

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1376
BEHAVIOR ANALYST LICENSING ACT

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26 AUTHORITY: Implementing the Behavior Analyst Licensing Act [225 ILCS 6]

28 SOURCE: Adopted at 48 Ill. Reg. _____, effective _____.

30 **Section 1376.10 Definitions**

32 "Act" means the Behavior Analyst Licensing Act [225 ILCS 6].

34 "BACB" means the Behavior Analyst Certification Board.

36 "BCaBA" means a Board Certified Assistant Behavior Analyst.

38 "BCBA" means a Board Certified Behavior Analyst.

40 "Board" means the Behavior Analyst Licensing and Disciplinary Board.

42 "Department" means the Department of Financial and Professional Regulation of
43 the State of Illinois.

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"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

Section 1376.15 Approved Programs for Licensed Behavior Analysts

A program approved by the Division shall be an educational program that meets the criteria specified by the BACB, or its successor agency as approved by the Division, for eligibility to sit for the BCBA Examination.

Section 1376.20 Approved Programs for Licensed Assistant Behavior Analysts

A program approved by the Division shall be an educational program that meets the criteria specified by the BACB, or its successor agency as approved by the Division, for eligibility to sit for the BCaBA Examination.

Section 1376.25 Supervised Work Experience

The Division has determined that the 500 hours of supervision required for licensure as a licensed behavior analyst required by Section 30 of the Act are satisfied by the field training required for certification as a BCBA or BCaBA.

Section 1376.30 Examination

- a) The examination approved by the Division for licensure as a licensed behavior analyst is the BCBA Certification Examination of the BACB, or its successor organization as approved by the Division. The passing score on the examination shall be the passing score established by the testing entity.
- b) The examination approved by the Division for licensure as a licensed assistant behavior analyst is the BCaBA Certification Examination of BACB. The passing score on the examination shall be the passing score established by the testing entity.
- c) An applicant who fails an examination may retake the examination in accordance with the procedures established by the testing entity.

- 87 d) The applicant shall pay examination fees to the testing entity. These fees are in
88 addition to the license application fee payable to the Division.
89

90 **Section 1376.35 Application for Licensure**
91

- 92 a) An applicant for licensure as a behavior analyst shall file an application on forms
93 provided by the Division. The application shall include:
94

- 95 1) Current valid BCBA certification issued by the BACB or its successor
96 agency as approved by the Division. If the applicant is unable to provide
97 proof of current valid certification, the applicant shall provide:
98

99 A) Certification of graduation from an approved program that meets
100 the requirements set forth in Section 1376.15; and

101 B) Proof of passing the BCBA Certification Examination. The proof
102 shall be forwarded to the Division from the BACB, or its successor
103 agency as approved by the Division;
104

- 105 2) A certification from the jurisdiction of original licensure and current
106 licensure stating (if applicable):
107

108 A) The date of issuance and status of the license; and
109

110 B) Whether the records of the licensing authority contain any record
111 of disciplinary actions taken or pending;
112

- 113 3) The fee required in Section 1376.55.
114

- 115 b) An applicant who applies for licensure as a behavior analyst before July 1, 2028,
116 who has not obtained the supervised experience described in paragraph (3) of
117 subsection (a) of Section 30 of the Act, may be considered for a license if the
118 following is submitted with an application:
119

- 120 1) An official transcript and a diploma or certification of graduation
121 evidencing that the applicant has received a graduate degree in behavior
122 analysis or a related field from a regionally accredited college or
123 university that meets the standards provided in Section 1376.15;
124

- 125 2) Certification of successful completion of an examination as provided in
126 Section 1376.30. The certification shall be forwarded to the Division from
127 the testing entity;
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- 130 3) The fee required in Section 1376.65.
131
132 c) An applicant for licensure as an assistant behavior analyst shall file an application
133 on forms provided by the Division. The application shall include:
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135 1) Current valid BCaBA certification issued by the BACB or its successor
136 agency as approved by the Division. If the applicant is unable to provide
137 proof of current valid certification, the applicant shall provide:
138
139 A) Certification of graduation from an approved program that meets
140 the requirements set forth in Section 1376.15; and
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142 B) Proof of passing the BCaBA Certification Examination. The proof
143 shall be forwarded to the Division from the BACB, or its successor
144 agency as approved by the Division;
145
146 2) A certification from the jurisdiction of original licensure and current
147 licensure stating (if applicable):
148
149 A) The date of issuance and status of the license; and
150
151 B) Whether the records of the licensing authority contain any record
152 of disciplinary actions taken or pending;
153
154 3) The fee required in Section. 1376.65.
155
156 d) An applicant who applies for licensure as an assistant behavior analyst before July
157 1, 2028, who has not obtained the supervised experience as described in
158 paragraph (3) of subsection (a) of Section 35 of the Act, may be considered for a
159 license if the following is submitted with an application:
160
161 1) An official transcript and a diploma or certification of graduation
162 evidencing that the applicant has received a bachelor's degree in the field
163 of behavior analysis from a regionally accredited college or university that
164 meets the standards provided in Section 1376.15;
165
166 2) Certification of successful completion of an examination as provided in
167 Section 1376.30. The certification shall be forwarded to the Division from
168 the testing entity;
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170 3) The fee required in Section 1376.65.
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172 **Section 1376.40 Endorsement**

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- a) An applicant for licensure as a licensed behavior analyst or licensed assistant behavior analyst who is licensed under the laws of another state shall file an application on forms provided by the Division. Applicants must be at least 18 years of age. The application shall include:
 - 1) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance and status of the license; and
 - B) Whether the records of the licensing authority contain any record of any disciplinary actions taken or pending.
 - 2) Proof of the following:
 - A) Official transcript and diploma or official transcript and certification of graduation that complies with Section 1376.15 or Section 1376.20; and
 - B) Certification of previous successful completion of an examination that is the same or similar to the examination as provided for in Section 1376.30. If the applicant does not meet this requirement, the applicant must successfully complete the examination provided for in Section 1376.30.
 - 3) The fee required in Section 1376.65.
- b) The Division shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements of the Act and this Part.

Section 1376.45 Renewals

- a) All licenses issued under the Act shall expire October 31 of each odd-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee.
- b) Compliance with the CE requirement in Section 1376.50 is a condition of renewal.
- c) Practice on an expired license shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 60 of the Act.

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Section 1376.50 Continuing Education

- a) Continuing Education (CE) Requirements
 - 1) Beginning with the 2027 renewal period, all licensed behavior analysts shall complete 30 hours of approved CE during the 24 months preceding renewal. All licensed assistant behavior analysts shall complete 20 hours of approved CE during the 24 months preceding renewal.
 - 2) As part of the required hours of CE for renewal, CE must be obtained as provided 68 Ill. Admin. Code 1130, Subpart E.
 - 3) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 4) Licensees licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 5) CE hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois as provided in subsection (d), below.
- b) Approved CE Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean:
 - A) Behavior Analyst Certification Board approved continuing education providers;
 - B) American Psychological Association;
 - C) Any Illinois university or college that offers a degree in behavior analysis and that provides CE in a form and manner consistent with this Section; or
 - D) Any other person, firm, association, corporation, or other group that has been approved and authorized by the Division pursuant to subsection (b)(2), below, upon recommendation of the Board to coordinate and present continuing education courses or programs.
 - 2) Entities seeking approval as CE sponsors pursuant to subsection (b)(1)(D) shall file an application, on forms supplied by the Division, along with the

259 application fee specified in Section 1376.65. The applicant shall certify
260 on the application the following:

- 261
- 262 A) That all programs offered by the sponsor for CE credit will comply
263 with the criteria in subsection (b)(3), below, and all other criteria in
264 this Section. A sponsor shall be required to submit a CE program
265 with course materials for review prior to being approved as a CE
266 sponsor;
- 267
- 268 B) That the sponsor will be responsible for verifying attendance at
269 each program and provide a certificate of attendance as set forth in
270 subsection (b)(7), below;
- 271
- 272 C) That, upon request by the Division, the sponsor will submit
273 evidence (e.g., certificate of attendance or completion or course
274 materials) as is necessary to establish compliance with this Section.
275 Evidence shall be required when the Division has reason to believe
276 that there is not full compliance with the statute and this Part and
277 that this information is necessary to ensure compliance.

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279 3) All programs shall:

- 280
- 281 A) Contribute to the advancement, extension and enhancement of the
282 professional skills and scientific knowledge of the licensee in the
283 profession of applied behavior analysis;
- 284
- 285 B) Foster the enhancement of the behavior analyst profession and
286 values;
- 287
- 288 C) Be developed and presented by persons with education and/or
289 experience in the subject matter of the program;
- 290
- 291 D) Specify the course objectives, course content, and teaching
292 methods to be used; and
- 293
- 294 E) Specify the number of CE hours that may be applied to fulfilling
295 the Illinois CE requirements for license renewal.

296

297 4) CE may be offered in a classroom setting or by online instruction. Each
298 online CE program shall include examination.

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300 5) Each CE program shall provide a mechanism for evaluation of the
301 program and instructor by the participants. The evaluation may be

- 302 completed on-site immediately following the program presentation or an
303 evaluation questionnaire may be distributed to participants to be
304 completed and returned by mail or electronic means. The sponsor and
305 instructor, together, shall review the evaluation outcome and revise
306 subsequent programs accordingly.
307
- 308 6) A sponsor approved pursuant to subsection (b)(1) may subcontract with
309 individuals or organizations to provide approved programs. All
310 advertising, promotional materials, and certificates of attendance must
311 identify the approved sponsor. The presenter of the program may also be
312 identified but should be identified as a presenter. When an approved
313 sponsor subcontracts with a presenter, the sponsor retains all responsibility
314 for monitoring attendance, providing certificates of attendance, and
315 ensuring the program meets all the criteria established by the Act and this
316 Section, including the maintenance of records.
317
- 318 7) Certification of Attendance. It shall be the responsibility of a sponsor to
319 provide each participant in a program with a certificate of attendance or
320 participation. The sponsor's certificate of attendance shall contain:
321
- 322 A) The sponsor's name and, if applicable, sponsor approval number;
 - 323
 - 324 B) The name of the participant;
 - 325
 - 326 C) A brief statement of the subject matter;
 - 327
 - 328 D) The number of hours attended in each program;
 - 329
 - 330 E) The date and place of the program;
 - 331
 - 332 F) The signature of the sponsor; and
 - 333
 - 334 G) The sponsor shall maintain attendance records for not less than 5
335 years.
- 336
- 337 8) The sponsor shall be responsible for assuring that no one will receive CE
338 hours for time not actually spent attending or participating in the program.
339
- 340 9) Upon the failure of the sponsor to comply with any of the requirements of
341 subsection (b), the Division, after notice to the sponsor, shall thereafter
342 refuse to accept for CE attendance at or participation any of that sponsor's
343 CE programs until the Division receives assurances of compliance with
344 this Section.

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- 10) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
 - c) Certification of compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing with the Board. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings.
 - d) CE Attended in Other Jurisdictions
 - 1) If a licensee has attended CE programs offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit towards full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program. The program will be reviewed using the criteria set forth in subsection (b)(2).
 - 2) If a licensee fails to submit an out-of-state CE approval form prior to participation in the program, late approval may be obtained by submitting the approval request with the \$25 processing fee plus a late fee of \$50 per CE hour, not to exceed \$300. The program will be reviewed using the criteria set forth in subsection (b)(2), above.
 - 3) CE completed online is not eligible for out-of-state CE credit. All online CE must be provided by an approved CE provider as set forth in subsection (b), above.
 - e) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of a license without having fully

388 complied with these CE requirements may file with the Division a renewal
389 application, along with the fee set forth in Section 1376.65, an affidavit
390 setting forth the facts concerning noncompliance and request for waiver of
391 the CE requirements on the basis of these facts. A request for waiver shall
392 be made prior to the renewal date. If the Division, upon the written
393 recommendation of the Board, finds from the affidavit or any other
394 evidence submitted that good cause has been shown for granting a waiver,
395 the Division will waive enforcement of CE requirements for the renewal
396 period for which the applicant has applied.

- 397
- 398 2) Good cause shall be determined on an individual basis by the Board and
399 be defined as an inability to devote sufficient hours to fulfilling the CE
400 requirements during the applicable pre-renewal period because of:
- 401
- 402 A) Full-time service in the Armed Forces of the United States during a
403 substantial part of the pre-renewal period;
- 404
- 405 B) A temporary incapacitating illness document by a statement from a
406 currently licensed health care provider; A second, consecutive
407 request for a CE waiver pursuant to this subsection (e)(2)(B) shall
408 be prima facie proof that the renewal applicant has a physical or
409 mental illness, including, but not limited to, deterioration through
410 the aging process or loss of cognitive or motor skills that results in
411 the licensee's inability to practice applied behavioral analysis or as
412 an assistant behavioral analyst with reasonable judgment, skill or
413 safety, in violation of subsection 60(a)(18) of the Act, and shall be
414 grounds for denial of the renewal application or other disciplinary
415 or non-disciplinary; or
- 416
- 417 C) Any other similar extenuating circumstances.
- 418
- 419 3) When the licensee is requesting a waiver due to physical or mental illness
420 or incapacity, the licensee shall provide a current fitness to practice
421 statement from a currently licensed health care provider familiar with the
422 licensee's medical history.
- 423
- 424 4) Any renewal applicant who, prior to the expiration date of the license,
425 submits a request for waiver, in whole or in part, pursuant to the
426 provisions of this Section shall be deemed to be in good standing until the
427 final decision on the application is made by the Division.
- 428

429 **Section 1376.55 Restoration**

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- 431 a) A person seeking restoration of a license that has expired for 5 years or less shall
432 have the license restored upon payment of all lapsed renewal fees required by
433 Section 1376.65 and proof of completion of the CE required under Section
434 1376.60 in the 2 years prior to restoration.
435
- 436 b) A person seeking restoration of a license that has been placed on inactive status
437 for 5 years or less shall have the license restored upon payment of the current
438 renewal fee required by Section 1376.65 and proof of completion of the CE
439 required under Section 1376.50 in the 2 years prior to restoration.
440
- 441 c) A person seeking restoration of a license after it has expired or been placed on
442 inactive status for more than 5 years shall file an application, on forms supplied
443 by the Division, proof of completion of the CE required under Section 1376.50,
444 and payment of the restoration fee required by Section 1376.65 in the 2 years
445 prior to restoration. The applicant shall also submit one of the following:
446
- 447 1) Sworn evidence of active practice in another jurisdiction. Such evidence
448 shall include a statement from an appropriate board or licensing authority
449 in the other jurisdiction that the licensee was authorized to practice during
450 the term of active practice;
451
- 452 2) An affidavit attesting to military service as provided in subsection 50(d) of
453 the Act;
454
- 455 3) Evidence of current certification as a BCBA or BCaBA; or
456
- 457 4) Submit verification of 500 hours of supervised experience as described in
458 Section 1376.25.
459
- 460 d) A person seeking restoration of a license that has been revoked, suspended, in
461 refuse to renew status, or on probation for 3 years or less shall comply with the
462 same requirements provided in subsection (b); shall provide sufficient evidence to
463 establish that the person has been rehabilitated as provided in Section 1376.60;
464 and pay the restoration fee required by Section 1376.65.
465
- 466 e) A person seeking restoration of a license that has been revoked, suspended, in
467 refuse to renew status, or on probation for more than 3 years shall comply with
468 the same requirements provided in subsection (d); shall provide sufficient
469 evidence to establish that the person has been rehabilitated as provided in Section
470 1376.60; and pay the restoration fee required by Section 1376.65.
471
- 472 f) Except for persons seeking restoration of a license pursuant to subsections (d) and
473 (e) above, when the accuracy or sufficiency of any submitted documentation is

474 questioned by the Division because of a lack of information, discrepancies, or
475 conflicts in information given or a need for clarification, the person seeking
476 restoration of a license may be requested to:

- 477
- 478 1) Provide information as may be necessary; and/or
 - 479
 - 480 2) Appear for an interview before the Board to explain the relevance or
 - 481 sufficiency, clarify information, or clear up any discrepancies or conflict
 - 482 in information.
 - 483

484 **Section 1376.60 Rehabilitation**

485

486 Upon written petition for restoration of a license from discipline pursuant to Section 1376.55, the
487 Board shall consider, but is not limited to, the following in determining if the person is to be
488 deemed sufficiently rehabilitated to warrant the public trust:

- 489
- 490 a) The seriousness of the offense that resulted in the disciplinary action being
 - 491 considered or being taken;
 - 492
 - 493 b) The length of time that elapsed since the disciplinary action was taken;
 - 494
 - 495 c) The profession, occupation, and outside activities in which the petitioner has been
 - 496 involved;
 - 497
 - 498 d) Any counseling, medical treatment, or other rehabilitative treatment received by
 - 499 the petitioner;
 - 500
 - 501 e) CE courses or other types of courses taken to correct the grounds for the
 - 502 disciplinary action having been taken;
 - 503
 - 504 f) Written reports and oral testimony by other persons relating to the skill,
 - 505 knowledge, honesty, integrity, and contriteness of the petitioner;
 - 506
 - 507 g) Restitution to injured parties;
 - 508
 - 509 h) Future plans of the petitioner;
 - 510
 - 511 i) Involvement of the petitioner's family and friends in the petitioner's rehabilitation
 - 512 process;
 - 513
 - 514 j) A written report of a physical or mental examination given by a physician
 - 515 selected by the Board and paid for by the petitioner;
 - 516

- 517 k) Any other information evidencing rehabilitation that would bear upon the
518 petitioner's request for restoration of a license;
519
- 520 l) Whether the order imposing sanctions was appealed and, if so, whether a
521 reviewing court granted a stay or delay of imposition of the sanction;
522
- 523 m) The date and disposition of any other petition for restoration filed since the last
524 sanction was imposed; and
525
- 526 n) Whether there has been compliance with any probationary terms imposed.
527

528 **Section 1376.65 Fees**

529
530 The following fees shall be paid to the Division and are not refundable:

- 531
- 532 a) The fee for application for a license as a licensed behavior analyst under Section
533 1376.35 is \$400.00.
534
- 535 b) The fee for application for a license as a licensed assistant behavior analyst under
536 Section 1376.35 is \$100.00.
537
- 538 c) The fee for renewal of a license as a licensed behavioral analyst is \$300.00.
539
- 540 d) The fee for renewal of a license as a licensed assistant behavioral analyst is
541 \$75.00.
542
- 543 e) The fee for restoration of a license other than from inactive status is \$50.00 plus
544 payment of all lapsed renewal fees not to exceed \$600.00 for a licensed behavior
545 analyst and not to exceed \$150 for a licensed assistant behavior analyst.
546
- 547 f) The fee for certification of a licensee's record for any purpose is \$20.00.
548
- 549 g) The fee for a CE sponsor subject to the approval of the Board is \$500.00. The fee
550 is waived for a State agency, State university, or community college.
551
- 552 h) The fee for a two-year renewal for a CE sponsor subject to approval of the Board
553 is \$250.00. The renewal fee is waived for a State agency, State university, or
554 community college.
555

556 **Section 1376.70 Dishonorable, Unethical, or Unprofessional Conduct**

557
558 The Division may suspend or revoke a license, refuse to issue or renew a license or take other
559 disciplinary action based upon its findings of dishonorable, unethical, or unprofessional conduct

560 pursuant to Section 60(a)(9) of the Act, which includes but is not limited to, the following acts or
561 practices:

562

563 a) Engaging in conduct likely to deceive, defraud, or harm the public, or
564 demonstrating a willful disregard for the health, welfare, or safety of a client.
565 Actual injury need not be established.

566

567 b) A departure from or failure to conform to the standards of practice as set forth in
568 the Act or this Part. Actual injury need not be established.

569

570 c) Engaging in behavior that violates professional boundaries (such as signing wills
571 or other documents not related to client health care).

572

573 d) Engaging in sexual conduct with a client or conduct that may reasonably be
574 interpreted by a client as sexual, or behavior that is sexually harassing to a client,
575 including any verbal behavior that is sexual harassing.

576

577 e) Demonstrating actual or potential inability to practice with reasonable skill,
578 safety, or judgment by a reason of illness, use of alcohol, drugs, chemicals, or any
579 other material or as a result of any mental or physical condition.

580

581 f) Misrepresenting educational background, training, credential, or competence.

582

583 g) Committing any other act or omission that breaches the licensee's responsibility to
584 a client according to accepted standards of practice.

585

586 h) Practicing, condoning, facilitating, collaborating with or engaging in
587 discrimination based on age, culture, disability, ethnicity, race, religion, gender,
588 gender identity, sexual orientation, marital status/partnership, language
589 preference, socioeconomic status, or any basis prescribed by law.

590

591 i) Revealing facts, data, or information relating to a client, except as allowed under
592 the Mental Health and Developmental Disabilities Confidentiality Act or any
593 other federal or State law.

594

595 j) Failing to take appropriate steps to protect the privacy of a client and avoid
596 unnecessary disclosures of confidential information. The right to privacy belongs
597 to clients and may be waived. A written waiver shall be signed by the client and
598 the information revealed shall be in accordance with the terms of the waiver.

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600 k) Submission of fraudulent claims for services to any person or entity including, but
601 not limited to, health insurance companies or health service plans or third-party
602 payors.

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- l) Any violation of the Behavior Analyst Certification Board (2020) "The Ethics Code for Behavior Analysts" Effective date, January 1, 2022 with no later amendments or editions, which is hereby incorporated by reference.

Section 1376.75 Applicant and Licensee Address of Record, Email Address of Record, and/or Licensee Change of Name Information

All applicants and licensees shall:

- a) *provide a valid address and email address to the Division, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and*
- b) *inform the Division of any change of address of record or email address of record within 14 days after such change either through the Division's website or by contacting the Department's licensure maintenance unit. (Section 15 of the Act)*

Section 1376.80 Granting Variances

The Director may grant variances from this Part in individual cases when the Director finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.