

Effective 7/1/2015

58-61-702 Definitions.

In addition to the definitions in Section 58-61-102, as used in this part:

- (1) "Confidential communication" means information obtained by an individual licensed or registered under this part, including information obtained by the individual's observation of or interview with the client, patient, or authorized agent, which is:
 - (a)
 - (i) transmitted between the client, patient, or authorized agent and an individual licensed or registered under this part in the course of that relationship; or
 - (ii) transmitted among the client, patient, or authorized agent, an individual licensed or registered under this part, and individuals who are participating in the assessment or treatment in conjunction with an individual licensed or registered under this part, including the authorized agent or members of the client's or patient's family; and
 - (b) made in confidence, for the assessment or treatment of the client or patient by the individual who is licensed or registered under this part, and by a means not intended to be disclosed to a third party other than an individual:
 - (i) present to further the interest of the client or patient in the consultation, assessment or interview;
 - (ii) reasonably necessary for the transmission of the communications; or
 - (iii) participating in the assessment and treatment of the client or patient in conjunction with the behavior analyst or behavior specialist.
- (2) "Licensed assistant behavior analyst" means an individual licensed under this part to engage in the practice of behavior analysis under the supervision of a qualified supervisor, as defined by the division by administrative rule.
- (3) "Licensed behavior analyst" means an individual licensed under this part to engage in the practice of behavior analysis.
- (4)
 - (a) "Practice of behavior analysis" means the design and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:
 - (i) the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;
 - (ii) interventions based on scientific research and the direct observation and measurement of behavior and environment; and
 - (iii) utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.
 - (b) "Practice of behavior analysis" does not include:
 - (i) diagnosis of a mental or physical disorder;
 - (ii) psychological testing;
 - (iii) educational testing;
 - (iv) neuropsychology;
 - (v) neuropsychological testing;
 - (vi) mental health therapy;
 - (vii) psychotherapy;
 - (viii) counseling;
 - (ix) biofeedback;
 - (x) neurofeedback;

- (xi) cognitive therapy;
 - (xii) sex therapy;
 - (xiii) psychoanalysis; or
 - (xiv) hypnotherapy.
- (5) "Registered assistant behavior specialist" means an individual who:
- (a) is employed:
 - (i) as a professional engaging in the practice of behavior analysis within an organization contracted under a division of the Utah Department of Human Services;
 - (ii) to provide behavior analysis; and
 - (iii) on or before May 15, 2015;
 - (b) limits the practice of behavior analysis to the contract described in Subsection (5)(a)(i); and
 - (c) is registered under this part with the division to engage in the practice of behavior analysis under the supervision of a qualified supervisor, as defined by the division by administrative rule.
- (6) "Registered behavior specialist" means an individual who:
- (a) is employed:
 - (i) as a professional engaging in the practice of behavior analysis within an organization contracted under a division of the Utah Department of Human Services to provide behavior analysis; and
 - (ii) on or before May 15, 2015;
 - (b) limits the practice of behavior analysis to the contract described in Subsection (6)(a)(i); and
 - (c) is registered under this part with the division to engage in the practice of behavior analysis.

Enacted by Chapter 367, 2015 General Session