

# North Carolina Psychology Board



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The 2022 Appropriations Act was ratified and signed by Governor Cooper on July 11, 2022. It includes the following provision:

## TEMPORARY AUTHORIZATION OF BEHAVIOR ANALYSTS TO PRACTICE WITHOUT SUPERVISION

SECTION 9K.3.(a) Notwithstanding G.S. 90-270.154 and 21 NCAC 54 .2801 through .2806, individuals who reside in this State and meet one of the following criteria may engage in the practice of behavior analysis, as defined in G.S. 90-732(8), without the supervision of a licensed psychologist:

- (1) The individual is licensed or certified in another state or jurisdiction as a behavior analyst, assistant behavior analyst, or behavior technician, as defined in G.S. 90-732, respectively.
- (2) The individual is nationally accredited by the Behavior Analyst Certification Board, or its successor, as a board-certified behavior analyst, board-certified assistant behavior analyst, or registered behavior technician.
- (3) The individual is nationally accredited by the Qualified Applied Behavior Analysis Credentialing Board, or its successor, as a qualified behavior analyst, qualified autism services practitioner supervisor, or applied behavior analysis technician.

SECTION 9K.3.(b) Assistant behavior analysts, behavior technicians, or their nationally accredited equivalents authorized to practice under this section shall be supervised by a behavior analyst in accordance with Article 43 of Chapter 90 of the General Statutes.

SECTION 9K.3.(c) This section is effective when this act becomes law.

SECTION 9K.3.(d) This section expires 60 calendar days from the date the North Carolina Behavior Analysis Board accepts licensure applications for behavior analysts, assistant behavior analysts, and behavior technicians

The above temporary statutory provision Section 9K.3. (a) through (d), specifically applies to the supervision of the above identified individuals under the NC Psychology Board ancillary services statute (N.C. Gen. Stat. § 90-270.154) and rules (21 NCAC 54 .2801-.2806). It sets forth that the above specified individuals are not required to receive supervision by a licensed psychologist

under the NC Psychology Board's ancillary services statute and ancillary services rules during this temporary period. It does not address supervision by licensed psychological associates (LPAs), so the exemption does not appear to apply to supervision by an LPA. Therefore, if supervision is being provided to any of the specified individuals by an LPA it would need to continue, since there is no exemption.

**Significantly, however, this temporary provision has no impact on the requirement for licensure by the North Carolina Psychology Board or any other board in North Carolina, which authorizes the practice of behavior analysis.**

Behavior analysis falls under the practice of psychology, as set forth in N.C. Gen. Stat. § 90-270.136:

(8) Practice of psychology. — The observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior or of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, or mental health. The practice of psychology includes, but is not limited to: psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis, including etiology and prognosis, and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological and neuropsychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

As a result, the practice of behavior analysis requires licensure as a psychologist by the NC Psychology Board or by another board in North Carolina which authorizes the practice. The temporary statutory provision did not exempt any individuals from the licensure requirements of the NC Psychology Board or of any other board in North Carolina it only exempts specific individuals from the supervision requirements of ancillary services providers, set forth in the NC Psychology Practice Act and rules.

**The only activity that this temporary statutory provision authorizes are those activities that may be performed without licensure by the NC Psychology Board or any other Board in North Carolina that regulates the practice of behavior analysis. Those activities are as an ancillary services provider, which do not require licensure by the NC Psychology Board.**

N.C. Gen. Stat. § 90-270.154. sets forth that:

Ancillary services. A psychologist licensed under this Article may employ or supervise unlicensed individuals who assist in the provision of psychological services to clients,

patients, and their families. The Board may adopt rules specifying the titles used by such individuals, the numbers employed or supervised by any particular psychologist, the activities in which they may engage, the nature and extent of supervision which must be provided, the qualifications of such individuals, and the nature of the responsibility assumed by the employing or supervising psychologist.

As set forth in the Board adopted rule, 21 NCAC 54 .2805 Services appropriate for ancillary services personnel include:

(b) Tasks requiring technical skills, training and judgment during execution are appropriate activities in which unlicensed individuals may engage. Examples of these activities include obtaining demographic histories; implementing biofeedback techniques; administering and scoring specific parts of psychological tests, including neuropsychological tests, which are scored on a pass/fail, multiple choice, or true/false basis, or for which scores are based on speed or quantity of performance; administering intelligence tests and other psychological tests to an individual in which the patient or client's performance may alter the length of the protocol, require adjustment of the number of items administered, or require that a decision be made to probe a response of the patient or client provided that ancillary services personnel have been deemed by the licensee to have met the training requirements of the test publisher; and implementing specific behavioral interventions that are part of a treatment plan.

**Therefore, the only activities that individuals who are unlicensed in North Carolina to practice behavior analysis may participate in as ancillary services personnel are implementing specific behavioral interventions that are part of a treatment plan.** Under the temporary provision they may engage in these tasks without the supervision of a licensed psychologist. They are not authorized to engage in the practice of behavior analysis, which includes creating treatment plans, behavioral assessments, diagnosis, or any other clinical judgments, unless they are licensed by this Board or another Board in North Carolina that authorizes the practice of behavior analysis.