst certification board as determined by the board.

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

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

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

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

8 Sec. 2. Behavior analysts

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

14 1. Submits an application as prescribed by the board.

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

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

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

21 5. Pay all applicable fees prescribed by the board.

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

24 7. Not have had a professional license or certificate refused,
25 revoked, suspended or restricted in any regulatory jurisdiction in the United
26 States or in another country for reasons that relate to unprofessional
27 conduct. If the board finds that the applicant committed an act or engaged in
28 conduct that would constitute grounds for disciplinary action in this state,
29 the board shall determine to its satisfaction that the conduct has been
30 corrected, monitored and resolved. If the matter has not been resolved, the
31 board shall determine to its satisfaction that mitigating circumstances exist
32 that prevent its resolution.

33 8. Not have voluntarily surrendered a license or certificate in
34 another regulatory jurisdiction in the United States or in another country
35 while under investigation for reasons that relate to unprofessional conduct.
36 If another jurisdiction has taken disciplinary action against an applicant,
37 the board shall determine to its satisfaction that the cause for the action
38 was corrected and the matter resolved. If the matter has not been resolved by
39 that jurisdiction, the board shall determine to its satisfaction that
40 mitigating circumstances exist that prevent its resolution.

41 9. Not have a complaint, allegation or investigation pending before
42 another regulatory jurisdiction in the United States or another country that
43 relates to unprofessional conduct. If an applicant has any such complaints,
44 allegations or investigations pending, the board shall suspend the

1 application process and may not issue or deny a license to the applicant
2 until the complaint, allegation or investigation is resolved.

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

7 Sec. 3. Supervision requirements

8 Before January 1, 2011, an applicant for licensure as a behavior
9 analyst pursuant to title 32, chapter 19.1, article 4, Arizona Revised
10 Statutes, may obtain the supervised work experience required pursuant to
11 section 32-2091.03, Arizona Revised Statutes, from a person who is certified
12 by a nationally recognized behavior analyst certification board. The
13 nationally recognized behavior analyst certification board must be approved
14 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.

Passed the House April 28, 2010,

by the following vote: 55 Ayes,

2 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 8, 2010,

by the following vote: 20 Ayes,

8 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1087

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 29, 20 10

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Robert H. Berry
President of the Senate

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of April, 20 10

at 4:45 o'clock P. M.

Walter Bondie
Secretary to the Governor

Approved this 10 day of

May, 2010

at 11:05 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10th day of May, 20 10

at 4:10 o'clock P. M.

Ken Blumenthal
Secretary of State