

**TITLE 4. PROFESSIONS AND OCCUPATIONS**  
**CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**  
**ARTICLE 4. BEHAVIOR ANALYSTS**

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## ARTICLE 4. BEHAVIOR ANALYSTS

### R4-26-401. Definitions

A. The definitions in A.R.S. § 32-2091 apply in this Article.

B. Additionally, in this Article:

1. “Accredited” means an institution of higher education:
  - a. In the U.S. is listed with the Council for Higher Education Accreditation,
  - b. In Canada is a member of the Universities Canada, and
  - c. Outside of the U.S. or Canada is determined by a member of the National Association of Credential Evaluation Services to have standards substantially similar to those of an institution of higher education in the U.S. or Canada.
2. “Advertising” means any media used to disseminate information regarding the qualifications of a behavior analyst in order to solicit clients for behavior analysis services, regardless of whether the behavior analyst pays for the advertising.
3. “Applicant” means an individual who applies to the Board for an initial or renewal license.
4. “BACB” means the Behavior Analyst Certification Board, Inc.®.
5. “Confidential information” means:
  - a. Minutes of an executive session of the Board except as provided under A.R.S. § 38-431.03(B);
  - b. A record that is classified as confidential by a statute or rule applicable to the Board;
  - c. Materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, and any information relating to a client’s diagnosis, treatment, or personal family life; and
  - d. The following regarding an applicant or licensee:
    - i. College or university transcripts if requested from the Board by a person other than the applicant or licensee;
    - ii. Home address, telephone number, and e-mail address;
    - iii. Test scores;
    - iv. Date of birth;
    - v. Place of birth; and
    - vi. Social Security number.

6. “Gross negligence” means an extreme departure from the ordinary standard of care.
7. “Inactive status” means a behavior analyst maintains a license as a behavior analyst but is prohibited from practicing behavior analysis or holding oneself out as practicing behavior analysis in Arizona.
8. “License period” means:
  - a. For a licensee who holds an odd-numbered license, the two years between the first day of the month after the licensee’s birth month of one odd-numbered year and the last day of the licensee’s birth month of the next odd-numbered year-; and
  - b. For a licensee who holds an even-numbered license, the two years between the first day of the month after the licensee’s birth month of one even-numbered year and the last day of the licensee’s birth month of the next even-numbered year.
9. “Mitigating circumstances that prevent resolution” means factors the Board considers in reviewing allegations against an applicant or licensee of unprofessional conduct occurring in another regulatory jurisdiction when the allegations would not prohibit licensure in Arizona. The factors may include:
  - a. Nature of the alleged conduct,
  - b. Severity of the alleged conduct,
  - c. Recentness of the alleged conduct,
  - d. Actions taken by the applicant to remedy potential violations, and
  - e. Whether the alleged conduct was an isolated incident or part of a recurring pattern.
10. “Party” means the Board, an applicant, a licensee, or the state.
11. “Psychometric testing materials” means manuals, instruments, protocols, and questions or stimuli used in testing.
12. “Raw test data” means test scores, client responses to test questions or stimuli, and a behavior analyst’s notes and recordings concerning client statements and behavior during examination.
13. “Regulatory jurisdiction” means a state or territory of the United States, the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.
14. “Renewal year” means:
  - a. Each odd-numbered year for a licensee who holds an odd-numbered license, and

- b. Each even-numbered year for a licensee who holds an even-numbered license.
15. “Supervised experience” means supervised independent fieldwork, practicum, or intensive practicum.

**R4-26-402. Fees and Charges**

- A. As specifically authorized by A.R.S. §§ 32-2091.01(A) and 32-2091.07(B), the Board establishes and shall collect the following fees:
  - 1. Application for an active license: \$350;
  - 2. Renewal of an active license: \$500;
  - 3. Renewal of an inactive license: \$85;
  - 4. Issuance of an initial license: \$500; and
  - 5. Reinstatement of expired license: \$200.
- B. As specifically authorized by A.R.S. § 32-2091.01(B), the Board establishes and shall collect the following charges for the services specified:
  - 1. Duplicate license: \$25;
  - 2. Duplicate renewal receipt: \$5;
  - 3. Copy of the Board's statutes and rules: \$5;
  - 4. Verification of a license: \$2;
  - 5. Audio recording of a Board meeting: \$10 per meeting;
  - 6. Electronic medium containing the name and address of all licensees: \$.05 per name;
  - 7. Customized electronic medium containing the name and address of all licensees: \$.25 per name;
  - 8. Customized electronic medium: \$.35 per name; and
  - 9. Copy of Board records, letters, minutes, applications, files, policy statements, and other non-confidential documents: \$.25 per page.
- C. Except as provided by law, including A.R.S. § 41-1077, the fees listed in subsection (A) are not refundable.

**R4-26-403. Application for Initial License**

- A.** An individual who wishes to practice as a behavior analyst and is qualified under A.R.S. §32-2091.02 shall complete and submit an application form, which is available from the Board office and on its website.
- B.** Additionally, an applicant shall submit:
1. An original, un-retouched, passport-quality photograph that is no larger than 1.5 X 2 inches in size and taken no more than 60 days before the date of application;
  2. The application fee required under R4-26-402;
  3. A written request that Board staff verify with the BACB that the applicant passed the examination referenced in R4-26-404;
  4. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law; and
  5. The Board's Mandatory Confidential Information form.
- C.** Additionally, an applicant shall ensure the following is submitted directly to the Board:
1. Verification of supervised experience that meets the standards specified in R4-26-404.2. For the purpose of licensure, the Board shall accept the following as verification of supervised experience:
    - a. From the supervisor of the experience:
      - i. A copy of the BACB final experience verification form, signed by the supervisor, submitted by the applicant to the BACB when the applicant applied to the BACB for certification; or
      - ii. A completed Board verification form; or
    - b. From the applicant. If the applicant demonstrates to the Board that a supervisor cannot be located, or at the request of the Board, the applicant may submit a copy of each BACB final experience verification form the applicant submitted to the BACB when the applicant applied to the BACB for certification; and
    - c. If the Board requires additional information, the Board shall accept from the applicant or supervisor of the experience:
      - i. A copy of the plan required under R4-26-404.2(C)(6), and

- ii. Letters or other documentation from third parties who observed the supervisory relationship;
2. Official transcript for the graduate degree required under R4-26-404.1 submitted by the accredited institution of higher education that awarded the degree;
3. Official transcript or other official document demonstrating the applicant completed the coursework required under R4-26-405 submitted by the accredited institution of higher education or BACB-approved program in which the coursework was completed; and
4. Verification of licensure, certification, or registration by another regulatory jurisdiction submitted by the regulatory jurisdiction.

#### **R4-26-404. Examination Requirement**

To be licensed as a behavior analyst in Arizona, an individual shall take and pass the examination administered by the BACB for Board Certified Behavior Analysts as part of its certification process.

#### **R4-26-404.1. Education Requirement**

- A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.
- B. To be licensed as a behavior analyst in Arizona, an individual shall have a master's degree or higher completed:
  1. From an accredited institution of higher education and
  2. In a program that meets the requirements specified by the BACB.

#### **R4-26-404.2. Supervised Experience Requirement**

- A. Application of this Section:
  1. This Section does not apply to an individual who was certified by the BACB with at least 1500 hours of supervised experience before January 1, 2015; and
  2. This Section applies in part to an individual who was certified by the BACB with fewer than 1500 hours of supervised experience before January 1, 2015. To be licensed in Arizona, the individual shall complete additional hours of supervised experience to the meet the 1500-hour requirement under A.R.S. § 32-2091.03 and ensure all hours of

supervised experience obtained after December 31, 2014, meet the requirements of this Section.

- B.** To be licensed as a behavior analyst in Arizona, an individual shall have completed 1500 hours of supervised experience. The Board shall accept, for the purpose of licensure, hours of supervised experience obtained on or after January 1, 2015, that meet the following standards:
1. Supervised independent fieldwork. The supervisee shall be supervised at a frequency that meets the standards of the BACB at the time of supervision;
  2. Practicum. The supervisee shall:
    - a. Participate in a practicum in behavior analysis within a program approved by the BACB;
    - b. Achieve a passing grade in the practicum;
    - c. Obtain graduate-level academic credit for the practicum; and
    - d. Be supervised at a frequency that meets the standard of the BACB at the time of supervision;
  3. Intensive practicum. The supervisee shall:
    - a. Participate in an intensive practicum in behavior analysis within a program approved by the BACB;
    - b. Achieve a passing grade in the intensive practicum;
    - c. Obtain graduate-level academic credit for the intensive practicum; and
    - d. Be supervised at a frequency that meets the standards of the BACB at the time of supervision;
  4. Combination of experience categories. The supervisee may accrue hours of supervised experience in a single category or may combine any two or three categories listed in subsections (B)(1) through (3). However, the supervisee shall accrue supervised experience in only one category in each supervisory period; and
  5. For all categories of supervised experience, the supervisee shall accrue:
    - a. No fewer than 20 hours and no more than 130 hours, including time spent in supervision, each month; or
    - b. The number of hours that meets the standards of the BACB at the time of supervision.
- C.** Standards for supervised experience.

1. Onset of supervised experience. The Board shall not accept, for the purpose of licensure, hours of supervised experience completed before attending courses required under R4-26-405. However, the Board shall accept hours of supervised experience completed concurrent with attending courses required under R4-26-405.
2. Appropriate activities. The Board shall accept, for the purpose of licensure, hours of supervised experience that demonstrate participation in supervised experiences with various populations, at various sites, with multiple supervisors, and including all of the following activity areas:
  - a. Conducting assessments related to behavioral intervention;
  - b. Designing, implementing, and monitoring skill-acquisition and behavior-reduction programs;
  - c. Overseeing implementation of behavior-analytic programs by others;
  - d. Training, designing behavioral systems, and managing performance; and
  - e. Performing other activities directly related to behavior analysis such as attending planning meetings regarding the behavior analytic program, researching literature related to the program, and talking with others about the program.
3. Appropriate clients. The Board shall accept, for the purpose of licensure, hours of supervised experience with appropriate clients.
  - a. An appropriate client is one for whom behavior-analytic services are suitable.
  - b. A client is not appropriate if:
    - i. The client is related to the supervisee,
    - ii. The client's primary caretaker is related to the supervisee, or
    - iii. The supervisee is the client's primary caretaker.
4. Supervisor qualifications. The Board shall accept, for the purpose of licensure, hours of supervised experience only if the supervisor:
  - a. Was licensed by the state in which the supervision occurred during the period of supervised experience; or
  - b. If licensure of behavior analysts was not available or not in effect in the state in which the supervision occurred or during the period of supervised experience, was certified as a behavior analyst by the BACB; and

- c. Was not related to, subordinate to, or employed by the supervisee during the period of supervised experience. Employment does not include payment made to the supervisor by the supervisee for supervisory services.
5. Nature of supervision. The Board shall accept, for the purpose of licensure, hours of supervised experience that are effective in improving and maintaining the behavior-analytic, professional, and ethical skills of the supervisee.
- a. Effective supervision includes:
    - i. Developing performance expectations for the supervisee;
    - ii. Observing the supervisee and providing performance feedback on behavior-analytic activities with clients in the natural environment. In person, on-site observation is preferred but use of web cameras, video record, videoconferencing, or a similar means that provides synchronous observation is acceptable;
    - iii. Modeling technical, professional, and ethical behavior for the supervisee;
    - iv. Guiding behavioral case conceptualization, problem solving, and decision making skills of the supervisee;
    - v. Reviewing written materials prepared by the supervisee such as behavior programs, data sheets, and reports;
    - vi. Providing oversight and evaluation of the effects of the supervisee's delivery of behavioral service; and
    - vii. Evaluating the effects of supervising the supervisee; and
  - b. Effective supervision may be conducted:
    - i. Individually for at least half of the total supervised hours in each supervisory period; and
    - ii. In groups of two to 10 supervisees for no more than half of the total supervised hours in each supervisory period.
6. Supervision plan. The Board shall accept, for the purpose of licensure, hours of supervised experience for which the supervisee and supervisor executed a written plan before starting the supervised experience, which includes the following:
- a. States the responsibilities of both the supervisor and supervisee;
  - b. Requires the supervisor to complete eight hours of supervision training provided by BACB;

- c. Includes a description of appropriate activities and instructional objectives;
  - d. Specifies the measurable circumstance under which the supervisor will complete the supervisee's Experience Verification Form;
  - e. Delineates the consequences if either supervisor or supervisee does not comply with the plan;
  - f. Requires the supervisee to obtain written permission from the supervisee's employer or manager when applicable; and
  - g. Requires both the supervisor and supervisee to comply with the ethical standard specified at R4-26-406.
7. Multiple supervisors or settings. The Board shall accept, for the purpose of licensure, hours of supervised experience provided by multiple supervisors or at multiple settings if all the hours of supervised experience meet the standards specified in subsections (C)(1) through (6).

**R4-26-405. Coursework Requirement**

- A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.
- B. To be licensed as a behavior analyst in Arizona, an individual shall complete, as part of or in addition to the coursework necessary to obtain the graduate degree required under R4-26-404.1, 270 classroom hours of graduate-level instruction. The individual shall ensure that the classroom hours include the following content areas:
  - 1. Ethical and professional conduct in behavior analysis: 45 hours;
  - 2. Concepts and principles of behavior analysis: 45 hours;
  - 3. Research methods in behavior analysis: 45 hours:
    - a. Measurement and data analysis: 25 hours; and
    - b. Experimental design: 20 hours;
  - 4. Applied behavior analysis: 105 hours:
    - a. Fundamental elements of behavior change and specific behavior change procedures: 45 hours;
    - b. Identification of the problem and assessment: 30 hours;
    - c. Intervention and behavior change considerations: 10 hours;

- d. Behavior change systems: 10 hours; and
  - e. Implementation, management, and supervision: 10 hours; and
5. Discretionary content related to behavior analysis: 30 hours.
- C. The Board shall accept classroom hours of graduate-level instruction completed at an accredited institution of higher education or in a program approved by the BACB.

**R4-26-406. Ethical Standard**

In fulfilling its responsibilities under law, the Board shall rely on the most current version of the BACB Professional and Ethical Compliance Code for Behavior Analysts, published by the BACB and available for review at the Board office and online at [www.BACB.com](http://www.BACB.com) unless the Board determines public health and safety is not sufficiently protected by the current version of the BACB Professional and Ethical Compliance Code for Behavior Analysts.

**R4-26-407. Repealed**

**R4-26-408. License Renewal**

- A. A license issued by the Board, whether active or inactive, expires on the last day of a licensee's birth month during the licensee's renewal year.
- B. The Board shall provide a licensee with 60 days' notice of the license renewal deadline. Failure to receive the notice does not excuse failure to renew timely.
- C. To renew a license, a licensee shall, on or before the last day of the licensee's birth month during the licensee's renewal year, submit to the Board a renewal application form, which is available from the Board office and on its website.
- D. Additionally, to renew a license, a licensee shall submit:
  - 1. The license renewal fee required under R4-26-402; and
  - 2. If the documentation previously submitted under R4-26-404(B) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired.
- E. If a completed application is timely submitted under subsections (C) and (D) to renew an active license, the licensee may continue to practice behavior analysis under the active license until notified by the Board that the application for renewal has been approved or

denied. If the Board denies license renewal, the licensee may continue to practice behavior analysis until the last day for seeking review of the Board's decision or a later date fixed by a reviewing court.

- F. Under A.R.S. § 32-2091.07, the license of a licensee who fails to submit a renewal application on or before the last day of the licensee's birth month during the licensee's renewal year expires and the licensee shall immediately stop practicing as a behavior analyst in Arizona.
- G. A behavior analyst whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board within two months after last day of the licensee's birth month during the licensee's renewal year:
  - 1. The license renewal application required under subsection (C) and the document required under subsection (D)(2),
  - 2. A sworn affidavit that the applicant has not practiced as a behavior analyst in Arizona since the applicant's license expired, and
  - 3. The license renewal and license reinstatement fees.
- H. A behavior analyst whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) may have the license reinstated by:
  - 1. Complying with subsection (G) within one year after the last day of the licensee's birth month during the licensee's renewal year, and
  - 2. Providing proof of competency and qualifications to the Board.
- I. A behavior analyst whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) or (H) may be licensed again only by complying with R4-26-403.

**R4-26-409. Continuing Education Requirement**

- A. A licensee shall complete a minimum of 30 hours of continuing education during each license period. A licensee shall ensure that at least four hours of continuing education addresses ethics.
- B. During a licensee's first license period, the licensee shall complete a pro-rated number of continuing education hours. To determine the number of continuing education hours required during the first license period, the licensee shall multiply the number of whole months from the month of license issuance to the end of the license period by 1.25.

- C. A licensee shall ensure that each continuing education program provides the necessary understanding of current developments, skills, or procedures related to the practice of behavior analysis. The following provide the necessary understanding of current developments, skills, or procedures related to the practice of behavior analysis:
1. College or university graduate coursework that directly relates to behavior analysis and is provided by an accredited educational institution: 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed; a course syllabus and transcript are required for documentation;
  2. Continuing education programs offered by a BACB-approved provider: One hour of continuing education for each hour of participation; a certificate or letter from the BACB-approved provider is required for documentation;
  3. Self-study, or correspondence course that is directly related to behavior analysis and offered by a BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
  4. Online course that is directly related to behavior analysis and offered by a BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
  5. Teaching a continuing education program offered by a BACB-approved provider or teaching a graduate university or college course offered by an accredited educational institution: One hour of continuing education for each hour taught; for graduate courses taught, 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed;
  6. Credentialing activities or events pre-approved for continuing education and initiated by the BACB: One hour of continuing education for each hour of participation; documentation from the BACB is required;
  7. Publication of a peer-reviewed article or text book on the practice of behavior analysis or serving as a reviewer or action editor of an article pertaining to behavior analysis: ~~15~~ eight

hours of continuing education for one publication and one hour of continuing education for one review; and

8. Attending a Board meeting: Three hours for attending a morning or afternoon session of a Board meeting and six hours for attending a full-day Board meeting.

**D.** The number of hours of continuing education is limited as follows:

1. No more than 50 percent of the required hours may be obtained from teaching a continuing education program or course under subsection (C)(5). A licensee shall not obtain continuing education hours for teaching the same continuing education program or course more than once during each licensing period. A licensee shall earn no continuing education hours for participating as a member of a panel at a continuing education program or course;
2. No more than 25 percent of the required hours may be obtained from continuing education under each of subsections (C)(3), (6), and (7).
3. No more than six of the required hours may be obtained under subsection (C)(8). Hours obtained under subsection (C)(8) may be used to complete the ethics requirement under subsection (A).
4. Hours obtained in excess of the minimum required during a license period shall not be carried over to a subsequent license period.

**E.** A licensee shall obtain a certificate or other evidence of attendance from the provider of each continuing education program or course attended that includes the following:

1. Name of the licensee;
2. Title of the continuing education;
3. Name of the continuing education provider;
4. Date, time, and location of the continuing education; and
5. Number of hours of continuing education obtained.

**F.** A licensee shall maintain the evidence of attendance described in subsection (E) for two licensing periods and make the evidence available to the Board upon request.

**G.** The Board may audit a licensee's compliance with the continuing education requirement. The Board may deny license renewal or take other disciplinary action against a licensee who fails to obtain or document the required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding the continuing education hours.

**H.** A licensee who cannot comply with the continuing education requirement for good cause may seek an extension of time in which to comply by submitting a written request to the Board with the timely submission of the renewal application required under R4-26-408.

1. Good cause includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period.
2. The Board shall not grant an extension longer than one year.
3. A licensee who obtains hours of continuing education during an extension of time provided by the Board shall ensure the hours are reported only for the license period extended.
4. A licensee who cannot comply with the continuing education requirement within an extension may apply to the Board for inactive license status under A.R.S. § 32-2091.06(E).

**R4-26-410. Voluntary Inactive Status**

**A.** A licensed behavior analyst may request that the Board place the license on inactive status for one of the following reasons:

1. The behavior analyst no longer provides behavior analysis services in Arizona,
2. The behavior analyst is retired, or
3. The behavior analyst is physically or mentally incapacitated or otherwise disabled.

**B.** To place a license on inactive status, a licensee shall comply with R4-26-408.

**C.** To remain licensed, a licensee on inactive status shall comply with R4-26-408 on or before the last day of the licensee's birth month during the licensee's renewal year.

**R4-26-411. License Reinstatement**

A licensee seeking reinstatement from an inactive to an active license shall:

1. Comply with the provisions of R4-26-408(C) and (D);
2. Submit evidence of completing a pro-rated number of hours of continuing education. The licensee shall calculate the number of continuing education hours required by multiplying the number of whole months that the license was on inactive status by 1.25; and

3. Complete any other requirements the Board determines are necessary to ensure that the licensee has maintained and updated the licensee's ability to practice as a behavior analyst.

**R4-26-412. Client Records**

- A. A licensee shall not condition release of a client's record on payment for services by the client or a third party.
- B. A licensee shall release a client's raw test data to another licensed behavior analyst only after obtaining the client's informed, written consent to the release. Without a client's informed, written consent, a licensee shall release the client's raw test data only to the extent required by law or under court order compelling production.
- C. A licensee shall retain all client records under the licensee's control for at least six years from the date of the last client activity. If a client is a minor, the licensee shall retain the client's record for at least three years past the client's 18th birthday or six years from the date of the last client activity, whichever is longer.
- D. Audio or video tapes created primarily for training or supervisory purposes are exempt from the requirement of subsection (C).
- E. A licensee who is notified by the Board or municipal, state, or federal officials of an investigation or pending case shall retain all records relating to the investigation or case until the licensee receives written notice that the investigation is complete or the case is closed.
- F. A licensee may retain client records in electronic form. The licensee shall ensure that client records in electronic form are stored securely and a backup copy is maintained.
- G. The provisions of this Section apply to all licensees including those on inactive status.

**R4-26-413. Change of Name, Mailing Address, E-mail Address, or Telephone Number**

- A. The Board shall communicate with a licensee using the contact information provided to the Board. To ensure timely communication from the Board, a licensee shall notify the Board, in writing, within 30 days of any change of name, mailing address, e-mail address, or residential or business telephone number.
- B. A licensee who reports a name change shall submit to the Board legal documentation that explains the name change.

**R4-26-414. Complaints and Investigations**

- A.** Anyone, including the Board, may file a complaint. A complainant shall ensure that a complaint filed with the Board involves:
1. An individual licensed under this Article; or
  2. An individual, including an applicant, believed to be engaged in the unlicensed practice of behavior analysis.
- B.** Complaint requirements. A complainant shall:
1. Submit the complaint to the Board in writing; and
  2. Provide the following information:
    - a. Name and business address of licensee or other individual who is the subject of complaint;
    - b. Name and address of complainant;
    - c. Allegations constituting unprofessional conduct;
    - d. Details of the complaint with pertinent dates and activities;
    - e. Whether the complainant has contacted any other organization regarding the complaint; and
    - f. Whether the complainant has contacted the licensee or other individual concerning the complaint and if so, the response, if any.

**R4-26-415. Informal Interview**

- A.** As authorized by A.R.S. § 32-2091.09, the Board may facilitate investigation of a complaint by conducting an informal interview. The Board shall send written notice of an informal interview to the individual who is the subject of the complaint, by personal service or certified mail, return receipt requested, at least 30 days before the informal interview.
- B.** The Board shall ensure that the written notice of informal interview contains the following information:
1. The time, date, and place of the informal interview;
  2. An explanation of the informal nature of the proceedings;
  3. The individual's right to appear with legal counsel who is authorized to practice law in Arizona or without legal counsel;

4. A statement of the allegations and issues involved with a citation to relevant statutes and rules;
5. The individual's right to a formal hearing under A.R.S. Title 41, Chapter 6, Article 10 instead of the informal interview;
6. The licensee's right, as specified in A.R.S. § 32-3206, to request a copy of information the Board will consider in making its determination; and
7. Notice that the Board may take disciplinary action as a result of the informal interview if it finds the individual violated A.R.S. Title 32, Chapter 19.1, Article 4, or this Article;

C. The Board shall ensure that an informal interview proceeds as follows:

1. Introduction of the respondent and, if applicable, the complainant, any other witnesses, and legal counsel for the respondent;
2. Introduction of the Board members, staff, and Assistant Attorney General present;
3. Swearing in of the respondent, complainant, and witnesses;
4. Brief summary of the allegations and purpose of the informal interview;
5. Optional opening comment by the respondent and complainant;
6. Questioning of the respondent and witnesses by the Board;
7. Questioning of the complainant by the respondent through the Chair;
8. Optional additional comments by the respondent and complainant; and
9. Deliberation by the Board.

#### **R4-26-416. Rehearing or Review of Decision**

- A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10.
- B. Except as provided in subsection (H), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings of the Board or any order or abuse of discretion that deprived the moving party of a fair hearing;

2. Misconduct of the Board, its staff, or an administrative law judge;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive or insufficient penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
  7. The findings of fact or a decision is not justified by the evidence or is contrary to law.
- E.** The Board may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons listed in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F.** Within 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted.
- G.** When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.
- H.** If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.
- I.** An application for judicial review of any final Board decision may be made under A.R.S. § 12-901 et seq.

**R4-26-417. Licensing Time Frames**

- A.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time frames:

1. Initial license.
    - a. Overall time frame: 120 days,
    - b. Administrative completeness review time frame: 30 days, and
    - c. Substantive review time frame: 90 days; and
  2. Renewal license.
    - a. Overall time frame: 150 days,
    - b. Administrative completeness review time frame: 60 days, and
    - c. Substantive review time frame: 90 days.
- B.** An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time frames by no more than 25% of the overall time frame.
- C.** The administrative completeness review time frame begins when the Board receives the application materials required under R4-26-403 or R4-26-408(C) and (D). During the administrative completeness review time frame, the Board shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Board shall specify in the notice what information is missing.
- D.** An applicant whose application is incomplete shall submit the missing information to the Board within 240 days for an initial license. Both the administrative completeness review and overall ~~time-frames~~ time frames are suspended from the date of the Board's notice under subsection (C) until the Board receives all of the missing information.
- E.** Upon receipt of all missing information, the Board shall notify the applicant that the application is complete. The Board shall not send a separate notice of completeness if the Board grants or denies a license within the administrative completeness review time frame listed in subsection (A)(1)(b) or (A)(2)(b).
- F.** The substantive review time frame begins on the date of the Board's notice of administrative completeness.
- G.** If the Board determines during the substantive review that additional information is needed, the Board shall send the applicant a comprehensive written request for additional information.
- H.** An applicant who receives a request under subsection (G) shall submit the additional information to the Board within 240 days. Both the substantive review and overall time frames

are suspended from the date of the Board's request until the Board receives the additional information.

- I. An applicant may receive a 30-day extension of the time provided under subsection (D) or (H) by providing written notice to the Board before the time expires. If an applicant fails to submit to the Board the missing or additional information within the time provided under subsection (D) or (H) or the time as extended, the Board shall close the applicant's file. To receive further consideration, a person whose file is closed shall re-apply.
- J. Within the overall time frame listed in subsection (A), the Board shall:
  - 1. Grant a license if the Board determines that the applicant meets all criteria required by statute and this Article; or
  - 2. Deny a license if the Board determines that the applicant does not meet all criteria required by statute and this Article.
- K. If the Board grants a license under subsection (J)(1), the Board shall send the applicant a notice explaining that the Board shall issue the license only after the applicant pays the license issuance fee specified under R4-26-402 and pro-rated as prescribed under A.R.S. § 32-2091.07(A).
- L. If the Board denies a license, the Board shall send the applicant a written notice explaining:
  - 1. The reason for denial, with citations to supporting statutes or rules;
  - 2. The applicant's right to appeal the denial by filing an appeal under A.R.S. Title 41, Chapter 6, Article 10;
  - 3. The time for appealing the denial; and
  - 4. The applicant's right to request an informal settlement conference.
- M. If a time frame's last day falls on a Saturday, Sunday, or official state holiday, the next business day is the time frame's last day.

**R4-26-418. Mandatory Reporting Requirement**

- A. As required by A.R.S. § 32-3208, an applicant or licensee who is charged with a misdemeanor involving conduct that may affect client safety or a felony shall provide written notice of the charge to the Board within 10 days after the charge is filed.
- B. A list of reportable misdemeanors is available on the Board's website.