

**TITLE 112
INTEGRATIVE HEALTH CARE**

Article	
112-01	General Administration
112-02	Naturopathic Licensure
112-03	Music Therapist Licensure
112-04	Acupuncturist Licensure
<u>112-05</u>	<u>Behavior Analyst Professional Licensure</u>

**ARTICLE 112-01
GENERAL ADMINISTRATION**

Chapter	
112-01-01	Organization of Board
112-01-02	Board Meetings
112-01-03	Duties of Officers
112-01-04	Licensee Duties and Disciplinary Matters
112-01-05	License Revocation, Suspension, Denial or Limitation
112-01-06	Provisional Temporary License

**CHAPTER 112-01-01
ORGANIZATION OF BOARD**

Section	
112-01-01-01	Organization and Functions of the Board of Integrative Health Care

112-01-01-01. Organization and functions of the board of integrative health care.

- ~~1.~~ **History.** ~~The board of integrative health care was established in 2011 under North Dakota Century Code chapter 43-57 to provide a means to regulate integrative health care practitioners. The first integrative health care practitioners to be licensed and regulated by the board are naturopaths in accordance with North Dakota Century Code chapter 43-58, and music therapists in accordance with North Dakota Century Code chapter 43-59. Acupuncturists became licensed and regulated by the board in 2015 under North Dakota Century Code chapter 43-61. North Dakota is the sixteenth state of the United States to license naturopaths.~~
12. **Functions.** The function of the board is to determine if acupuncturists, behavior analyst professionals, naturopaths, and music therapists meet the qualifications to practice in the state of North Dakota, and to prevent unqualified acupuncturists, behavior analyst professionals, naturopaths, and music therapists from practicing in North Dakota. The board

establishes and enforces the education, licensing examinations and professional conduct of acupuncturists, behavior analyst professionals, naturopaths, and music therapists in accordance with North Dakota Century Code chapters 43-58, 43-59, and 43-61. .

23. **Board membership.** The initial board consists of five to seven members appointed by the governor: one acupuncturist, one behavior analyst professional, one naturopath, one music therapist, one medical or osteopathic doctor, one advanced practice registered nurse, one pharmacist and up to two public members. Members of the board serve three-year terms, except for the initial board members which shall be staggered. Two to three three-year terms expire each year. Board members annually elect from board membership the chairman, vice chairman, secretary, and treasurer of the board.
34. **Secretary and Treasurer.** The secretary and the treasurer are elected by the board.
45. **Executive director.** The board may hire an executive director to oversee the clerical needs of the board, and who will answer to the board chairman.
56. **Inquiries.** Any questions or suggestions concerning these rules should be sent to the executive director or to the secretary during any time period that the executive director position is unfilled.

History: Effective April 1, 2013; amended effective July 1, 2017; April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02, 43-57-03

CHAPTER 112-01-04 LICENSEE DUTIES AND DISCIPLINARY MATTERS

Section

112-01-04-01	Unlicensed Practice
112-01-04-02	Code of Ethics
112-01-04-03	Unprofessional Conduct
112-01-04-04	Administrative Sanction
112-01-04-05	Report of Disciplinary Actions
112-01-04-06	Reporting Contagious or Infectious Diseases
112-01-04-07	Reporting Child Abuse
112-01-04-08	Self Reporting Offenses and Actions
112-01-04-09	Supervision of Students

112-01-04-01. Unlicensed practice. Upon receipt of a complaint that a person is practicing without a license, the board may make a determination, as to whether a person is practicing without a license. In order to make this determination, the board may conduct an investigation to make a determination if an individual is unlicensed, including reviewing records, interviewing persons who may have knowledge of the unlicensed practice, contacting third parties to verify background, or requesting any other information that may help make the determination of unlicensed activity.

If the determination is made that an individual is unlicensed pursuant to this section, the board may send a letter to the person about whom the complaint was made directing that the person immediately cease and desist. The person will be given ten working days to submit an application to practice. If the person does not apply, or continues to practice without a license, the person may be referred to the state's attorney in the county in which the person is located for prosecution.

The board is not required to follow this procedure, and this procedure does not provide a criminal defendant with any additional rights, nor a defense against prosecution or conviction in a criminal proceeding.

History: Effective April 1, 2013; amended effective July 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-02, 43-57-03, 43-57-11, 43-59-03

112-01-04-02. Code of ethics.

1. **Naturopaths.** The board adopts the 2011 edition of the American Association of Naturopathic Physicians Code of Ethics as the code of ethical conduct governing the practice of naturopathy.
2. **Music therapists.** The board adopts the 2011 edition of the Certification Board for Music Therapists Code of Professional Practice as the code of ethical conduct governing the practice of music therapy.
3. **Acupuncturists.** The board adopts the 2008 edition of the National Certification Commission of Acupuncture and Oriental Medicine (NCCAOM) as the code of ethical conduct governing the practice of acupuncture and oriental medicine.
4. **Behavior Analyst Professionals.** The board adopts the 2014 edition of the Behavior Analyst Certification Board (BACB) Professional and Ethical Compliance Code for Behavior Analysts as the code of ethical conduct governing the practice and supervision of applied behavior analysis.

History: Effective July 1, 2011; amended effective July 1, 2017; April 1, 2020.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03

112-01-04-03. Unprofessional conduct. The board may revoke, suspend, or deny a license to any person otherwise qualified or licensed by the board who is found to have committed unprofessional conduct. Unprofessional conduct includes the following:

1. Exploitation of patients for financial gain, which includes:
 - a. Overutilization of services. Overutilization is defined as services rendered or goods or appliances sold to a patient for the financial gain of the licensee or a third party, which are excessive in quality or quantity to the justified needs of the patient.
 - b. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.
 - c. Exercising undue influence on a patient or client, including the promotion or the sale of services, goods, or appliances in such a manner as to exploit the patient or client.
 - d. The administration of treatment or the use of diagnostic procedures which are excessive as determined by the customary practices and standards of the local community of licensees.
2. Willfully harassing, abusing, or intimidating a patient, either physically or verbally.
3. Failing to maintain a patient record and a billing record for each patient, which accurately reflects the evaluation or treatment, or both, of the patient and the fees charged to the patient. Unless otherwise provided, all patient records must be retained for at least ten years.
4. The willful or grossly negligent failure to comply with the substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of the profession.
5. Any conduct which has endangered or is likely to endanger the health, welfare, or safety of the public including habitual alcohol abuse, illegal use of controlled substances, or conducting unauthorized experiments or tests upon patients.
6. Conviction of a crime which is substantially related to the qualifications, functions, or duties of a profession or occupation regulated by the board.
7. Conviction of a felony, or any offense involving moral turpitude, dishonesty, or corruption.

8. Violation of any of the provisions of law regulating the dispensing or administration of narcotics, dangerous drugs, or controlled substances.
9. The commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as a license holder or otherwise.
10. Knowingly making or signing any false certificate or other document relating to the practice of patient care which falsely represents the existence or nonexistence of a state of facts.
11. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violations of, or conspiring to violate any provision of the law or the rules adopted by the board.
12. Making or giving any false statement or information in connection with the application for issuance of a license.
13. Participation in any act of fraud or misrepresentation.
14. Except as required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment.
15. The offering, delivering, receiving, or accepting of any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration as compensation or inducement for referring patients to any person.
16. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which a licensee knows or has reason to know that the licensee is not competent to perform, or performing without adequate supervision professional services which a licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger.
17. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, by experience, or by licensure, to perform them.
18. Advertising or soliciting for patronage that is not in the public interest, which includes:

- a. Advertising or soliciting which is false, fraudulent, deceptive, or misleading.
 - b. Advertising or soliciting which guarantees any service or result.
 - c. Advertising or soliciting which makes any claim relating to professional services or products or the cost or price thereof which cannot be substantiated by the licensee.
 - d. Advertising or soliciting which make claims of professional superiority which cannot be substantiated by the licensee.
 - e. Advertising or soliciting which is based upon a claim that the licensee uses a secret or special method of treatment and the licensee refuses to divulge the secret or special method of treatment to the board.
 - f. Advertising no out-of-pocket expenses or practicing same.
19. Violation of any term of suspension or probation imposed by the board.
20. Initiating or engaging in any sexual conduct, sexual activities, or sexualizing behavior involving a current patient, even if the patient attempts to sexualize the relationship, except when the patient is the licensee's spouse.

History: Effective April 1, 2013.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-08

112-01-04-04. Administrative sanction. An administrative sanction shall be imposed in the amount of three times the application fee for any applicant or licensee regulated by the board who provides false or deceptive information with regard to any material fact concerning eligibility for initial license or renewal after verifying or certifying that the information provided is true. This includes all material information provided in an initial license application, an annual renewal, or a report of compliance with mandatory continuing education requirements. The imposition of an administrative sanction under this section is not a disciplinary action of the board; however, it does not preclude the board from also imposing disciplinary action, or other penalties provided by law, for the same conduct in appropriate cases. An applicant or licensee may challenge the imposition of an administrative sanction under this section in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge.

History: Effective April 1, 2013.

General Authority: NDCC 43-57-03, 43-57-08

Law Implemented: NDCC 43-57-08

112-01-04-05. Report of disciplinary actions. The board will report all final disciplinary actions to the federal health care integrity and protection database. The board may also publish all final disciplinary actions in select state newspapers.

History: Effective April 1, 2013.
General Authority: NDCC 43-57-03
Law Implemented: NDCC 43-57-03, 43-57-08

112-01-04-06. Reporting contagious or infectious diseases. To comply with the state law regarding contagious or infectious diseases, medical practitioner licensees shall immediately notify the health officer of the community of the existence of such diseases.

History: Effective April 1, 2013; amended effective July 1, 2017.
General Authority: NDCC 28-32-02, 43-57-03, 43-58-09, 43-61-09
Law Implemented: NDCC 23-07-01, 43-57-03, 43-58-09, 43-61-09

112-01-04-07. Reporting child abuse. A licensee having knowledge of or reasonable cause to suspect that there is child abuse or neglect is mandated to report the circumstances to the department of human services if the knowledge or suspicion is derived from information received by the licensee in the licensee's professional capacity.

History: Effective April 1, 2013.
General Authority: NDCC 28-32-02, 43-57-03
Law Implemented: NDCC 50-25.1-03

112-01-04-08. Self Reporting Offenses and Actions.

1. A licensee who has been convicted of an offense stated in subsections 6, 7, and 8 of section 112-01-04-03 shall notify the board within ten working days of conviction.
2. A licensee who has been officially disciplined by another licensing board in North Dakota or in another jurisdiction shall notify the board within ten working days of disciplinary notification.

History: Effective July 1, 2017.
General Authority: NDCC 28-32-02, 43-57-03
Law Implemented: NDCC 43-57-03-43-57-08

112-01-04-09. Supervision of Students- music therapy, acupuncture, naturopathy.

Licensees for music therapy, acupuncture, and naturopathy in good standing who have been in practice for one or more years may accept prospective professional students for limited practice observation, and may accept current professional students of recognized accredited schools for unpaid preceptorships. Prospective students and preceptor students may participate in observation of professional practice with the permission of patients. Preceptor students may assist in hands-on tasks if the student is under the direct supervision of a licensee, the student is in the clinical phase of their education, the patient grants permission, and the licensee has a recognized preceptor affiliation with an approved school within their own profession or the preceptee's profession. The licensee may not allow hands-on assistance with tasks that exceed the education and training of the student.

History: Effective July 1, 2017.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03

ARTICLE 112-04
BEHAVIOR ANALYST LICENSURE

CHAPTER 112-04-01
BEHAVIOR ANALYSTS

Section

<u>112-03-01-01</u>	<u>Definitions</u>
<u>112-03-01-02</u>	<u>Application for Licensure</u>
<u>112-03-01-03</u>	<u>Licensure by Endorsement</u>
<u>112-03-01-04</u>	<u>Examination Requirements</u>
<u>112-03-01-05</u>	<u>License Issued – Approved designation</u>
<u>112-03-01-06</u>	<u>License Displayed</u>
<u>112-03-01-07</u>	<u>License Renewal</u>
<u>112-03-01-08</u>	<u>Lapsed Licenses</u>
<u>112-03-01-09</u>	<u>Continuing Education Requirements</u>
<u>112-03-01-10</u>	<u>Board Approval of Continuing Education</u>
<u>112-03-01-11</u>	<u>Board Audit</u>
<u>112-03-01-12</u>	<u>Fees</u>

112-04-01-01. Definitions. Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-64 are applicable to this title. In this title, unless the context or subject matter otherwise requires:

1. "Certifying entity" means behavior analyst certification board or a certifying entity accredited by the national commission for certifying entities or the American national standards institute.
2. "National board" means behavior analyst certification board or its successor.

3. “National board exams” means the board certified behavior analyst or board certified assistant behavior analyst exam for board certification or its successor.

History: Effective April 1, 2020

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-64-04

112-04-01-02. Application for licensure.

1. The board may grant licensure as a licensed behavior analyst to an applicant in the practice of applied behavior analysis, who meets all of the following requirements:

a. The applicant has a degree from a school or college that meets one of the following requirements:

i. A doctorate or master's degree from a program accredited or verified by the association for behavior analysis international or approved by the behavior analyst certification board.

b. The applicant has passed the board-certified behavior analyst examination offered by the behavior analyst certification board.

c. The applicant is certified by the behavior analyst certification board.

d. The applicant has passed the North Dakota professional responsibility examination once developed and approved by the board.

2. The board may grant licensure as a licensed assistant behavior analyst to an applicant in the practice of applied behavior analysis, who meets all of the following requirements:

a. The applicant has a bachelor's degree from a school or college that meets one of the following requirements:

i. A bachelor's degree in a program accredited or verified by the association for behavior analysis international.

ii. A bachelor's degree in a program approved by the behavior analyst certification board.

iii. The applicant has passed the board-certified assistant behavior analyst examination offered by the behavior analyst certification board.

iv. The applicant has passed the North Dakota professional responsibility examination once developed and approved by the board.

v. Provides proof acceptable to the board that he or she will be supervised by a licensed behavior analyst in the state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

112-04-01-03. Application for licensure.

****updated to what the board of psychology says in their law:**

1. Application shall be made on the official form issued by the board. The form may be secured from the board's official website. Applicants who meet the requirements for licensure shall be considered when all of the following has been received:
 1. A signed and dated completed official application form.
 - b. Proof of current certification in good standing issued directly from the BACB.
 - c. The application fee and the initial license fee.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-64-04

112-04-01-03. License by endorsement.

An application for license by endorsement will be considered by the board if the following conditions are met:

1. The candidate has graduated from an accredited program in which the individual is applying in this state.

2. The candidate has completed the BACB national examination required by the board related to competence in applied behavior analysis.
3. The candidate holds a verified current valid license in good standing to practice as a behavior analyst professional in another state or jurisdiction.
4. The current board certification requirements of the other state or jurisdiction are the same as the current licensure requirements of this state. Official verification of board certification requirements must be received by the board from the other state or jurisdiction.
5. The candidate has filed with the board an official application for licensure by endorsement, a copy of the diploma from an approved school, a copy of the current valid license and the required application fee.

History: Effective April 1, 2020

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-64-03

112-04-01-04. License issued – Approved Designation. When it shall have been determined by the board that any candidate is at least eighteen years of age, has met the requirements outlined in chapter 112-04-01, and is a person of good moral character, there shall be issued to such candidate a license to practice behavior analysis. The licensee may use the designation licensed behavior analyst or licensed assistant behavior analyst.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-06, 43-64-02, 43-64-03

112-04-01-05. Student Supervision.

1. Students intending to seek a BACB certification must be supervised by a qualified supervisor.
 - a. Qualified supervisors shall be one of the following:
 - i. A licensed behavior analyst in good standing with the Board;
 - ii. A licensed or registered psychologist certified by the American Board of Professional Psychology in Behavioral and Cognitive Psychology who was tested in applied behavior analysis; or
 - iii. An authorized verified course sequence instructor who is providing supervision in a practicum or intensive practicum.
 - b. The supervisor must have met the requirements for providing supervision before providing supervision to anyone seeking experience hours and must in good standing with the Board.

2. The supervisor and student must develop and sign a written contract at the outset of the supervisory relationship outlining the responsibilities of each party and description of the activities. Each Contract must indicate that both parties shall adhere to the code of ethics adopted by the Board.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-06, 43-64-04, 43-64-03

112-03-01-06. License displayed.

1. If a licensed behavior analyst or licensed assistant behavior analyst moves to a new office location, the board must be notified of the change.
2. A current certificate issued by the board must at all times be displayed in each office location of the licensed behavior analyst. In case of loss or destruction, a duplicate certificate may be issued by the board upon receipt of satisfactory evidence of the loss or destruction.

History: Effective April 1, 2020

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-64-02

112-03-01-07. License renewal and fees.

1. Every licensed behavior analyst or licensed assistant behavior analyst who has been licensed by the board shall renew the license by remitting a renewal fee on or before December thirty-first of each odd numbered year and completing the renewal application provided by the board. For applicants who receive an initial license after July first in an odd numbered year, the license will be deemed to be automatically renewed on December thirty-first for an additional two years without payment of an additional renewal fee.
2. The applicant for renewal shall certify on the renewal application that the continuing education requirements have been or will be met by December thirty-first. The applicant must keep records of completed continuing education. The board shall conduct random compliance audits of licensees. Failure to complete continuing education is considered unprofessional conduct.
3. A license renewal application received on or after January first of an even numbered year is a late renewal and requires a new completed application form, the renewal fee, plus a late fee set by the board. Proof of appropriate continuing education hours must be presented. A license that

has not been renewed by December thirty-first in an odd numbered year is a lapsed license.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-59-03

112-03-01-08. Lapsed licenses. Once a license has lapsed, the person who held the lapsed license may not practice behavior analysis or use a title reserved under state law for individuals who are licensed by the board until a new license is issued. A person whose license has lapsed but who continues to practice applied behavior analysis or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective April 1, 2020.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

112-03-01-09. Continuing Education Requirements.

1. All active licensees shall complete a minimum of thirty-two hours of approved continuing education (CE) credits biennially, including 4 credits in ethics. Only hours earned at board-accepted continuing education programs will be allowed. One hour of credit is earned for every 50 minutes of actual class time.
2. An extension of time or other waiver to complete the hours required in section 1 shall be granted upon written application if the licensee failed to meet the requirements due to illness, military service, medical or religious missionary activity or other extenuating circumstance.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

112-03-01-10. Board approval of continuing education.

1. In order to receive board approval, a continuing education (CE) program must be accepted by the behavior analyst certification board.
2. It is the responsibility of the licensee to verify the appropriate credit designation with the source of the program, not with the board. All licensees must verify eligibility for continuing credit and the appropriate credit designation before taking any particular course.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07, 43-59-03

112-01-03-11. Board Audit. Each biennium the board will audit randomly selected licensed behavior analysts and licensed assistant behavior analysts to monitor compliance with the continuing education requirements. Any licensed behavior analyst or licensed assistant behavior analyst so audited will be required to furnish documentation of compliance including the name of the continuing education provider, name of the program, hours of continuing education completed, dates of attendance and verification of attendance. Any licensed behavior analyst or licensed assistant behavior analyst who fails to provide verification of compliance with the continuing education requirements will be subject to revocation of licensure. In order to facilitate the board's audits, every licensed behavior analyst or licensed assistant behavior analyst is required to maintain a record of all continuing education activities in which the licensed behavior analyst has participated. Every licensed behavior analyst or licensed assistant behavior analyst must maintain those records for a period of at least two years following the time when those continuing education activities were reported to the board.

History: Effective April 1, 2020.

General Authority: NDCC 28-32-02, 43-57-03

Law Implemented: NDCC 43-57-07, 43-57-08

112-01-03-12. Fees. The board charges the following non-refundable fees:

1. **Application.** The fee for filing an application for an initial license is fifty dollars.
2. **Initial License.** The fee for an initial license is five hundred dollars. The licensing period is biennial, ending on December thirty-first every odd year. The initial license fee shall be pro-rated quarterly based upon the time period remaining in the two year cycle at application.
3. **Temporary license.** The temporary license fee shall be one hundred dollars. The cost of the temporary license fee will be applied toward the initial license fee upon receipt of application for the initial license.
4. **Renewal.** Licenses renew on December thirty-first every odd year. The renewal fee is one hundred dollars.
5. **Late filing.** An additional late filing fee will be charged on renewal applications not received by December thirty-first every odd year. The late filing fee is seventy-five dollars.

6. Duplicate license. The duplicate license fee for a license is twenty-five dollars.

History: Effective April 1, 2020.

General Authority: NDCC 43-57-03

Law Implemented: NDCC 43-57-03, 43-57-07

Exemptions

1. College or university students or postdoctoral fellows whose applied behavior analysis activities are part of a defined program of study, course, practicum, internship, or fellowship and are directly supervised by a Licensed Behavior Analyst in this jurisdiction. Such individuals must not represent themselves as professional behavior analysts and must use titles that clearly indicate their trainee status, such as "student," "intern," or "trainee." The student or intern status and the supervisor must be clearly stated.

2. Unlicensed individuals pursuing experience in applied behavior analysis consistent with the experience requirements of the certifying entity, provided such experience is supervised in accordance with the requirements of the certifying entity.

3. Individuals licensed to practice psychology in North Dakota Century Code Chapter 43-32 and those who deliver psychological services under their supervision, provided that (a) applied behavior analysis is in the scope of practice section of the psychology licensure law b) the applied behavior analysis services provided are within the boundaries of the Licensed Psychologist's education, training, and competence; and (c) the Licensed Psychologist does not represent themselves as Licensed Behavior Analyst unless also licensed under North Dakota Century Code Chapter 43-64.

4. Individuals certified, licensed to practice other professions in this state and those who deliver services under their supervision, provided that (a) applied behavior analysis is in the scope of practice section of the profession's licensure law; (b) the applied behavior analysis services provided are within the boundaries of the licensed professional's education, training, and competence; and (c) the licensed

professional does not represent that he or she is a Licensed Behavior Analyst or Licensed Assistant Behavior Analyst unless also licensed under North Dakota Century Code Chapter 43-64.

5. A lecturer, from any school or college, who uses an academic or research title when lecturing to institutions or organizations. However, the lecturer may not engage in the practice of psychology, applied behavior analysis unless the lecturer is licensed under North Dakota Century Code Chapter 43-64.

6. Behavior analysts licensed in another jurisdiction or certified by the certifying entity to practice independently and who practice in this state no more than 30 days within a calendar year.

7. An individual providing applied behavior analysis services to an individual in a public school setting. Such individuals shall not represent themselves as Licensed Behavior Analysts or Licensed Assistant Behavior Analysts unless licensed under North Dakota Century Code Chapter 43-64.

8. Behavior technicians who deliver applied behavior analysis services under the extended authority and direction of a Licensed Behavior Analyst or a Licensed Assistant Behavior Analyst. Such individuals must not represent themselves as professional behavior analysts, and must use titles that indicate their nonprofessional status, such as "ABA technician," "behavior technician," "registered behavior technician" or "tutor."

9. An individual or caregiver who is implementing applied behavior analysis services to an immediate family member or as a paid or volunteer caregiver implementing procedures established by the family, by the individual served, by a Licensed Behavior Analyst or a Licensed Assistant Behavior Analyst in any setting, if

the individual or caregiver does not represent themselves as professional behavior analysts.

10. Professionals who provide general applied behavior analysis services to organizations, so long as those services are for the benefit of the organizations and do not involve direct services to individuals. Such professionals may use the title "behavior analyst" but may not represent themselves as Licensed Behavior Analysts or Licensed Assistant Behavior Analysts unless licensed under North Dakota Century Code Chapter 43-64.