

#1

Behavior Analyst Licensing Act Rule – Summary of Primary Recommendations

Examination Requirements:

Subsection 58-61-705(1)(f) – For an applicant for licensure as a Licensed Behavior Analyst (LBA).

Recommendation: We recommend that the examination requirement for an applicant for licensure as a behavior analyst involve passing the Board Certified Behavior Analyst (BCBA) Examination developed by the Behavior Analyst Certification Board (BACB) with a passing score as recommended by the BACB.

Subsection 58-61-705(3)(f) – For an applicant for licensure as a Licensed Assistant Behavior Analyst (LaBA).

Recommendation: We recommend that the examination requirement for an applicant for licensure as an assistant behavior analyst involve passing the Board Certified Assistant Behavior Analyst Examination developed by the Behavior Analyst Certification Board (BACB) with a passing score as recommended by the BACB.

At present the BACB is the only entity that is accredited to certify providers of applied behavior analysis, and it administers the only psychometrically and legally validated professional examination in the practice of applied behavior analysis. The examinations are professionally developed to accepted examination standards and are based on the results of a formal Job Analysis and survey. The BACB Examinations are administered by Pearson VUE, Inc. of Minneapolis, Minnesota, and are offered on a regular basis nationwide (including in multiple testing centers in Utah). The BACB follows nationally accepted standards for test development. The examinations are administered using a computer-based testing (CBT) format. Applicants for licensure as a behavior analyst or assistant behavior analyst will also be pursuing board certification and will necessarily have to complete the board exam.

Qualifications of a Supervisor:

Subsection 58-61-702 (2) - For the supervisor of a Licensed Assistant Behavior Analyst (LaBA).

Subsection 58-61-705 (1)(e) – For an applicant for licensure as a Licensed Behavior Analyst (LBA) based upon education, supervised experience, and national examination.

Subsection 58-61-705 (3)(e) – For an applicant for licensure as a Licensed Assistant Behavior Analyst (LaBA) based upon education, supervised experience and national examination.

Subsection 58-61-707 (11)(b) – For a person who has completed the behavior analysis course sequence approved by the Behavior Analyst Certification Board and is still accruing supervision hours.

Recommendation: We recommend that the qualifications of a supervisor of an LaBA and a person in training to be an LBA or LaBA be the following: a Licensed Behavior Analyst (LBA) or a Board Certified Behavior Analyst (BCBA).

The Act already specifically states in 58-61-707 (10)(c) and (12)(c) that supervision for people completing coursework or working after completing coursework and the supervised experience but completing the exam will occur under an LBA. Further, a person meeting the requirements of a LaBA would also meet the requirements of a Board Certified Assistant Behavior Analyst (BCaBA) and would be pursuing this

certification simultaneously, and the Behavior Analysis Certification Board will require them to be supervised by a BCBA. The same is true for a person pursuing licensure as an LaBA or LBA.

Subsection (58-61-702)(5)(c) - For the supervisor of a Registered Assistant Behavior Specialist.

Recommendation: We recommend that the qualifications of a supervisor of a Registered Assistant Behavior Specialist be the following: a Licensed Behavior Analyst (LBA), a Board Certified Behavior Analyst (BCBA), a Registered Behavior Specialist.

Education Requirements:

Subsection 58-61-705(1)(d) - For an applicant for licensure as a Licensed Behavior Analyst (LBA).

Recommendation: We recommend that an applicant for licensure as a behavior analyst possess a minimum of a master's degree, conferred by an accredited institution of higher learning, in behavior analysis or a field related to behavior analysis as approved by the Behavior Analysis Certification Board (BACB) and complete coursework in applied behavior analysis approved by the BACB.

Subsection 58-61-705(3)(d) – For an applicant for licensure as a Licensed Assistant Behavior Analyst (LaBA).

Recommendation: We recommend that an applicant for licensure as an assistant behavior analyst possess a minimum of a bachelor's degree, conferred by an accredited institution of higher learning and complete coursework in applied behavior analysis approved by the BACB.

The BACB has identified specific course content and classroom hours to meet minimum education requirements and reviews educational programs providing the required course content to ensure it meets national standards.

Continuing Education Requirements:

Subsection 58-61-706(1) – Continuing education requirements for all categories.

Recommendation: We recommend the following continuing education requirements:

1. A licensed behavior analyst be required to complete not less than 32 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice;
2. A registered behavior specialist be required to complete not less than 32 hours of continuing education in applied behavior analysis and directly related to the registeree's professional practice;
3. A licensed assistant behavior analyst be required to complete not less than 20 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice;
4. A registered assistant behavior specialist be required to complete not less than 20 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice

This is the current standard of the BACB and LBAs and LaBAs will need to meet these requirements to maintain their board certification.

R156.

R156-61. Psychology Licensing Act Rule.

Title.

This rule is known as the "Behavior Analyst Licensing Act Rule."

Definitions.

In addition to the definitions in Title 58, Chapters 1 and 61, as used in Title 58, Chapters 1 and 61 or this rule:

- (1) "Behavior Analysis Training," as used in Subsection, means practical training experience providing behavior analysis services, including completing assessments, developing programs, implementing programs, training on programs, and ongoing monitoring of programs under supervision of a licensed behavior analyst.
- (2) "Direct supervision" of a supervisee in training, as used in Subsection means:
 - (a) A supervisor meeting with the supervisee(s) when both are physically present in the same room at the same time; or
 - (b) A supervisor meeting with the supervisee(s) remotely via real-time electronic methods that allow for visual and audio interaction between the supervisor and supervisee.

Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection to enable the Division to administer Title 58, Chapter 61.

Organization - Relationship to Rule.

The organization of this rule and its relationship to

Qualifications for Licensure – by Certification.

Qualifications for Licensure - Education Requirements.

- (1) An applicant for licensure as a behavior analyst shall possess a minimum of a master's degree, conferred by an accredited institution of higher learning, in behavior analysis or a field related to behavior analysis and complete coursework in applied behavior analysis approved by the Behavior Analyst Certification Board (BACB).

Comment [SC1]: We may need to add additional definitions.

Comment [SC2]: This is already spelled out in the law and is only relevant until November 15, 2015, so it may not be necessary in rule.

Comment [SC3]: There is no degree requirement for registration in the law.

Comment [SC4]: The prior standards for Board Certification reads: "from an accredited university, that was conferred in behavior analysis or other natural science, education, human services, engineering, medicine or a field related to behavior analysis and approved by the BACB." In addition to the degree requirement, the applicant must complete coursework meeting BAC B requirements for specific content areas.

Any application for BCBA-level certification that is received after December 31, 2015 will be subject to the following degree requirement:

Possession of a minimum of a master's degree from an accredited university that was (a) conferred in behavior analysis, education, or psychology, or (b) conferred in a degree program in which the candidate completed a BACB approved course sequence.

In addition to the degree requirement, the applicant must complete coursework meeting BAC B requirements for specific content areas.

- (2) An applicant for licensure as an assistant behavior analyst shall possess a minimum of a bachelor's degree, conferred by an accredited institution of higher learning and complete coursework in applied behavior analysis approved by the BACB.

Qualifications for Licensure – Training and Experience Requirements.

- (1) An applicant for licensure as a behavior analyst under Subsection shall complete the following experience requirements:
 - (a) complete a minimum of 1500 hours of behavior analysis training;
 - (b) complete required hours within five years of the experience start date;
 - (c) complete required hours under the supervision of a licensed behavior analyst; and
 - (d) participate in at least one supervisory session every two weeks for no less than 5% of the total hours spent completing supervised hours.
- (2) An applicant for licensure as an assistant behavior analyst under Subsection shall:
 - (a) complete a minimum of 1000 hours of behavior analysis training;
 - (b) complete required hours within five years of the experience start date;
 - (c) complete required hours under the supervision of a licensed behavior analyst; and
 - (d) participate in at least one supervisory session every two weeks for no less than 5% of the total hours spent completing supervised hours.

Comment [SC5]: The BACB requires that no more than 50% of training be direct implementation of interventions. This is not included in the requirements below.

Also this does not address the college teaching option or PhD review option. Not sure if it's necessary.

Qualifications for Licensure - Examination Requirements.

- (1) The examination requirement which shall be met by an applicant for licensure as a behavior analyst under Subsection includes passing the Board Certified Behavior Analyst (BCBA) Examination developed by the Behavior Analyst Certification Board (BACB) with a passing score as recommended by the BACB.
- (2) The examination requirement which shall be met by an applicant for licensure as an assistant behavior analyst under Subsection includes passing the Board Certified Assistant Behavior Analyst Examination developed by the Behavior Analyst Certification Board (BACB) with a passing score as recommended by the BACB.

Qualifications for Registration - Employment and Experience Requirements.

- (1) An applicant for registration as a behavior specialist or as an assistant behavior specialist must provide proof of employment within an organization contracted with a Division of the State of Utah Department of Human Services to provide Behavior Analysis at the time of enactment of this act as instructed by the Division.
- (2) An applicant for registration as a behavior specialist must provide proof of five years of experience as a professional as a professional engaged in the practice of behavior analysis on or before May 15, 2015.

- (3) An applicant for registration as an assistant behavior specialist must provide proof of one year of experience as a professional as a professional engaged in the practice of behavior analysis on or before May 15, 2015.

Requirements to Become a Behavior Analyst Supervisor for an Individual Pursuing Initial Licensure.

In accordance with Subsections 58-61-304(1)(e) and (f) as a supervisor of a candidate obtaining their required experience to become a licensed behavior analyst or licensed assistant behavior analyst, an individual shall:

- (1) be currently licensed in good standing as an LBA; and
- (2) have completed the supervision and experience training module administered by the BACB.

Duties and Responsibilities of a Supervisor of an Individual Pursuing Initial Licensure.

The duties and responsibilities of a behavior analyst supervisor are further defined, clarified or established as follows. The behavior analyst supervisor shall:

- (1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training, including supervision of all activities requiring a behavior analyst license;
- (2) engage in a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards;;
- (4) comply with the confidentiality requirements of Section;
- (5) provide timely and periodic review of the client records assigned to the supervisee;
- (6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of behavior analysis, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards;
- (7) provide two-way supervision involving real-time auditory and visual contact each month according to the BACB's Supervision and Experience Standards;

(8) submit appropriate documentation to the Division with respect to work completed by the supervisee evidencing the performance of the supervisee during the period of supervised behavior analysis training.

Requirements to Become a Behavior Analyst Supervisor for an LaBA.

In accordance with Subsections 58-61-304(1)(e) and (f) as a supervisor of a candidate obtaining their required experience to become a licensed behavior analyst or licensed assistant behavior analyst, an individual shall:

- (1) be currently licensed in good standing as an LBA; and
- (2) have completed the supervision and experience training module administered by the BACB.

Duties and Responsibilities of a Supervisor of an LaBA.

The duties and responsibilities of a behavior analyst supervisor are further defined, clarified or established as follows. The behavior analyst supervisor shall:

- (1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training, including supervision of all activities requiring a behavior analyst license;
- (2) engage in a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards;;
- (4) comply with the confidentiality requirements of Section;
- (5) provide timely and periodic review of the client records assigned to the supervisee;
- (6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of behavior analysis, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards;
- (7) provide two-way supervision involving real-time auditory and visual contact each month according to the BACB's Supervision and Experience Standards;

(8) submit appropriate documentation to the Division with respect to work completed by the supervisee evidencing the performance of the supervisee during the period of supervised behavior analysis training.

Requirements to Become a Supervisor of a RaBA.

In accordance with Subsections as a supervisor of behavior specialists, shall:

- (1) be currently licensed in good standing as a LBA; or
- (2) be currently registered in good standing as a RBS.

Duties and Responsibilities of a Supervisor of a Registered Assistant Behavior Specialist.

The duties and responsibilities of an assistant behavior analyst supervisor or assistant behavior specialist supervisor are further defined, clarified or established as follows. The supervisor shall:

- (1) engage in a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (2) be available for advice, consultation, and direction consistent with the standards and ethics of the profession, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards;
- (3) provide at least one hour of two-way supervision involving real-time auditory and visual contact each month;
- (4) comply with the confidentiality requirements of Section;
- (5) provide timely and periodic review of the client records assigned to the supervisee;
- (6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of behavior analysis, including the BACB's guidelines for responsible conduct for behavior analyst and the BACB's professional ethical standards.

Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses and registrations under Title 58, Chapter 61, is established by rule in Section.
- (2) Renewal procedures shall be in accordance with Section.

- (3) Licensed behavior analysts and licensed assistant behavior analysts shall provide formal verification of current certification from the BACB.
- (4) Registered behavior specialists and registered assistant behavior specialists shall provide proof of employment within the same organization with which they were employed at the time of initial registration.
- (5) Licensed assistant behavior analysts and registered behavior specialists shall provide proof of ongoing supervision.

Comment [SC6]: A certificate is insufficient. The BACB will provide formal verification an applicant is currently certified.

The BACB will send an email or a written letter. verification@bacb.com (email is free). It has to be requested by a state official to verification@bacb.com.

A certificant can request an official letter for a small fee.

License Reinstatement - Requirements.

An applicant for reinstatement of a license after two years following expiration of that license shall:

- (1) upon request meet with the Board for the purpose of evaluating the applicant's current ability to safely and competently engage in practice as a behavior analyst or assistant behavior analyst and to make a determination of education, experience or examination requirements which will be required before reinstatement;
- (2) upon the recommendation of the Board, establish a plan of supervision under an approved supervisor which may include up to 750 hours of behavior analysis training;
- (3) take or retake, and pass BCBA or BCaBA Examination, if it is determined by the Board it is necessary to demonstrate the applicant's ability to engage safely and competently in practice as a behavior analyst; and
- (4) complete a minimum of 40 hours of professional education in subjects determined necessary by the Board to ensure the applicant's ability to engage safely and competently in practice as a behavior analyst.

Continuing Education.

- (1) There is hereby established a continuing education requirement for all individuals licensed or certified under Title 58, Chapter 61.
- (2) During each two year period commencing on October 1 of each even numbered year:
 - (a) a licensed behavior analyst shall be required to complete not less than 32 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice;
 - (b) a registered behavior specialist shall be required to complete not less than 32 hours of continuing education in applied behavior analysis and directly related to the registeree's professional practice;

Comment [SC7]: maybe?

(c) a licensed assistant behavior analyst shall be required to complete not less than 20 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice;

(d) a registered assistant behavior specialist shall be required to complete not less than 20 hours of continuing education in applied behavior analysis and directly related to the licensee's professional practice;

(3) The required number of hours of continuing education for an individual who first becomes licensed or registered during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed or registered.

(4) Continuing education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of behavior analysis;

(b) be relevant to the licensee's or registeree's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(5) Credit for continuing education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for college or university coursework in behavior analysis from an accredited institution of higher education. One academic semester credit is equivalent to 15 hours of continuing education.

(b) Unlimited hours shall be recognized for events sponsored by providers approved by the BACB.

(c) A maximum of 25% of the total required number of hours of continuing education may be recognized for teaching in a college or university, teaching continuing education courses in the field of behavior analysis, or supervision of an individual completing the experience requirement for licensure as a behavior analyst or assistant behavior analyst.

(d) A maximum of 25% of the total required number of hours of continuing education may be recognized for instruction by the licensee or registrée of a college or university event or event sponsored by a BACB CE provider.

(e) A maximum of 25% of the total required number of hours of continuing education may be recognized for scholarly activities, including publication of a behavior analytic article in a peer-reviewed journal or service as a reviewer or action editor of a behavior analytic article for a peer-reviewed journal.

(f) Unlimited hours shall be recognized for passing the BACB exam in the second year of licensure.

(g) A minimum of four hours per two year period shall be completed in ethics/law.

(h) For supervisors, a minimum of three hours per two year period shall be completed in supervision.

(6) A licensee and registrée shall be responsible for maintaining competent records of completed qualified professional education for a period of four years after the close of the two year period to which the records pertain. It is the responsibility of the licensee or registrée to maintain information with respect to qualified professional education to demonstrate it meets the requirements under this section.

Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections;

(2) engaging in and aiding or abetting conduct or practices which are false, dishonest, deceptive or fraudulent;

(3) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(4) failing to establish and maintain appropriate professional boundaries with a client or former client;

(5) engaging in or promising a personal, scientific, professional, financial, or other relationship with a client if it appears likely that such a relationship reasonably might impair the behavior analyst's or behavior specialist's objectivity or might harm or exploit the client;

(6) engaging in sexual activities or sexual contact with a client with or without client consent;

(7) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;

(8) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the behavior analyst or behavior specialist and the client;

(9) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(10) exploiting a client for personal gain;

(11) using a professional client relationship to exploit a client or other person for personal gain;

(12) failing to maintain appropriate client records for a period of not less than seven years from the documented termination of services to the client;

(13) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client care or records;

(14) failure to cooperate with the Division during an investigation

(15) using the abbreviated title of LBA unless licensed as an LBA;

(16) using the abbreviated title of LaBA unless licensed as an LaBA;

(17) when providing services remotely:

(a) failing to practice according to professional standards of care in the delivery of services remotely;

(b) failing to protect the security of electronic, confidential data and information; or

(c) failing to appropriately store and dispose of electronic, confidential data and information.

(18) failing to make reasonable efforts to notify clients and seek the transfer or referral of services, according to the client's needs or preferences, when a behavior analyst anticipates the interruption or termination of services to clients.

(19) failing to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, according to the client's needs and preferences.

(20) failing to make reasonable steps to avoid abandoning clients who are still in need of services.

(21) failing to report conviction of a felony or misdemeanor directly relating to the practice of behavior analysis or public health and safety.

(22) failing to report revocation or suspension of certification from the Behavior Analyst Certification Board.

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- (2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements as required under this chapter.
- (3) Each license expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-61-303. Repealed.

58-61-304. Qualifications for licensure by examination or endorsement.

- (1) An applicant for licensure as a psychologist based upon education, clinical training, and examination shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) produce certified transcripts of credit verifying satisfactory completion of a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board;
 - (e) have completed a minimum of 4,000 hours of psychology training as defined by division rule under Section 58-1-203 in not less than two years and under the supervision of a psychologist supervisor approved by the division in collaboration with the board;
 - (f) to be qualified to engage in mental health therapy, document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of a master's level of education in psychology, which training may be included as part of the 4,000 hours of training required in Subsection (1)(e), and for which documented evidence demonstrates not less than one hour of supervision for each 40 hours of supervised training was obtained under the direct supervision of a psychologist, as defined by rule ;
 - (g) pass the examination requirement established by division rule under Section 58-1-203; and
 - (h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
- (2) An applicant for licensure as a psychologist by endorsement based upon licensure in another jurisdiction shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character and professional standing, and not have any disciplinary action pending or in effect against the applicant's psychologist license in any jurisdiction;
 - (d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;
 - (e) provide satisfactory evidence the applicant is currently licensed in another state, district, or territory of the United States, or in any other jurisdiction approved by the division in collaboration with the board;
 - (f) provide satisfactory evidence the applicant has actively practiced psychology in that jurisdiction for not less than 2,000 hours or one year, whichever is greater;
 - (g) provide satisfactory evidence that:
 - (i) the education, supervised experience, examination, and all other requirements for licensure in that jurisdiction at the time the applicant obtained licensure were substantially equivalent to the licensure requirements for a psychologist in Utah at the time the applicant obtained licensure in the other jurisdiction; or
 - (ii) the applicant is:
 - (A) a current holder of Board Certified Specialist status in good standing from the American Board of Professional Psychology;
 - (B) currently credentialed as a health service provider in psychology by the National Register of Health Service Providers in Psychology; or
 - (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards; and
 - (h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
- (3)
 - (a) An applicant for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), (d), and (h).
 - (b)
 - (i) An individual's certification as a psychology resident is limited to the period of time necessary to complete clinical training as described in Subsections (1)(e) and (f) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual

engaged in activities other than practice of psychology (e.g. supervising adolescents in wilderness settings), and activities commonly performed by non-psychologists (e.g. teaching of psychology on topics not of a professional nature).

R156-61-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 61.

R156-61-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-61-201. Advisory Peer Committee Created - Membership - Duties.

(1) There is hereby enabled in accordance with Subsection 58-1-203(1)(f), the Ethics Committee as an advisory peer committee to the Psychologist Licensing Board on either a permanent or ad hoc basis consisting of members licensed in good standing as psychologists qualified to engage in the practice of mental health therapy, in number and area of expertise necessary to fulfill the duties and responsibilities of the committee as set forth in Subsection (3).

(2) The committee shall be appointed and serve in accordance with Section R156-1-205.

(3) The committee shall assist the Division in its duties, functions, and responsibilities defined in Section 58-1-202 including:

(a) upon the request of the Division, reviewing reported violations of Utah law or the standards and ethics of the profession by a person licensed as a psychologist and advising the Division if allegations against or information known about the person presents a reasonable basis to initiate or continue an investigation with respect to the person;

(b) upon the request of the Division providing expert advice to the Division with respect to conduct of an investigation; and

(c) when appropriate serving as an expert witness in matters before the Division.

R156-61-302a. Qualifications for Licensure - Education Requirements.

(1) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology degree that qualifies an applicant for licensure as a psychologist shall be accredited by the CoA.

(a) An applicant shall graduate from the actual program that is accredited by CoA. No other program within the department or institution qualifies unless separately accredited.

(b) If a transcript does not uniquely identify the qualifying CoA accredited degree program, it is the responsibility of the applicant to provide signed, written documentation from the program director or department chair that the applicant did indeed graduate from the qualifying accredited degree program.

(2) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology doctoral degree that is not accredited by CoA shall meet the following criteria in order to qualify an applicant for licensure as a psychologist:

(a) if located in the United States or Canada, be an institution having a doctoral psychology program recognized by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Joint Designation Committee as being found to meet "designation criteria", at the time the applicant received the earned degree. Whether a program is found to meet designation criteria is a decision to be made by the ASPPB/National Register Joint Designation Committee; or

(b) if located outside of the United States or Canada, be an institution that meets the ASPPB National Register (NR) Designation Guidelines for defining a doctoral degree in psychology as determined by the NR.

(3) An applicant whose psychology doctoral degree training is not designed to lead to clinical practice or who wishes to practice in a substantially different area than the training of the doctoral degree shall complete a program of respecialization as defined in Subsection R156-61-102(5), and shall meet requirements of Subsections R156-61-302a(2).

(4) The date of completion of the doctoral degree shall be the graduation date listed on the official transcript.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1) An applicant for licensure as a psychologist under Subsection 58-61-304(1)(e) or mental health therapy under Subsections 58-61-304(1)(e) and (1)(f) shall complete a minimum of 4,000 hours of psychology training approved by the Division in collaboration with the Board. The training shall:

(a) be completed in not less than two years;

(b) be completed in not more than four years following the awarding of the doctoral degree unless the Division in collaboration with the Board approves an extension due to extenuating circumstances;

(c) be completed while the applicant is enrolled in an approved doctoral program or licensed as a certified psychology resident;

(d) be completed while the applicant is under the supervision of a qualified psychologist meeting the requirements under Section R156-61-302d;

(e) if completed under the supervision of a qualified faculty member who is not an approved psychology training supervisor in accordance with Subsection R156-61-302d, the training shall not be credited toward the 4,000 hours of psychology doctoral clinical training;

(f) be completed as part of a supervised psychology training program as defined in Subsection R156-61-102(4) that does not exceed:

(i) 40 hours per week for full-time internships and full-time post doctoral positions; or

(ii) 20 hours of part-time internships and part-time post doctoral positions; and

(g) be completed while the applicant is under supervision of a minimum of one hour of supervision for every 20 hours of pre-doctoral training and experience and one hour for every 40 hours of post-doctoral training and experience.

(2) In accordance with Subsection 58-61-301(1)(b), an individual engaged in a post-doctoral residency program of supervised clinical training shall be certified as a psychology resident.

(3) An applicant for licensure may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(e) in a pre-doctoral program.

(4) An applicant who applies for licensure as a psychologist who completes the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(e) in a pre-doctoral program or post-doctoral residency, and meets qualifications for licensure, may be approved to sit for the examinations, and upon passing the examinations will be issued a psychologist license.

(5) An applicant for licensure as a psychologist who has commenced and completed all or part of the psychology or mental health therapy training requirements under Subsection R156-61-302b(1) outside the state, may receive credit for that training completed outside of the state if it is demonstrated by the applicant that the training is equivalent to the requirements for training under Subsections 58-61-304(1)(e) and (f), and Subsection R156-61-302b(1).

R156-61-302c. Qualifications for Licensure - Examination Requirements.

(1) The examination requirements which shall be met by an applicant for licensure as a psychologist under Subsection 58-61-304(1)(g) are:

(a) passing the Examination for the Professional Practice of Psychology (EPPP) developed by the American Association of State Psychology Board (ASPPB) with a passing score as recommended by the ASPPB; and

(b) passing the Utah Psychologist Law and Ethics Examination with a score of not less than 75%.

(2) A person may be admitted to the EPPP and Utah Psychologist Law and Ethics examinations in Utah only after meeting the requirements under 58-61-305, and after receiving written approval from the Division.

(3) If an applicant is admitted to an EPPP examination based upon substantive information that is incorrect and furnished knowingly by the applicant, the applicant shall automatically be given a failing score and shall not be permitted to retake the examination until the applicant submits fees and a correct application demonstrating the applicant is qualified for the examination and adequately explains why the applicant knowingly furnished incorrect information. If an applicant is inappropriately admitted to an EPPP examination because of a Division or Board error and the applicant receives a passing score, the results of the examination may not be used for licensure until the deficiency which would have barred the applicant for admission to the examination is corrected.

(4) An applicant who fails the EPPP examination three times will only be allowed subsequent admission to the examination after the applicant has appeared before the Board, developed with the Board a plan of study in appropriate subject matter, and thereafter completed the planned course of study to the satisfaction of the Board.

(5) An applicant who is found to be cheating on the EPPP examination or in any way invalidating the integrity of the examination shall automatically be given a failing score and shall not be permitted to retake the examination for a period of at least three years or as determined by the Division in collaboration with the Board.

(6) In accordance with Section 58-1-203 and Subsection 58-61-304(1)(g), an applicant for the EPPP or the Utah Psychologist Law and Ethics Examination shall pass the examinations within one year from the date of the psychologist application for licensure. If the applicant does not pass the examinations within one year, the pending psychologist application shall be denied. The applicant may continue to register to take the EPPP examination under the procedures outlined in Subsection R156-61-302c(4).

(7) In accordance with Section 58-1-203 and Subsection 58-61-304(2)(d), an applicant for psychologist licensure by endorsement shall pass the Utah Psychologist Law and Ethics Examination within six months from the date of the psychologist application for licensure. If the applicant does not pass the examination in six months, the pending psychologist application shall be denied.

R156-61-302d. Qualifications for Designation as an Approved Psychology Training Supervisor.

In accordance with Subsections 58-61-304(1)(e) and (f), to be approved by the Division in collaboration with the Board as a supervisor of psychology or mental health therapy training, an individual shall:

(1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed; and

(2) have practiced as a licensed psychologist for not fewer than 4,000 hours in a period of not less than two years.