



## Behavior Analysts Proposed Regulations - FAQ

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### 1. Why are new fees being proposed?

By law, fees must be analyzed annually and set to approximately recover the cost of program operations. Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation." Alaska's licensing fee statutes go on to say, "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations ... to implement the adjustments."

The Behavior Analyst program was enacted in September 2014. Because the costs of the program were to be spread across such a small number of licensees, the initial fees were proposed based on the known costs of similarly sized licensing programs. The Division has been able to hold down costs, administering the program at far less expense than anticipated. It is now proposed to decrease licensing fee amounts in order to comply with the statute listed above while still delivering its current level of service for this licensing program.

The Director of the Division of Corporations, Business and Professional Licensing will adopt fees after considering all public comments. Fees will become effective 30 days after signed by the Lieutenant Governor. The division will post this information on the website and begin sending out renewal applications to current licensees at that time.

### 2. What are the proposed fees for licensure?

Fees *proposed* for the 2016-2018 licensing period are below. Fees in **bold** and underlined are proposed; those without such treatment are current fees.

Fees for behavior analysts and assistant behavior analysts:

- (1) nonrefundable application fee for initial license, \$200;
- (2) behavior analyst license fee for all or part of the initial biennial licensing period, **\$500** [\$1,000];
- (3) behavior analyst biennial license renewal fee, **\$500** [\$1,000];
- (4) assistant behavior analyst license fee for all or part of the initial biennial licensing period, **\$200** [\$500];
- (5) assistant behavior analyst biennial license renewal fee, **\$200** [\$500];
- (6) temporary license fee, \$100;

(7) nonrefundable fingerprint processing fee, \$60.

### **3. How are the estimated costs determined? What do licensing fees pay for?**

AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The regulatory requirements enacted in other states have no bearing on Alaska's state statute; therefore, the cost of licensure in another state is not a reasonable barometer of what should be charged in Alaska.

The proposed fees are based on the known costs of a similarly sized and structured licensing program. The law requires licensees to adhere to many provisions, and it gives ample authority to the division to determine many of the requirements of licensure. For example:

- The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.
- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or an individual practices the profession without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.
- Alaska statutes defer to the division to adopt necessary regulations for management of the licensing program. This requires division and investigator travel, legal support, and other resources the division needs to comply with the expectations of law. The Alaska Administrative Code prescribes the requirements for public notice and adoption of agency regulations, the cost of which is borne by the licensing program.

### **4. How do I find out more about the fee-setting process?**

The division director and CBPL staff walk through the program's latest fiscal reports regularly and are available to provide additional information or answer questions.

The latest reconciled fiscal reports are always available at [commerce.alaska.gov/web/cbpl](http://commerce.alaska.gov/web/cbpl).

Do you have a question that is not answered here? Please email [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov) so it can be added.