

## CHAPTER 154D

### BEHAVIORAL SCIENCE

Referred to in §135.24, 135L.3, 147.74, 147.76, 216.8C, 249A.15A, 257.41, 489.1101, 496C.2, 514C.31, 622.10, 714H.4

Enforcement, §147.87, 147.92  
Penalty, general, §147.86

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#### 154D.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Board*” means the board of behavioral science established in [chapter 147](#).
2. “*Certifying entity*” means the behavior analyst certification board or another entity whose programs to certify professional practitioners of applied behavior analysis are accredited by the national commission for certifying agencies or the American national standards institute.
3. “*Licensed assistant behavior analyst*” means a person licensed to practice applied behavior analysis under the supervision of a licensed behavior analyst under [chapter 147](#) and [this chapter](#).
4. “*Licensed behavior analyst*” means a person licensed to practice applied behavior analysis under [chapter 147](#) and [this chapter](#).
5. “*Licensed marital and family therapist*” means a person licensed to practice marital and family therapy under [chapter 147](#) and [this chapter](#).
6. “*Licensed mental health counselor*” means a person licensed to practice mental health counseling under [chapter 147](#) and [this chapter](#).
7. “*Licensee*” includes a licensed marital and family therapist and a licensed mental health counselor.
8. “*Marital and family therapy*” means the application of counseling techniques in the assessment and resolution of emotional conditions. This includes the alteration and establishment of attitudes and patterns of interaction relative to marriage, family life, and interpersonal relationships.
9. “*Mental health counseling*” means the provision of counseling services involving assessment, referral, consultation, and the application of counseling, human development principles, learning theory, group dynamics, and the etiology of maladjustment and dysfunctional behavior to individuals, families, and groups.
10. “*Practice of applied behavior analysis*” means the design, implementation, and evaluation of instructional and environmental modification to produce socially significant improvements in human behavior. “*Practice of applied behavior analysis*” includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. “*Practice of applied behavior analysis*” excludes psychological testing, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and counseling as treatment modalities.
11. “*Temporary license*” means a license to practice marital and family therapy or mental health counseling under direct supervision of a qualified supervisor as determined by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with [this chapter](#).
12. “*Temporary licensed marital and family therapist*” means a person licensed to practice marital and family therapy under supervision in accordance with [section 154D.7](#).

13. “*Temporary licensed mental health counselor*” means a person licensed to practice mental health counseling under supervision in accordance with [section 154D.7](#).

[91 Acts, ch 229, §6](#); [2007 Acts, ch 10, §149](#); [2008 Acts, ch 1088, §65](#); [2018 Acts, ch 1106, §7, 14](#)

#### **154D.2 Licensure — marital and family therapy — mental health counseling.**

An applicant for a license to practice marital and family therapy or mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:

1. Possesses a master’s degree in marital and family therapy or mental health counseling, as applicable, consisting of at least sixty semester hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

2. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.

3. Passes an examination approved by the board.

[91 Acts, ch 229, §7](#); [94 Acts, ch 1170, §25, 26](#); [2004 Acts, ch 1090, §2, 3](#); [2005 Acts, ch 89, §17, 18](#); [2006 Acts, ch 1184, §97](#); [2008 Acts, ch 1088, §66](#)

Referred to in [§154D.4, 154D.7](#)

#### **154D.2A Licensure — behavior analysts — assistant behavior analysts.**

1. An applicant for a license to practice as a behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant’s current certification as a behavior analyst or behavior analyst-doctoral by a certifying entity.

2. An applicant for a license to practice as an assistant behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant’s current certification as an assistant behavior analyst by a certifying entity. The applicant must also provide proof of ongoing supervision by a licensed behavior analyst in accordance with the requirements of the certifying entity.

[2018 Acts, ch 1106, §8, 14](#)

#### **154D.3 Board organization and authority.**

1. In addition to duties and responsibilities provided in [chapters 147](#) and [272C](#), the board shall adopt rules relating to:

- a. Standards required for licensees engaging in the professions covered by [this chapter](#).
- b. Standards for professional conduct of persons licensed under [this chapter](#).
- c. The administration of [this chapter](#).

d. The status of active and inactive licensure, and guidelines for reentry of inactive licensees.

e. Educational activities which fulfill continuing education requirements for license renewals. The board shall not limit the number of continuing education credits that may be obtained online by marital and family therapists or mental health counselors in fulfilling continuing education requirements, provided that any program providing continuing education credits online shall comply with standards set by the board.

2. The board may establish subcommittees. A decision or recommendation of a subcommittee shall not become effective without approval of the board. The board may initiate action relating to either of the professions within its jurisdiction.

[91 Acts, ch 229, §8](#); [98 Acts, ch 1050, §2, 5](#); [2008 Acts, ch 1088, §67](#); [2019 Acts, ch 83, §2](#)

Subsection 1, paragraph e amended

#### **154D.4 Exemptions.**

1. [This chapter](#) and [chapter 147](#) do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a marital and family therapy or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons

shall not use a title or description denoting that they are licensed marital and family therapists or licensed mental health counselors.

2. The licensure requirements of [this chapter](#) and [chapter 147](#) do not apply to the following:

a. Students whose activities are conducted within a course of professional education in marital and family therapy or mental health counseling.

b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under [this chapter](#) as part of a clinical experience as described in [section 154D.2, subsection 2](#).

c. The provision of children, family, or mental health services through the department of human services or juvenile court, or agencies contracting with the department of human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

3. [This chapter](#) and [chapter 147](#) do not prevent or restrict the practice of applied behavior analysis by any of the following:

a. Persons licensed to practice other professions under [this subtitle](#), provided that applied behavior analysis is within the scope of practice of the person's profession, the services provided are within the boundaries of the person's education, training, and competence, and the person does not represent that the person is a licensed behavior analyst or licensed assistant behavior analyst unless also licensed as one.

b. Family members of recipients of applied behavior analysis services implementing applied behavior analysis treatment plans with the recipients under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts.

c. Paraprofessional technicians who deliver applied behavior analysis services under the extended authority and direction of a licensed behavior analyst or licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts and shall use titles that indicate their nonprofessional status, including but not limited to "assistant behavior analyst technician", "behavior technician", "tutor", or "line therapist".

d. Behavior analysts who practice with nonhumans, including but not limited to applied animal behaviorists and animal trainers. Such individuals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

e. Professionals who provide general applied behavior analysis services to organizations, so long as those services are for the benefit of the organizations and do not involve direct services to individuals. Such professionals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

f. Students whose applied behavior analysis activities are conducted within a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a behavior analyst licensed in this state, an instructor in a course sequence approved by a certifying entity, or another qualified faculty member of the student's program. Such students shall not present themselves as behavior analysts or assistant behavior analysts and shall use titles that clearly indicate their status, such as "student", "intern", or "trainee".

g. Unlicensed persons pursuing supervised experience in applied behavior analysis consistent with the experience requirements of a certifying entity, provided such experience is supervised in accordance with the requirements of the certifying entity.

h. Individuals who teach applied behavior analysis or conduct behavior-analytic research, provided that such teaching or research does not involve the direct delivery of applied behavior analysis services. Such individuals may use the title "behavior analyst" but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such.

i. Behavior analysts licensed in another jurisdiction or certified by a certifying entity to

practice independently and who work in this state no more than two thousand eighty hours within a calendar year.

j. Persons employed by a school, school district, or area education agency performing the duties of their positions. Such persons shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such, and shall not offer applied behavior analysis services to any persons or entities other than their school employer or accept remuneration for providing applied behavior analysis services other than the remuneration they receive from their school employer.

[91 Acts, ch 229, §9](#); [98 Acts, ch 1050, §3, 5](#); [2008 Acts, ch 1088, §68](#); [2018 Acts, ch 1106, §9, 14](#); [2019 Acts, ch 59, §52](#)

Subsection 3, paragraph a amended

#### **154D.5 Sexual conduct with client.**

The license of a behavior analyst, an assistant behavior analyst, a marital and family therapist, or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule. The revocation shall be in addition to any other penalties provided by law.

[91 Acts, ch 229, §10](#); [2008 Acts, ch 1088, §69](#); [2018 Acts, ch 1106, §10, 14](#)

**154D.6 Transition provisions.** Repealed by [2008 Acts, ch 1088, §79](#).

#### **154D.7 Temporary license — marital and family therapy — mental health counseling — fees.**

Any person who has fulfilled all of the requirements for licensure under [section 154D.2](#), except for having completed the postgraduate supervised clinical experience requirement as determined by the board by rule, may apply to the board for a temporary license. The license shall be designated “temporary license in marital and family therapy” or “temporary license in mental health counseling” and shall authorize the licensee to practice marital and family therapy or mental health counseling under the supervision of a qualified supervisor as determined by the board by rule. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required.

[2008 Acts, ch 1088, §70](#); [2018 Acts, ch 1106, §11, 14](#)

Referred to in [§154D.1](#), [249A.15A](#), [514C.32](#)