CHAPTER 43-64
BEHAVIOR ANALYSTS

43-64-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Board" means the state board of integrative health care created under chapter 43-57.
2. "Licensed assistant behavior analyst" means an individual who is licensed under this chapter as a licensed assistant behavior analyst and is supervised by a licensed behavior analyst.
3. "Licensed behavior analyst" means an individual licensed under this chapter as a licensed behavior analyst.
4. "Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The term includes the empirical identification of functional relations between behavior and environmental factors. The term does not include the diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, and counseling.

43-64-02. License required - Title restrictions.

1. Effective January 1, 2020, an individual may not practice applied behavior analysis without a current license issued by the board under this chapter.
2. A licensed behavior analyst may use the title "licensed behavior analyst." A licensed assistant behavior analyst may use the title "licensed assistant behavior analyst." Effective January 1, 2020, an individual who uses these terms as identification without having received a license as required under this chapter is engaging in the practice of applied behavior analysis without a license.

43-64-03. Qualifications for licensure.

To obtain a license to practice applied behavior analysis in this state, an applicant shall submit an application to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.

43-64-04. Application for licensure.

1. An applicant for licensure shall file an application on forms provided by the board showing to the board's satisfaction the applicant is of good moral character and has satisfied the requirements of this chapter and chapter 43-57, including:
   a. Successful completion of education, examination, and experience requirements established by the board, such as certification from the behavior analyst certification board or a certifying entity accredited by the national commission for certifying entities or the American national standards institute;
   b. Physical, mental, and professional capability for the practice of applied behavior analysis in a manner acceptable to the board; and
   c. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter and chapter 43-57. The board may modify this restriction for cause.
2. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish the applicant possesses the necessary qualifications.
3. The board shall establish standards for licensed behavior analysts supervising licensed assistant behavior analysts.

43-64-05. Initial applications - Grandfather provision.

Notwithstanding the education, experience, and examination requirements for licensure under this chapter, if on December 31, 2019, an applicant held a valid license or registration

issued by the state board of psychologist examiners under chapter 43-32, the applicant is deemed to have met the education, experience, and examination requirements for licensure.