

**TESTIMONY for ADMINISTRATIVE RULES COMMITTEE MEETING**  
**On behalf of the ND State Board of Psychologist Examiners**

June 14, 2012 – Roughrider Room, State Capitol

Chairperson Koppelman, Committee Members, Senators, and Staff:

I am Dr. Margo Adams Larsen, licensed psychologist and president of the ND State Board of Psychologist Examiners. I am here on behalf of the Board, to address several questions outlined in your May 22, 2012 invitation. We appreciate the invitation to appear before the committee to describe the procedures we followed in adopting the rule changes to be published in the July 2012 supplement to the NDAC.

First, at the last legislative session, our practice code 43-32 was drastically changed to now include the licensing and registering of applied behavior analysts. This required new rules to assist in implementing these changes. Our Board requested input from individuals who had participated in suggested drafts to the 43-32 code process, to further inform the rules development. Our Board reviewed the suggestions from this work group, integrated these into the current rules, and submitted them for our Board Attorney to review and revise. The Board sent out this work product for public comment. The hearing was held on March 28, 2012 at the AG's office. The deadline for written comments was April 7, 2012. There was one comment received. On April 9, 2012, the Board met to review this comment, and did include this comment in the final draft forwarded to the Attorney General for opinion. Following our meeting on April 9, 2012, further written comments were received by the Board Office and reviewed by the Board Attorney, who indicated that there was not authority within our law to address the comments.

To address your specific questions:

1. YES, several rules changes resulted from 2011 Senate Bill 2155.
2. NO, the rules did not relate to any federal law.
3. Public notice for these rules was published in every official county newspaper. The sponsor of SB 2155, Senator Judith Lee, was notified of the proposed rules. A public hearing was held on March 28, 2012 at the AG's office.
4. The written comment was from Dr. Margo Adams Larsen, President of the Board. She proposed an amendment to N.D. Admin. Code § 66-02-01-08 to provide for a license verification fee. The Board adopted that amendment. However, the Attorney General found that the Board lacked statutory authority for that amendment. As a result, the Board anticipated the Committees removal of the proposed fee in N.D. Admin. Code § 66-02-01-08.
5. Estimated costs for developing these rules:
  - a. Notice of publication - \$1,484.24
  - b. Attorney costs - \$5,004 (to date)
  - c. Travel for testimony – estimated to be \$300
6. The primary content of these rules is to integrate the addition of licensing master's level applied behavior analysts and registering bachelor level applied behavior analysts under the new revisions of 43-32. We are adopting these rules to implement the requirements for licensing and registering applied behavior analysts, and provide public protection with regard to this new area of licensing.
7. A regulatory analysis was not required, per NDCC28-32-08(1). The new rules do not have an impact in excess of \$50,000 and the analysis was not requested.
8. Per NDCC 28-32-08.1(5), this does not apply to professional licensing authorities.
9. Per NDCC28-32-08.2, there is no impact because the new rules do not require an additional expenditure of Board funds.
10. Per NDCC 28-32-09, the rules do not limit the uses of private real property, and therefore a constitutional takings assessment was not prepared.
11. These rules were not adopted as an emergency.