

Regular Session, 2012

SENATE BILL NO. 185

BY SENATOR CLAITOR

HEALTH CARE. Provides relative to licensed behavior analysts. (gov sig)

1 AN ACT

2 To enact Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:1360.81 through 1360.95, and R.S. 37:2353(C)(7), relative to
4 behavioral analysts; to provide for the Board Certified Behavioral Analyst Practice
5 Act; to provide for additional authority to the Louisiana State Board of Examiners
6 for Psychologists; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 37:1360.81 through 1360.95, and R.S. 37:2353(C)(7) are hereby
10 enacted to read as follows:

11 **Part VII. BEHAVIORAL ANALYSTS**

12 **§1360.81. Short title**

13 **This Part may be cited as the "Board Certified Behavioral Analyst**
14 **Practice Act"**.

15 **§1360.82. Definitions**

16 **As used in this Part the following words, terms, and phrases have the**
17 **meaning ascribed to them in this Section, unless the context clearly indicates a**

1 **different meaning:**

2 **(1)"Applied behavior analysis" means the design, implementation, and**
3 **evaluation of environmental modifications, using behavioral stimuli and**
4 **consequences, to produce socially significant improvements in and**
5 **understanding of human behavior based on the principles of behavior identified**
6 **through the experimental analysis of behavior. It includes the empirical**
7 **identification of functional relations between behavior and environments. It**
8 **uses direct observation and measurement of behavior and environment.**
9 **Interventions based on scientific research are used and includes contextual**
10 **factors, establishing operations, antecedent stimuli, positive reinforcers, and**
11 **other consequences, based on identified functional relationships with the**
12 **environment, in order to produce practical behavior change.**

13 **(2) "Board" means Louisiana State Board of Examiners of Psychologists.**

14 **(3)"Certification board" means the Behavior Analyst Certification**
15 **Board and/or its equivalent recommended by the Licensed Behavior Analyst**
16 **Committee and approved by the board.**

17 **(4)"Certified" means a practitioner who has met the certification criteria**
18 **of and has received a certificate from the certification board.**

19 **(5)"Licensed behavior analyst" or "LBA" means an individual who by**
20 **education and experience meets the requirements for licensing by the board and**
21 **is duly licensed to independently practice applied behavior analysis.**

22 **(6)"Licensed Behavior Analyst Committee" or "LBAC" means a**
23 **committee, established by the board for purposes as defined in this Part.**

24 **(7)"Recognized educational institution" means a degree-granting college**
25 **or university that is accredited by a regional board or association of institutions**
26 **of higher education approved by the Council on Post-Secondary Education of**
27 **the United States Department of Education. The program shall also include an**
28 **approved course sequence of the behavior analyst certification board or its**
29 **successor and/or equivalent approved by the Licensed Behavior Analyst**

1 Committee.

2 (8) "Supervised experience" means services rendered as a part of the
3 certification requirements of a behavior analyst or board certified associate
4 behavior analyst under the supervision of a licensed behavior analyst or
5 psychologist as approved by the Licensed Behavior Analyst Committee.

6 §1360.83. Powers and duties of the board

7 The board shall have and exercise with respect to licensed behavior
8 analysts, all powers and duties granted to it by R.S. 37:2351 et seq. In addition,
9 the board shall have the authority to:

10 (1) Establish and publish standards of applied behavior analysis practice
11 in accordance with those developed and accepted by the profession represented
12 by such organizations as the Behavior Analysis Certification Board, Association
13 for Behavior Analysis International and/or others deemed appropriate by the
14 Licensed Behavior Analyst Committee and approved by the board.

15 (2) Approve, deny, revoke, suspend, renew and reinstate licensure of
16 duly qualified applicants based on the recommendation of the Licensed
17 Behavior Analyst Committee and approved by the board.

18 (3) Adopt, revise, and enforce orders, rules, and regulations for licensure
19 and renewal as recommended by the Licensed Behavior Analyst Committee to
20 ensure the competency of applicants, the protection of the public, and proper
21 administration of this Part in accordance with the Administrative Procedure
22 Act. Any rules regarding the practice of applied behavior analysis shall be
23 consistent with the standards established by the Behavior Analyst Certification
24 Board or other certifying boards as recommended by the Licensed Behavior
25 Analyst Committee and approved by the board.

26 (4) Conduct hearings on charges calling for the denial, suspension,
27 revocation, or refusal to renew a license with a designee from the Licensed
28 Behavior Analyst Committee present. Such designee shall be appointed as
29 needed by the chair of the board.

1 **§1360.84. License required**

2 No one shall hold himself out as a licensed behavior analyst unless
3 licensed in accordance with the provisions of this Part.

4 **§1360.85. Qualifications of applicants**

5 A. Notwithstanding any other provision of the Part or other law to the
6 contrary, any applied behavior analyst shall be issued an applied behavior
7 analyst license by the board upon satisfaction of all of the following criteria:

8 (1) Submit to the board a completed application form approved by the
9 Licensed Behavior Analyst Committee.

10 (2) Pay all necessary licensure fees.

11 (3) Hold a master's degree or doctoral degree from a regionally
12 accredited college or university with approved course sequence of the Behavior
13 Analyst Certification Board or its successor and/or equivalent reviewed by the
14 Licensed Behavior Analyst Committee and approved by the board.

15 (4) The successful completion of an approved or supervised experience
16 in the practice of applied behavior analysis as an approved experiential
17 sequence of the Behavior Analyst Certification Board or its successor and/or
18 equivalent reviewed by the Licensed Behavior Analyst Committee and approved
19 by the board.

20 (5) The successful completion of a nationally recognized examination
21 related to the principles and practice of the profession of applied behavior
22 analysis administered by the Behavior Analyst Certification Board or its
23 successor and/or equivalent reviewed by the Licensed Behavior Analyst
24 Committee and approved by the board.

25 (6) The successful completion of a jurisprudence examination covering
26 the laws and rules governing the practice of behavior analysis in Louisiana
27 reviewed by the Licensed Behavior Analyst Committee and approved by the
28 board. Once the jurisprudence examination is successfully completed,
29 candidates may pay the licensure fee and be granted a licensed to practice

1 **applied behavior analysis in Louisiana.**

2 **(7) Maintains active status and fulfills all requirements for renewal and**
3 **recertification with the Behavior Analysis Certification Board as a board**
4 **certified behavior analyst and/or other certifying board as reviewed by the**
5 **Licensed Behavior Analyst Committee and approved by the board.**

6 **(8) Conducts his professional activities in accordance with accepted**
7 **standards, including the Guidelines for Responsible Conduct for Behavior**
8 **Analysts and Professional Disciplinary Standards of the Behavior Analyst**
9 **Certification Board or other national professional organizations as reviewed**
10 **by the Licensed Behavior Analyst Committee and approved by the board.**

11 **(9) Has not been subject to disciplinary suspension or revocation by the**
12 **Behavior Analyst Certification Board, for violation of the professional**
13 **disciplinary and ethical standards.**

14 **B. Applied behavior analyst applicants who have suspended licenses by**
15 **the board may reapply after three years.**

16 **C. Until August 1, 2013, an applicant who has graduated with a doctoral**
17 **or master's degree from a regionally accredited university and who holds the**
18 **board certified behavior analyst certificate from the Behavior Analyst**
19 **Certification Board will be eligible to be granted status as a licensed behavior**
20 **analyst. Thereafter, applications must meet the requirements noted above in**
21 **this Section.**

22 **§1360.86. Issuance and renewal of license**

23 **A. The board shall issue a license to any person who meets the**
24 **qualifications provided in this Part and the rules and regulations of the board,**
25 **and who pays the applicable fees fixed by the board.**

26 **B. A license issued under provisions of this Part shall be subject to**
27 **annual renewal and shall expire and become null and void unless renewed in the**
28 **manner prescribed by the board and recommended by the Licensed Behavior**
29 **Analyst Committee.**

1 C. License renewal shall require documentation of completion of the
2 continuing education required by this Part.

3 §1360.87. Reinstatement of license

4 A. Any license suspended, revoked, or otherwise restricted by the board
5 may be reinstated by the board based upon recommendations by the Licensed
6 Behavior Analyst Committee.

7 B. A license that has expired without renewal for a
8 period of one year from the date of expiration may be
9 reinstated by the board upon recommendation from the
10 Licensed Behavior Analyst Committee provided the
11 applicant is otherwise eligible under the provisions of
12 this Part, pays the applicable fees, satisfies the
13 continuing education requirement, and such other
14 requirements as may be established by the board based on
15 recommendation by the Licensed Behavior Analyst
16 Committee.

17 §1360.88. Licensed Behavior Analyst Committee

18 A. The Licensed Behavior Analyst Committee shall be established by the
19 board for the purpose of reviewing and recommending action on application for
20 licensure and relicensure, recommending educational and training
21 requirements, establishing a professional code of conduct, recommending
22 changes in related statutes and rules, as well as other activities as may be
23 requested by the board or activities provided in this Part.

24 B. The Licensed Behavior Analyst Committee shall consist of two
25 certified and licensed behavior analysts and one licensed psychologist approved
26 by the executive board of the Louisiana Association for Behavior Analysis.

27 (1) The two certified behavior analysts, who shall become licensed once
28 this Part becomes effective, shall be appointed by the Louisiana Association for
29 Behavior Analysis.

30 (2) The licensed psychologist shall be appointed by the Louisiana State

1 **Board of Examiners of Psychologists.**

2 **(3) The chair of the board shall serve as an ex officio, non-voting member**
3 **of the committee; however, the chair may vote in cases of a tie vote.**

4 **C. Members of the committee shall serve at the pleasure of the board. A**
5 **vacancy in an unexpired term shall be filled in the manner of the original**
6 **appointment.**

7 **D. The committee may meet as needed but shall meet at least quarterly.**
8 **A majority of the members of the committee shall constitute a quorum for the**
9 **transaction of all business.**

10 **E. Members of the committee shall serve without compensation but shall**
11 **be reimbursed for reasonable travel expenses incurred in attendance at**
12 **meetings and other official business on behalf of the committee or the board.**

13 **§1360.89. Continuing education**

14 **A. A licensed behavior analyst shall annually complete a minimum of**
15 **twelve hours of continuing education relevant to the practice of behavior**
16 **analyst.**

17 **B. To qualify under the requirements within this Part, all continuing**
18 **education classes shall be approved by the Licensed Behavior Analyst**
19 **Committee.**

20 **§1360.90. Fees**

21 **The board under its authority established within R.S. 37:2351 et seq.,**
22 **shall fix fees in accordance with the Administrative Procedure Act for the**
23 **purpose of administering the provisions of this Part.**

24 **§1360.91. Causes for refusal to issue, suspension, or revocation of license**

25 **A. Upon the recommendation of the Licensed Behavior Analyst**
26 **Committee, the board may refuse to issue any license required under this**
27 **Chapter for any cause or any combination of causes stated in this Section. The**
28 **Licensed Behavior Analyst Committee shall give written notice of the reasons**
29 **for the refusal.**

1 B. Upon the recommendation of the Licensed Behavior Analyst
2 Committee, the board may suspend or revoke any license or impose
3 probationary or other restrictions on any license under this Part for the
4 following causes:

5 (1) Conviction of a felony or nolo contendere plea or conviction of any
6 crime or offense of or relating to the practice of applied behavioral analysis.

7 (2) Knowingly make or present , or cause to be made or presented, any
8 false, fraudulent, or forged statement, writing, certificate, diploma, or other
9 thing, in connection with an application for a license or permit.

10 (3) Refusing to appear before the Licensed Behavior Analyst Committee
11 after having been duly ordered to do so in writing by a duly authorized agent
12 of the board as a result of the Licensed Behavior Analyst Committee
13 recommendation.

14 (4) Habitual or recurring abuse of drugs, including alcohol, which affects
15 the central nervous system, and which is capable of inducing physiological or
16 psychological dependence.

17 (5) Refusing to submit to the examinations and inquiry of an examining
18 committee of physicians appointed or designated by the board to inquire into
19 an applicant or licensee's physical and mental fitness and ability to practice
20 applied behavior analysis with reasonable skill and safety to patients.

21 (6) Impersonating another licensed practitioner or any person holding
22 a certificate of registration of authority, permit, or license or allowing any
23 person to use his or her certificate or authority, permit, license or diploma from
24 any school.

25 (7) Incompetence, including but not limited to a person who has been
26 unable to practice applied behavior analysis to acceptable and prevailing
27 standards of care by reason of mental or physical illness or other condition,
28 including but not limited to physical deterioration that adversely affects
29 cognitive, motor, or perceptive skills.

1 **(8) Voluntary or involuntary commitment or interdiction by due process**
2 **of law.**

3 **(9) Failing to self-report in writing to the Licensed Behavior Analyst**
4 **Committee any personal action which constitutes a violation of the Part within**
5 **thirty days of the occurrence.**

6 **(10) Soliciting patients or self-promoting through advertising or**
7 **communication, public or private, which is fraudulent, false, deceptive, or**
8 **misleading.**

9 **(11) Making or submitting false, deceptive, or unfounded claims, reports,**
10 **or opinions to any patient, insurance company or indemnity association,**
11 **company, individual, or government authority for the purpose of obtaining**
12 **anything of economic value.**

13 **(12) Soliciting, accepting, or receiving anything of economic value in**
14 **return for and based on referral of patients to another person, firm, or**
15 **corporation.**

16 **(13) Engaging in dishonorable, unethical or unprofessional conduct of**
17 **a character likely to deceive, defraud, or harm the public or any member**
18 **thereof.**

19 **(14) Continuing or recurring practice which fails to satisfy the prevailing**
20 **and usually accepted standards of the practice of applied behavior analysis.**

21 **(15) Gross, willful, and continued overcharging for professional services.**

22 **(16) Abandoning a patient by failure to make reasonable efforts to plan**
23 **for facilitating care in the event that behavior analytic services are interrupted**
24 **by factors such as the behavior analyst's illness, impending death,**
25 **unavailability, or relocation or by the patient's relocation or financial**
26 **limitations.**

27 **(17) Knowingly performing any act which, in any way, assists an**
28 **unqualified person to practice applied behavior analysis, or having professional**
29 **connection with or lending one's name to an illegal practitioner.**

1 **(18) Violating ethical codes of conduct as promulgated by the American**
2 **Psychological Association or the Guidelines for Responsible Conduct for**
3 **Behavior Analysts or violating any code of ethics adopted in the rules and**
4 **regulations of the board as developed by the Licensed Behavior Analyst**
5 **Committee, or other immoral, unprofessional, or dishonorable conduct as**
6 **defined in the rules and regulations of the board.**

7 **(19) Practicing applied behavior analysis in such a manner as to**
8 **endanger the welfare of patients, including but not limited to:**

9 **(a) Harassment, intimidation, or abuse, sexual or otherwise, of a patient.**

10 **(b) Engaging in any sexual contact with a patient.**

11 **(c) Gross malpractice, repeated malpractice, or gross negligence in the**
12 **practice of applied behavior analysis.**

13 **(20) Using of untruthful, deceptive, or improbable statements concerning**
14 **the licensee's qualifications or the effects or results of proposed treatment,**
15 **including functioning outside one's professional competence established by**
16 **education, training, and experience.**

17 **(21) Exercising undue influence in such a manner as to exploit the**
18 **patient for financial or other personal advantage to the practitioner or a third**
19 **party.**

20 **(22) Refusal of a licensing authority of another state to issue or renew a**
21 **license, permit, or certificate to practice applied behavior analysis in that state**
22 **or the revocation or suspension, or other restriction imposed on a license,**
23 **permit, or certificate issued by such licensing authority which prevents or**
24 **restricts practice in that state, or the surrender of a license, permit or certificate**
25 **issued by another state when criminal or administrative charges are pending or**
26 **threatened against the holder of such license, permit, or certificate.**

27 **(23) Any suspension or revocation of certification by the certification**
28 **board would vacate licensure in this state.**

29 **C. The board may, as a probationary condition, or as a condition of the**

1 reinstatement of any license or certificate suspended or revoked hereunder,
2 require the license or certificate holder to pay all costs of the board proceedings,
3 including investigator, stenographer, and attorney fees, and to pay a fine not to
4 exceed five thousand dollars.

5 D. The board's final decision in an adjudication proceeding conducted
6 pursuant to this Section other than by consent or, agreement or other informal
7 disposition, shall constitute a public record, and the board may disclose and
8 provide such final decision to any person, firm, or corporation or to the public
9 generally. The board's disposition of an adjudication proceeding by consent
10 order shall not constitute a public record, but the board shall have authority
11 and discretion to disclose such disposition.

12 E. No judicial order staying or enjoining the effectiveness or enforcement
13 of a final decision or order in a adjudication proceeding, whether issued
14 pursuant to R.S. 49:964(C) or otherwise, shall be effective, beyond the earlier
15 if either:

16 (1) One hundred twenty days from the date on which the board's
17 decision or order was rendered.

18 (2) The date on which a court of competent jurisdiction enters judgment
19 in a proceeding for judicial review of the board's decision or order issued
20 pursuant to R.S. 49:964.

21 F. Notwithstanding any other law to the contrary, no judicial order
22 staying, enjoining, or continuing and adjudication proceeding before, or a
23 preliminary, procedural, or intermediate decision, ruling, order, or action of,
24 the board shall be effective, whether pursuant to R.S. 49:964 or otherwise, prior
25 to the exhausting of all administrative remedies and issuance of a final decision
26 by the board.

27 G. No order staying or enjoining a final decision or order of the board
28 shall be issued unless the district court finds that the applicant or petitioner has
29 established that the issuance of the stay does neither of the following:

1 **(1) Threaten harm to other interested parties, including individuals for**
2 **whom the applicant or petitioner may render applied behavior analysis services.**

3 **(2) Constitute a threat to the health, safety, and welfare of the citizens of**
4 **this state.**

5 **H. No stay of a final decision or order of the board shall be granted ex**
6 **parte. The court shall schedule a hearing request for a stay order within ten**
7 **days from filing of the request. The court's decision to either grant or deny the**
8 **stay order shall be rendered within five days at the conclusion of the hearing.**

9 **§1360.92. Persons and practices not affected**

10 **The provisions of this Part shall not be construed as prohibiting or**
11 **restricting the practice of any of the following:**

12 **A. An "ABA direct contact therapist" acting only under the extended**
13 **authority and direction of a licensed behavior analyst or appropriately trained**
14 **psychologist to provide behavior analysis services.**

15 **B. A licensed professional who is not a behavior analyst, so long as the**
16 **licensed professional does not represent that he is a behavior analyst or**
17 **qualified to provide applied behavior analysis, and so long as the services of the**
18 **licensed professional are specified within the scope of the practice of the**
19 **licensing law governing the licensed professional and the services performed are**
20 **commensurate with the licensed professional's formal university training and**
21 **supervised experience.**

22 **C. The practice of applied behavior analysis expressly excludes**
23 **psychological testing, neuropsychology, psychotherapy, cognitive therapy,**
24 **psychoanalysis, hypnotherapy, diagnosis of mental or emotional disorders, and**
25 **long-term counseling as treatment modalities.**

26 **§1360.93. Injunctive proceedings**

27 **A. The board may investigate any evidence or allegation which appears**
28 **to show that any person is or may be in violation of any provision of this Part.**

29 **B. The board may apply for an injunction in any court of competent**

1 jurisdiction to enjoin any person from committing any act which is in violation
2 of this Part.

3 C. If it is established that the defendant has been or is committing an act
4 which is in violation of this Part, the court shall enter a decree perpetually
5 enjoining the defendant from further committing the act or acts.

6 D. In case of violation of any injunction issued under the provisions of
7 this Section, the court may summarily try and punish the offender for contempt
8 of court.

9 E. Such injunctive proceedings shall be in addition to, and not in lieu of,
10 all penalties and other remedies as provided in this Part.

11 §1360.94. Penalties

12 A. It shall be a misdemeanor for any individual:

13 (1) Not licensed under this Part to represent himself as a licensed
14 behavior analyst.

15 (2) Not licensed under this Part to engage in the practice of behavior
16 analysis.

17 (3) To represent himself as a medical psychologists during the time that
18 his license as a behavior analyst shall be suspended or revoked or lapse.

19 (4) To otherwise violate this Part.

20 B. Such misdemeanor shall be punishable upon conviction by
21 imprisonment for not more than six months, or by a fine of not less than one
22 hundred dollars nor more than five hundred dollars, or both. Each violation is
23 deemed a separate offense.

24 C. Such misdemeanor shall be prosecuted by the district attorney of the
25 judicial district in which the offense was committed.

26 §1360.95. Access to files

27 The Licensed Behavior Analyst Committee shall make available to the
28 board all files relating to behavior analysts practicing within the state.

29 * * *

1 §2353. State board of examiners; organization; duties; meetings; fees

2 * * *

3 C. The board is authorized and empowered to:

4 **(7) Act on the powers and duties provided to the board by R.S.**

5 **37:1360.81 through 1360.95.**

6 * * *

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Proposed law provides for the Board Certified Behavioral Analyst Practice Act.

Proposed law provides for the licensure of behavioral analysts and places the practice of behavioral analytics under the Louisiana State Board of Examiners of Psychologists.

Proposed law provides the Louisiana State Board of Examiners of Psychologists the powers and duties to license and regulate the profession of behavioral analysts. The Louisiana State Board of Examiners of Psychologists will have all powers and duties granted to it under R.S. 37:2351 et seq., and shall have, in addition, the authority to:

- (1) Establish and publish standards of applied behavior analysis practice in accordance with those developed and accepted by the profession represented by such organizations as the Behavior Analysis Certification Board, Association for Behavior Analysis International and/or others deemed appropriate by the Licensed Behavior Analyst Committee ("committee") and approved by the board.
- (2) Approve, deny, revoke, suspend, renew and reinstate licensure of duly qualified applicants based on the recommendation of the committee and approved by the board.
- (3) Adopt, revise, and enforce orders, rules, and regulations for licensure and renewal as recommended by the committee to ensure the competency of applicants, the protection of the public, and proper administration of this Part in accordance with the Administrative Procedure Act.
- (4) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license with a designee from the committee present. Such designee shall be appointed as needed by the chair of the board.

Proposed law provides license requirements for behavioral analysts. Licensure requirements include:

- (1) Submit to the board a completed application form approved by the committee.
- (2) Pay all necessary licensure fees.
- (3) Hold a master's degree or doctoral degree from a regionally accredited college or university with approved course sequence of the behavior analyst certification board or its successor and/or equivalent reviewed by the committee and approved by the board.
- (4) The successful completion of an approved or supervised experience in the practice of applied behavior analysis as an approved experiential sequence of the behavior analyst certification board or its successor and/or equivalent reviewed by the committee and approved by the board.
- (5) The successful completion of a nationally recognized examination related to the principles and practice of the profession of applied behavior analysis administered by the behavior analyst certification board or its
- (6) The successful completion of a jurisprudence examination covering the laws and rules governing the practice of behavior analysis in Louisiana reviewed by the committee and approved by the board. Once the jurisprudence examination is successfully completed, candidates may pay the licensure fee and be granted a licensed to practice applied behavior analysis in Louisiana.
- (7) Maintains active status and fulfills all requirements for renewal and recertification with the behavior analysis certification board as a board certified behavior analyst and/or other certifying board as reviewed by the committee and approved by the board.
- (8) Conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary Standards of the Behavior Analyst Certification Board or other national professional organization as reviewed by the committee and approved by the board.
- (9) Has not been subject to disciplinary suspension or revocation by the behavior analyst certification board, for violation of the professional disciplinary and ethical standards.

Proposed law provides for the issuance and renewal of licenses for behavioral analysts.

Proposed law provides for the reinstatement of licenses for behavioral analysts.

Proposed law provides for the Licensed Behavior Analyst Committee. Provides the committee shall be established by the board for the purpose of reviewing and recommending action on application for licensure and relicensure, recommending educational and training requirements, establishing a professional code of conduct, recommending changes in related statutes and rules, as well as other activities as may be requested by the board or activities provided in proposed law. Proposed law provides the committee shall consist of two certified and licensed behavior analysts and one licensed

- (1) The two certified behavior analysts, who shall become licensed once proposed law becomes effective, shall be appointed by the Louisiana Association for Behavior Analysis.

- (2) The licensed psychologist shall be appointed by the Louisiana State Board of Examiners of Psychologists.
- (3) The chair of the board shall serve as an ex officio, non-voting member of the committee; however, the chair may vote in cases of a tie vote. Members of the committee shall serve at the pleasure of the board. A vacancy in an unexpired term shall be filled in a manner of the original appointment.

Proposed law provides the committee may meet as needed but shall meet at least quarterly, and a majority of the members of the committee shall constitute a quorum for the transaction of all business. Further provides the members of the committee shall serve without compensation but shall be reimbursed for reasonable travel expenses incurred in attendance at meetings and other official business on behalf of the committee or the board.

Proposed law provides licensed behavioral analysts shall annually complete a minimum of twelve hours of committee-approved continuing education classes.

Proposed law provides the board the authority to fix certain fees through the Administrative Procedure Act.

Proposed law provides for the causes for refusal to issue, the suspension of, or the revocation of a license by the board based on the recommendation of the committee.

Proposed law provides the provisions of this Part shall not be construed as prohibiting or restricting the practice of any of the following:

- (1) An "ABA direct contact therapist" acting only under the extended authority and direction of a licensed behavior analyst or appropriately trained psychologist to provide behavior analysis services.
- (2) A licensed professional who is not a behavior analyst, so long as the licensed professional does not represent that he is a behavior analyst or qualified to provide applied behavior analysis, and so long as the services of the licensed professional are specified within the scope of the practice of the licensing law governing the licensed professional and the services performed are commensurate with the licensed professional's formal university training and supervised experience.
- (3) The practice of applied behavior analysis expressly excludes psychological testing, neuropsychology, psychotherapy, cognitive therapy, psychoanalysis, hypnotherapy, diagnosis of mental or emotional disorders, and long-term counseling as treatment modalities.

Proposed law provides the board the authority to seek injunctive relief through the courts.

Proposed law provides penalties for any individual:

- (1) Not licensed under proposed law to represent himself as a licensed behavior analyst.
- (2) Not licensed under proposed law to engage in the practice of behavior analysis.
- (3) To represent himself as a medical psychologists during the time that his license as a behavior analyst shall be suspended or revoked or lapse.
- (4) To otherwise violate proposed law.

Proposed law provides such misdemeanor shall be punishable upon conviction by imprisonment for not more than six months, or by a fine of not less than \$100 nor more than \$500, or both. Each violation is deemed a separate offense. Proposed law provides such

misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed.

Proposed law requires the committee to make available to the board all files relating to behavior analysts practicing within the state.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:1360.81 through 1360.95 and 2353(C)(7))