

Initial Letter to ND Legislative Council

06/09/2020

Ms. Vonette Richter
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Richter:

The Notice of Intent to amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,
Emily Wangen
Chair Board of Integrative Health Care

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Board of Integrative Health Care will hold a public hearing to address proposed new, amendments to, and repeal of the North Dakota Administrative Code Title 112. The hearing will be July 20, 2020 at 6pm CST at the location of Music Therapy in Motion, 6046-B 14th S. South Fargo ND 58104. The purpose of the proposed amendment and adoption is to update title 112 according to Senate Bill 2236, enacted during the most recent 66th Assembly Legislative session, concerning Behavior Analyst Licensure.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

Integrative Health Care Board proposed new rules and amendments to NDAC Title 112 address the following:

ARTICLE 112-01 GENERAL ADMINISTRATION

Chapter 112-01-01: Organization of the Board:

Section 112-01-01-01. Organization and functions of the board of Integrative Health Care. The purpose of proposed amendment is to add Behavior Analyst Professionals to the board. The language regarding the requirements are listed NDCC 43-57-03. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01. (1) History:

The purpose of proposed amendment is to remove the history section because it is unnecessary. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01. (1) Functions:

The purpose of proposed amendment is to add one behavior analyst professional to board membership. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01. (2) Board Membership:

The purpose of proposed amendment is to add one behavior analyst professional to board membership. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01. (3) Secretary and Treasure.

The purpose of proposed amendment is to correct the numbering. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01.(4) Executive Director.

The purpose of proposed amendment is to correct the numbering. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-01-01-01. (5) Inquiries.

The purpose of proposed amendment is to correct the numbering. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

ARTICLE 112-01 GENERAL ADMINISTRATION

112-01-04: Licensee Duties and Disciplinary Matters

112-01-04-02. Code of ethics

112-01-04-02.2 Music Therapists. The purpose of proposed amendment is to clarify the language. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

112-01-04-02.4 Behavior Analyst Professionals. The purpose of proposed amendment is to adopt the 2014 edition of the BACB Professional and Ethical Compliance Code as the Code of Ethics for Behavior Analyst professionals. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

112-01-04-09. Supervision of Students- music therapy, acupuncture and naturopathy

The purpose of proposed amendment is to clarify that this section of law only applies to music therapy, acupuncture, and naturopathy. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

ARTICLE 112-05 BEHAVIOR ANALYST LICENSURE

112-05-01-01. Definitions

The purpose of these proposed rules is to add expanded definitions for behavior analyst, certifying entity, national board, and national board exams within the scope of abilities found in N.D.C.C. 43-57-03, 43-64-04. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-02. Application for licensure-Requirements.

The purpose of the proposed amendment is give permission for the board to grant licensure as a licensed behavior analyst and as an assistant behavior analyst to the applicant that meets said requirements. The language regarding the requirements can be found in NDCC 43-57-03, 43-57-04. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The language regarding the requirements for licensure including degree, examination, certification are listed NDCC 43-57-03, 43-57-04. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-03 Application for licensure-How Made.

The purpose of the proposed amendment is to clarify application requirements.

The requirements listed in this section 112-05-01-03.1-4 can be found in NDCC 43-57-03, 43-64-04. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-04. License by Endorsement.

The purpose of the proposed amendment is to set conditions for licensure by endorsement. The requirements listed in this section 112-05-01-04.1-5 can be found in NDCC 43-57-03, 43-64-04. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-05. License issued-Approved Designation.

The purpose of the proposed amendment is to add requirement that applicant is 18 years of age, met requirements outlined in chapter 112-04-01, is of good character, then said applicant shall be issued license to practice behavior analysis.

The requirements listed in this section 112-05-01-05 can be found in NDCC 43-57-03, 43-57,06, 43-64-02, 43-64-03. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-06. Student Supervision.

The purpose of the proposed amendment is to define eligibility of supervision of behavioral analyst students. The requirements listed in this section 112-05-01-06 can be found in NDCC 43-57-03, 43-57,06, 43-64-04, 43-64-03. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-07. License display. The purpose of the proposed amendment is to define address change notification policies and requiring display of the licensure certificate. The requirements listed in this section 112-05-01-07 can be found in NDCC 43-57-03, 43-64-02. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-08. License renewal and fees. The purpose of the proposed amendment is to set parameters and fees related to licensure renewal. The requirements listed in this section 112-05-01-08 can be found in NDCC 43-57-03, 43-57-07. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-09. Lapsed licenses.

The purpose of the proposed amendment is to define lapsed licenses of the behavior analyst and define consequences should person continue to practice with lapsed license. The requirements listed in this section 112-05-01-09 can be found in NDCC 43-57-03, 43-57-07. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-10. Continuing Education Requirements.

The purpose of the proposed amendment is to add and define continuing education requirements of the behavior analysts. The requirements listed in this section 112-05-01-10 can be found in NDCC 43-57-03, 43-57-07. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-11. Board approval of continuing education.

The purpose of the proposed amendment is to add and define approval of CE requirements of the behavior analysts. The requirements listed in this section 112-05-01-11 can be found in NDCC 43-57-03, 43-57-07, 43-59-03. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-12. Board Audit.

The purpose of the proposed amendment is to define and add board audit of the behavior analysts. The requirements listed in this section 112-05-01-12 can be found in NDCC 43-57-03, 43-57-07, 43-57-08. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-13. Fees.

The purpose of the proposed amendment is to define and add fees for behavior analysis professionals. The requirements listed in this section 112-05-01-13 can be found in NDCC 43-57-03, 43-57-07. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

112-05-01-14. Exemptions from licensure. The purpose of the proposed amendment is to define and clarify individuals who are exempted from licensure requirements of this chapter: The requirements listed in this section 112-05-01-14 can be found in NDCC 43-57-03. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the Integrative Health Care Board located at 6046-B 14th St. S., Fargo, ND 58104. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, emailing bcba.ihcb@gmail.com, or calling (218) 791-0908. Written or oral comments on the proposed rules sent to the above address or telephone number and received by July 31, 2020 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Integrative Health Care Board at the above telephone number or address at least 5 days prior to the public hearing.

Dated this 9th day of June, 2020.

Emily Wangen
Chair
Board of Integrative Health Care