

House Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

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.~~

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

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

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

8           3. ~~Overseeing the implementation of behavior analysis programs by~~  
9 ~~others.~~

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

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

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

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

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

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

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

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

44           F. ~~An applicant may submit a written request to the board for an~~  
45 ~~exemption from the requirement prescribed in subsection E. The request must~~

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

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

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

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

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

28 Sec. 2. Repeal

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

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

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

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

38 B. A person holding an active or inactive license shall apply to renew  
39 the license on or before April 30 of each odd-numbered year. The application  
40 shall include any applicable renewal fee as prescribed by the board by rule.  
41 EXCEPT AS PROVIDED IN SECTION 32-4301 OR 41-1092.11, a license expires if the  
42 licensee fails to renew the license on or before April 30 of that year. 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. Beginning  
45 on July 1 of that year through April 30 of the next year, a licensee may

1 reinstate the license by paying a reinstatement fee as prescribed by the  
2 board by rule and providing proof of competency and qualifications to the  
3 board. This proof may include continuing education, an oral examination, a  
4 written examination or an interview with the board. A licensee whose license  
5 is not reinstated on or before April 30 of the next even-numbered year may  
6 reapply for licensure as prescribed by this article. A notice to renew is  
7 fully effective by mailing OR ELECTRONICALLY PROVIDING the ~~renewal~~  
8 ~~application~~ NOTICE to the licensee's last known address of record OR LAST  
9 KNOWN E-MAIL ADDRESS OF RECORD in the board's file. Notice is complete at  
10 the time of deposit in the mail OR WHEN THE E-MAIL IS SENT.

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

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

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

27 32-2091.07. Active license; issuance; renewal; expiration;  
28 continuing education

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

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

39 1. IN EACH ODD-NUMBERED YEAR, IF THE LICENSEE HOLDS AN ODD-NUMBERED  
40 LICENSE.

41 2. IN EACH EVEN-NUMBERED YEAR, IF THE LICENSEE HOLDS AN EVEN-NUMBERED  
42 LICENSE.

43 C. The application shall include any applicable renewal fee as  
44 prescribed by the board by rule. Except as provided in section 32-4301 or  
45 41-1092.11, a license expires if the licensee fails to renew the license on

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

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

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

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

36 32-2091.08. Exemptions from licensure

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

39 1. A behavior analyst who is employed in a common school, high school  
40 or charter school setting and who is certified to use that title by the  
41 department of education if the services or activities are a part of the  
42 duties of that person's common school, high school or charter school  
43 employment.

44 2. An employee of a government agency in a subdoctorate position who  
45 uses the word "assistant" or "associate" after the title and who is

1 supervised by a doctorate position employee who is licensed as a behavior  
2 analyst, including a temporary licensee.

3 ~~3. A student of behavior analysis pursuing an official course of~~  
4 ~~graduate study at an educational institution accredited as prescribed by the~~  
5 ~~board, if after the title the word "trainee", "intern" or "extern" appears~~  
6 ~~and the student uses the title only in conjunction with activities and~~  
7 ~~services that are a part of the supervised program. A MATRICULATED GRADUATE~~  
8 ~~STUDENT, OR A TRAINEE WHOSE ACTIVITIES ARE PART OF A DEFINED BEHAVIOR~~  
9 ~~ANALYSIS PROGRAM OF STUDY, PRACTICUM, INTENSIVE PRACTICUM OR SUPERVISED~~  
10 ~~INDEPENDENT FIELDWORK. THE PRACTICE UNDER THIS PARAGRAPH REQUIRES DIRECT~~  
11 ~~SUPERVISION CONSISTENT WITH THE STANDARDS SET BY A NATIONALLY RECOGNIZED~~  
12 ~~BEHAVIOR ANALYST CERTIFICATION BOARD, AS DETERMINED BY THE STATE BOARD OF~~  
13 ~~PSYCHOLOGIST EXAMINERS. A STUDENT OR TRAINEE MAY NOT CLAIM TO BE A BEHAVIOR~~  
14 ~~ANALYST AND MUST USE A TITLE THAT CLEARLY INDICATES THE PERSON'S TRAINING~~  
15 ~~STATUS, SUCH AS "BEHAVIOR ANALYSIS STUDENT" OR "BEHAVIOR ANALYSIS TRAINEE".~~

16 4. A person who resides outside of this state and who is currently  
17 licensed or certified as a behavior analyst in that state if the activities  
18 and services conducted in this state are within the behavior analyst's  
19 customary area of practice, do not exceed twenty days per year and are not  
20 otherwise in violation of this article and the client, public or consumer is  
21 informed of the limited nature of these activities and services and that the  
22 behavior analyst is not licensed in this state.

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

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

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

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

1           Sec. 6. State board of psychologist examiners; behavior  
2                           analysts; implementation of renewal schedule

3           In order to implement the new licensing renewal schedule pursuant to  
4 section 32-2091.07, Arizona Revised Statutes, as amended by section 4 of this  
5 act, all behavior analysts who are licensed by the state board of  
6 psychologist examiners shall renew their licenses on or before April 30,  
7 2017. The state board of psychologist examiners shall prorate the fees and  
8 continuing education requirements beginning May 1, 2017 until the last day of  
9 the month of the licensee's birth month during the licensee's renewal year.  
10 Licensees who hold odd-numbered licenses will renew their licenses in  
11 odd-numbered years and licensees who hold even-numbered licenses will renew  
12 their licenses in even-numbered years. The board shall round up to the  
13 nearest half number the prorated continuing education credits, including  
14 ethics.

15           Sec. 7. Effective date

16           Section 32-2091.07, Arizona Revised Statutes, as amended by section 4  
17 of this act, is effective from and after April 30, 2017.

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.

Passed the House February 24, 2014

Passed the Senate April 22, 2014

by the following vote: 54 Ayes,

by the following vote: 27 Ayes,

0 Nays, 1 Not Voting

1 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

23rd day of April, 2014

at 11:50 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 23rd day of

April

at 4:26 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24th day of April, 2014

at 8:57 o'clock A M.

[Signature]  
Secretary of State

H.B. 2173