

House Bill 1340

By: Representatives Hilton of the 48<sup>th</sup>, Powell of the 33<sup>rd</sup>, Ballard of the 147<sup>th</sup>, Ridley of the 6<sup>th</sup>, and Momtahan of the 17<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7A of Title 43 of the Official Code of Georgia Annotated, relating to  
2 practice of applied behavior analysis, so as to provide for credentialing of qualified behavior  
3 analysts and qualified autism services practitioner-supervisors; to revise definitions; to  
4 provide for board membership; to provide for licensure qualifications; to provide for  
5 temporary licenses; to provide for related matters; to provide for an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 7A of Title 43 of the Official Code of Georgia Annotated, relating to practice of  
10 applied behavior analysis, is amended in Code Section 43-7A-2, relating to definitions, by  
11 revising paragraph (5) and by adding new paragraphs to read as follows:

12 "(5) 'Certifying entity' means the Behavior Analyst Certification Board, Inc., or its  
13 successor, the Qualified Applied Behavior Analysis Credentialing Board or its successor,  
14 or another entity that conducts programs to certify professional practitioners of behavior  
15 analysis that are accredited by the National Commission on Certifying Agencies or the  
16 American National Standards Institute as identified by the board."

17 "(9) 'Qualified autism service practitioner-supervisor' means an individual who is  
 18 credentialed to provide therapeutic intervention for individuals with autism spectrum  
 19 disorders and related disabilities.

20 (10) 'Qualified behavior analyst' means an individual who is credentialed to provide  
 21 applied behavior analysis program oversight, supervision, assessment, analysis of data,  
 22 goal development, and other aspects of treatment and ethical integrity."

23 **SECTION 2.**

24 Said chapter is further amended in Code Section 43-7A-3, relating to the Georgia Behavior  
 25 Analyst Licensing Board, membership, terms, vacancy, expenses, and meeting, by revising  
 26 subsections (a), (b), and (g) as follows:

27 "(a) The Georgia Behavior Analyst Licensing Board is hereby established. The board shall  
 28 be composed of ~~five~~ seven members appointed by the Governor.

29 (b)(1) The initial board members shall include:

30 (A) Three members ~~each of whom who~~ who are either a board certified behavior analyst or  
 31 ~~a analysts or board certified behavior analyst-doctoral and who are eligible for licensure~~  
 32 ~~under this chapter analysts-doctoral and two members who are qualified behavior~~  
 33 ~~analysts.~~ Such members shall be licensed or eligible for licensure and shall apply for  
 34 licensure as soon as feasible after appointment;

35 (B) One member who is a board certified assistant behavior analyst ~~who is~~ eligible for  
 36 licensure under this chapter or one member who is a qualified autism spectrum services  
 37 practitioner-supervisor eligible for licensure under this chapter. ~~Such member members~~  
 38 shall apply for licensure as soon as feasible after appointment; and

39 (C) One public member who:

40 (i) ~~Is not a licensed behavior analyst or a,~~ qualified behavior analyst, licensed  
 41 assistant behavior analyst, or qualified autism spectrum services  
 42 practitioner-supervisor or the spouse of any such person;

- 43 (ii) Has never been in the practice of applied behavior analysis or the spouse of such  
44 person; and
- 45 (iii) Does not have and has never had a material interest in the practice of applied  
46 behavior analysis."
- 47 "(g) Four ~~Three~~ members of the board shall constitute a quorum."

48 **SECTION 3.**

49 Said chapter is further amended in Code Section 43-7A-5, relating to application and fees for  
50 licensure and renewal, by revising subsections (b) and (c) as follows:

51 "(b) An applicant to be a licensed behavior analyst shall furnish satisfactory evidence  
52 demonstrating that the applicant:

- 53 (1) Has successfully passed a behavior analyst examination conducted by a certifying  
54 entity;
- 55 (2) Holds a master's degree based on applied behavior analysis coursework in an  
56 approved sequence; and
- 57 (3) Maintains active status as a board certified behavior analyst or a qualified behavior  
58 analyst.

59 (c) An applicant to be a licensed assistant behavior analyst shall furnish satisfactory  
60 evidence demonstrating that the applicant:

- 61 (1) Has successfully passed an assistant behavior analyst examination conducted by a  
62 certifying entity;
- 63 (2) Holds a bachelor's degree based on applied behavior analysis coursework in an  
64 approved sequence;
- 65 (3) Maintains active status as a board certified assistant behavior analyst or a qualified  
66 autism services practitioner-supervisor; and

67 (4) Will have ongoing supervision by a licensed behavior analyst in a manner consistent  
68 with the certifying entity's requirements for supervision of board certified assistant  
69 behavior analysts or qualified autism services practitioner-supervisors."

70 **SECTION 4.**

71 Said chapter is further amended by revising Code Section 43-7A-8, relating to temporary  
72 licenses, as follows:

73 "43-7A-8.

74 A board certified behavior analyst ~~or a, qualified behavior analyst~~, board certified assistant  
75 behavior analyst, or qualified autism services practitioner-supervisor residing and  
76 practicing in another state who temporarily provides applied behavior analysis services in  
77 this state to a resident of this state may apply for a temporary license to practice behavior  
78 analysis in this state. A temporary behavior analysis license may be issued only if the  
79 behavior analysis services are to be delivered during a limited and defined period of not  
80 more than a total of 30 days within a calendar year or shorter term otherwise approved by  
81 the board."

82 **SECTION 5.**

83 This Act shall become effective on July 1, 2024.

84 **SECTION 6.**

85 All laws and parts of laws in conflict with this Act are repealed.