

REFERENCE TITLE: behavior analysts; regulatory board

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## HB 2068

Introduced by  
Representative Bliss

### AN ACT

AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTIONS 32-401 AND 32-402, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 32, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-403, 32-404 AND 32-405; AMENDING SECTIONS 32-406, 32-407, 32-421, 32-422, 32-423, 32-424, 32-425, 32-426, 32-441, 32-443, 32-444 AND 32-445, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 32-1603, 32-2061, 32-2062, 32-2063, 32-2065, 32-3101, 32-3201, 32-3218, 36-3601, 36-3607, 41-619.51, 41-1092, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3033.01; APPROPRIATING MONIES; 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. Title 32, Arizona Revised Statutes, is amended by adding  
3 chapter 4, to read:

4 CHAPTER 4  
5 BEHAVIOR ANALYSTS  
6 ARTICLE 1. STATE BOARD OF BEHAVIOR ANALYSTS  
7 ARTICLE 2. LICENSURE  
8 ARTICLE 3. REGULATION

9 Sec. 2. Transfer and renumber

10 Title 32, chapter 19.1, article 4, Arizona Revised Statutes, is  
11 transferred and renumbered for placement in title 32, Arizona Revised  
12 Statutes, as chapter 4, articles 1, 2 and 3, as added by this act. The  
13 following sections are transferred and renumbered for placement in title  
14 32, chapter 4, article 1:

<u>Former Sections</u>	<u>New Sections</u>
15 32-2091 .....	32-401
16 32-2091.15 .....	32-402
17 32-2091.01 .....	32-406
18 32-2091.14 .....	32-407

19 The following sections are transferred and renumbered for placement  
20 in title 32, chapter 4, article 2:

<u>Former Sections</u>	<u>New Sections</u>
21 32-2091.02 .....	32-421
22 32-2091.03 .....	32-422
23 32-2091.04 .....	32-423
24 32-2091.06 .....	32-424
25 32-2091.07 .....	32-425
26 32-2091.08 .....	32-426

27 The following sections are transferred and renumbered for placement  
28 in title 32, chapter 4, article 3:

<u>Former Sections</u>	<u>New Sections</u>
29 32-2091.09 .....	32-441
30 32-2091.10 .....	32-442
31 32-2091.11 .....	32-443
32 32-2091.12 .....	32-444
33 32-2091.13 .....	32-445

34 Sec. 3. Section 32-401, Arizona Revised Statutes, as transferred  
35 and renumbered, is amended to read:

36 32-401. Definitions

37 In this ~~article~~ CHAPTER, unless the context otherwise requires:

38 1. "Active license" means a current license issued by the board to  
39 a person WHO IS licensed TO PRACTICE BEHAVIOR ANALYSIS pursuant to this  
40 ~~article~~ CHAPTER.

41 ~~2. "Adequate records" means records that contain, at a minimum,  
42 sufficient information to identify the client, the dates of service, the~~

1 ~~fee for service, the payments for service and the type of service given~~  
2 ~~and copies of any reports that may have been made.~~

3 ~~3.~~ 2. "Behavior analysis":

4 (a) Means the design, implementation and evaluation of systematic  
5 environmental modifications by a behavior analyst to produce socially  
6 significant improvements in human behavior based on the principles of  
7 behavior identified through the experimental analysis of behavior.

8 ~~Behavior analysis~~

9 (b) Does not include cognitive therapies or psychological testing,  
10 neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy  
11 and long-term counseling as treatment modalities.

12 ~~4.~~ 3. "Behavior analysis services":

13 (a) Means the use of behavior analysis to assist a person to learn  
14 new behavior, increase existing behavior, reduce existing behavior and  
15 emit behavior under precise environmental conditions. ~~Behavior analysis~~

16 (b) Includes behavioral programming and behavioral programs.

17 ~~5.~~ 4. "Behavior analyst" means a person who is licensed pursuant  
18 to this ~~article~~ CHAPTER to practice behavior analysis.

19 5. "BOARD" MEANS THE STATE BOARD OF BEHAVIOR ANALYSTS.

20 6. "Client" means:

21 (a) A person or entity that receives behavior analysis services.

22 (b) A corporate entity, a governmental entity or any other  
23 organization that has a professional contract to provide services or  
24 benefits primarily to an organization rather than to an individual.

25 (c) An individual's legal guardian for ~~decision making~~  
26 DECISION-MAKING purposes, except that the individual is the client for  
27 issues that directly affect the individual's physical or emotional safety  
28 and issues that the legal guardian agrees to specifically reserve to the  
29 individual.

30 7. "Exploit" means an action by a behavior analyst who takes undue  
31 advantage of the professional association with a client, student or  
32 supervisee for the advantage or profit of the behavior analyst.

33 8. "Health care institution" means a facility that is licensed  
34 pursuant to title 36, chapter 4, article 1.

35 9. "Incompetent as a behavior analyst" means that a person who is  
36 licensed pursuant to ~~article 4 of~~ this chapter lacks the knowledge or  
37 skills of a behavior analyst to a degree that is likely to endanger the  
38 health of a client.

39 10. "Letter of concern" means an advisory letter to notify a  
40 licensee that while there is insufficient evidence to support disciplinary  
41 action the board believes the licensee should modify or eliminate certain  
42 practices and that continuation of the activities that led to the  
43 information being submitted to the board may result in action against the  
44 license.

- 1           11. "Supervisee":  
2           (a) Means a person who acts under the extended authority of a  
3 behavior analyst to provide ~~behavioral~~ BEHAVIOR ANALYSIS services. ~~and~~  
4           (b) Includes a person who is in training to provide these services.
- 5           12. "Unprofessional conduct" includes the following activities,  
6 whether occurring in this state or elsewhere:  
7           (a) Obtaining a fee by fraud or misrepresentation.  
8           (b) Betraying professional confidences.  
9           (c) Making or using statements of a character tending to deceive or  
10 mislead.  
11           (d) Aiding or abetting a person who is not licensed pursuant to  
12 this ~~article~~ CHAPTER in representing that person as a behavior analyst.  
13           (e) COMMITTING gross negligence in the practice of a behavior  
14 analyst.  
15           (f) ENGAGING IN sexual intimacies or sexual intercourse with a  
16 current client or a supervisee or with a former client within two years  
17 after the cessation or termination of treatment. For the purposes of this  
18 subdivision, "sexual intercourse" has the same meaning prescribed in  
19 section 13-1401.  
20           (g) Engaging or offering to engage as a behavior analyst in  
21 activities that are not congruent with the behavior analyst's professional  
22 education, training and experience.  
23           (h) Failing or refusing to maintain and retain adequate business,  
24 financial or professional records pertaining to the behavior analysis  
25 services provided to a client.  
26           (i) Committing a felony, whether or not involving moral turpitude,  
27 or a misdemeanor involving moral turpitude. In either case, conviction by  
28 a court of competent jurisdiction or a plea of no contest is conclusive  
29 evidence of the commission.  
30           (j) Making a fraudulent or untrue statement to the board or its  
31 investigators, staff or consultants.  
32           (k) Violating any federal or state law that relates to the practice  
33 of behavior analysis or to obtain a license to practice behavior analysis.  
34           (l) Practicing behavior analysis while impaired or incapacitated to  
35 the extent and in a manner that jeopardizes the welfare of a client or  
36 renders the services provided ineffective.  
37           (m) Using fraud, misrepresentation or deception to obtain or  
38 attempt to obtain a behavior analysis license or to pass or attempt to  
39 pass a behavior analysis licensing examination or in assisting another  
40 person to do so.  
41           (n) COMMITTING unprofessional conduct in another jurisdiction that  
42 resulted in censure, probation or a civil penalty or in the denial,  
43 suspension, restriction or revocation of a certificate or license to  
44 practice as a behavior analyst.

- 1 (o) Providing services that are unnecessary or unsafe or otherwise  
2 engaging in activities as a behavior analyst that are unprofessional by  
3 current standards of practice.
- 4 (p) Falsely or fraudulently claiming to have performed a  
5 professional service, charging for a service or representing a service as  
6 the licensee's own if the licensee has not rendered the service or assumed  
7 supervisory responsibility for the service.
- 8 (q) Representing activities or services as being performed under  
9 the licensee's supervision if the behavior analyst has not assumed  
10 responsibility for them and has not exercised control, oversight and  
11 review.
- 12 (r) Failing to obtain a client's informed and written consent to  
13 release personal or otherwise confidential information to another party  
14 unless the release is otherwise authorized by law.
- 15 (s) Failing to make client records in the behavior analyst's  
16 possession promptly available to another behavior analyst on receipt of  
17 proper authorization to do so from the client, a minor client's parent,  
18 the client's legal guardian or the client's authorized representative or  
19 failing to comply with title 12, chapter 13, article 7.1.
- 20 (t) Failing to take reasonable steps to inform or protect a  
21 client's intended victim and inform the proper law enforcement officials  
22 if the behavior analyst becomes aware during the course of providing or  
23 supervising behavior analysis services that a client intends or plans to  
24 inflict serious bodily harm on another person.
- 25 (u) Failing to take reasonable steps to protect a client if the  
26 behavior analyst becomes aware during the course of providing or  
27 supervising behavior analysis services that a client intends or plans to  
28 inflict serious bodily harm on self.
- 29 (v) Abandoning or neglecting a client in need of immediate care  
30 without making suitable arrangements for continuation of the care.
- 31 (w) Engaging in direct or indirect personal solicitation of clients  
32 through the use of coercion, duress, undue influence, compulsion or  
33 intimidation practices.
- 34 (x) Engaging in false, deceptive or misleading advertising.
- 35 (y) Exploiting a client, student or supervisee.
- 36 (z) Failing to report information to the board regarding a possible  
37 act of unprofessional conduct committed by another behavior analyst who is  
38 licensed pursuant to this ~~article~~ CHAPTER unless this reporting violates  
39 the behavior analyst's confidential relationship with a client pursuant to  
40 this ~~article~~ CHAPTER. A behavior analyst who reports or provides  
41 information to the board in good faith is not subject to an action for  
42 civil damages.
- 43 (aa) Violating a formal board order, consent agreement, term of  
44 probation or stipulated agreement issued under this ~~article~~ CHAPTER.

1 (bb) Failing to furnish information in a timely manner to the board  
2 or its investigators or representatives if requested or subpoenaed by the  
3 board as prescribed by this ~~article~~ CHAPTER.

4 (cc) Failing to make available to a client or to the client's  
5 designated representative, on written request, a copy of the client's  
6 record, excluding raw test data, psychometric testing materials and other  
7 information as provided by law.

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

9 (ee) Representing oneself as a psychologist or ~~permitting~~ ALLOWING  
10 others to do so if the behavior analyst is not also licensed as a  
11 psychologist pursuant to ~~this~~ chapter 19.1 OF THIS TITLE.

12 Sec. 4. Section 32-402, Arizona Revised Statutes, as transferred  
13 and renumbered, is amended to read:

14 32-402. Board; members; qualifications; appointments; terms;  
15 training; vacancies; compensation; immunity

16 A. The ~~committee on~~ STATE BOARD OF behavior analysts is established  
17 ~~within the state board of psychologist examiners~~ consisting of ~~five~~ SEVEN  
18 members who are appointed by the governor ~~and who serve at the pleasure of~~  
19 ~~the governor~~ PURSUANT TO SECTION 38-211.

20 B. EACH MEMBER OF THE BOARD SHALL BE A CITIZEN OF THE UNITED STATES  
21 AND A RESIDENT OF THIS STATE AT THE TIME OF APPOINTMENT. Each BOARD  
22 member shall serve for a term of five years beginning and ending on the  
23 third Monday in January. A ~~committee~~ BOARD member may not serve more than  
24 two full consecutive terms.

25 ~~B.~~ C. ~~All~~ FIVE members of the ~~committee~~ BOARD shall be licensed  
26 behavior analysts in professional practice, AND two ~~of whom shall be~~  
27 members of the board SHALL BE PUBLIC MEMBERS WHO ARE NOT ELIGIBLE FOR  
28 LICENSURE AND WHO DO NOT HAVE A HOUSEHOLD MEMBER WHO IS ELIGIBLE FOR  
29 LICENSURE UNDER THIS CHAPTER. The ~~committee~~ BOARD shall annually elect a  
30 chairperson from among its membership.

31 ~~C.~~ D. Within one year after their initial appointment to the  
32 ~~committee~~ BOARD, members shall receive at least five hours of training  
33 prescribed by the board that includes instruction in ethics and open  
34 meeting requirements.

35 E. A VACANCY ON THE BOARD OCCURRING OTHER THAN BY EXPIRATION OF THE  
36 TERM SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM  
37 AS PROVIDED IN THIS SECTION. THE GOVERNOR, AFTER A HEARING, MAY REMOVE  
38 ANY MEMBER OF THE BOARD FOR MISCONDUCT, INCOMPETENCY OR NEGLECT OF DUTY.

39 ~~D.~~ F. ~~Committee~~ BOARD members shall receive COMPENSATION IN THE  
40 AMOUNT OF \$100 FOR EACH CUMULATIVE EIGHT HOURS OF ACTUAL SERVICE IN THE  
41 BUSINESS OF THE BOARD AND reimbursement of all expenses pursuant to title  
42 38, chapter 4, article 2.

43 ~~E.~~ ~~The committee shall make recommendations to the board on all~~  
44 ~~matters relating to the licensing and regulation of behavior~~  
45 ~~analysts. The committee may recommend regulatory changes to the board~~

1 ~~that are not specific to an individual licensee, but the committee shall~~  
2 ~~obtain public input from behavior analyst licensees or their designated~~  
3 ~~representatives before making any final recommendation to the board.~~

4 G. MEMBERS OF THE BOARD AND ITS EMPLOYEES AND CONSULTANTS ARE  
5 PERSONALLY IMMUNE FROM SUIT WITH RESPECT TO ALL ACTS DONE AND ACTIONS  
6 TAKEN IN GOOD FAITH AND IN FURTHERANCE OF THE PURPOSES OF THIS CHAPTER.

7 Sec. 5. Title 32, chapter 4, article 1, Arizona Revised Statutes,  
8 as added by this act, is amended by adding sections 32-403, 32-404 and  
9 32-405, to read:

10 32-403. Powers and duties

11 A. THE BOARD SHALL:

12 1. ADMINISTER AND ENFORCE THIS CHAPTER AND BOARD RULES.

13 2. REGULATE DISCIPLINARY ACTIONS, THE GRANTING, DENIAL, REVOCATION,  
14 RENEWAL AND SUSPENSION OF LICENSES AND THE REHABILITATION OF LICENSEES  
15 PURSUANT TO THIS CHAPTER AND BOARD RULES.

16 3. PRESCRIBE THE FORM, CONTENT AND MANNER OF APPLICATIONS FOR  
17 INITIAL LICENSURE AND RENEWAL OF LICENSURE AND SET DEADLINES FOR THE  
18 RECEIPT OF MATERIALS REQUIRED BY THE BOARD.

19 4. KEEP A RECORD OF ALL LICENSEES, BOARD ACTIONS TAKEN ON ALL  
20 APPLICANTS AND LICENSEES AND THE RECEIPT AND DISBURSAL OF MONIES.

21 5. ADOPT AN OFFICIAL SEAL FOR ATTESTING LICENSES AND OTHER OFFICIAL  
22 PAPERS AND DOCUMENTS.

23 6. INVESTIGATE CHARGES OF VIOLATIONS OF THIS CHAPTER AND BOARD  
24 RULES AND ORDERS.

25 7. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY AN EXECUTIVE  
26 DIRECTOR WHO SERVES AT THE PLEASURE OF THE BOARD CONSISTENT WITH  
27 SUBSECTION D OF THIS SECTION.

28 8. ANNUALLY ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON, A VICE  
29 CHAIRPERSON AND A SECRETARY WHO SERVE AT THE PLEASURE OF THE BOARD.

30 9. ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 TO CARRY OUT THIS  
31 CHAPTER AND TO DEFINE UNPROFESSIONAL CONDUCT.

32 10. BY RULE, ADOPT A CODE OF ETHICS RELATING TO THE PRACTICE OF  
33 BEHAVIOR ANALYSIS. THE BOARD SHALL APPLY THE CODE TO ALL BOARD  
34 ENFORCEMENT POLICIES AND DISCIPLINARY CASE EVALUATIONS.

35 11. ADOPT RULES REGARDING THE USE OF TELEHEALTH CONSISTENT WITH  
36 TITLE 36, CHAPTER 36, ARTICLE 1.

37 12. REQUIRE EACH APPLICANT FOR INITIAL LICENSURE OR LICENSE RENEWAL  
38 PURSUANT TO THIS CHAPTER TO HAVE APPLIED FOR A FINGERPRINT CLEARANCE CARD  
39 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. IF AN APPLICANT IS ISSUED  
40 A VALID FINGERPRINT CLEARANCE CARD, THE APPLICANT SHALL SUBMIT THE VALID  
41 FINGERPRINT CLEARANCE CARD TO THE BOARD WITH THE COMPLETED APPLICATION.  
42 IF AN APPLICANT APPLIES FOR A FINGERPRINT CLEARANCE CARD AND IS DENIED,  
43 THE APPLICANT MAY REQUEST THAT THE BOARD CONSIDER THE APPLICATION FOR  
44 LICENSURE NOTWITHSTANDING THE ABSENCE OF A VALID FINGERPRINT CLEARANCE  
45 CARD. THE BOARD, IN ITS DISCRETION, MAY APPROVE AN APPLICATION FOR

1 LICENSURE DESPITE THE DENIAL OF A VALID FINGERPRINT CLEARANCE CARD IF THE  
2 BOARD DETERMINES THAT THE APPLICANT'S CRIMINAL HISTORY INFORMATION ON  
3 WHICH THE DENIAL IS BASED DOES NOT ALONE DISQUALIFY THE APPLICANT FROM  
4 LICENSURE.

5 B. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE BOARD MAY EMPLOY  
6 PERSONNEL IT DEEMS NECESSARY TO CARRY OUT THIS CHAPTER. THE BOARD, IN  
7 INVESTIGATING VIOLATIONS OF THIS CHAPTER, MAY EMPLOY INVESTIGATORS WHO MAY  
8 BE BEHAVIOR ANALYSTS. THE BOARD OR ITS EXECUTIVE DIRECTOR MAY TAKE AND  
9 HEAR EVIDENCE, ADMINISTER OATHS AND AFFIRMATIONS AND COMPEL BY SUBPOENA  
10 THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS,  
11 DOCUMENTS AND OTHER INFORMATION RELATING TO THE INVESTIGATION OR HEARING.

12 C. SUBJECT TO SECTION 35-149, THE BOARD MAY ACCEPT, EXPEND AND  
13 ACCOUNT FOR GIFTS, GRANTS, DEVICES AND OTHER CONTRIBUTIONS, MONIES OR  
14 PROPERTY FROM ANY PUBLIC OR PRIVATE SOURCE, INCLUDING THE FEDERAL  
15 GOVERNMENT. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
16 35-147, MONIES RECEIVED PURSUANT TO THIS SUBSECTION IN SPECIAL FUNDS FOR  
17 THE PURPOSE SPECIFIED, AND MONIES IN THESE FUNDS ARE EXEMPT FROM THE  
18 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

19 D. THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF PSYCHOLOGIST  
20 EXAMINERS SHALL ALSO SERVE AS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF  
21 BEHAVIOR ANALYSTS. BOTH BOARDS SHALL JOINTLY SELECT THE EXECUTIVE  
22 DIRECTOR. THE EXECUTIVE DIRECTOR SHALL HIRE STAFF TO SERVE THE STATE  
23 BOARD OF BEHAVIOR ANALYSTS. COMPENSATION FOR ALL PERSONNEL SHALL BE  
24 DETERMINED PURSUANT TO SECTION 38-611.

25 32-404. Meetings; committees; quorum

26 A. THE BOARD SHALL HOLD REGULAR QUARTERLY MEETINGS AT A TIME AND  
27 PLACE DETERMINED BY THE CHAIRPERSON. THE BOARD SHALL HOLD SPECIAL  
28 MEETINGS THE CHAIRPERSON DETERMINES NECESSARY TO CARRY OUT THE FUNCTIONS  
29 OF THE BOARD.

30 B. THE CHAIRPERSON MAY ESTABLISH COMMITTEES FROM THE BOARD  
31 MEMBERSHIP NECESSARY TO CARRY OUT THE FUNCTIONS OF THE BOARD. THE BOARD  
32 MAY ESTABLISH COMMITTEES OF BEHAVIOR ANALYSTS TO ACT AS CONSULTANTS TO THE  
33 BOARD. MEMBERS OF CONSULTANT COMMITTEES ARE ELIGIBLE FOR REIMBURSEMENT OF  
34 EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

35 C. A MAJORITY OF BOARD MEMBERS CONSTITUTES A QUORUM, AND A MAJORITY  
36 VOTE OF A QUORUM PRESENT IS NECESSARY FOR THE BOARD TO TAKE ANY ACTION.

37 32-405. State board of behavior analysts fund

38 A. THE STATE BOARD OF BEHAVIOR ANALYSTS FUND IS ESTABLISHED  
39 CONSISTING OF FEES COLLECTED PURSUANT TO THIS CHAPTER. THE BOARD SHALL  
40 ADMINISTER THE FUND.

41 B. EXCEPT AS PROVIDED IN SECTIONS 32-403 AND 32-441, THE BOARD  
42 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, NINETY PERCENT OF  
43 ALL MONIES COLLECTED UNDER THIS CHAPTER IN THE STATE BOARD OF BEHAVIOR  
44 ANALYSTS FUND AND THE REMAINING TEN PERCENT IN THE STATE GENERAL FUND.



1 C. MONIES DEPOSITED IN THE STATE BOARD OF BEHAVIOR ANALYSTS FUND  
2 ARE SUBJECT TO SECTION 35-143.01.

3 Sec. 6. Section 32-406, Arizona Revised Statutes, as transferred  
4 and renumbered, is amended to read:

5 32-406. Fees

6 A. The board, by a formal vote, shall establish fees for the  
7 following relating to the licensure of behavior analysts:

8 1. An application for an active license.

9 ~~2. An application for a temporary license.~~

10 ~~3.~~ 2. AN APPLICATION FOR renewal of an active license.

11 ~~4.~~ 3. Issuance of an initial license.

12 4. ISSUANCE OF A RENEWAL LICENSE.

13 B. The board may charge additional fees for services it deems  
14 necessary and appropriate to carry out this ~~article~~ CHAPTER. These fees  
15 shall not exceed the actual cost of providing the service.

16 C. The board shall not refund fees except as otherwise provided in  
17 this ~~article~~ CHAPTER. On special request and for good cause, the board  
18 may return the license renewal fee.

19 Sec. 7. Section 32-407, Arizona Revised Statutes, as transferred  
20 and renumbered, is amended to read:

21 32-407. Status as behavioral health professional

22 Notwithstanding any law to the contrary, the Arizona health care  
23 cost containment system administration shall recognize a behavior analyst  
24 who is licensed pursuant to this ~~article~~ CHAPTER as a behavioral health  
25 professional who is eligible for reimbursement of services.

26 Sec. 8. Section 32-421, Arizona Revised Statutes, as transferred  
27 and renumbered, is amended to read:

28 32-421. Qualifications of applicant

29 A person who wishes to practice as a behavior analyst must be  
30 licensed pursuant to this ~~article~~ CHAPTER. An applicant for licensure  
31 must meet all of the following requirements:

32 1. Submit an application as prescribed by the board.

33 2. Be at least twenty-one years of age.

34 3. Pay all applicable fees prescribed by the board.

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

37 5. Not have committed any act or engaged in any conduct that would  
38 constitute grounds for disciplinary action against a licensee pursuant to  
39 this ~~article~~ CHAPTER.

40 6. Not have had a professional license or certificate refused,  
41 revoked, suspended or restricted in any regulatory jurisdiction in the  
42 United States or in another country for reasons that relate to  
43 unprofessional conduct. If the board finds that the applicant committed  
44 an act or engaged in conduct that would constitute grounds for  
45 disciplinary action in this state, the board shall determine to its

1 satisfaction that the conduct has been corrected, monitored and resolved.  
2 If the matter has not been resolved, the board shall determine to its  
3 satisfaction that mitigating circumstances exist that prevent its  
4 resolution.

5 7. Not have voluntarily surrendered a license or certificate in  
6 another regulatory jurisdiction in the United States or in another country  
7 while under investigation for reasons that relate to unprofessional  
8 conduct. If another jurisdiction has taken disciplinary action against an  
9 applicant, the board shall determine to its satisfaction that the cause  
10 for the action was corrected and the matter resolved. If the matter has  
11 not been resolved by that jurisdiction, the board shall determine to its  
12 satisfaction that mitigating circumstances exist that prevent its  
13 resolution.

14 8. Not have a complaint, allegation or investigation pending before  
15 another regulatory jurisdiction in the United States or another country  
16 that relates to unprofessional conduct. If an applicant has any such  
17 complaints, allegations or investigations pending, the board shall suspend  
18 the application process and may not issue or deny a license to the  
19 applicant until the complaint, allegation or investigation is resolved.

20 9. ~~Beginning January 1, 2022,~~ Have applied for a fingerprint  
21 clearance card pursuant to title 41, chapter 12, article 3.1.

22 Sec. 9. Section 32-422, Arizona Revised Statutes, as transferred  
23 and renumbered, is amended to read:

24 32-422. Educational and training standards for licensure

25 A. An applicant for licensure as a behavior analyst must meet  
26 standards adopted by the state board of ~~psychologist examiners~~ BEHAVIOR  
27 ANALYSTS, including meeting graduate-level education and supervised  
28 experience requirements and passing a national examination. The state  
29 board of ~~psychologist examiners~~ BEHAVIOR ANALYSTS shall adopt standards  
30 consistent with the standards set by a nationally recognized behavior  
31 analyst certification board, except that:—

32 ~~1. The number of hours required for supervised experience must be~~  
33 ~~at least one thousand five hundred hours of supervised work experience.~~

34 ~~2.~~ if the experience was obtained in a state that licensed behavior  
35 analysts at the time of the supervised work experience, the supervisor  
36 must be licensed in the state where the behavior analysis trainee services  
37 were provided.

38 B. The standards adopted for supervised experience must also be  
39 consistent with the standards set by a nationally recognized behavior  
40 analyst certification board. If the state board of ~~psychologist examiners~~  
41 BEHAVIOR ANALYSTS does not agree with a standard set by a nationally  
42 recognized behavior analyst certification board, the state board OF  
43 BEHAVIOR ANALYSTS may adopt an alternate standard.

1           Sec. 10. Section 32-423, Arizona Revised Statutes, as transferred  
2 and renumbered, is amended to read:

3           32-423. Reciprocity

4           The board may issue a license to a person as a behavior analyst if  
5 the person is licensed or certified by a regulatory agency of another  
6 state that imposes requirements that are substantially equivalent to those  
7 imposed by this ~~article~~ CHAPTER at an equivalent or higher practice level  
8 as determined by the board, pays the fee prescribed by the board and meets  
9 all of the following requirements:

10           1. Submits a written application prescribed by the board.

11           2. Documents to the board's satisfaction proof of initial licensure  
12 or certification at an equivalent designation for which the applicant is  
13 seeking licensure in this state and proof that the license or certificate  
14 is current and in good standing.

15           3. Documents to the board's satisfaction proof that any other  
16 license or certificate issued to the applicant by another state has not  
17 been suspended or revoked. If a licensee or certificate holder has been  
18 subjected to any other disciplinary action, the board may assess the  
19 magnitude of that action and make a decision regarding reciprocity based  
20 on this assessment.

21           4. Meets any other requirements prescribed by the board by rule.

22           Sec. 11. Section 32-424, Arizona Revised Statutes, as transferred  
23 and renumbered, is amended to read:

24           32-424. Inactive status; reinstatement to active status

25           ~~A. If the board requires an additional examination, it may issue a~~  
26 ~~temporary license to a behavior analyst who is licensed or certified under~~  
27 ~~the laws of another jurisdiction if the behavior analyst applies to the~~  
28 ~~board for licensure and meets the educational, experience and first~~  
29 ~~examination requirements of this article.~~

30           ~~B. A temporary license issued pursuant to this section is effective~~  
31 ~~from the date the application is approved until the last day of the month~~  
32 ~~in which the applicant receives the results of the additional examination.~~

33           ~~C. The board shall not extend, renew or reissue a temporary license~~  
34 ~~or allow it to continue in effect beyond the period authorized by this~~  
35 ~~section.~~

36           ~~D. The board's denial of an application for licensure terminates a~~  
37 ~~temporary license.~~

38           E. A. The board may place on inactive status and waive the license  
39 renewal fee requirements for a person who is temporarily or permanently  
40 unable to practice as a behavior analyst due to physical or mental  
41 incapacity or disability. An initial request for the waiver of renewal  
42 fees shall be accompanied by the renewal fee for an active license, which  
43 the board shall return if the waiver is granted. The board shall judge  
44 each request for the waiver of renewal fees on its own merits and may seek  
45 the verification it deems necessary to substantiate the facts of the

1 situation. A behavior analyst who is retired is exempt from paying the  
2 renewal fee. A behavior analyst may request voluntary inactive status by  
3 submitting to the board an application on a form prescribed by the board  
4 and an affirmation that the behavior analyst will not practice as a  
5 behavior analyst in this state for the duration of the voluntary inactive  
6 status and by paying the required fee as prescribed by the board by rule.

7 ~~F.~~ B. A behavior analyst who is on any form of inactive status  
8 shall renew the inactive status every two years by submitting a renewal  
9 form provided by the board and paying any applicable fee as prescribed by  
10 the board by rule. A notice to renew is fully effective by mailing the  
11 renewal application to the licensee's last known address of record in the  
12 board's file. Notice is complete at the time of its deposit in the mail.  
13 A behavior analyst who is on inactive status due to physical or mental  
14 incapacity or disability or retirement shall use the term "inactive" to  
15 describe the person's status and shall not practice as a behavior analyst.

16 ~~G.~~ C. A behavior analyst on inactive status may request  
17 reinstatement of the license to active status by applying to the  
18 board. The board shall determine whether the person has been or is in  
19 violation of any provisions of this ~~article~~ CHAPTER and whether the person  
20 has maintained and updated the person's professional knowledge and  
21 capability to practice as a behavior analyst. The board may require the  
22 person to take or retake the licensure examinations and may require other  
23 knowledge or skill training experiences. If approved for active status,  
24 the person shall pay a renewal fee that equals the renewal fee for the  
25 license to be reinstated.

26 ~~H. Beginning January 1, 2022, an applicant for a temporary license  
27 pursuant to this section shall have applied for a fingerprint clearance  
28 card pursuant to title 41, chapter 12, article 3.1.~~

29 Sec. 12. Section 32-425, Arizona Revised Statutes, as transferred  
30 and renumbered, is amended to read:

31 32-425. Active license; issuance; renewal; expiration;  
32 continuing education

33 A. If the applicant satisfies all of the requirements for licensure  
34 pursuant to this ~~article~~ CHAPTER, the board shall issue an active license  
35 and shall prorate the fee for issuing that license for the period  
36 remaining until the last day of the birth month of the applicant of the  
37 next odd-numbered year or even-numbered year pursuant to subsection B,  
38 paragraph 1 or 2 of this section.

39 B. A person holding an active or inactive license shall apply to  
40 renew the license on or before the last day of the birth month of the  
41 licensee every other year as follows:

42 1. In each odd-numbered year, if the licensee holds an odd-numbered  
43 license.

44 2. In each even-numbered year, if the licensee holds an  
45 even-numbered license.

1 C. The application shall include any applicable renewal fee as  
2 prescribed by the board by rule. Except as provided in section 32-4301 or  
3 41-1092.11, a license expires if the licensee fails to renew the license  
4 on or before the last day of the licensee's birth month of the licensee's  
5 renewal year pursuant to subsection B of this section. A licensee may  
6 reinstate an expired license by paying a reinstatement fee as prescribed  
7 by the board by rule within two months after the last day of the  
8 licensee's birth month of that year. Beginning two months after the last  
9 day of the licensee's birth month during the licensee's renewal year until  
10 the last day of the licensee's birth month the following year, a licensee  
11 may reinstate the license by paying a reinstatement fee as prescribed by  
12 the board by rule and providing proof of competency and qualifications to  
13 the board. This proof may include continuing education, an oral  
14 examination, a written examination or an interview with the board. A  
15 licensee whose license is not reinstated within a year after the last day  
16 of the licensee's birth month of the licensee's renewal year may reapply  
17 for licensure as prescribed by this article. A notice to renew is fully  
18 effective by mailing or electronically providing the notice to the  
19 licensee's last known address of record or last known email address of  
20 record in the board's file. Notice is complete at the time of deposit in  
21 the mail or when the email is sent.

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

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

36 F. A person who applies for an initial renewal of a license  
37 pursuant to this section ~~on or after January 1, 2022~~ shall possess or have  
38 applied for a fingerprint clearance card pursuant to title 41, chapter 12,  
39 article 3.1.

40 Sec. 13. Section 32-426, Arizona Revised Statutes, as transferred  
41 and renumbered, is amended to read:

42 32-426. Exemptions from licensure

43 A. This ~~article~~ CHAPTER does not limit the activities, services and  
44 use of a title by the following:

1 ~~1. A behavior analyst who is employed in a common school, high~~  
2 ~~school or charter school setting and who is certified to use that title by~~  
3 ~~the department of education if the services or activities are a part of~~  
4 ~~the duties of that person's common school, high school or charter school~~  
5 ~~employment.~~

6 ~~2.~~ 1. An employee of a government agency in a subdoctorate  
7 position who uses the word "assistant" or "associate" after the title and  
8 who is supervised by a doctorate position employee who is licensed as a  
9 behavior analyst, ~~including a temporary licensee.~~

10 ~~3.~~ 2. A matriculated graduate student, or a trainee whose  
11 activities are part of a defined behavior analysis program of study,  
12 practicum, intensive practicum or supervised independent fieldwork. The  
13 practice under this paragraph requires direct supervision consistent with  
14 the standards set by a nationally recognized behavior analyst  
15 certification board, as determined by the state board of ~~psychologist~~  
16 ~~examiners~~ BEHAVIOR ANALYSTS. A student or trainee may not claim to be a  
17 behavior analyst and must use a title that clearly indicates the person's  
18 training status, such as "behavior analysis student" or "behavior analysis  
19 trainee".

20 ~~4.~~ 3. A person who resides outside of this state and who is  
21 currently licensed or certified as a behavior analyst in that state if the  
22 activities and services conducted in this state are within the behavior  
23 analyst's customary area of practice, do not exceed twenty days per year  
24 and are not otherwise in violation of this ~~article~~ CHAPTER and the client,  
25 public or consumer is informed of the limited nature of these activities  
26 and services and that the behavior analyst is not licensed in this state.

27 ~~5.~~ 4. A person in the employ of Arizona state university, northern  
28 Arizona university, the university of Arizona or another regionally  
29 accredited university in this state if the services are a part of the  
30 faculty duties of that person's salaried position and the person is  
31 participating in a graduate program.

32 ~~6.~~ 5. A noncredentialed individual who delivers applied behavior  
33 analysis services under the extended authority and direction of a licensed  
34 behavior analyst. The individual may not claim to be a professional  
35 behavior analyst and must use a title indicating the person's  
36 nonprofessional status, such as "ABA technician", "behavior technician" or  
37 "tutor".

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

1           Sec. 14. Section 32-441, Arizona Revised Statutes, as transferred  
2 and renumbered, is amended to read:

3           32-441. Grounds for disciplinary action; duty to report;  
4           proceedings; board action; notice requirements;  
5           civil penalty

6           A. The board on its own motion may investigate evidence that  
7 appears to show that a behavior analyst is incompetent as a behavior  
8 analyst, guilty of unprofessional conduct or mentally or physically unable  
9 to safely engage in the practice of behavior analysis. A health care  
10 institution shall, and any other person may, report to the board  
11 information that appears to show that a behavior analyst is incompetent as  
12 a behavior analyst, guilty of unprofessional conduct or mentally or  
13 physically unable to safely engage in the practice of behavior analysis.  
14 The board shall notify the licensee about whom information has been  
15 received as to the content of the information within one hundred twenty  
16 days after receiving the information. A person who reports or provides  
17 information to the board in good faith is not subject to an action for  
18 civil damages. The board, if requested, shall not disclose the name of  
19 the person providing information unless this information is essential to  
20 proceedings conducted pursuant to this section. The board shall report a  
21 health care institution that fails to report as required by this section  
22 to the institution's licensing agency.

23           B. A health care institution shall inform the board if the  
24 privileges of a licensee to practice in that institution are denied,  
25 revoked, suspended or limited because of actions by the licensee that  
26 appear to show that the person is incompetent as a behavior analyst,  
27 guilty of unprofessional conduct or mentally or physically unable to  
28 safely engage in the practice of behavior analysis, along with a general  
29 statement of the reasons that led the health care institution to take this  
30 action. A health care institution shall inform the board if a licensee  
31 under investigation resigns the licensee's privileges or if a licensee  
32 resigns in lieu of disciplinary action by the health care institution.  
33 Notification must include a general statement of the reasons for the  
34 resignation.

35           C. The board may require the licensee to undergo any combination of  
36 mental, physical or psychological competence examinations at the  
37 licensee's expense and shall conduct investigations necessary to determine  
38 the competence and conduct of the licensee.

39           ~~D. Except as provided in subsection E of this section, the~~  
40 ~~committee on behavior analysts shall review all complaints against~~  
41 ~~behavior analysts and, based on the information provided pursuant to~~  
42 ~~subsection A or B of this section, shall submit its recommendations to the~~  
43 ~~full board.~~

44           D. If the board finds, based on the information it receives  
45 under subsection A or B of this section, that the public health, safety or

1 welfare requires emergency action, the board may order a summary  
2 suspension of a license pending proceedings for revocation or other  
3 action. If the board issues this order, the board shall serve the  
4 licensee with a written notice of complaint and formal hearing pursuant to  
5 title 41, chapter 6, article 10, setting forth the charges made against  
6 the licensee and the licensee's right to a formal hearing before the board  
7 or an administrative law judge within sixty days. ~~The board shall notify~~  
8 ~~the committee on behavior analysts of any action taken pursuant to this~~  
9 ~~subsection.~~

10 ~~F.~~ E. If the board finds that the information provided pursuant to  
11 subsection A or B of this section is not of sufficient seriousness to  
12 merit direct action against the licensee, the board may take any of the  
13 following actions:

- 14 1. Dismiss if the board believes the information is without merit.
- 15 2. File a letter of concern.
- 16 3. Issue a nondisciplinary order requiring the licensee to complete  
17 a prescribed number of hours of continuing education in an area or areas  
18 prescribed by the board to provide the licensee with the necessary  
19 understanding of current developments, skills, procedures or treatment.

20 ~~G.~~ F. If the board believes the information provided pursuant to  
21 subsection A or B of this section is or may be true, the board may request  
22 an informal interview with the licensee. If the licensee refuses to be  
23 interviewed or if pursuant to an interview the board determines that cause  
24 may exist to revoke or suspend the license, the board shall issue a formal  
25 complaint and hold a hearing pursuant to title 41, chapter 6,  
26 article 10. If as a result of an informal interview or a hearing the  
27 board determines that the facts do not warrant revocation or suspension of  
28 the license, the board may take any of the following actions:

- 29 1. Dismiss if the board believes the information is without merit.
- 30 2. File a letter of concern.
- 31 3. Issue a decree of censure.
- 32 4. Fix a period and terms of probation best adapted to protect the  
33 public health and safety and to rehabilitate or educate the licensee.  
34 Probation may include temporary suspension for not more than twelve  
35 months, restriction of the license or restitution of fees to a client  
36 resulting from violations of this ~~article~~ CHAPTER. If a licensee fails to  
37 comply with a term of probation, the board may file a complaint and notice  
38 of hearing pursuant to title 41, chapter 6, article 10 and take further  
39 disciplinary action.
- 40 5. Enter into an agreement with the licensee to restrict or limit  
41 the licensee's practice or activities in order to rehabilitate the  
42 licensee, protect the public and ensure the licensee's ability to safely  
43 engage in the practice of behavior analysis.
- 44 6. Issue a nondisciplinary order requiring the licensee to complete  
45 a prescribed number of hours of continuing education in an area or areas



1 prescribed by the board to provide the licensee with the necessary  
2 understanding of current developments, skills, procedures or treatment.

3 ~~H.~~ G. If the board finds that the information provided pursuant to  
4 subsection A or B of this section warrants suspension or revocation of a  
5 license, the board shall hold a hearing pursuant to title 41, chapter 6,  
6 article 10. Notice of a complaint and hearing is fully effective by  
7 mailing a true copy to the licensee's last known address of record in the  
8 board's files. Notice is complete at the time of its deposit in the mail.

9 ~~I.~~ H. The board may impose a civil penalty of at least \$300 but  
10 not more than \$3,000 for each violation of this ~~article~~ CHAPTER or a rule  
11 adopted under this ~~article~~ CHAPTER. The board shall deposit, pursuant to  
12 sections 35-146 and 35-147, all monies it collects from civil penalties  
13 pursuant to this subsection in the state general fund.

14 ~~J.~~ I. If the board determines after a hearing that a licensee has  
15 committed an act of unprofessional conduct, is mentally or physically  
16 unable to safely engage in the practice of behavior analysis or is  
17 incompetent as a behavior analyst, the board may do any of the following  
18 in any combination and for any period of time it determines necessary:

- 19 1. Suspend or revoke the license.
- 20 2. Censure the licensee.
- 21 3. Place the licensee on probation.

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

25 ~~L.~~ K. A letter of concern is a public document and may be used in  
26 future disciplinary actions against a licensee. A decree of censure is an  
27 official action against the behavior analyst's license and may include a  
28 requirement that the licensee return fees to a client.

29 L. THE BOARD MAY NOT CONSIDER A COMPLAINT FOR ADMINISTRATIVE ACTION  
30 IF THE COMPLAINT IS FILED AGAINST A PERSON WHO IS A LICENSED BEHAVIOR  
31 ANALYST AND WHO IS A MEMBER OF THE BOARD OR A STAFF MEMBER OF THE BOARD OR  
32 WHO IS ACTING AS AN AGENT OF OR CONSULTANT TO THE BOARD IF THE COMPLAINT  
33 RELATES TO THE PERSON'S PERFORMANCE OF BOARD DUTIES.

34 M. IF THE BOARD FINDS THAT IT CAN TAKE REHABILITATIVE OR  
35 DISCIPLINARY ACTION AT ANY TIME DURING THE INVESTIGATIVE OR DISCIPLINARY  
36 PROCESSES, THE BOARD MAY ENTER INTO A CONSENT AGREEMENT WITH THE BEHAVIOR  
37 ANALYST TO LIMIT OR RESTRICT THE BEHAVIOR ANALYST'S PRACTICE OR TO  
38 REHABILITATE THE BEHAVIOR ANALYST IN ORDER TO PROTECT THE PUBLIC AND  
39 ENSURE THE BEHAVIOR ANALYST'S ABILITY TO SAFELY ENGAGE IN THE PRACTICE OF  
40 BEHAVIOR ANALYSIS. THE BOARD MAY ALSO REQUIRE THE BEHAVIOR ANALYST TO  
41 SUCCESSFULLY COMPLETE A BOARD-APPROVED REHABILITATIVE, RETRAINING OR  
42 ASSESSMENT PROGRAM AT THE BEHAVIOR ANALYST'S EXPENSE.

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

1 ~~Art.~~ 0. If during the course of an investigation the board  
2 determines that a criminal violation may have occurred involving the  
3 delivery of behavior analysis services, ~~it~~ THE BOARD shall inform the  
4 appropriate criminal justice agency.

5 Sec. 15. Section 32-443, Arizona Revised Statutes, as transferred  
6 and renumbered, is amended to read:

7 32-443. Injunction

8 A. The board may petition the superior court for an order to enjoin  
9 the following:

10 1. A person who is not licensed pursuant to this ~~article~~ CHAPTER  
11 from practicing behavior analysis.

12 2. The activities of a licensee that are an immediate threat to the  
13 public.

14 3. Criminal activities.

15 B. If the board seeks an injunction to stop the unlicensed practice  
16 of behavior analysis, it is sufficient to charge that the respondent on a  
17 certain day in a specific county engaged in the practice of behavior  
18 analysis without a license and without being exempt from the licensure  
19 requirements of this ~~article~~ CHAPTER. It is not necessary to show  
20 specific damages or injury.

21 C. The issuance of an injunction does not limit the board's  
22 authority to take other action against a licensee pursuant to this ~~article~~  
23 CHAPTER.

24 Sec. 16. Section 32-444, Arizona Revised Statutes, as transferred  
25 and renumbered, is amended to read:

26 32-444. Violations; classification

27 A. It is a class 2 misdemeanor for a person who is not licensed  
28 pursuant to this ~~article~~ CHAPTER to engage in the practice of behavior  
29 analysis.

30 B. It is a class 2 misdemeanor for any person to:

31 1. Secure a license to practice pursuant to this ~~article~~ CHAPTER by  
32 fraud or deceit.

33 2. Impersonate a member of the board in order to issue a license to  
34 practice pursuant to this ~~article~~ CHAPTER.

35 C. It is a class 2 misdemeanor for a person who is not licensed  
36 pursuant to this ~~article~~ CHAPTER to use any combination of words, initials  
37 and symbols that leads the public to believe the person is licensed to  
38 practice behavior analysis in this state.

39 Sec. 17. Section 32-445, Arizona Revised Statutes, as transferred  
40 and renumbered, is amended to read:

41 32-445. Confidential communications

42 A. The confidential relations and communications between a client  
43 and a person who is licensed pursuant to this ~~article, including temporary~~  
44 ~~licensees~~, CHAPTER are placed on the same basis as those provided by law  
45 between an attorney and client. Unless the client waives the behavior

1 analyst-client privilege in writing or in court testimony, a behavior  
2 analyst shall not voluntarily or involuntarily divulge information that is  
3 received by reason of the confidential nature of the behavior analyst's  
4 practice. The behavior analyst shall divulge to the board information it  
5 requires in connection with any investigation, public hearing or other  
6 proceeding. The behavior analyst-client privilege does not extend to  
7 cases in which the behavior analyst has a duty to report information as  
8 required by law.

9 B. The behavior analyst shall ensure that client records and  
10 communications are treated by clerical and paraprofessional staff at the  
11 same level of confidentiality and privilege required of the behavior  
12 analyst.

13 Sec. 18. Section 32-1603, Arizona Revised Statutes, is amended to  
14 read:

15 32-1603. Qualifications of board members

16 A. Each registered nurse member of the board shall:

- 17 1. Be a resident of ~~the~~ THIS state.
- 18 2. Be a graduate of an approved registered nursing program.
- 19 3. Be licensed as a registered nurse in this state.
- 20 4. Have ~~had~~ at least five years' experience in nursing following  
21 graduation, including executive, supervisory or teaching experience in  
22 nursing education or nursing service.
- 23 5. Have been actively engaged in the practice of nursing or nursing  
24 activities for at least three years preceding the appointment.

25 B. Each licensed practical nurse member of the board shall:

- 26 1. Be a resident of this state.
- 27 2. Be a graduate of an approved practical nursing program.
- 28 3. Be licensed as a licensed practical nurse in this state.
- 29 4. Have ~~had~~ at least five years' experience in practical nursing  
30 following graduation.
- 31 5. Have been actively engaged in the practice of nursing for at  
32 least three years preceding the appointment.

33 C. Each public member of the board shall be a person who:

- 34 1. Is not licensed pursuant to chapter 4, 7, 8, 11, 13, 14, 15.1,  
35 16, 17, 18, 19, 19.1, 21, 25 or 29 of this title or this chapter as an  
36 individual health care provider.
- 37 2. Is not an employee of any health care institution licensed  
38 pursuant to title 36, chapter 4 or any authorized insurer providing  
39 disability insurance coverage in this state.
- 40 3. Does not have a financial interest as a provider in the delivery  
41 of health care services.

42 D. Each licensed nursing assistant or certified nursing assistant  
43 member of the board shall either:

1           1. Be a licensed nursing assistant or a certified nursing assistant  
2 pursuant to this chapter and currently practice or have practiced within  
3 three years before initial appointment to the board.

4           2. Within one year before appointment to the board, have been  
5 employed as an instructor or coordinator in an approved licensed nursing  
6 assistant or certified nursing assistant training program.

7           E. For at least three years preceding appointment to the board,  
8 each registered nurse practitioner or clinical nurse specialist member  
9 shall be certified pursuant to this chapter and actively practicing as a  
10 registered nurse practitioner, actively engaged in a clinical nurse  
11 specialist practice or teaching.

12           F. Each member of the board shall take and subscribe to the oath  
13 prescribed by law for state officers, which shall be filed with the  
14 secretary of state.

15           Sec. 19. Section 32-2061, Arizona Revised Statutes, is amended to  
16 read:

17           32-2061. Definitions

18           In this chapter, unless the context otherwise requires:

19           1. "Active license" means a valid and existing license to practice  
20 psychology.

21           2. "Adequate records" means records ~~containing~~ **THAT CONTAIN**, at a  
22 minimum, sufficient information to identify the client or patient, the  
23 dates of service, the fee for service, the payments for service, the type  
24 of service given and copies of any reports that may have been made.

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

26           4. "Client" means a person or an entity that receives psychological  
27 services. A corporate entity, a governmental entity or any other  
28 organization may be a client if there is a professional contract to  
29 provide services or benefits primarily to an organization rather than to  
30 an individual. If an individual has a legal guardian, the legal guardian  
31 is the client for decision-making purposes, except that the individual  
32 receiving services is the client or patient for:

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

35           (b) Issues that the **LEGAL** guardian agrees to specifically reserve  
36 to the individual.

37           ~~5. "Committee on behavior analysts" means the committee established~~  
38 ~~by section 32-2091.15.~~

39           ~~6.~~ 5. "Exploit" means actions by a psychologist who takes undue  
40 advantage of the professional association with a client or patient, a  
41 student or a supervisee for the advantage or profit of the psychologist.

42           ~~7.~~ 6. "Health care institution" means a facility as defined in  
43 section 36-401.

44           ~~8.~~ 7. "Letter of concern" means an advisory letter to notify a  
45 psychologist that while there is insufficient evidence to support

1 disciplinary action the board believes the psychologist should modify or  
2 eliminate certain practices and that continuation of the activities that  
3 led to the information being submitted to the board may result in action  
4 against the psychologist's license.

5 ~~9-~~ 8. "Patient" means a person who receives psychological  
6 services. If an individual has a legal guardian, the legal guardian is  
7 the client or patient for decision-making purposes, except that the  
8 individual receiving services is the client or patient for:

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

11 (b) Issues that the LEGAL guardian agrees to specifically reserve  
12 to the individual.

13 ~~10-~~ 9. "Practice of psychology" means the psychological  
14 assessment, diagnosis, treatment or correction of mental, emotional,  
15 behavioral or psychological abilities, illnesses or disorders or  
16 purporting or attempting to do this consistent with section 32-2076.

17 ~~11-~~ 10. "Psychologically incompetent" means a person ~~lacking in~~  
18 WHO LACKS sufficient psychological knowledge or skills to a degree likely  
19 to endanger the health of clients or patients.

20 ~~12-~~ 11. "Psychological service" means all actions of the  
21 psychologist in the practice of psychology.

22 ~~13-~~ 12. "Psychologist" means a natural person ~~holding~~ WHO HOLDS a  
23 license to practice psychology pursuant to this chapter.

24 ~~14-~~ 13. "Supervisee" means any person who functions under the  
25 extended authority of the psychologist to provide, or while in training to  
26 provide, psychological services.

27 ~~15-~~ 14. "Telepractice":

28 (a) Means providing psychological services through interactive  
29 audio, video or electronic communication that occurs between the  
30 psychologist and the patient or client, including any electronic  
31 communication for diagnostic, treatment or consultation purposes in a  
32 secure platform, and that meets the requirements of telehealth pursuant to  
33 section 36-3602. ~~Telepractice~~

34 (b) Includes supervision.

35 ~~16-~~ 15. "Unprofessional conduct" includes the following activities  
36 whether occurring in this state or elsewhere:

37 (a) Obtaining a fee by fraud or misrepresentation.

38 (b) Betraying professional confidences.

39 (c) Making or using statements of a character tending to deceive or  
40 mislead.

41 (d) Aiding or abetting a person who is not licensed pursuant to  
42 this chapter in representing that person as a psychologist.

43 (e) COMMITTING gross negligence in the practice of a psychologist.

44 (f) ENGAGING IN sexual intimacies or sexual intercourse with a  
45 current client or patient or a supervisee or with a former client or

1 patient within two years after the cessation or termination of  
2 treatment. For the purposes of this subdivision, "sexual intercourse" has  
3 the same meaning prescribed in section 13-1401.

4 (g) Engaging or offering to engage as a psychologist in activities  
5 that are not congruent with the psychologist's professional education,  
6 training and experience.

7 (h) Failing or refusing to maintain and retain adequate business,  
8 financial or professional records pertaining to the psychological services  
9 provided to a client or patient.

10 (i) ~~Commission of~~ COMMITTING a felony, whether or not involving  
11 moral turpitude, or a misdemeanor involving moral turpitude. In either  
12 case, conviction by a court of competent jurisdiction or a plea of no  
13 contest is conclusive evidence of the commission.

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

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

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

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

24 (n) COMMITTING unprofessional conduct in another jurisdiction that  
25 resulted in censure, probation or a civil penalty or in the denial,  
26 suspension, restriction or revocation of a certificate or license to  
27 practice as a psychologist.

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

31 (p) Falsely or fraudulently claiming to have performed a  
32 professional service, charging for a service or representing a service as  
33 the licensee's own when the licensee has not rendered the service or  
34 assumed supervisory responsibility for the service.

35 (q) Representing activities or services as being performed under  
36 the licensee's supervision if the psychologist has not assumed  
37 responsibility for them and has not exercised control, oversight and  
38 review.

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

42 (s) Failing to make client or patient records in the psychologist's  
43 possession promptly available to another psychologist who is licensed  
44 pursuant to this chapter on receipt of proper authorization to do so from  
45 the client or patient, a minor client's or patient's parent, the client's

1 or patient's legal guardian or the client's or patient's authorized  
2 representative or failing to comply with title 12, chapter 13,  
3 article 7.1.

4 (t) Failing to take reasonable steps to inform or protect a  
5 client's or patient's intended victim and inform the proper law  
6 enforcement officials in circumstances in which the psychologist becomes  
7 aware during the course of providing or supervising psychological services  
8 that ~~a~~ THE client or patient intends or plans to inflict serious bodily  
9 harm on another person.

10 (u) Failing to take reasonable steps to protect a client or patient  
11 in circumstances in which the psychologist becomes aware during the course  
12 of providing or supervising psychological services that ~~a~~ THE client or  
13 patient intends or plans to inflict serious bodily harm on self.

14 (v) Abandoning or neglecting a client or patient in need of  
15 immediate care without making suitable arrangements for continuation of  
16 the care.

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

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

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

22 (z) Failing to report information to the board regarding a possible  
23 act of unprofessional conduct committed by another psychologist who is  
24 licensed pursuant to this chapter unless this reporting violates the  
25 psychologist's confidential relationship with the client or patient  
26 pursuant to section 32-2085. Any psychologist who reports or provides  
27 information to the board in good faith is not subject to an action for  
28 civil damages. For the purposes of this subdivision, it is not an act of  
29 unprofessional conduct if a licensee addresses an ethical conflict in a  
30 manner that is consistent with the ethical standards contained in the  
31 document entitled "ethical principles of psychologists and code of  
32 conduct" as adopted by the American psychological association and in  
33 effect at the time the licensee makes the report.

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

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

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

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

1           Sec. 20. Section 32-2062, Arizona Revised Statutes, is amended to  
2 read:

3           32-2062. Board; qualifications; appointments; terms;  
4                                   compensation; immunity

5           A. The state board of psychologist examiners is established  
6 consisting of ~~ten~~ EIGHT members WHO ARE appointed by the governor pursuant  
7 to section 38-211.

8           B. Each member of the board shall be a citizen of the United States  
9 and a resident of this state at the time of appointment. ~~Seven~~ FIVE  
10 members shall be licensed pursuant to this chapter, ~~and~~ three shall be  
11 public members who are not eligible for licensure. The board shall have  
12 at all times, except for the period when a vacancy exists, at least two  
13 members who are licensed as psychologists and who are full-time faculty  
14 members from universities in this state with a doctoral program in  
15 psychology that meets the requirements of section 32-2071, ~~AND~~ at least  
16 three members who are psychologists in professional practice ~~and at least~~  
17 ~~two members who are behavior analysts in professional practice and who are~~  
18 ~~members of the committee on behavior analysts.~~ The public members shall  
19 not have a substantial financial interest in the health care industry and  
20 shall not have a household member who is eligible for licensure under this  
21 chapter.

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

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

29           E. Board members shall receive compensation in the amount of ~~one~~  
30 ~~hundred dollars~~ \$100 for each cumulative eight hours of actual service in  
31 the business of the board and reimbursement of all expenses pursuant to  
32 title 38, chapter 4, article 2.

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

37           Sec. 21. Section 32-2063, Arizona Revised Statutes, is amended to  
38 read:

39           32-2063. Powers and duties

40           A. The board shall:

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

42           2. Regulate disciplinary actions, the granting, denial, revocation,  
43 renewal and suspension of licenses and the rehabilitation of licensees  
44 pursuant to this chapter and board rules.



- 1           3. Prescribe the forms, content and manner of application for  
2 **INITIAL LICENSURE, TEMPORARY** licensure and renewal of licensure and set  
3 deadlines for the receipt of materials required by the board.
- 4           4. Keep a record of all licensees, board actions taken on all  
5 applicants and licensees and the receipt and disbursal of monies.
- 6           5. Adopt an official seal for attesting licenses and other official  
7 papers and documents.
- 8           6. Investigate charges of violations of this chapter and board  
9 rules and orders.
- 10          7. Subject to title 41, chapter 4, article 4, employ an executive  
11 director who serves at the pleasure of the board.
- 12          8. Annually elect from among its membership a ~~chairman~~ **CHAIRPERSON**,  
13 a vice ~~chairman~~ **CHAIRPERSON** and a secretary, who serve at the pleasure of  
14 the board.
- 15          9. Adopt rules pursuant to title 41, chapter 6 to carry out this  
16 chapter and to define unprofessional conduct.
- 17          10. Engage in a full exchange of information with other regulatory  
18 boards and psychological associations, national psychology organizations  
19 and the Arizona psychological association and its components.
- 20          11. By rule, adopt a code of ethics relating to the practice of  
21 psychology. The board shall base this code on the code of ethics adopted  
22 and published by the American psychological association. The board shall  
23 apply the code to all board enforcement policies and disciplinary case  
24 evaluations and development of licensing examinations.
- 25          12. Adopt rules regarding the use of telepractice.
- 26          ~~13. Before the board takes action, receive and consider~~  
27 ~~recommendations from the committee on behavior analysts on all matters~~  
28 ~~relating to licensing and regulating behavior analysts, as well as~~  
29 ~~regulatory changes pertaining to the practice of behavior analysis, except~~  
30 ~~in the case of a summary suspension of a license pursuant to section~~  
31 ~~32-2091.09, subsection E.~~
- 32          ~~14.~~ **13.** ~~Beginning January 1, 2022,~~ Require each applicant for an  
33 initial or temporary license or a license renewal pursuant to this chapter  
34 to have applied for a fingerprint clearance card pursuant to title 41,  
35 chapter 12, article 3.1. If an applicant is issued a valid fingerprint  
36 clearance card, the applicant shall submit the valid fingerprint clearance  
37 card to the board with the completed application. If an applicant applies  
38 for a fingerprint clearance card and is denied, the applicant may request  
39 that the board consider the application for licensure notwithstanding the  
40 absence of a valid fingerprint clearance card. The board, in its  
41 discretion, may approve an application for licensure despite the denial of  
42 a valid fingerprint clearance card if the board determines that the  
43 applicant's criminal history information on which the denial is based does  
44 not alone disqualify the applicant from licensure.

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

8 C. Subject to section 35-149, the board may accept, expend and  
9 account for gifts, grants, devises and other contributions, monies or  
10 property from any public or private source, including the federal  
11 government. The board shall deposit, pursuant to sections 35-146 and  
12 35-147, monies received pursuant to this subsection in special funds for  
13 the purpose specified, and monies in these funds are exempt from the  
14 provisions of section 35-190 relating to lapsing of appropriations.

15 D. Compensation for all personnel shall be determined pursuant to  
16 section 38-611.

17 Sec. 22. Section 32-2065, Arizona Revised Statutes, is amended to  
18 read:

19 32-2065. Board of psychologist examiners fund

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

21 B. Except as provided in SECTION 32-2063, SUBSECTION C AND section  
22 ~~32-2081 and section 32-2091.09, subsection I, pursuant to sections 35-146~~  
23 ~~and 35-147~~, the board shall deposit, PURSUANT TO SECTIONS 35-146 AND  
24 35-147, ten percent of all monies collected pursuant to this chapter in  
25 the state general fund and deposit the remaining ninety percent in the  
26 board of psychologist examiners fund.

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

29 D. All monies deposited in the board of psychologist examiners fund  
30 pursuant to section 32-2067 and any monies received pursuant to section  
31 32-2063, subsection C for psychologist licensing and regulation must be  
32 used only for the licensing and regulation of psychologists pursuant to  
33 ~~this article and articles 2 and 3 of this chapter and may not be used for~~  
34 ~~the licensing and regulation of behavior analysts pursuant to article 4 of~~  
35 ~~this chapter.~~

36 ~~E. All monies deposited in the board of psychologist examiners fund~~  
37 ~~pursuant to article 4 of this chapter and any monies received pursuant to~~  
38 ~~section 32-2063, subsection C for behavior analyst licensing and~~  
39 ~~regulation must be used only for the licensing and regulation of behavior~~  
40 ~~analysts pursuant to article 4 of this chapter and may not be used for the~~  
41 ~~licensing and regulation of psychologists pursuant to this article and~~  
42 ~~articles 2 and 3 of this chapter.~~

43 ~~F. The board shall establish a separate account in the fund for~~  
44 ~~monies transferred to the fund pursuant to article 4 of this chapter and~~

1 ~~any monies received pursuant to section 32-2063, subsection C for behavior~~  
2 ~~analyst licensing and regulation.~~

3 Sec. 23. Heading repeal

4 The article heading of title 32, chapter 19.1, article 4, Arizona  
5 Revised Statutes, is repealed.

6 Sec. 24. Section 32-3101, Arizona Revised Statutes, is amended to  
7 read:

8 32-3101. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Certification" means a voluntary process by which a regulatory  
11 entity grants recognition to an individual who has met certain  
12 prerequisite qualifications specified by that regulatory entity and who  
13 may assume or use the word "certified" in a title or designation to  
14 perform prescribed health professional tasks.

15 2. "Grandfather clause" means a provision **THAT IS** applicable to  
16 practitioners **WHO ARE** actively engaged in the regulated health profession  
17 before the effective date of a law **AND** that exempts the practitioners from  
18 meeting the prerequisite qualifications set forth in the law to perform  
19 prescribed occupational tasks.

20 3. "Health professional group" means any health professional group  
21 or organization, any individual or any other interested party that  
22 proposes that any health professional group **THAT IS** not presently  
23 regulated be regulated or that proposes to increase the scope of practice  
24 of a health profession.

25 4. "Health professions" means professions that are regulated  
26 pursuant to chapter 4, 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1,  
27 21, 25, 28, 29, 33, 34, 35, 39 or 41 of this title, title 36, chapter 6,  
28 article 7 or title 36, chapter 17.

29 5. "Increase the scope of practice" means to engage in conduct  
30 beyond the authority granted to a health profession by law.

31 6. "Inspection" means the periodic examination of practitioners by  
32 a state agency in order to ascertain whether the practitioners' occupation  
33 is being carried out in a fashion consistent with the public health,  
34 safety and welfare.

35 7. "Licensure" or "license" means an individual, nontransferable  
36 authorization to carry on a health activity that would otherwise be  
37 unlawful in this state in the absence of the permission and that is based  
38 on qualifications that include graduation from an accredited or approved  
39 program and acceptable performance on a qualifying examination or a series  
40 of examinations.

41 8. "Practitioner" means an individual who has achieved knowledge  
42 and skill by practice and who is actively engaged in a specified health  
43 profession.

44 9. "Public member" means an individual who is not and never has  
45 been a member or **THE** spouse of a member of the health profession being

1 regulated and who does not have and never has had a material financial  
2 interest in either ~~the~~ rendering ~~of~~ the health professional service being  
3 regulated or an activity directly related to the profession being  
4 regulated.

5 10. "Registration" means the formal notification that, before  
6 rendering services, a practitioner ~~shall~~ **MUST** submit to a state agency  
7 setting forth the name and address of the practitioner, the location,  
8 nature and operation of the health activity to be practiced and, if  
9 required by a regulatory entity, a description of the service to be  
10 provided.

11 11. "Regulatory entity" means any board, commission, agency or  
12 department of this state that regulates one or more health professions in  
13 this state.

14 12. "State agency" means any department, board, commission or  
15 agency of this state.

16 Sec. 25. Section 32-3201, Arizona Revised Statutes, is amended to  
17 read:

18 32-3201. Definitions

19 In this chapter, unless the context otherwise requires:

20 ~~2.~~ 1. "Health professional" means a person who is certified or  
21 licensed pursuant to chapter 4, 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18,  
22 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title  
23 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36,  
24 chapter 17.

25 ~~1.~~ 2. "Health profession regulatory board" means any board that  
26 regulates one or more health professionals in this state.

27 3. "Medical ~~record~~ **RECORDS**" has the same meaning prescribed in  
28 section 12-2291 but does not include prescription orders.

29 Sec. 26. Section 32-3218, Arizona Revised Statutes, is amended to  
30 read:

31 32-3218. Health profession regulatory boards; members;  
32 training; definitions

33 A. ~~Beginning January 1, 2015,~~ Each member of a health profession  
34 regulatory board shall complete a twelve-hour training within one year  
35 after the member's initial appointment to the board. ~~Any member of a~~  
36 ~~health profession regulatory board whose initial appointment was before~~  
37 ~~January 1, 2015 has until January 1, 2016 to complete the training~~  
38 ~~required by this subsection.~~ The training must include the subjects of  
39 governance and administrative management, disciplinary procedures, conduct  
40 of quasi-judicial proceedings, administrative procedure and rule adoption  
41 and licensure as they apply to the health profession regulatory board.  
42 Any training completed by a current board member on and after January 1,  
43 2014 on the topics specified in this subsection may count toward the  
44 requirements of this subsection.

1 B. The training of board members required by this section may be  
2 provided by the staff of any health profession regulatory board, the  
3 office of the attorney general, the department of administration, the  
4 auditor general or an outside educational institution or any other  
5 provider that is approved by the health profession regulatory board on  
6 which the member is serving.

7 C. Any board action taken by a health profession regulatory board  
8 is not subject to challenge or invalidation because a board member has not  
9 completed the training required by this section.

10 D. For the purposes of this section:

11 1. "Health profession regulatory board" means any board that  
12 regulates one or more health ~~professionals~~ PROFESSIONALS in this state.

13 2. "Health professional" means a person who is certified or  
14 licensed pursuant to chapter 4, 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18,  
15 19, 19.1, 21, 25, 28, 29, 34, 35, 39, 41 or 42 of this title.

16 Sec. 27. Section 36-3601, Arizona Revised Statutes, is amended to  
17 read:

18 36-3601. Definitions

19 For the purposes of this chapter:

20 1. "Health care decision maker" has the same meaning prescribed in  
21 section 12-2801.

22 2. "Health care provider":

23 (a) Means a person licensed pursuant to title 32, chapter 4, 7, 8,  
24 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or  
25 42, or chapter 4, article 6 of this title, chapter 6, article 7 of this  
26 title or chapter 17 of this title.

27 (b) Includes:

28 (i) A health care institution licensed pursuant to chapter 4 of  
29 this title.

30 (ii) A person who holds a training permit pursuant to title 32,  
31 chapter 13 or 17.

32 3. "Health care provider regulatory board or agency" means a board  
33 or agency that regulates one or more health care provider professions in  
34 this state.

35 4. "Telehealth" means:

36 (a) The interactive use of audio, video or other electronic media,  
37 including asynchronous store-and-forward technologies and remote patient  
38 monitoring technologies, for the practice of health care, assessment,  
39 diagnosis, consultation or treatment and the transfer of medical data.

40 (b) Includes the use of an audio-only telephone encounter between  
41 the patient or client and health care provider if an audio-visual  
42 telehealth encounter is not reasonably available due to the patient's  
43 functional status, the patient's lack of technology or telecommunications  
44 infrastructure limits, as determined by the health care provider.

1 (c) Does not include the use of a fax machine, instant messages,  
2 ~~voice mail~~ VOICEMAIL or email.

3 Sec. 28. Section 36-3607, Arizona Revised Statutes, is amended to  
4 read:

5 36-3607. Telehealth advisory committee on telehealth best  
6 practices; membership; reports

7 A. The telehealth advisory committee on telehealth best practices  
8 is established consisting of the following members who are appointed by  
9 the governor:

- 10 1. One physician who is licensed pursuant to title 32, chapter 13.
- 11 2. One physician who is licensed pursuant to title 32, chapter 17  
12 and who is practicing primary care in this state.
- 13 3. Two advanced practice registered nurses who are licensed  
14 pursuant to title 32, chapter 15.
- 15 4. One physician who is licensed pursuant to title 32, chapter 13  
16 or 17 and who specializes in pain management.
- 17 5. One psychiatrist who is licensed pursuant to title 32, chapter  
18 13 or 17.
- 19 6. One psychologist who is licensed pursuant to title 32, chapter  
20 19.1.
- 21 7. Two behavioral health professionals who are licensed pursuant to  
22 title 32, chapter 33, one of whom is employed by an outpatient treatment  
23 center.
- 24 8. One physician who is licensed pursuant to title 32, chapter 14.
- 25 9. One health care professional whose primary area of focus is  
26 treating persons with developmental disabilities.
- 27 10. One health care professional whose primary area of focus is  
28 industrial injuries.
- 29 11. One speech-language pathologist who is licensed pursuant to  
30 chapter 17 of this title.
- 31 12. One occupational therapist who is licensed pursuant to title  
32 32, chapter 34.
- 33 13. One hospital administrator.
- 34 14. One physician assistant who is licensed pursuant to title 32,  
35 chapter 25.
- 36 15. One representative of the Arizona commission for the deaf and  
37 the hard of hearing.
- 38 16. Two representatives of health care insurers who are licensed  
39 health care providers.
- 40 17. One optometrist who is licensed pursuant to title 32,  
41 chapter 16.
- 42 18. One representative of a vertically integrated telemedicine  
43 technology manufacturer of hardware and compatible software.
- 44 19. One behavior analyst who is licensed pursuant to title 32,  
45 chapter ~~19.1~~ 4.

- 1           20. One representative from each of the following:  
2           (a) The Arizona health care cost containment system.  
3           (b) The department of health services.  
4           (c) The department of economic security.  
5           (d) The department of insurance and financial institutions.  
6           (e) The industrial commission of Arizona.  
7           B. The advisory committee:  
8           1. Shall review national and other standards for telehealth best  
9 practices and relevant peer-reviewed literature.  
10          2. May conduct public meetings at which testimony may be taken  
11 regarding the efficacy of various communications media and the types of  
12 services and populations for which telehealth is appropriate.  
13          3. Shall adopt telehealth best practice guidelines and  
14 recommendations regarding the health care services that may be  
15 appropriately provided through an audio-only telehealth format and make  
16 updates, when applicable. Before making its recommendations, the advisory  
17 committee shall analyze medical literature and national practice  
18 guidelines, consider the comparative effectiveness and safety and the  
19 benefit to the patient of performing a service through an audio-only  
20 telehealth format instead of in person or through an audio-visual  
21 telehealth format, and the appropriate frequency and duration of  
22 audio-only telehealth encounters.  
23          4. May authorize subcommittees to address select issues or services  
24 and report to the advisory committee as directed.  
25          ~~5. On or before December 1, 2021, shall submit a report to the~~  
26 ~~governor, the president of the senate and the speaker of the house of~~  
27 ~~representatives with the advisory committee's recommendations regarding~~  
28 ~~the specific health care services that are appropriate to provide through~~  
29 ~~an audio-only telehealth format as a substitute for an in-person or~~  
30 ~~audio-visual telehealth encounter.~~  
31          ~~6. On or before June 30, 2022, shall submit a report to the~~  
32 ~~governor, the president of the senate and the speaker of the house of~~  
33 ~~representatives with the advisory committee's recommendations regarding~~  
34 ~~telehealth best practice guidelines for health care providers.~~  
35          C. The Arizona health care cost containment system shall staff the  
36 advisory committee and provide meeting space.  
37          Sec. 29. Section 41-619.51, Arizona Revised Statutes, is amended to  
38 read:  
39          41-619.51. Definitions  
40          In this article, unless the context otherwise requires:  
41          1. "Agency" means the supreme court, the department of economic  
42 security, the department of child safety, the department of education, the  
43 department of health services, the department of juvenile corrections, the  
44 department of emergency and military affairs, the department of public  
45 safety, the department of transportation, the state real estate

1 department, the department of insurance and financial institutions, the  
2 Arizona game and fish department, the Arizona department of agriculture,  
3 the board of examiners of nursing care institution administrators and  
4 assisted living facility managers, the state board of dental examiners,  
5 the Arizona state board of pharmacy, the board of physical therapy, the  
6 state board of psychologist examiners, the board of athletic training, the  
7 board of occupational therapy examiners, the state board of podiatry  
8 examiners, the acupuncture board of examiners, the state board of  
9 technical registration, ~~or~~ the board of massage therapy, ~~or~~ the Arizona  
10 department of housing **OR THE STATE BOARD OF BEHAVIOR ANALYSTS**.

11 2. "Board" means the board of fingerprinting.

12 3. "Central registry exception" means notification to the  
13 department of economic security, the department of child safety or the  
14 department of health services, as appropriate, pursuant to section  
15 41-619.57 that the person is not disqualified because of a central  
16 registry check conducted pursuant to section 8-804.

17 4. "Expedited review" means an examination, in accordance with  
18 board rule, of the documents an applicant submits by the board or its  
19 hearing officer without the applicant being present.

20 5. "Good cause exception" means the issuance of a fingerprint  
21 clearance card to an employee pursuant to section 41-619.55.

22 6. "Person" means a person who is required to be fingerprinted  
23 pursuant to this article or who is subject to a central registry check and  
24 any of the following:

- 25 (a) Section 3-314.
- 26 (b) Section 8-105.
- 27 (c) Section 8-322.
- 28 (d) Section 8-463.
- 29 (e) Section 8-509.
- 30 (f) Section 8-802.
- 31 (g) Section 8-804.
- 32 (h) Section 15-183.
- 33 (i) Section 15-503.
- 34 (j) Section 15-512.
- 35 (k) Section 15-534.
- 36 (l) Section 15-763.01.
- 37 (m) Section 15-782.02.
- 38 (n) Section 15-1330.
- 39 (o) Section 15-1881.
- 40 (p) Section 17-215.
- 41 (q) Section 28-3228.
- 42 (r) Section 28-3413.
- 43 (s) Section 32-122.02.
- 44 (t) Section 32-122.05.
- 45 (u) Section 32-122.06.



- 1 (v) SECTION 32-403.
- 2 ~~(v)~~ (w) Section 32-823.
- 3 ~~(w)~~ (x) Section 32-1232.
- 4 ~~(x)~~ (y) Section 32-1276.01.
- 5 ~~(y)~~ (z) Section 32-1284.
- 6 ~~(z)~~ (aa) Section 32-1297.01.
- 7 ~~(aa)~~ (bb) Section 32-1904.
- 8 ~~(bb)~~ (cc) Section 32-1941.
- 9 ~~(cc)~~ (dd) Section 32-1982.
- 10 ~~(dd)~~ (ee) Section 32-2022.
- 11 ~~(ee)~~ (ff) Section 32-2063.
- 12 ~~(ff)~~ (gg) Section 32-2108.01.
- 13 ~~(gg)~~ (hh) Section 32-2123.
- 14 ~~(hh)~~ (ii) Section 32-2371.
- 15 ~~(ii)~~ (jj) Section 32-3430.
- 16 ~~(jj)~~ (kk) Section 32-3620.
- 17 ~~(kk)~~ (ll) Section 32-3668.
- 18 ~~(ll)~~ (mm) Section 32-3669.
- 19 ~~(mm)~~ (nn) Section 32-3922.
- 20 ~~(nn)~~ (oo) Section 32-3924.
- 21 ~~(oo)~~ (pp) Section 32-4222.
- 22 ~~(pp)~~ (qq) Section 32-4128.
- 23 ~~(qq)~~ (rr) Section 36-113.
- 24 ~~(rr)~~ (ss) Section 36-207.
- 25 ~~(ss)~~ (tt) Section 36-411.
- 26 ~~(tt)~~ (uu) Section 36-425.03.
- 27 ~~(uu)~~ (vv) Section 36-446.04.
- 28 ~~(vv)~~ (ww) Section 36-594.01.
- 29 ~~(ww)~~ (xx) Section 36-594.02.
- 30 ~~(xx)~~ (yy) Section 36-766.01.
- 31 ~~(yy)~~ (zz) Section 36-882.
- 32 ~~(zz)~~ (aaa) Section 36-883.02.
- 33 ~~(aaa)~~ (bbb) Section 36-897.01.
- 34 ~~(bbb)~~ (ccc) Section 36-897.03.
- 35 ~~(ccc)~~ (ddd) Section 36-3008.
- 36 ~~(ddd)~~ (eee) Section 41-619.53.
- 37 ~~(eee)~~ (fff) Section 41-1964.
- 38 ~~(fff)~~ (ggg) Section 41-1967.01.
- 39 ~~(ggg)~~ (hhh) Section 41-1968.
- 40 ~~(hhh)~~ (iii) Section 41-1969.
- 41 ~~(iii)~~ (jjj) Section 41-2814.
- 42 ~~(jjj)~~ (kkk) Section 41-4025.
- 43 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 44 ~~(lll)~~ (mmm) Section 46-321.

1           Sec. 30. Section 41-1092, Arizona Revised Statutes, is amended to  
2 read:

3           41-1092. Definitions

4           In this article, unless the context otherwise requires:

5           1. "Administrative law judge" means an individual or an agency  
6 head, board or commission that sits as an administrative law judge, that  
7 conducts administrative hearings in a contested case or an appealable  
8 agency action and that makes decisions regarding the contested case or  
9 appealable agency action.

10          2. "Administrative law judge decision" means the findings of fact,  
11 conclusions of law and recommendations or decisions issued by an  
12 administrative law judge.

13          3. "Adversely affected party" means:

14           (a) An individual who both:

15           (i) Provides evidence of an actual injury or economic damage that  
16 the individual has suffered or will suffer as a direct result of the  
17 action and not due to being a competitor or a general taxpayer.

18           (ii) Timely submits comments on the license application that  
19 include, with sufficient specificity, the questions of law, if applicable,  
20 that are the basis for the appeal.

21           (b) A group or association that identifies, by name and physical  
22 address in the notice of appeal, a member of the group or association who  
23 would be an adversely affected party in the individual's own right.

24          4. "Appealable agency action" means an action that determines the  
25 legal rights, duties or privileges of a party, including the  
26 administrative completeness of an application other than an application  
27 submitted to the department of water resources pursuant to title 45, and  
28 that is not a contested case. Appealable agency actions do not include  
29 interim orders by self-supporting regulatory boards, rules, orders,  
30 standards or statements of policy of general application issued by an  
31 administrative agency to implement, interpret or make specific the  
32 legislation enforced or administered by it or clarifications of  
33 interpretation, nor does it mean or include rules concerning the internal  
34 management of the agency that do not affect private rights or interests.  
35 For the purposes of this paragraph, administrative hearing does not  
36 include a public hearing held for the purpose of receiving public comment  
37 on a proposed agency action.

38          5. "Director" means the director of the office of administrative  
39 hearings.

40          6. "Final administrative decision" means a decision by an agency  
41 that is subject to judicial review pursuant to title 12, chapter 7,  
42 article 6.

1           7. "Licensee":

2           (a) Means any individual or business entity that has been issued a  
3 license by a state agency to engage in any business or activity in this  
4 state and that is subject to a licensing decision.

5           (b) Includes any individual or business entity that has applied for  
6 such a license and that appeals a licensing decision pursuant to section  
7 41-1092.08 or 41-1092.12.

8           8. "Office" means the office of administrative hearings.

9           9. "Self-supporting regulatory board" means any of the following:

10          (a) The Arizona state board of accountancy.

11          (b) The barbering and cosmetology board.

12          (c) The board of behavioral health examiners.

13          (d) The Arizona state boxing and mixed martial arts commission.

14          (e) The state board of chiropractic examiners.

15          (f) The state board of dental examiners.

16          (g) The Arizona game and fish commission.

17          (h) The board of homeopathic and integrated medicine examiners.

18          (i) The Arizona medical board.

19          (j) The naturopathic physicians medical board.

20          (k) The Arizona state board of nursing.

21          (l) The board of examiners of nursing care institution  
22 administrators and assisted living facility managers.

23          (m) The board of occupational therapy examiners.

24          (n) The state board of dispensing opticians.

25          (o) The state board of optometry.

26          (p) The Arizona board of osteopathic examiners in medicine and  
27 surgery.

28          (q) The Arizona peace officer standards and training board.

29          (r) The Arizona state board of pharmacy.

30          (s) The board of physical therapy.

31          (t) The state board of podiatry examiners.

32          (u) The state board for private postsecondary education.

33          (v) The state board of psychologist examiners.

34          (w) The board of respiratory care examiners.

35          (x) The state board of technical registration.

36          (y) The Arizona state veterinary medical examining board.

37          (z) The acupuncture board of examiners.

38          (aa) The Arizona regulatory board of physician assistants.

39          (bb) The board of athletic training.

40          (cc) The board of massage therapy.

41          (dd) [THE STATE BOARD OF BEHAVIOR ANALYSTS.](#)

42          Sec. 31. Section 41-1758, Arizona Revised Statutes, is amended to  
43 read:

44           41-1758. [Definitions](#)

45           In this article, unless the context otherwise requires:

1           1. "Agency" means the supreme court, the department of economic  
2 security, the department of child safety, the department of education, the  
3 department of health services, the department of juvenile corrections, the  
4 department of emergency and military affairs, the department of public  
5 safety, the department of transportation, the state real estate  
6 department, the department of insurance and financial institutions, the  
7 board of fingerprinting, the Arizona game and fish department, the Arizona  
8 department of agriculture, the board of examiners of nursing care  
9 institution administrators and assisted living facility managers, the  
10 state board of dental examiners, the Arizona state board of pharmacy, the  
11 board of physical therapy, the state board of psychologist examiners, the  
12 board of athletic training, the board of occupational therapy examiners,  
13 the state board of podiatry examiners, the acupuncture board of examiners,  
14 the state board of technical registration, ~~or~~ the board of massage  
15 therapy, ~~or~~ the Arizona department of housing **OR THE STATE BOARD OF**  
16 **BEHAVIOR ANALYSTS.**

17           2. "Division" means the fingerprinting division in the department  
18 of public safety.

19           3. "Electronic or internet-based fingerprinting services" means a  
20 secure system for digitizing applicant fingerprints and transmitting the  
21 applicant data and fingerprints of a person or entity submitting  
22 fingerprints to the department of public safety for any authorized purpose  
23 under this title. For the purposes of this paragraph, "secure system"  
24 means a system that complies with the information technology security  
25 policy approved by the department of public safety.

26           4. "Good cause exception" means the issuance of a fingerprint  
27 clearance card to an applicant pursuant to section 41-619.55.

28           5. "Person" means a person who is required to be fingerprinted  
29 pursuant to any of the following:

- 30           (a) Section 3-314.
- 31           (b) Section 8-105.
- 32           (c) Section 8-322.
- 33           (d) Section 8-463.
- 34           (e) Section 8-509.
- 35           (f) Section 8-802.
- 36           (g) Section 15-183.
- 37           (h) Section 15-503.
- 38           (i) Section 15-512.
- 39           (j) Section 15-534.
- 40           (k) Section 15-763.01.
- 41           (l) Section 15-782.02.
- 42           (m) Section 15-1330.
- 43           (n) Section 15-1881.
- 44           (o) Section 17-215.
- 45           (p) Section 28-3228.

- 1 (q) Section 28-3413.
- 2 (r) Section 32-122.02.
- 3 (s) Section 32-122.05.
- 4 (t) Section 32-122.06.
- 5 (u) SECTION 32-403.
- 6 ~~(v)~~ (v) Section 32-823.
- 7 ~~(w)~~ (w) Section 32-1232.
- 8 ~~(x)~~ (x) Section 32-1276.01.
- 9 ~~(y)~~ (y) Section 32-1284.
- 10 ~~(z)~~ (z) Section 32-1297.01.
- 11 ~~(aa)~~ (aa) Section 32-1904.
- 12 ~~(bb)~~ (bb) Section 32-1941.
- 13 ~~(cc)~~ (cc) Section 32-1982.
- 14 ~~(dd)~~ (dd) Section 32-2022.
- 15 ~~(ee)~~ (ee) Section 32-2063.
- 16 ~~(ff)~~ (ff) Section 32-2108.01.
- 17 ~~(gg)~~ (gg) Section 32-2123.
- 18 ~~(hh)~~ (hh) Section 32-2371.
- 19 ~~(ii)~~ (ii) Section 32-3430.
- 20 ~~(jj)~~ (jj) Section 32-3620.
- 21 ~~(kk)~~ (kk) Section 32-3668.
- 22 ~~(ll)~~ (ll) Section 32-3669.
- 23 ~~(mm)~~ (mm) Section 32-3922.
- 24 ~~(nn)~~ (nn) Section 32-3924.
- 25 ~~(oo)~~ (oo) Section 32-4128.
- 26 ~~(pp)~~ (pp) Section 32-4222.
- 27 ~~(qq)~~ (qq) Section 36-113.
- 28 ~~(rr)~~ (rr) Section 36-207.
- 29 ~~(ss)~~ (ss) Section 36-411.
- 30 ~~(tt)~~ (tt) Section 36-425.03.
- 31 ~~(uu)~~ (uu) Section 36-446.04.
- 32 ~~(vv)~~ (vv) Section 36-594.01.
- 33 ~~(ww)~~ (ww) Section 36-594.02.
- 34 ~~(xx)~~ (xx) Section 36-766.01.
- 35 ~~(yy)~~ (yy) Section 36-882.
- 36 ~~(zz)~~ (zz) Section 36-883.02.
- 37 ~~(aaa)~~ (aaa) Section 36-897.01.
- 38 ~~(bbb)~~ (bbb) Section 36-897.03.
- 39 ~~(ccc)~~ (ccc) Section 36-3008.
- 40 ~~(ddd)~~ (ddd) Section 41-619.52.
- 41 ~~(eee)~~ (eee) Section 41-619.53.
- 42 ~~(fff)~~ (fff) Section 41-1964.
- 43 ~~(ggg)~~ (ggg) Section 41-1967.01.
- 44 ~~(hhh)~~ (hhh) Section 41-1968.
- 45 ~~(iii)~~ (iii) Section 41-1969.

1           ~~(jjj)~~ (jjj) Section 41-2814.

2           ~~(jjj)~~ (kkk) Section 41-4025.

3           ~~(kkk)~~ (lll) Section 46-141, subsection A or B.

4           ~~(jjj)~~ (mmm) Section 46-321.

5           6. "Vulnerable adult" has the same meaning prescribed in section  
6 13-3623.

7           Sec. 32. Section 41-1758.01, Arizona Revised Statutes, is amended  
8 to read:

9           41-1758.01. Fingerprinting division; powers and duties

10          A. The fingerprinting division is established in the department of  
11 public safety and shall:

12           1. Conduct fingerprint background checks for persons and applicants  
13 who are seeking licenses from state agencies, employment with licensees,  
14 contract providers and state agencies or employment or educational  
15 opportunities with agencies that require fingerprint background checks  
16 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
17 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,  
18 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-403, 32-823,  
19 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,  
20 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,  
21 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,  
22 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,  
23 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,  
24 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B  
25 and section 46-321.

26           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
27 clearance card becomes the personal property of the cardholder and the  
28 cardholder shall retain possession of the fingerprint clearance card.

29           3. On submission of an application for a fingerprint clearance  
30 card, collect the fees established by the board of fingerprinting pursuant  
31 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
32 the monies collected in the board of fingerprinting fund.

33           4. Inform in writing each person who submits fingerprints for a  
34 fingerprint background check of the right to petition the board of  
35 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
36 41-1758.04 or 41-1758.07.

37           5. If after conducting a state and federal criminal history records  
38 check the division determines that it is not authorized to issue a  
39 fingerprint clearance card to a person, inform the person in writing that  
40 the division is not authorized to issue a fingerprint clearance card. The  
41 notice shall include the criminal history information on which the denial  
42 was based. This criminal history information is subject to dissemination  
43 restrictions pursuant to section 41-1750 and Public Law 92-544.

44           6. Notify the person in writing if the division suspends, revokes  
45 or places a driving restriction notation on a fingerprint clearance card

1 pursuant to section 41-1758.04. The notice shall include the criminal  
2 history information on which the suspension, revocation or placement of  
3 the driving restriction notation was based. This criminal history  
4 information is subject to dissemination restrictions pursuant to section  
5 41-1750 and Public Law 92-544.

6 7. Administer and enforce this article.

7 B. The fingerprinting division may contract for electronic or  
8 internet-based fingerprinting services through an entity or entities for  
9 the acquisition and transmission of applicant fingerprint and data  
10 submissions to the department, including identity verified fingerprints  
11 pursuant to section 15-106. The entity or entities contracted by the  
12 department of public safety may charge the applicant a fee for services  
13 provided pursuant to this article. The entity or entities contracted by  
14 the department of public safety shall comply with:

15 1. All information privacy and security measures and submission  
16 standards established by the department of public safety.

17 2. The information technology security policy approved by the  
18 department of public safety.

19 Sec. 33. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
20 is amended by adding section 41-3033.01, to read:

21 41-3033.01. State board of behavior analysts; termination  
22 July 1, 2033

23 A. THE STATE BOARD OF BEHAVIOR ANALYSTS TERMINATES ON JULY 1, 2033.

24 B. TITLE 32, CHAPTER 4 AND THIS SECTION ARE REPEALED ON JANUARY 1,  
25 2034.

26 Sec. 34. Purpose

27 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
28 the legislature establishes the state board of behavior analysts to  
29 regulate the practice of behavior analysis for the public health, safety  
30 and welfare.

31 Sec. 35. Initial members of state board of behavior analysts;  
32 terms

33 A. Notwithstanding section 32-402, Arizona Revised Statutes, as  
34 transferred, renumbered and amended by this act, and section 38-211,  
35 Arizona Revised Statutes, the members of the committee on behavior  
36 analysts in existence on June 30, 2025 shall serve as the initial members  
37 of the state board of behavior analysts. Any term previously served by  
38 these members on the committee on behavior analysts does not count toward  
39 the member's term on the state board of behavior analysts.

40 B. Notwithstanding section 32-402, Arizona Revised Statutes, as  
41 transferred, renumbered and amended by this act, the initial terms of  
42 members of the state board of behavior analysts who are appointed pursuant  
43 to subsection C of this section are:

44 1. One term ending January 1, 2028.

45 2. Two terms ending January 1, 2029.

1 C. The governor shall make appointments for any vacancies on the  
2 initial state board of behavior analysts and subsequent appointments to  
3 the board as prescribed by law.

4 Sec. 36. Succession; transfer; effect

5 A. As provided by this act, the state board of behavior analysts  
6 succeeds to the authority, powers, duties and responsibilities of the  
7 state board of psychologist examiners relating to the licensing and  
8 regulation of behavior analysts.

9 B. This act does not alter the effect of any actions that were  
10 taken or impair the valid obligations of the state board of psychologist  
11 examiners relating to the licensing and regulation of behavior analysts in  
12 existence before July 1, 2025.

13 C. Administrative rules and orders that were adopted by the state  
14 board of psychologist examiners relating to the licensing and regulation  
15 of behavior analysts continue in effect until superseded by administrative  
16 action by the state board of behavior analysts.

17 D. All administrative matters, contracts and judicial and  
18 quasi-judicial actions, whether completed, pending or in process, of the  
19 state board of psychologist examiners relating to the licensing and  
20 regulation of behavior analysts on July 1, 2025 are transferred to and  
21 retain the same status with the state board of behavior analysts.

22 E. All certificates, licenses, registrations, permits and other  
23 indicia of qualification and authority that were issued by the state board  
24 of psychologist examiners relating to the licensing and regulation of  
25 behavior analysts retain their validity for the duration of their terms of  
26 validity as provided by law.

27 F. All equipment, records, furnishings and other property, all data  
28 and investigative findings and all obligations of the state board of  
29 psychologist examiners relating to the licensing and regulation of  
30 behavior analysts are transferred on July 1, 2025 to the state board of  
31 behavior analysts.

32 G. All monies remaining in the separate account of the board of  
33 psychologist examiners fund established by section 32-2065, Arizona  
34 Revised Statutes, as amended by this act, for behavior analyst licensing  
35 and regulation on July 1, 2025 are transferred to the state board of  
36 behavior analysts fund established by section 32-405, Arizona Revised  
37 Statutes, as added by this act.

38 H. All personnel who are under the state personnel system and  
39 employed by the state board of psychologist examiners relating to the  
40 regulation of behavior analysts are transferred to comparable positions  
41 and pay classifications in the respective administrative units of the  
42 state board of behavior analysts on July 1, 2025.

43 Sec. 37. Effective date

44 This act is effective from and after June 30, 2025.