

## **H. FILING A COMPLAINT AGAINST A BEHAVIOR ANALYST**

*If you are contemplating filing a Complaint against a behavior analyst it is recommended that you review Board statutes. Specifically, A.R.S. §32-2091(12) pertains to unprofessional conduct. Additionally, you may wish to review the Professional and Ethical Compliance Code for behavior analysts. A.R.S. §32-2091.09 pertains to Complaint procedures*

### **1. HOW DO I FILE A COMPLAINT AGAINST A BEHAVIOR ANALYST?**

You can find the Complaint form on the Board's website, <https://psychboard.az.gov>, under the "Forms" tab/General Forms. It is recommended that you submit any and all information/documentation that you believe is relevant to the Complaint. The more information/documentation submitted, the better.

The Complaint process can be a lengthy process. Once the Complaint is received by the Board office, Board staff will notify the Complainant and the Licensee. The Licensee is given 30 days to respond to the Complaint. A Licensee may request an extension of time to respond to the Complaint. Board staff is authorized to grant one 30 day extension. Once Board staff receives all of the necessary documentation the Complaint will be scheduled for the Board's next Committee on Behavior Analyst meeting (Committee). The Committee meets once a month. The Committee can make recommendations to the Board. The Committee's recommendation will be reviewed at the next available Board meeting.

### **2. I WANT TO FILE A COMPLAINT BUT I DO NOT WANT THE BEHAVIOR ANALYST TO KNOW IT IS ME THAT IS FILING THE COMPLAINT. CAN MY INFORMATION REMAIN CONFIDENTIAL?**

The Board is unable to guarantee that your name or information will remain confidential throughout the process. In the instance that a Complaint is referred to a Formal Hearing there is the possibility that your name will be released to the Licensee. Please note that your information is never released to the public.

### **3. DOES THE BOARD ACCEPT ANONYMOUS COMPLAINTS?**

Yes, the Board has the authority to accept anonymous complaints. An anonymous Complaint will go through the same process as a regular complaint.

### **4. I AM NOT SURE IF I SHOULD FILE A COMPLAINT. CAN SOMEONE ADVISE ME ON WHAT I SHOULD DO?**

No, it is up to you to decide whether you will file a complaint. Remember, the Board has a responsibility to protect the public. If you believe a behavior analyst has acted unprofessionally or unethically, it is recommended that you file a complaint.

### **5. IS THERE A STATUTE OF LIMITATION TO FILE A COMPLAINT?**

Yes there is a time limitation. Pursuant to A.R.S. §32-3224 the Board cannot accept a complaint if it has been four or more years since the conduct occurred. The time limitation does not apply to the following:

- Medical malpractice settlements or judgments
- Allegations of sexual misconduct
- Incident or occurrence involved a felony
- Diversion of a controlled substance, or
- Impairment while practicing