

**LICENSING OF AUTISM PROVIDERS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian E. Shiozawa**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill amends the Psychologist Licensing Act to establish a license for an applied behavior analyst and an assistant behavior analyst and a registration for a behavior specialist and an assistant behavior specialist.

**Highlighted Provisions:**

This bill:

- ▶ creates an exception to insurance coverage nondiscrimination provisions;
- ▶ amends the membership of the Psychologist Licensing Board to include a behavior analyst;
- ▶ establishes a new part to the Psychologist Licensing Act to license the practice of behavior analysis;
- ▶ defines terms;
- ▶ creates a license for a behavior analyst and an assistant behavior analyst;
- ▶ creates a registration for a behavior specialist and an assistant behavior specialist;
- ▶ establishes qualifications for licensure or registration under the Behavior Analyst Licensing Act;
- ▶ provides administrative rulemaking for the division to establish continuing education requirements;
- ▶ provides exemptions from the requirement to be licensed or registered;
- ▶ establishes confidentiality requirements;
- ▶ establishes unprofessional and unlawful conduct; and
- ▶ sunsets Part 7, Behavior Analyst Licensing Act.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **31A-22-618**, as last amended by Laws of Utah 2000, Chapter 267

37 **58-61-201**, as last amended by Laws of Utah 2013, Chapter 262

38 **63I-1-258**, as last amended by Laws of Utah 2014, Chapters 25, 72, and 181

39 ENACTS:

40 **58-61-701**, Utah Code Annotated 1953

41 **58-61-702**, Utah Code Annotated 1953

42 **58-61-703**, Utah Code Annotated 1953

43 **58-61-704**, Utah Code Annotated 1953

44 **58-61-705**, Utah Code Annotated 1953

45 **58-61-706**, Utah Code Annotated 1953

46 **58-61-707**, Utah Code Annotated 1953

47 **58-61-708**, Utah Code Annotated 1953

48 **58-61-709**, Utah Code Annotated 1953

49 **58-61-710**, Utah Code Annotated 1953

50 **58-61-711**, Utah Code Annotated 1953

51 **58-61-712**, Utah Code Annotated 1953

52 **58-61-713**, Utah Code Annotated 1953

53 **58-61-714**, Utah Code Annotated 1953

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55 *Be it enacted by the Legislature of the state of Utah:*

56 Section 1. Section **31A-22-618** is amended to read:

57 **31A-22-618. Nondiscrimination among health care professionals.**

58 (1) Except as provided under Section [31A-22-617](#) and Subsection (3) of this section,  
59 and except as to insurers licensed under Chapter 8, no insurer may unfairly discriminate against  
60 any licensed class of health care providers by structuring contract exclusions which exclude  
61 payment of benefits for the treatment of any illness, injury, or condition by any licensed class  
62 of health care providers when the treatment is within the scope of the licensee's practice and the  
63 illness, injury, or condition falls within the coverage of the contract. Upon the written request  
64 of an insured alleging an insurer has violated this section, the commissioner shall hold a  
65 hearing to determine if the violation exists. The commissioner may consolidate two or more  
66 related alleged violations into a single hearing.

67 (2) This section does not apply to catastrophic mental health coverage provided in  
68 accordance with Section [31A-22-625](#).

69 (3) Coverage for licensed providers for behavioral analysis may be limited by a insurer  
70 in accordance with Section [58-61-714](#). Nothing in this section prohibits an insurer from  
71 electing to provide coverage for other licensed professionals whose scope of practice includes  
72 behavior analysis.

73 Section 2. Section **58-61-201** is amended to read:

74 **58-61-201. Board.**

75 (1) (a) There is created the Psychologist Licensing Board consisting of four licensed  
76 psychologists [~~and~~] , one licensed behavior analyst, and one member from the general public.

77 (b) The licensed behavior analyst shall participate as a member of the board only for  
78 issues relevant to Part 7, Behavior Analyst Licensing Act.

79 (2) The board shall be appointed, serve terms, and be compensated in accordance with  
80 Section [58-1-201](#).

81 (3) The duties and responsibilities of the board are in accordance with Sections  
82 [58-1-202](#) and [58-1-203](#). In addition, the board shall:

83 (a) designate one of its members on a permanent or rotating basis to assist the division  
84 in review of complaints concerning unlawful or unprofessional practice by a licensee in the  
85 profession regulated by the board and to advise the division regarding the conduct of

86 investigations of the complaints; and

87 (b) disqualify a member from acting as presiding officer in an administrative procedure  
88 in which that member has previously reviewed the complaint or advised the division.

89 Section 3. Section **58-61-701** is enacted to read:

90 **Part 7. Behavior Analyst Licensing Act**

91 **58-61-701. Title.**

92 This part is known as the "Behavior Analyst Licensing Act."

93 Section 4. Section **58-61-702** is enacted to read:

94 **58-61-702. Definitions.**

95 In addition to the definitions in Section [58-61-102](#), as used in this part:

96 (1) "Confidential communication" means information obtained by an individual  
97 licensed or registered under this part, including information obtained by the individual's  
98 observation of or interview with the client, patient, or authorized agent, which is:

99 (a) (i) transmitted between the client, patient, or authorized agent and an individual  
100 licensed or registered under this part in the course of that relationship; or

101 (ii) transmitted among the client, patient, or authorized agent, an individual licensed or  
102 registered under this part, and individuals who are participating in the assessment or treatment  
103 in conjunction with an individual licensed or registered under this part, including the  
104 authorized agent or members of the client's or patient's family; and

105 (b) made in confidence, for the assessment or treatment of the client or patient by the  
106 individual who is licensed or registered under this part, and by a means not intended to be  
107 disclosed to a third party other than an individual:

108 (i) present to further the interest of the client or patient in the consultation, assessment  
109 or interview;

110 (ii) reasonably necessary for the transmission of the communications; or

111 (iii) participating in the assessment and treatment of the client or patient in conjunction  
112 with the behavior analyst or behavior specialist.

113 (2) "Licensed assistant behavior analyst" means an individual licensed under this part

114 to engage in the practice of behavior analysis under the supervision of a qualified supervisor, as  
115 defined by the division by administrative rule.

116 (3) "Licensed behavior analyst" means an individual licensed under this part to engage  
117 in the practice of behavior analysis.

118 (4) (a) "Practice of behavior analysis" means the design and evaluation of instructional  
119 and environmental modifications to produce socially significant improvements in human  
120 behavior and includes the following:

121 (i) the empirical identification of functional relations between behavior and  
122 environmental factors, known as functional assessment and analysis;

123 (ii) interventions based on scientific research and the direct observation and  
124 measurement of behavior and environment; and

125 (iii) utilization of contextual factors, motivating operations, antecedent stimuli,  
126 positive reinforcement, and other consequences to help people develop new behaviors, increase  
127 or decrease existing behaviors, and emit behaviors under specific environmental conditions.

128 (b) "Practice of behavior analysis" does not include:

129 (i) diagnosis of a mental or physical disorder;

130 (ii) psychological testing;

131 (iii) educational testing;

132 (iv) neuropsychology;

133 (v) neuropsychological testing;

134 (vi) mental health therapy;

135 (vii) psychotherapy;

136 (viii) counseling;

137 (ix) biofeedback;

138 (x) neurofeedback;

139 (xi) cognitive therapy;

140 (xii) sex therapy;

141 (xiii) psychoanalysis; or

- 142           (xiv) hypnotherapy.
- 143           (5) "Registered assistant behavior specialist" means an individual who:
- 144           (a) is employed:
- 145           (i) as a professional engaging in the practice of behavior analysis within an
- 146 organization contracted under a division of the Utah Department of Human Services;
- 147           (ii) to provide behavior analysis; and
- 148           (iii) on or before May 15, 2015;
- 149           (b) limits the practice of behavior analysis to the contract described in Subsection
- 150 (5)(a)(i); and
- 151           (c) is registered under this part with the division to engage in the practice of behavior
- 152 analysis under the supervision of a qualified supervisor, as defined by the division by
- 153 administrative rule.
- 154           (6) "Registered behavior specialist" means an individual who:
- 155           (a) is employed:
- 156           (i) as a professional engaging in the practice of behavior analysis within an
- 157 organization contracted under a division of the Utah Department of Human Services to provide
- 158 behavior analysis; and
- 159           (ii) on or before May 15, 2015;
- 160           (b) limits the practice of behavior analysis to the contract described in Subsection
- 161 (6)(a)(i); and
- 162           (c) is registered under this part with the division to engage in the practice of behavior
- 163 analysis.

164           Section 5. Section **58-61-703** is enacted to read:

165           **58-61-703. License or registration required.**

166           (1) A license or registration is required to engage in the practice of behavior analysis,

167 except as specifically provided in Section [58-1-307](#).

168           (2) The division shall issue to a person who qualifies under this part a license in the

169 classification of:

170 (a) behavior analyst; or  
171 (b) assistant behavior analyst.  
172 (3) The division shall issue to a person who qualifies under this part a registration in  
173 the classification of:

174 (a) behavior specialist; or  
175 (b) assistant behavior specialist.  
176 (4) An individual shall be licensed or registered under this part or exempted from  
177 licensure under this part in order to engage in, or represent that the individual is engaged in, the  
178 practice of behavior analysis.

179 Section 6. Section **58-61-704** is enacted to read:

180 **58-61-704. Term of license or registration.**

181 (1) (a) The division shall issue each license under this part with a two-year renewal  
182 cycle established by division rule.

183 (b) The division may by rule extend or shorten a renewal cycle by as much as one year  
184 to stagger the renewal cycles it administers.

185 (2) At the time of renewal, the licensed individual shall show satisfactory evidence of  
186 renewal requirements as required under this part.

187 (3) Each license or registration expires on the expiration date shown on the license  
188 unless renewed by the licensed individual in accordance with Section [58-1-308](#).

189 (4) (a) A registration as a registered behavior specialist or a registered assistant  
190 behavior specialist:

191 (i) expires on the day the individual is no longer employed in accordance with  
192 Subsection [58-61-705](#)(5)(e) or (6)(e); and

193 (ii) may not be renewed.

194 (b) The Department of Human Services, or an organization contracted with a division  
195 of the Department of Human Services, shall notify the Division of Occupational and  
196 Professional Licensing when a person registered under this part is no longer employed as a  
197 registered behavior specialist or a registered assistant behavior specialist.

198 Section 7. Section **58-61-705** is enacted to read:

199 **58-61-705. Qualifications for licensure -- By examination -- By certification.**

200 (1) An applicant for licensure as a behavior analyst based upon education, supervised  
201 experience, and national examination shall:

202 (a) submit an application on a form provided by the division;

203 (b) pay a fee determined by the department under Section [63J-1-504](#);

204 (c) be of good moral character;

205 (d) produce certified transcripts of credit verifying satisfactory completion of a master's  
206 or doctoral degree in applied behavior analysis from an accredited institution of higher  
207 education or an equivalent master or doctorate degree as determined by the division by  
208 administrative rule;

209 (e) as defined by the division by administrative rule, have completed at least 1,500  
210 hours of experiential behavior analysis training within a five year period of time with a  
211 qualified supervisor; and

212 (f) pass the examination requirement established by division rule under Section  
213 [58-1-203](#).

214 (2) An applicant for licensure as a behavior analyst based upon certification shall:

215 (a) without exception, on or before November 15, 2015, submit to the division an  
216 application on a form provided by the division;

217 (b) pay a fee determined by the department under Section [63J-1-504](#);

218 (c) be of good moral character; and

219 (d) provide official verification of current certification as a board certified behavior  
220 analyst from the Behavior Analyst Certification Board.

221 (3) An applicant for licensure as an assistant behavior analyst based upon education,  
222 supervised experience and national examination shall:

223 (a) submit an application on a form provided by the division;

224 (b) pay a fee determined by the department under Section [63J-1-504](#);

225 (c) be of good moral character;



226 (d) produce certified transcripts of credit verifying satisfactory completion of a  
227 bachelor's degree from an accredited institution of higher education and satisfactory completion  
228 of specific core course work in behavior analysis established under Section [58-1-203](#) from an  
229 accredited institution of higher education;

230 (e) as defined by the division by administrative rule, have completed at least 1,000  
231 hours of experiential behavior analysis training within a five-year period of time with a  
232 qualified supervisor; and

233 (f) pass the examination requirement established by division rule under Section  
234 [58-1-203](#).

235 (4) An applicant for licensure as an assistant behavior analyst based upon certification  
236 shall:

237 (a) without exception, on or before November 15, 2015, submit to the division an  
238 application on a form provided by the division;

239 (b) pay a fee determined by the department under Section [63J-1-504](#);

240 (c) be of good moral character; and

241 (d) provide official verification of current certification as a board certified assistant  
242 behavior analyst from the Behavior Analyst Certification Board.

243 (5) An applicant for registration as a behavior specialist based upon professional  
244 experience in behavior analysis shall:

245 (a) without exception, on or before November 15, 2015, submit to the division, an  
246 application on a form provided by the division;

247 (b) pay a fee determined by the department under Section [63J-1-504](#);

248 (c) be of good moral character;

249 (d) have at least five years of experience as a professional engaged in the practice of  
250 behavior analysis on or before May 15, 2015; and

251 (e) be employed as a professional engaging in the practice of behavior analysis within  
252 an organization contracted with a division of the Utah Department of Human Services to  
253 provide behavior analysis on or before July 1, 2015.

- 254           (6) An applicant for registration as an assistant behavior specialist based upon  
255 professional experience in behavior analysis shall:
- 256           (a) without exception, on or before November 15, 2015, submit to the division, an  
257 application on a form provided by the division;
- 258           (b) pay a fee determined by the department under Section [63J-1-504](#);
- 259           (c) be of good moral character;
- 260           (d) have at least one year of experience as a professional engaging in the practice of  
261 behavior analysis prior to July 1, 2015; and
- 262           (e) be employed as a professional engaging in the practice of behavior analysis within  
263 an organization contracted with a division of the Utah Department of Human Services to  
264 provide behavior analysis on or before July 1, 2015.

265           Section 8. Section **58-61-706** is enacted to read:

266           **58-61-706. Continuing education.**

267           (1) The division may establish administrative rules in accordance with Title 63G,  
268 Chapter 3, Utah Administrative Rulemaking Act, requiring continuing education as a condition  
269 for renewal of any license classification or maintaining a registration classification under this  
270 part if the division finds that continuing education is necessary to reasonably protect the public  
271 health, safety, or welfare.

272           (2) If a renewal cycle is extended or shortened under Section [58-61-704](#), the continuing  
273 education hours required for license renewal or maintaining a registration under this part shall  
274 be increased or decreased proportionally.

275           Section 9. Section **58-61-707** is enacted to read:

276           **58-61-707. Exemptions from licensure.**

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

281           (1) a psychologist licensed under this chapter, and those acting under the psychologist's

282 authority and direction;

283 (2) a registered behavior specialist under this part;

284 (3) a registered assistant behavior specialist under this part;

285 (4) a mental health therapist licensed under Chapter 60, Mental Health Professional  
286 Practice Act;

287 (5) a behavior analyst who practices with non-human or non-patient clients or  
288 consumers, including applied animal behaviorists;

289 (6) an individual who provides general behavior analysis services to an organization, if  
290 the practice of behavior analysis is for the benefit of the organization and does not involve the  
291 practice of behavior analysis on an individual;

292 (7) an individual who teaches behavior analysis or conducts behavior analysis research,  
293 provided that the individual does not practice behavior analysis on an individual as part of the  
294 teaching or research;

295 (8) an employee of a school district, private school, or charter school who:

296 (a) practices behavior analysis as part of the employee's job description with the school  
297 district, private school, or charter school; and

298 (b) limits the employee's practice to the employment settings authorized by the:

299 (i) State Board of Education, if the employee is employed by a public school or charter  
300 school; or

301 (ii) private school employer, if the employee is employed by a private school;

302 (9) a matriculated graduate student in:

303 (a) a mental health field whose activities are part of a defined program of study or  
304 professional training; or

305 (b) education or applied behavior analysis whose activities are part of a defined  
306 program of study or professional training;

307 (10) a person:

308 (a) who is enrolled in a behavior analysis course sequence approved by the Behavior  
309 Analyst Certification Board at an accredited institution of higher education;

310 (b) whose activities are part of a defined program of study or professional training; and

311 (c) who is actively accruing supervision hours as defined by division rule under Section  
312 58-1-203 and under the supervision of a licensed behavior analyst;

313 (11) a person who:

314 (a) has completed and passed a course sequence approved by the Behavior Analyst  
315 Certification Board; and

316 (b) is completing the supervision hours as defined by division rule under Section  
317 58-1-203 and under the supervision of a licensed behavior analyst or other supervisor as  
318 permitted by rule adopted by the division;

319 (12) a person who:

320 (a) has completed and passed the course sequence approved by the Behavior Analyst  
321 Certification Board;

322 (b) has completed the supervision hours as defined by division rule under Section  
323 58-1-203;

324 (c) continues working under the supervision of a behavior analyst; and

325 (d) is preparing to take the licensing examination or awaiting results of the licensing  
326 examination, provided the exemption under this Subsection (12)(d) does not extend beyond six  
327 months from the latter of Subsection (12)(b) or (c);

328 (13) until November 15, 2015, a person who:

329 (a) has completed and passed the Board Certified Behavior Analyst or Board Certified  
330 Assistant Behavior Analyst Examination developed by the Behavior Analyst Certification  
331 Board; and

332 (b) is in the process of applying for a license under this part;

333 (14) an individual providing advice or counsel to another individual in a setting of the  
334 individual's association as friends or relatives and in a nonprofessional and noncommercial  
335 relationship, if there is no compensation paid for the advice or counsel; or

336 (15) an individual exempt under Subsection 58-1-307(1)(b) only if the individual is  
337 supervised by qualified faculty or staff and the activities are a defined part of the degree

338 program.

339 Section 10. Section **58-61-708** is enacted to read:

340 **58-61-708. License and registration denial and discipline.**

341 The division's grounds for refusing to issue a license or registration to an applicant, for  
342 refusing to renew the license of a licensed individual or registration of a registered individual,  
343 for revoking, suspending, restricting, or placing on probation the license of a licensed  
344 individual or registration of a registered individual, for issuing a public or private reprimand to  
345 a licensed individual or registered individual, and for issuance of a cease and desist order are  
346 under Section [58-1-401](#).

347 Section 11. Section **58-61-709** is enacted to read:

348 **58-61-709. Unlawful conduct.**

349 As used in this part, "unlawful conduct" includes:

350 (1) practice of behavior analysis unless licensed as a behavior analyst or assistant  
351 behavior analyst under this part, registered as a behavior specialist or assistant behavior  
352 specialist, or exempted from licensure or registration under this title; or

353 (2) representing oneself as or using the title of licensed behavior analyst or licensed  
354 assistant behavior analyst unless currently licensed under this part.

355 Section 12. Section **58-61-710** is enacted to read:

356 **58-61-710. Unprofessional conduct.**

357 As used in this part, "unprofessional conduct" includes:

358 (1) using or employing the services of any individual to assist a licensed behavior  
359 analyst, licensed assistant behavior analyst, registered behavior specialist, or registered  
360 assistant behavior specialist in any manner not in accordance with the generally recognized  
361 practices, standards, or ethics of the profession for which the individual is licensed or the laws  
362 of the state, including:

363 (a) acting as a supervisor or accepting supervision of a supervisor without complying  
364 with or ensuring compliance with the requirements of administrative rule adopted by the  
365 division;

366 (b) engaging in and aiding or abetting conduct or practices that are false, dishonest,  
367 deceptive, or fraudulent;

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

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

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

375 (f) engaging in sexual activities or sexual contact with a client with or without client  
376 consent;

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

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

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

387 (j) exploiting a client for personal gain;

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

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

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

- 394 (n) failing to cooperate with the division during an investigation;
- 395 (o) using the abbreviated title of LBA unless licensed in the state as a behavior analyst;
- 396 (p) using the abbreviated title of LaBA unless licensed in the state as an assistant
- 397 behavior analyst;
- 398 (q) failing to make reasonable efforts to notify a client and seek the transfer or referral
- 399 of services, according to the client's needs or preferences, when a behavior analyst anticipates
- 400 the interruption or termination of services to a client;
- 401 (r) failing to provide for orderly and appropriate resolution of responsibility for client
- 402 care in the event that the employment or contractual relationship ends, according to the client's
- 403 needs and preferences;
- 404 (s) failing to make reasonable steps to avoid abandoning a client who is still in need of
- 405 services;
- 406 (t) failing to report conviction of a felony or misdemeanor directly relating to the
- 407 practice of behavior analysis or public health and safety;
- 408 (u) failing to report revocation or suspension of certification from the Behavior Analyst
- 409 Certification Board; and
- 410 (v) failure to confine practice conduct to those acts or practices in which the individual
- 411 is competent by education, training, and experience within limits of education, training, and
- 412 experience; and
- 413 (2) other conduct as further defined by administrative rule adopted by the division.

414 Section 13. Section **58-61-711** is enacted to read:

415 **58-61-711. Penalty for unlawful conduct.**

416 An individual who commits any act of unlawful conduct as defined in:

417 (1) Subsection [58-61-501](#)(1) is guilty of a third degree felony; or

418 (2) Subsection [58-61-501](#)(2) is guilty of a class A misdemeanor.

419 Section 14. Section **58-61-712** is enacted to read:

420 **58-61-712. Reporting of unprofessional or unlawful conduct -- Immunity from**

421 **liability.**

422 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section  
423 58-61-102 by a person licensed or registered under this chapter or an individual not licensed or  
424 registered under this chapter who engaged in acts or practices regulated under this chapter,  
425 which results in disciplinary action by a licensed health care facility, professional practice  
426 group, or professional society, or which results in a significant adverse impact upon the public  
427 health, safety, or welfare, the following shall report the conduct in writing to the division  
428 within 10 days after learning of the disciplinary action or the conduct, unless the individual or  
429 person knows it has been reported:

430 (a) a licensed health care facility or an organization in which an individual licensed or  
431 registered under this chapter engaged in practice;

432 (b) an individual licensed or registered under this chapter; or

433 (c) a professional society or organization whose membership individuals licensed or  
434 registered under this chapter and that has the authority to discipline or expel a member for acts  
435 of unprofessional conduct or unlawful conduct.

436 (2) Any individual who reports acts of unprofessional or unlawful conduct by an  
437 individual licensed or registered under this chapter is immune from liability arising out of the  
438 disclosure to the extent the individual furnishes the information in good faith and without  
439 malice.

440 Section 15. Section **58-61-713** is enacted to read:

441 **58-61-713. Confidentiality -- Exemptions.**

442 (1) A behavior analyst or behavior specialist under this chapter may not disclose any  
443 confidential communication with a client or patient without the express consent of:

444 (a) the client or patient;

445 (b) the parent or legal guardian of a minor client or patient; or

446 (c) the authorized agent of a client or patient.

447 (2) A behavior analyst or behavior specialist is not subject to Subsection (1) if:

448 (a) the behavior analyst or behavior specialist is permitted or required by state or  
449 federal law, rule, regulation, or order to report or disclose any confidential communication,



450 including:  
451 (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a  
452 Vulnerable Adult;  
453 (ii) reporting under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting  
454 Requirements;  
455 (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to  
456 Warn; or  
457 (iv) reporting of a communicable disease as required under Section [26-6-6](#);  
458 (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made  
459 under an exemption from evidentiary privilege under Utah Rules of Evidence, Rule 506; or  
460 (c) the disclosure is made under a generally recognized professional or ethical standard  
461 that authorizes or requires the disclosure.  
462 Section 16. Section **58-61-714** is enacted to read:  
463 **58-61-714. Third party payment for licensed behavior analyst.**  
464 Notwithstanding the provisions of Section [31A-22-618](#), payment from third party  
465 payers for behavior analysis may be limited to:  
466 (1) a licensed behavior analyst as defined in [58-61-701](#); and  
467 (2) the following, working within the scope of their practice:  
468 (a) a physician licensed under Chapter 67, Utah Medical Practice Act or Chapter 68,  
469 Utah Osteopathic Medical Practice Act;  
470 (b) an advanced practice registered nurse licensed under Chapter 31b, Nurse Practice  
471 Act;  
472 (c) a psychologist licensed under this chapter;  
473 (d) a clinical social worker licensed under Chapter 60, Part 2, Social Work Licensing  
474 Act;  
475 (e) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and  
476 Family Therapist Licensing Act; and  
477 (f) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental

478 Health Counselor Act.

479 Section 17. Section **63I-1-258** is amended to read:

480 **63I-1-258. Repeal dates, Title 58.**

481 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
482 repealed July 1, 2016.

483 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

484 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

485 (4) Section [58-37-4.3](#) is repealed July 1, 2016.

486 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

487 (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is  
488 repealed July 1, 2019.

489 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

490 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July  
491 1, 2023.

492 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

493 (10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,  
494 2026.

495 [~~(10)~~] (11) Section [58-69-302.5](#) is repealed on July 1, 2015.

496 [~~(11)~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

497 Section 18. **Effective date.**

498 This bill takes effect on July 1, 2015.