§ 90-733. North Carolina Behavior Analysis Board.

(a) Establishment. – The North Carolina Behavior Analysis Board is created. The Board shall consist of five members who shall serve staggered terms. The initial Board shall be selected as follows:

(1) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint one behavior analyst, who is certified by the certifying entity as a Board Certified Behavior Analyst, to serve a three-year term.

(2) The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint one behavior analyst, who is certified by the certifying entity as a Board Certified Behavior Analyst, to serve a three-year term.

(3) The Governor shall appoint the following three members:

a. One behavior analyst, who is certified by the certifying entity as a Board Certified Behavior Analyst, to serve a three-year term.

b. One assistant behavior analyst, who is certified by the certifying entity as a Board Certified Assistant Behavior Analyst, to serve a two-year term.

c. One public member to serve a one-year term.

Upon the expiration of the terms of the initial Board members, each member shall be appointed by the appointing authorities designated in subdivisions (1) through (3) of this subsection for a three-year term and shall serve until a successor is appointed and qualified. All members appointed to the Board, except for the public member appointed by the Governor under subdivision (3) of this subsection, shall be required to be licensed under this Article and shall seek licensure in this State as soon as the first application period begins. No member may serve more than two consecutive full terms.

(b) Vacancies. – If a member of the Board cannot complete a term of office, the vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. No Board member shall participate in any matter before the Board in which the member has a pecuniary interest or similar conflict of interest.

(c) Qualifications of Board Members; Removal of Board Members. –

(1) Each licensed behavior analyst or licensed assistant behavior analyst member of the Board shall have all the following qualifications:

a. Shall be a resident of this State and a citizen of the United States.

b. Shall be free of conflict of interest or the appearance of a conflict of interest in performing the duties of the Board.

(2) Each public member of the Board shall have all of the following qualifications:

a. Shall be a resident of this State and a citizen of the United States.

b. Shall be free of conflict of interest or the appearance of a conflict of interest in performing the duties of the Board.

c. Shall not be a licensed behavior analyst or licensed assistant behavior analyst, an applicant or former applicant for licensure as a behavior analyst or assistant behavior analyst, or a member of a household that includes a licensed behavior analyst or licensed assistant behavior analyst.

(3) A Board member shall be automatically removed from the Board for any of the following:

a. Ceases to meet the qualifications specified in this subsection.

b. Fails to attend three successive Board meetings without just cause as determined by the remainder of the Board.
c. Is found by the remainder of the Board to be in violation of the provisions of this Article or to have engaged in immoral, dishonorable, unprofessional, or unethical conduct, and the conduct is deemed to compromise the integrity of the Board.
d. Is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction or is found to have entered a plea of nolo contendere to a felony or an unlawful act involving moral turpitude.
e. Is found guilty of malfeasance, misfeasance, or nonfeasance regarding Board duties by a court of competent jurisdiction.
f. Is incapacitated and without reasonable likelihood of resuming Board duties, as determined by the Board.

(d) Meetings. – The Board shall elect annually a chair and other officers as it deems necessary to carry out the purposes of this Article. The Board may hold additional meetings upon the call of the chair or any two board members. A majority of the Board shall constitute a quorum.

(e) Compensation of Members; Expenses; Employees. – Members of the Board shall receive no compensation for their services but shall receive per diem and necessary travel and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. The Board may employ necessary personnel for the performance of its functions and fix the compensation. The Board shall not employ any of its members to perform inspectional or similar ministerial tasks for the Board. In no event shall the State of North Carolina be liable for expenses incurred by the Board in excess of the income derived from this Article. (2021-22, s. 1(a).)