

Effective 7/1/2015

58-61-707 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following when practicing within the scope of the license held, may engage in acts included in the definition of the practice of behavior analysis, subject to the stated circumstances and limitations, without being licensed under this chapter:

- (1) a psychologist licensed under this chapter, and those acting under the psychologist's authority and direction;
- (2) a registered behavior specialist under this part;
- (3) a registered assistant behavior specialist under this part;
- (4) a mental health therapist licensed under Chapter 60, Mental Health Professional Practice Act;
- (5) a behavior analyst who practices with non-human or non-patient clients or consumers, including applied animal behaviorists;
- (6) an individual who provides general behavior analysis services to an organization, if the practice of behavior analysis is for the benefit of the organization and does not involve the practice of behavior analysis on an individual;
- (7) an individual who teaches behavior analysis or conducts behavior analysis research, provided that the individual does not practice behavior analysis on an individual as part of the teaching or research;
- (8) an employee of a school district, private school, or charter school who:
 - (a) practices behavior analysis as part of the employee's job description with the school district, private school, or charter school; and
 - (b) limits the employee's practice to the employment settings authorized by the:
 - (i) State Board of Education, if the employee is employed by a public school or charter school; or
 - (ii) private school employer, if the employee is employed by a private school;
- (9) a matriculated graduate student in:
 - (a) a mental health field whose activities are part of a defined program of study or professional training; or
 - (b) education or applied behavior analysis whose activities are part of a defined program of study or professional training;
- (10) a person:
 - (a) who is enrolled in a behavior analysis course sequence approved by the Behavior Analyst Certification Board at an accredited institution of higher education;
 - (b) whose activities are part of a defined program of study or professional training; and
 - (c) who is actively accruing supervision hours as defined by division rule under Section 58-1-203 and under the supervision of a licensed behavior analyst;
- (11) a person who:
 - (a) has completed and passed a course sequence approved by the Behavior Analyst Certification Board; and
 - (b) is completing the supervision hours as defined by division rule under Section 58-1-203 and under the supervision of a licensed behavior analyst or other supervisor as permitted by rule adopted by the division;
- (12) a person who:
 - (a) has completed and passed the course sequence approved by the Behavior Analyst Certification Board;
 - (b) has completed the supervision hours as defined by division rule under Section 58-1-203;
 - (c) continues working under the supervision of a behavior analyst; and

- (d) is preparing to take the licensing examination or awaiting results of the licensing examination, provided the exemption under this Subsection (12)(d) does not extend beyond six months from the latter of Subsection (12)(b) or (c);
- (13) until November 15, 2015, a person who:
 - (a) has completed and passed the Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst Examination developed by the Behavior Analyst Certification Board; and
 - (b) is in the process of applying for a license under this part;
- (14) an individual providing advice or counsel to another individual in a setting of the individual's association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; or
- (15) an individual exempt under Subsection 58-1-307(1)(b) only if the individual is supervised by qualified faculty or staff and the activities are a defined part of the degree program.

Enacted by Chapter 367, 2015 General Session