ARIZONA DEPARTMENT OF HEALTH SERVICES

LICENSING

Health Care Institution Licensure Requirements for Applied Behavior Analysis

Health Care Institutions (HCI)

What is a health care institution?
Per A.R.S. § 36-401(A)(23), "**health care institution**" means "every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in section 36-151, outdoor behavioral health care programs and hospice service agencies."

When does a facility require licensure as an HCI?
All facilities that meet the definition of a "health care institution" and do not qualify for an exemption as listed in A.R.S. § 36-402 require licensure. Some examples of services provided by facilities that would require an HCI license include, but are not limited to:

- Behavioral health services
- Counseling
- Health screening services
- Medication administration and assistance in the self-administration of medication
- Physical health services
    - Medical services
    - Nursing services
    - Health-related services
    - Ancillary services
- Respite services

Are there HCI licensure exceptions?
Yes, there are some licensure exemptions listed in A.R.S. § 36-402, including, but not limited to:

- Private offices and clinics of health care providers licensed under Title 32 that are not freestanding urgent care centers (with some exceptions)
- Outpatient treatment centers (OTC) that have the same direct owner as a hospital and have notified the Department[1] of its decision to be exempt from licensure (with some exceptions)

What class of license may be required for a HCI to provide ABA?
Depending on the services provided and whether or not the facility meets any of the licensure exemptions in A.R.S. § 36-402, the applicable HCI license class is:[2]

- Outpatient treatment center: a class of health care institution without inpatient beds that provides physical health services, or physical health services and behavioral health services, including medication services for the diagnosis and treatment of patients (see A.A.C. R9-10-101(159))

How does a facility obtain an HCI license?
Applications for HCI licensure can be submitted through the Department's Licensing Management System (LMS).

Who can I contact for more information about licensure as an HCI?

[1] Arizona Department of Health Services, Division of Public Health Licensing Services

[2] For a comprehensive list of all health care institution license classes and subclasses, please see A.A.C. Title 9, Chapter 10.

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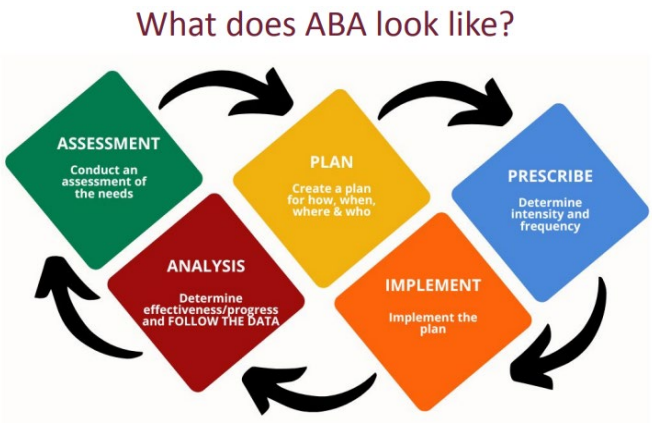
For more information about licensure as an HCI, please visit our Division of Public Health Licensing website or contact us via phone or email.

Applied Behavior Analysis (ABA)

What is applied behavior analysis?

Per A.R.S. § 32-2091(3) and (4), "**behavior analysis**" means "the design, implementation and evaluation of systematic environmental modifications by a behavior analyst to produce socially significant improvements in human behavior based on the principles of behavior identified through the experimental analysis of behavior. Behavior analysis does not include cognitive therapies or psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy and long-term counseling as treatment modalities" and "**behavior analysis services**" means "the use of behavior analysis to assist a person to learn new behavior, increase existing behavior, reduce existing behavior and emit behavior under precise environmental conditions. Behavior analysis includes behavioral programming and behavioral programs."

Additionally, according to the Arizona Health Care Cost Containment System (AHCCCS), "Applied Behavior Analysis (ABA) is a science developed to better understand the way that people learn and behave. It includes the way that behavior takes place in different places or circumstances, and how people learn in different environments. ABA is a covered behavioral health service for all Arizona Medicaid members in accordance with AHCCCS Medical Policy Manual (AMPM) Policy 320-S."[3]



AMPM Policy 320-S states that ABA services are to be directed and overseen by Licensed Behavior Analysts (LBAs) and supported, where applicable, by Assistant Behavior Analysts, ABA Trainees, and/or ABA Technicians. Pursuant to A.R.S. § 32-2091(5), LBAs are individuals who are Board-Certified by the national Behavior Analyst Certification Board (BACB) and licensed in Arizona under A.R.S. Title 32, Chapter 19.1, Article 4 to practice behavior analysis.[4]

Who can provide ABA?

According to A.R.S. § 32-2091(5), individuals licensed under A.R.S. Title 32, Chapter 19.1, Article 4 as a "behavior analyst" may practice behavior analysis.

[3] AHCCCS Hot Topics_20200320

[4] AHCCCS Medical Policy Manual: Section 320 - Services with Special Circumstances

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When is an HCI license required to provide ABA?
An HCI license is required when a facility providing ABA meets the definition of a "health care institution" as defined in A.R.S. § 36-401(A)(23) and does not meet any of the exemptions listed in A.R.S. § 36-402.

It is also important to note that even when a provider is not required to obtain an HCI license, they may still choose to do so if the services they provide align with an HCI licensure class or subclass. Additionally, should the provider desire to serve Medicaid members in Arizona by registering with AHCCCS, AHCCCS may, in some instances and depending on the services provided, require facility licensure as a condition of registration.[5]

[5] For more information about the requirements for serving Medicaid members, please see the AHCCCS Provider Enrollment Policy Manual.