

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1335

AN ACT

AMENDING SECTIONS 32-2061, 32-2062, 32-2063, 32-2065, 32-2091.09 AND 32-2091.14, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2091.15; 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 32-2061, Arizona Revised Statutes, is amended to
3 read:

4 32-2061. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Active license" means a valid and existing license to practice
7 psychology.

8 2. "Adequate records" means records containing, at a minimum,
9 sufficient information to identify the client or patient, the dates of
10 service, the fee for service, the payments for service, the type of
11 service given and copies of any reports that may have been made.

12 3. "Board" means the state board of psychologist examiners.

13 4. "Client" means a person or an entity that receives psychological
14 services. A corporate entity, a governmental entity or any other
15 organization may be a client if there is a professional contract to
16 provide services or benefits primarily to an organization rather than to
17 an individual. If an individual has a legal guardian, the legal guardian
18 is the client for decision-making purposes, except that the individual
19 receiving services is the client or patient for:

20 (a) Issues that directly affect the physical or emotional safety of
21 the individual, such as sexual or other exploitative relationships.

22 (b) Issues that the guardian agrees to specifically reserve to the
23 individual.

24 5. "COMMITTEE" ON BEHAVIOR ANALYSTS MEANS THE COMMITTEE ESTABLISHED
25 BY SECTION 32-2091.15.

26 ~~5.~~ 6. "Exploit" means actions by a psychologist who takes undue
27 advantage of the professional association with a client or patient, a
28 student or a supervisee for the advantage or profit of the psychologist.

29 ~~6.~~ 7. "Health care institution" means a facility as defined in
30 section 36-401.

31 ~~7.~~ 8. "Letter of concern" means an advisory letter to notify a
32 psychologist that while there is insufficient evidence to support
33 disciplinary action the board believes the psychologist should modify or
34 eliminate certain practices and that continuation of the activities that
35 led to the information being submitted to the board may result in action
36 against the psychologist's license.

37 ~~8.~~ 9. "Patient" means a person who receives psychological
38 services. If an individual has a legal guardian, the legal guardian is
39 the client or patient for decision-making purposes, except that the
40 individual receiving services is the client or patient for:

41 (a) Issues that directly affect the physical or emotional safety of
42 the individual, such as sexual or other exploitative relationships.

43 (b) Issues that the guardian agrees to specifically reserve to the
44 individual.

1 ~~9.~~ 10. "Practice of psychology" means the psychological
2 assessment, diagnosis, treatment or correction of mental, emotional,
3 behavioral or psychological abilities, illnesses or disorders or
4 purporting or attempting to do this consistent with section 32-2076.
5 11. "Psychologically incompetent" means a person lacking in
6 sufficient psychological knowledge or skills to a degree likely to
7 endanger the health of clients or patients.
8 ~~10.~~ 12. "Psychological service" means all actions of the
9 psychologist in the practice of psychology.
10 ~~12.~~ 13. "Psychologist" means a natural person holding a license to
11 practice psychology pursuant to this chapter.
12 ~~13.~~ 14. "Supervisee" means any person who functions under the
13 extended authority of the psychologist to provide, or while in training to
14 provide, psychological services.
15 ~~14.~~ 15. "Telepractice" means providing psychological services
16 through interactive audio, video or electronic communication that occurs
17 between the psychologist and the patient or client, including any
18 electronic communication for diagnostic, treatment or consultation
19 purposes in a secure platform, and that meets the requirements of
20 telemedicine pursuant to section 36-3602. Telepractice includes
21 supervision.
22 ~~15.~~ 16. "Unprofessional conduct" includes the following activities
23 whether occurring in this state or elsewhere:
24 (a) Obtaining a fee by fraud or misrepresentation.
25 (b) Betraying professional confidences.
26 (c) Making or using statements of a character tending to deceive or
27 mislead.
28 (d) Aiding or abetting a person who is not licensed pursuant to
29 this chapter in representing that person as a psychologist.
30 (e) Gross negligence in the practice of a psychologist.
31 (f) Sexual intimacies or sexual intercourse with a current client
32 or patient or a supervisee or with a former client or patient within two
33 years after the cessation or termination of treatment. For the purposes
34 of this subdivision, "sexual intercourse" has the same meaning prescribed
35 in section 13-1401.
36 (g) Engaging or offering to engage as a psychologist in activities
37 THAT ARE not congruent with the psychologist's professional education,
38 training and experience.
39 (h) Failing or refusing to maintain and retain adequate business,
40 financial or professional records pertaining to the psychological services
41 provided to a client or patient.
42 (i) Commission of a felony, whether or not involving moral
43 turpitude, or a misdemeanor involving moral turpitude. In either case,
44 conviction by a court of competent jurisdiction or a plea of no contest is
45 conclusive evidence of the commission.

1 (j) Making a fraudulent or untrue statement to the board or its
2 investigators, staff or consultants.

3 (k) Violating any federal or state laws or rules that relate to the
4 practice of psychology or to obtaining a license to practice psychology.

5 (l) Practicing psychology while impaired or incapacitated to the
6 extent and in a manner that jeopardizes the welfare of the client or
7 patient or renders the psychological services provided ineffective.

8 (m) Using fraud, misrepresentation or deception to obtain or
9 attempt to obtain a psychology license or to pass or attempt to pass a
10 psychology licensing examination or in assisting another person to do so.

11 (n) Unprofessional conduct in another jurisdiction that resulted in
12 censure, probation or a civil penalty or in the denial, suspension,
13 restriction or revocation of a certificate or license to practice as a
14 psychologist.

15 (o) Providing services that are unnecessary or unsafe or otherwise
16 engaging in activities as a psychologist that are unprofessional by
17 current standards of practice.

18 (p) Falsely or fraudulently claiming to have performed a
19 professional service, charging for a service or representing a service as
20 the licensee's own when the licensee has not rendered the service or
21 assumed supervisory responsibility for the service.

22 (q) Representing activities or services as being performed under
23 the licensee's supervision if the psychologist has not assumed
24 responsibility for them and has not exercised control, oversight and
25 review.

26 (r) Failing to obtain a client's or patient's informed and written
27 consent to release personal or otherwise confidential information to
28 another party unless the release is otherwise authorized by law.

29 (s) Failing to make client or patient records in the psychologist's
30 possession promptly available to another psychologist WHO IS licensed
31 pursuant to this chapter on receipt of proper authorization to do so from
32 the client or patient, a minor client's or patient's parent, the client's
33 or patient's legal guardian or the client's or patient's authorized
34 representative or failing to comply with title 12, chapter 13, article
35 7.1.

36 (t) Failing to take reasonable steps to inform or protect a
37 client's or patient's intended victim and inform the proper law
38 enforcement officials in circumstances where IN WHICH the psychologist
39 becomes aware during the course of providing or supervising psychological
40 services that a client or patient intends or plans to inflict serious
41 bodily harm to ON another person.

42 (u) Failing to take reasonable steps to protect a client or patient
43 in circumstances where IN WHICH the psychologist becomes aware during the
44 course of providing or supervising psychological services that a client or
45 patient intends or plans to inflict serious bodily harm to ON self.

1 (v) Abandoning or neglecting a client or patient in need of
2 immediate care without making suitable arrangements for continuation of
3 the care.

4 (w) Engaging in direct or indirect personal solicitation of clients
5 or patients through the use of coercion, duress, undue influence,
6 compulsion or intimidation practices.

7 (x) Engaging in false, deceptive or misleading advertising.

8 (y) Exploiting a client or patient, a student or a supervisee.

9 (z) Failing to report information to the board regarding a possible
10 act of unprofessional conduct committed by another psychologist WHO IS
11 licensed pursuant to this chapter unless this reporting violates the
12 psychologist's confidential relationship with the client or patient
13 pursuant to section 32-2085. Any psychologist who reports or provides
14 information to the board in good faith is not subject to an action for
15 civil damages. For the purposes of this subdivision, it is not an act of
16 unprofessional conduct if a licensee addresses an ethical conflict in a
17 manner that is consistent with the ethical standards contained in the
18 document entitled "ethical principles of psychologists and code of
19 conduct" as adopted by the American psychological association and in
20 effect at the time the licensee makes the report.

21 (aa) Violating a formal board order, consent agreement, term of
22 probation or stipulated agreement issued under this chapter.

23 (bb) Failing to furnish information in a timely manner to the board
24 or its investigators or representatives if requested or subpoenaed by the
25 board as prescribed by this chapter.

26 (cc) Failing to make available to a client or patient or to the
27 client's or patient's designated representative, on written request, a
28 copy of the client's or patient's record, including raw test data,
29 psychometric testing materials and other information as provided by law.

30 (dd) Violating an ethical standard adopted by the board.

31 Sec. 2. Section 32-2062, Arizona Revised Statutes, is amended to
32 read:

33 32-2062. Board; qualifications; appointments; terms;
34 compensation; immunity

35 A. The state board of psychologist examiners is established
36 consisting of ~~nine~~ TEN members appointed by the governor pursuant to
37 section 38-211.

38 B. Each member of the board shall be a citizen of the United States
39 and a resident of this state at the time of appointment. ~~Six~~ SEVEN
40 members shall be licensed pursuant to this chapter, and three shall be
41 public members who are not eligible for licensure. The board shall have
42 at all times, except for the period when a vacancy exists, at least two
43 members who are licensed as psychologists and who are full-time faculty
44 members from universities in this state with a doctoral program in
45 psychology that meets the requirements of section 32-2071, ~~and~~ at least

1 three members who are psychologists in professional practice AND AT LEAST
2 TWO MEMBERS WHO ARE BEHAVIOR ANALYSTS IN PROFESSIONAL PRACTICE AND WHO ARE
3 MEMBERS OF THE COMMITTEE ON BEHAVIOR ANALYSTS. The public members shall
4 not have a substantial financial interest in the health care industry and
5 shall not have a household member who is eligible for licensure under this
6 chapter.

7 C. Each member shall serve for a term of five years beginning and
8 ending on the third Monday in January.

9 D. A vacancy on the board occurring other than by the expiration of
10 term shall be filled by appointment by the governor for the unexpired term
11 as provided in subsection C of this section. The governor, after a
12 hearing, may remove any member of the board for misconduct, incompetency
13 or neglect of duty.

14 E. Board members shall receive compensation in the amount of one
15 hundred dollars for each cumulative eight hours of actual service in the
16 business of the board and reimbursement of all expenses pursuant to title
17 38, chapter 4, article 2.

18 F. Members of the board and its employees, consultants and test
19 examiners are personally immune from suit with respect to all acts done
20 and actions taken in good faith and in furtherance of the purposes of this
21 chapter.

22 Sec. 3. Section 32-2063, Arizona Revised Statutes, is amended to
23 read:

24 32-2063. Powers and duties

25 A. The board shall:

26 1. Administer and enforce this chapter and board rules.

27 2. Regulate disciplinary actions, the granting, denial, revocation,
28 renewal and suspension of licenses and the rehabilitation of licensees
29 pursuant to this chapter and board rules.

30 3. Prescribe the forms, content and manner of application for
31 licensure and renewal of licensure and set deadlines for the receipt of
32 materials required by the board.

33 4. Keep a record of all licensees, board actions taken on all
34 applicants and licensees and the receipt and disbursement of monies.

35 5. Adopt an official seal for attestation of licenses and other
36 official papers and documents.

37 6. Investigate charges of violations of this chapter and board
38 rules and orders.

39 7. Subject to title 41, chapter 4, article 4, employ an executive
40 director who serves at the pleasure of the board.

41 8. Annually elect from among its membership a chairman, a
42 vice-chairman and a secretary, who serve at the pleasure of the board.

43 9. Adopt rules pursuant to title 41, chapter 6 to carry out this
44 chapter and to define unprofessional conduct.

1 10. Engage in a full exchange of information with other regulatory
2 boards and psychological associations, national psychology organizations
3 and the Arizona psychological association and its components.

4 11. By rule, adopt a code of ethics relating to the practice of
5 psychology. The board shall base this code on the code of ethics adopted
6 and published by the American psychological association. The board shall
7 apply the code to all board enforcement policies and disciplinary case
8 evaluations and development of licensing examinations.

9 12. Adopt rules regarding the use of telepractice on or before June
10 30, 2016.

11 13. BEFORE THE BOARD TAKES ACTION, RECEIVE AND CONSIDER
12 RECOMMENDATIONS FROM THE COMMITTEE ON BEHAVIOR ANALYSTS ON ALL MATTERS
13 RELATING TO THE LICENSING AND REGULATION OF BEHAVIOR ANALYSTS, AS WELL AS
14 REGULATORY CHANGES PERTAINING TO THE PRACTICE OF BEHAVIOR ANALYSIS, EXCEPT
15 IN THE CASE OF A SUMMARY SUSPENSION OF A LICENSE PURSUANT TO SECTION
16 32-2091.09, SUBSECTION E.

17 B. Subject to title 41, chapter 4, article 4, the board may employ
18 personnel it deems necessary to carry out this chapter. The board, in
19 investigating violations of this chapter, may employ investigators who may
20 be psychologists. The board or its executive director may take and hear
21 evidence, administer oaths and affirmations and compel by subpoena the
22 attendance of witnesses and the production of books, papers, records,
23 documents and other information relating to the investigation or hearing.

24 C. Subject to section 35-149, the board may accept, expend and
25 account for gifts, grants, devises and other contributions, money or
26 property from any public or private source, including the federal
27 government. The board shall deposit, pursuant to sections 35-146 and
28 35-147, monies received pursuant to this subsection in special funds for
29 the purpose specified, and monies in these funds are exempt from the
30 provisions of section 35-190 relating to lapsing of appropriations.

31 D. Compensation for all personnel shall be determined pursuant to
32 section 38-611.

33 Sec. 4. Section 32-2065, Arizona Revised Statutes, is amended to
34 read:

35 32-2065. Board of psychologist examiners fund; separate
36 behavior analyst account

37 A. The board of psychologist examiners fund is established.

38 B. Except as provided in section 32-2081 and section 32-2091.09,
39 subsection ~~¶~~ I, pursuant to sections 35-146 and 35-147, the board shall
40 deposit ten ~~percent~~ PERCENT of all monies collected pursuant to this
41 chapter in the state general fund and deposit the remaining ninety ~~per~~
42 ~~cent~~ PERCENT in the board of psychologist examiners fund.

43 C. All monies deposited in the board of psychologist examiners fund
44 are subject to section 35-143.01.

1 D. All monies deposited in the board of psychologist examiners fund
2 pursuant to SECTION 32-2067 and any monies received pursuant to section
3 32-2063, subsection C for psychologist licensing and regulation must be
4 used only for the licensing and regulation of psychologists pursuant to
5 this article and articles 2 and 3 of this chapter and may not be used for
6 the licensing and regulation of behavior analysts pursuant to article 4 of
7 this chapter.

8 E. All monies deposited in the board of psychologist examiners fund
9 pursuant to article 4 of this chapter and any monies received pursuant to
10 section 32-2063, subsection C for behavior analyst licensing and
11 regulation must be used only for the licensing and regulation of behavior
12 analysts pursuant to article 4 of this chapter and may not be used for the
13 licensing and regulation of psychologists pursuant to this article and
14 articles 2 and 3 of this chapter.

15 F. The board shall establish a separate account in the fund for
16 monies transferred to the fund pursuant to article 4 of this chapter and
17 any monies received pursuant to section 32-2063, subsection C for behavior
18 analyst licensing and regulation.

19 Sec. 5. Section 32-2091.09, Arizona Revised Statutes, is amended to
20 read:

21 32-2091.09. Grounds for disciplinary action; duty to report;
22 immunity; proceedings; board action; notice
23 requirements; civil penalty

24 A. The board on its own motion may investigate evidence that
25 appears to show that a behavior analyst is incompetent as a behavior
26 analyst, guilty of unprofessional conduct or mentally or physically unable
27 to safely engage in the practice of behavior analysis. A health care
28 institution shall, and any other person may, report to the board
29 information that appears to show that a behavior analyst is incompetent as
30 a behavior analyst, guilty of unprofessional conduct or mentally or
31 physically unable to safely engage in the practice of behavior analysis.
32 The board shall notify the licensee about whom information has been
33 received as to the content of the information within one hundred twenty
34 days after receiving the information. A person who reports or provides
35 information to the board in good faith is not subject to an action for
36 civil damages. The board, if requested, shall not disclose the name of
37 the person providing information unless this information is essential to
38 proceedings conducted pursuant to this section. The board shall report a
39 health care institution that fails to report as required by this section
40 to the institution's licensing agency.

41 ~~B. The board shall not consider a complaint against a behavior~~
42 ~~analyst arising out of a judicially ordered evaluation of a person charged~~
43 ~~with violating any provision of title 13, chapter 14 to present a charge~~
44 ~~of unprofessional conduct unless the court ordering the evaluation has~~
45 ~~found a substantial basis to refer the complaint for consideration by the~~

1 ~~board. The board shall not consider a complaint against a judicially~~
2 ~~appointed behavior analyst arising out of a court ordered evaluation of a~~
3 ~~person to present a charge of unprofessional conduct unless the court~~
4 ~~ordering the evaluation has found a substantial basis to refer the~~
5 ~~complaint for consideration by the board.~~

6 ~~C.~~ B. A health care institution shall inform the board if the
7 privileges of a licensee to practice in that institution are denied,
8 revoked, suspended or limited because of actions by the licensee that
9 appear to show that the person is incompetent as a behavior analyst,
10 guilty of unprofessional conduct or mentally or physically unable to
11 safely engage in the practice of behavior analysis, along with a general
12 statement of the reasons that led the health care institution to take this
13 action. A health care institution shall inform the board if a licensee
14 under investigation resigns the licensee's privileges or if a licensee
15 resigns in lieu of disciplinary action by the health care institution.
16 Notification must include a general statement of the reasons for the
17 resignation.

18 ~~D.~~ C. The board may require the licensee to undergo any
19 combination of mental, physical or psychological competence examinations
20 at the licensee's expense and shall conduct investigations necessary to
21 determine the competence and conduct of the licensee.

22 ~~E.~~ D. ~~The chairperson of the board shall appoint a complaint~~
23 ~~screening committee of at least three members of the board, including a~~
24 ~~public member. The complaint screening committee is subject to open~~
25 ~~meeting requirements pursuant to title 38, chapter 3, article 3.1. The~~
26 ~~complaint screening committee ON BEHAVIOR ANALYSTS shall review all~~
27 ~~complaints AGAINST BEHAVIOR ANALYSTS and, based on the information~~
28 ~~provided pursuant to subsection A or B- C of this section, may take either~~
29 ~~of the following actions:~~

30 ~~1. Dismiss the complaint if the committee determines that the~~
31 ~~complaint is without merit. Complaints dismissed by the complaint~~
32 ~~screening committee shall not be disclosed in response to a telephone~~
33 ~~inquiry or placed on the board's website.~~

34 ~~2. Refer the complaint to the full board for further review and~~
35 ~~action. SHALL SUBMIT ITS RECOMMENDATIONS TO THE FULL BOARD.~~

36 ~~F.~~ E. If the board finds, based on the information it receives
37 under subsection A or ~~B- C~~ C of this section, that the public health, safety
38 or welfare requires emergency action, the board may order a summary
39 suspension of a license pending proceedings for revocation or other
40 action. If the board issues this order, it shall serve the licensee with
41 a written notice of complaint and formal hearing pursuant to title 41,
42 chapter 6, article 10, setting forth the charges made against the licensee
43 and the licensee's right to a formal hearing before the board or an
44 administrative law judge within sixty days. THE BOARD SHALL NOTIFY THE

1 COMMITTEE ON BEHAVIOR ANALYSTS OF ANY ACTION TAKEN PURSUANT TO THIS
2 SUBSECTION.

3 ~~F.~~ F. If the board finds that the information provided pursuant to
4 subsection A or ~~B~~ C of this section is not of sufficient seriousness to
5 merit direct action against the licensee, it may take any of the following
6 actions:

7 1. Dismiss if the board believes the information is without merit.

8 2. File a letter of concern.

9 3. Issue a nondisciplinary order requiring the licensee to complete
10 a prescribed number of hours of continuing education in an area or areas
11 prescribed by the board to provide the licensee with the necessary
12 understanding of current developments, skills, procedures or treatment.

13 ~~H.~~ G. If the board believes the information provided pursuant to
14 subsection A or ~~B~~ C of this section is or may be true, it may request an
15 informal interview with the licensee. If the licensee refuses to be
16 interviewed or if pursuant to an interview the board determines that cause
17 may exist to revoke or suspend the license, it shall issue a formal
18 complaint and hold a hearing pursuant to title 41, chapter 6, article 10.
19 If as a result of an informal interview or a hearing the board determines
20 that the facts do not warrant revocation or suspension of the license, it
21 may take any of the following actions:

22 1. Dismiss if the board believes the information is without merit.

23 2. File a letter of concern.

24 3. Issue a decree of censure.

25 4. Fix a period and terms of probation best adapted to protect the
26 public health and safety and to rehabilitate or educate the licensee.
27 Probation may include temporary suspension for not more than twelve
28 months, restriction of the license or restitution of fees to a client
29 resulting from violations of this article. If a licensee fails to comply
30 with a term of probation, the board may file a complaint and notice of
31 hearing pursuant to title 41, chapter 6, article 10 and take further
32 disciplinary action.

33 5. Enter into an agreement with the licensee to restrict or limit
34 the licensee's practice or activities in order to rehabilitate the
35 licensee, protect the public and ensure the licensee's ability to safely
36 engage in the practice of behavior analysis.

37 6. Issue a nondisciplinary order requiring the licensee to complete
38 a prescribed number of hours of continuing education in an area or areas
39 prescribed by the board to provide the licensee with the necessary
40 understanding of current developments, skills, procedures or treatment.

41 ~~I.~~ H. If the board finds that the information provided pursuant to
42 subsection A or ~~B~~ C of this section warrants suspension or revocation of
43 a license, it shall hold a hearing pursuant to title 41, chapter 6,
44 article 10. Notice of a complaint and hearing is fully effective by

1 mailing a true copy to the licensee's last known address of record in the
2 board's files. Notice is complete at the time of its deposit in the mail.

3 ~~I.~~ I. The board may impose a civil penalty of at least three
4 hundred dollars but not more than three thousand dollars for each
5 violation of this article or a rule adopted under this article. The board
6 shall deposit, pursuant to sections 35-146 and 35-147, all monies it
7 collects from civil penalties pursuant to this subsection in the state
8 general fund.

9 ~~K.~~ J. If the board determines after a hearing that a licensee has
10 committed an act of unprofessional conduct, is mentally or physically
11 unable to safely engage in the practice of behavior analysis or is
12 incompetent as a behavior analyst, it may do any of the following in any
13 combination and for any period of time it determines necessary:

- 14 1. Suspend or revoke the license.
- 15 2. Censure the licensee.
- 16 3. Place the licensee on probation.

17 ~~L.~~ K. A licensee may submit a written response to the board within
18 thirty days after receiving a letter of concern. The response is a public
19 document and shall be placed in the licensee's file.

20 ~~M.~~ L. A letter of concern is a public document and may be used in
21 future disciplinary actions against a licensee. A decree of censure is an
22 official action against the behavior analyst's license and may include a
23 requirement that the licensee return fees to a client.

24 ~~N.~~ M. Except as provided in section 41-1092.08, subsection H, a
25 person may appeal a final decision made pursuant to this section to the
26 superior court pursuant to title 12, chapter 7, article 6.

27 ~~O.~~ N. If during the course of an investigation the board
28 determines that a criminal violation may have occurred involving the
29 delivery of behavior analysis services, it shall inform the appropriate
30 criminal justice agency.

31 Sec. 6. Section 32-2091.14, Arizona Revised Statutes, is amended to
32 read:

33 32-2091.14. Status as behavioral health professional

34 Notwithstanding any law to the contrary, the ~~department of health~~
35 ~~services~~ ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION shall
36 recognize a behavior analyst who is licensed pursuant to this article as a
37 behavioral health professional who is eligible for reimbursement of
38 services.

39 Sec. 7. Title 32, chapter 19.1, article 4, Arizona Revised
40 Statutes, is amended by adding section 32-2091.15, to read:

41 32-2091.15. Committee on behavior analysts; membership;
42 duties; board responsibilities

43 A. THE COMMITTEE ON BEHAVIOR ANALYSTS IS ESTABLISHED WITHIN THE
44 STATE BOARD OF PSYCHOLOGIST EXAMINERS CONSISTING OF FIVE MEMBERS WHO ARE
45 APPOINTED BY THE GOVERNOR AND WHO SERVE AT THE PLEASURE OF THE GOVERNOR.

1 EACH MEMBER SHALL SERVE FOR A TERM OF FIVE YEARS BEGINNING AND ENDING ON
2 THE THIRD MONDAY IN JANUARY. A COMMITTEE MEMBER MAY NOT SERVE MORE THAN
3 TWO FULL CONSECUTIVE TERMS.

4 B. ALL MEMBERS OF THE COMMITTEE SHALL BE LICENSED BEHAVIOR ANALYSTS
5 IN PROFESSIONAL PRACTICE, TWO OF WHOM SHALL BE MEMBERS OF THE BOARD. THE
6 COMMITTEE SHALL ANNUALLY ELECT A CHAIRPERSON FROM AMONG ITS MEMBERSHIP.

7 C. WITHIN ONE YEAR AFTER THEIR INITIAL APPOINTMENT TO THE
8 COMMITTEE, MEMBERS SHALL RECEIVE AT LEAST FIVE HOURS OF TRAINING
9 PRESCRIBED BY THE BOARD THAT INCLUDES INSTRUCTION IN ETHICS AND OPEN
10 MEETING REQUIREMENTS.

11 D. COMMITTEE MEMBERS SHALL RECEIVE REIMBURSEMENT OF ALL EXPENSES
12 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

13 E. THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE BOARD ON ALL
14 MATTERS RELATING TO THE LICENSING AND REGULATION OF BEHAVIOR
15 ANALYSTS. THE COMMITTEE MAY RECOMMEND REGULATORY CHANGES TO THE BOARD
16 THAT ARE NOT SPECIFIC TO AN INDIVIDUAL LICENSEE, BUT THE COMMITTEE SHALL
17 OBTAIN PUBLIC INPUT FROM BEHAVIOR ANALYST LICENSEES OR THEIR DESIGNATED
18 REPRESENTATIVES BEFORE MAKING ANY FINAL RECOMMENDATION TO THE BOARD.

19 Sec. 8. Initial terms of the committee on behavior analysts

20 A. Notwithstanding section 32-2091.15, Arizona Revised Statutes, as
21 added by this act, the initial terms of the members of the committee on
22 behavior analysts are:

- 23 1. One term ending January 1, 2021.
- 24 2. Two terms ending January 1, 2022.
- 25 3. Two terms ending January 1, 2023.

26 B. The governor shall make all subsequent appointments as
27 prescribed by statute.

28 Sec. 9. Effective date

29 This act is effective from and after October 31, 2017.