

# HOUSE BILL 150

J2

(4lr0880)

## ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Reznik**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Health Occupations – Maryland Behavior Analysts Act**

3 FOR the purpose of establishing the Behavior Analyst Advisory Committee within the  
4 State Board of Professional Counselors and Therapists; requiring the ~~Board~~  
5 Committee Board to adopt certain regulations and a certain code of ethics;  
6 requiring the ~~Board Committee Board~~ to set certain fees for services provided  
7 by the ~~Board Committee Board~~ to behavior analysts; requiring the Board to pay  
8 the fees to the Comptroller; requiring the Comptroller to distribute the fees to  
9 the Board; requiring the fees to be used to cover certain costs; providing for the  
10 composition, appointment, and terms of the Committee members; establishing  
11 certain powers and duties of the Committee; requiring certain persons to be  
12 licensed by the ~~Board Committee Board~~ as behavior analysts before performing  
13 certain work in the State except under certain circumstances; establishing  
14 certain education and experience requirements to qualify for a license;

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 establishing certain application fees and requirements for obtaining a license;  
2 establishing certain terms and procedures for the renewal and reinstatement of  
3 a license; requiring the ~~Board Committee~~ Board to issue a license to certain  
4 applicants; specifying the contents of a license; prohibiting the ~~Board~~  
5 ~~Committee~~ Board from issuing a license if certain information has not been  
6 received; ~~requiring the Board to maintain a certain roster~~; requiring the ~~Board~~  
7 ~~Committee~~ Board to place a licensee on inactive status under certain  
8 circumstances; prohibiting a licensee from surrendering a license under certain  
9 circumstances; requiring a licensee to notify the ~~Board Committee~~ Board of a  
10 change of name or address in a certain manner and within a certain time  
11 period; authorizing the Board to deny a license to an applicant, reprimand a  
12 licensee, place a licensee on probation, or suspend or revoke a license under  
13 certain circumstances; establishing certain requirements for reinstatement of a  
14 revoked license; providing for certain criminal, civil, and administrative  
15 penalties; establishing certain hearing and appeal procedures for behavior  
16 analysts; authorizing the Board to issue a cease and desist order under certain  
17 circumstances; authorizing a certain action to be maintained to enjoin the  
18 unauthorized practice of behavior analysis or certain conduct; providing for a  
19 certain behavior analyst rehabilitation ~~committee~~ subcommittee; specifying the  
20 functions of the behavior analyst rehabilitation ~~committee~~ subcommittee;  
21 providing that the proceedings, records, and files of the behavior analyst  
22 rehabilitation ~~committee~~ subcommittee are not discoverable or admissible in  
23 evidence in certain actions under certain circumstances; providing that a  
24 certain person is not civilly liable for certain action as a member of a behavior  
25 analyst rehabilitation ~~committee~~ subcommittee; prohibiting a person from  
26 practicing, attempting to practice, or offering to practice behavior analysis in  
27 the State unless licensed by the ~~Board Committee~~ Board except under certain  
28 circumstances; prohibiting a person from representing to the public that the  
29 person is a licensed behavior analyst or using certain titles, abbreviations,  
30 signs, cards, or other representations except under certain circumstances;  
31 requiring the Board to pay certain penalties into the State Board of Professional  
32 Counselors and Therapists Fund; establishing a certain short title; providing  
33 that the Committee is subject to the provisions of the Maryland Program  
34 Evaluation Act; requiring that an evaluation of the Committee and statutes and  
35 regulations that relate to the Committee be performed on or before a certain  
36 date; defining certain terms; specifying the terms of the initial members of the  
37 ~~Board Committee~~; providing for the termination of certain provisions of this Act;  
38 and generally relating to the licensing and regulation of behavior analysts and  
39 the Behavior Analyst Advisory Committee.

40 BY renumbering

41 Article – State Government  
42 Section 8–403(b)(8) through (56), respectively  
43 to be Section 8–403(b)(9) through (57), respectively  
44 Annotated Code of Maryland  
45 (2009 Replacement Volume and 2013 Supplement)

1 BY adding to  
 2 Article – Health Occupations  
 3 Section 17–6A–01 through ~~17–6A–33~~ 17–6A–31 to be under the new subtitle  
 4 “Subtitle 6A. Behavior Analysts”  
 5 Annotated Code of Maryland  
 6 (2009 Replacement Volume and 2013 Supplement)

7 BY repealing and reenacting, without amendments,  
 8 Article – State Government  
 9 Section 8–403(a)  
 10 Annotated Code of Maryland  
 11 (2009 Replacement Volume and 2013 Supplement)

12 BY adding to  
 13 Article – State Government  
 14 Section 8–403(b)(8)  
 15 Annotated Code of Maryland  
 16 (2009 Replacement Volume and 2013 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 18 MARYLAND, That Section(s) 8–403(b)(8) through (56), respectively, of Article – State  
 19 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
 20 8–403(b)(9) through (57), respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 22 read as follows:

23 **Article – Health Occupations**

24 **SUBTITLE 6A. BEHAVIOR ANALYSTS.**

25 **17–6A–01.**

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 27 INDICATED.

28 (B) “COMMITTEE” MEANS THE BEHAVIOR ANALYST ADVISORY  
 29 COMMITTEE ESTABLISHED UNDER § 17–6A–05 OF THIS SUBTITLE.

30 (C) “LICENSE” MEANS A LICENSE ISSUED BY THE ~~BOARD COMMITTEE~~  
 31 BOARD TO PRACTICE BEHAVIOR ANALYSIS.

32 (D) “LICENSED BEHAVIOR ANALYST” MEANS AN INDIVIDUAL WHO IS  
 33 LICENSED BY THE ~~BOARD COMMITTEE~~ BOARD TO PRACTICE BEHAVIOR  
 34 ANALYSIS.

1 (E) "LICENSEE" MEANS A LICENSED BEHAVIOR ANALYST.

2 (F) (1) "PRACTICE OF BEHAVIOR ANALYSIS" MEANS THE DESIGN,  
3 IMPLEMENTATION, AND EVALUATION OF SYSTEMATIC INSTRUCTIONAL AND  
4 ENVIRONMENTAL MODIFICATIONS TO PRODUCE SOCIALLY SIGNIFICANT  
5 IMPROVEMENTS IN HUMAN BEHAVIOR.

6 (2) "PRACTICE OF BEHAVIOR ANALYSIS" INCLUDES:

7 (I) THE EMPIRICAL IDENTIFICATION OF FUNCTIONAL  
8 RELATIONS BETWEEN BEHAVIOR AND ENVIRONMENTAL FACTORS, KNOWN AS  
9 FUNCTIONAL ASSESSMENT AND ANALYSIS; AND

10 (II) INTERVENTIONS BASED ON SCIENTIFIC RESEARCH AND  
11 THE DIRECT OBSERVATION AND MEASUREMENT OF BEHAVIOR AND  
12 ENVIRONMENT.

13 (3) "PRACTICE OF BEHAVIOR ANALYSIS" DOES NOT INCLUDE  
14 PSYCHOLOGICAL TESTING, DIAGNOSIS OF A MENTAL OR PHYSICAL DISORDER,  
15 NEUROPSYCHOLOGY, PSYCHOTHERAPY, COGNITIVE THERAPY, SEX THERAPY,  
16 PSYCHOANALYSIS ~~OR~~, HYPNOTHERAPY, ~~OR LONG-TERM~~ COUNSELING, OR ANY  
17 SUBDISCIPLINE OF PSYCHOLOGY AS TREATMENT MODALITIES.

18 17-6A-02.

19 ~~UNLESS THE INDIVIDUAL USES AS A TITLE OR DESCRIBES THE SERVICES~~  
20 ~~THE INDIVIDUAL PROVIDES BY USE OF THE WORDS "BEHAVIOR ANALYSIS" OR~~  
21 ~~"BEHAVIOR ANALYST", THIS~~

22 (A) THIS SUBTITLE DOES NOT LIMIT THE USE OF THE TERMS  
23 "BEHAVIOR ANALYSIS" OR "BEHAVIORAL ANALYSIS" BY AN INDIVIDUAL  
24 AUTHORIZED TO PRACTICE UNDER THIS ARTICLE WHO IS PRACTICING WITHIN  
25 THE INDIVIDUAL'S SCOPE OF PRACTICE.

26 (B) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO  
27 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS LICENSED,  
28 CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

29 17-6A-03.

30 ~~THE BOARD COMMITTEE~~ BOARD SHALL ADOPT:

31 (1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF  
32 BEHAVIOR ANALYSIS; AND

1           (2) A CODE OF ETHICS FOR THE PRACTICE OF BEHAVIOR  
2 ANALYSIS.

3 17-6A-04.

4           (A) (1) THE ~~BOARD COMMITTEE~~ BOARD SHALL SET REASONABLE  
5 FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER  
6 SERVICES IT PROVIDES TO BEHAVIOR ANALYSTS.

7           (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS  
8 TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND  
9 THE OTHER SERVICES PROVIDED TO BEHAVIOR ANALYSTS.

10           (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
11 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

12           (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE  
13 BOARD.

14           (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED  
15 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND  
16 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF  
17 THIS SUBTITLE.

18 17-6A-05.

19           THERE IS A BEHAVIOR ANALYST ADVISORY COMMITTEE WITHIN THE  
20 BOARD.

21 17-6A-06.

22           (A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE  
23 BOARD AS FOLLOWS:

24           (1) (I) ON OR BEFORE ~~SEPTEMBER 30~~ DECEMBER 31, 2014,  
25 FOUR BEHAVIOR ANALYSTS WHO:

26                           1. ARE CERTIFIED BY THE BEHAVIOR ANALYST  
27 CERTIFICATION BOARD; AND

28                           2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL  
29 EXPERIENCE; AND

1                   **(II) ON OR AFTER ~~OCTOBER 1, 2014~~ JANUARY 1, 2015,**  
2 **FOUR LICENSED BEHAVIOR ANALYSTS WHO:**

3                   **1. ARE CERTIFIED BY THE BEHAVIOR ANALYST**  
4 **CERTIFICATION BOARD; AND**

5                   **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**  
6 **EXPERIENCE; AND**

7                   **(2) ONE CONSUMER MEMBER WHO IS RECEIVING SERVICES, HAS**  
8 **RECEIVED SERVICES, OR HAS A CHILD WHO IS RECEIVING SERVICES FOR A**  
9 **BEHAVIORAL DISORDER, INCLUDING AN AUTISM SPECTRUM DISORDER.**

10           **(B) THE CONSUMER MEMBER OF THE COMMITTEE:**

11                   **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

12                   **(2) MAY NOT BE OR EVER HAVE BEEN A BEHAVIOR ANALYST OR**  
13 **IN TRAINING TO BECOME A BEHAVIOR ANALYST;**

14                   **(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A BEHAVIOR**  
15 **ANALYST OR IN TRAINING TO BECOME A BEHAVIOR ANALYST;**

16                   **(4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A**  
17 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;**

18                   **(5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES**  
19 **IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;**  
20 **AND**

21                   **(6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT**  
22 **A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.**

23           **(C) (1) THE TERM OF A MEMBER IS 4 YEARS.**

24                   **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
25 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1,**  
26 **2014.**

27                   **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
28 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1           (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
3 APPOINTED AND QUALIFIES.

4           (5) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL  
5 TERMS.

6           (D) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
7 MISCONDUCT.

8 **17-6A-07.**

9           (A) FROM AMONG ITS MEMBERS, THE COMMITTEE ANNUALLY SHALL  
10 ELECT A CHAIR AND A VICE CHAIR.

11           (B) THE COMMITTEE SHALL DETERMINE:

12                   (1) THE MANNER OF ELECTION OF OFFICERS; AND

13                   (2) THE DUTIES OF EACH OFFICER.

14 **17-6A-08.**

15           (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE  
16 IS A QUORUM.

17           (B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT  
18 THE TIMES AND PLACES THAT IT DETERMINES.

19                   (2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:

20                           (I) REQUESTED BY THE BOARD; OR

21                                   (II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN  
22 SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR  
23 ADVISABLE.

24                   (3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL  
25 BE GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.

26           (C) A MEMBER OF THE COMMITTEE:

27                   (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
28 COMMITTEE; BUT

1           (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
2 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
3 BUDGET.

4 17-6A-09.

5           IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN  
6 THIS SUBTITLE, THE COMMITTEE SHALL:

7           (1) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE~~  
8 ~~APPROVAL OF THE BOARD,~~ REGULATIONS TO CARRY OUT THIS SUBTITLE;

9           (2) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE~~  
10 ~~APPROVAL OF THE BOARD,~~ A CODE OF ETHICS FOR THE PRACTICE OF  
11 BEHAVIOR ANALYSIS;

12           (3) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE~~  
13 ~~APPROVAL OF THE BOARD,~~ THE REQUIREMENTS FOR LICENSURE AS A  
14 BEHAVIOR ANALYST, INCLUDING:

15                   (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL  
16 TRAINING OF LICENSED BEHAVIOR ANALYSTS; AND

17                   (II) CRITERIA FOR A PROFESSIONAL COMPETENCY  
18 EXAMINATION AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE  
19 BEHAVIOR ANALYSIS;

20           (4) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING  
21 EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

22           (5) PROVIDE THE BOARD WITH RECOMMENDATIONS  
23 CONCERNING THE PRACTICE OF BEHAVIOR ANALYSIS;

24           (6) KEEP A RECORD OF ITS PROCEEDINGS; AND

25           (7) ~~SUBMIT AN ANNUAL REPORT~~ REPORT TO THE BOARD AS  
26 REQUIRED IN REGULATIONS ADOPTED BY THE BOARD.

27 17-6A-10.

28           (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING  
29 ~~OCTOBER 1, 2014 ON OR BEFORE~~ JANUARY 1, 2015, AN INDIVIDUAL SHALL BE



1 LICENSED BY THE ~~BOARD COMMITTEE~~ BOARD BEFORE THE INDIVIDUAL MAY  
2 PRACTICE BEHAVIOR ANALYSIS IN THE STATE.

3 (B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN  
4 EDUCATIONAL PROGRAM THAT MEETS THE CRITERIA OF § 17-6A-11(C)(2) OF  
5 THIS SUBTITLE WHILE ENGAGED IN AN UNPAID, CLINICAL EDUCATIONAL  
6 EXPERIENCE OF BEHAVIOR ANALYSIS.

7 17-6A-11.

8 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN  
9 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

10 (B) THE APPLICANT SHALL:

11 (1) BE OF GOOD MORAL CHARACTER; AND

12 (2) BE AT LEAST 18 YEARS OLD.

13 (C) THE APPLICANT SHALL:

14 (1) HAVE A CURRENT CERTIFICATION BY THE BEHAVIOR  
15 ANALYST CERTIFICATION BOARD OR ITS SUCCESSOR ORGANIZATION;

16 (2) HAVE RECEIVED A ~~BACHELOR'S OR~~ MASTER'S DEGREE OR  
17 HIGHER FROM A BEHAVIOR ANALYSIS EDUCATIONAL PROGRAM THAT IS  
18 ACCREDITED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR ITS  
19 SUCCESSOR ORGANIZATION;

20 (3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN  
21 ENGLISH AS REQUIRED BY THE ~~BOARD COMMITTEE~~ BOARD; AND

22 (4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE  
23 ~~BOARD COMMITTEE~~ BOARD.

24 (D) THE ~~BOARD COMMITTEE~~ BOARD SHALL WAIVE THE EDUCATION  
25 REQUIREMENTS UNDER SUBSECTION (C)(2) OF THIS SECTION IF AN INDIVIDUAL  
26 WAS CERTIFIED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD ON OR  
27 BEFORE ~~SEPTEMBER~~ DECEMBER 30 31, 2014, AND IS CURRENTLY IN GOOD  
28 STANDING.

29 17-6A-12.

30 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

1           (1) SUBMIT AN APPLICATION TO THE ~~BOARD COMMITTEE~~ BOARD  
2 ON THE FORM THAT THE ~~BOARD COMMITTEE~~ BOARD REQUIRES;

3           (2) PAY TO THE ~~BOARD COMMITTEE~~ BOARD THE APPLICATION  
4 FEE SET BY THE ~~BOARD COMMITTEE~~ BOARD; AND

5           (3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
6 ACCORDANCE WITH § 17-501.1 OF THIS TITLE.

7 17-6A-13.

8           (A) THE ~~BOARD COMMITTEE~~ BOARD SHALL ISSUE A LICENSE TO ANY  
9 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

10           (B) THE ~~BOARD COMMITTEE~~ BOARD SHALL INCLUDE ON EACH  
11 LICENSE THAT THE ~~BOARD COMMITTEE~~ BOARD ISSUES:

12           (1) THE FULL NAME OF THE LICENSED BEHAVIOR ANALYST;

13           (2) THE DATES OF ISSUANCE AND EXPIRATION;

14           (3) A SERIAL NUMBER;

15           (4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE  
16 ~~BOARD COMMITTEE~~ BOARD; AND

17           (5) THE SEAL OF THE BOARD.

18           (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD  
19 INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE ~~BOARD~~  
20 ~~COMMITTEE~~ BOARD IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE, IN  
21 DETERMINING WHETHER TO GRANT A LICENSE, THE ~~BOARD COMMITTEE~~  
22 BOARD SHALL CONSIDER:

23           (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

24           (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

25           (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE  
26 CRIME;

27           (IV) SUBSEQUENT WORK HISTORY;

1 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

2 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE  
3 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

4 (2) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT ISSUE A LICENSE  
5 IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER §  
6 17-501.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

7 17-6A-14.

8 A BEHAVIOR ANALYST LICENSE AUTHORIZES THE LICENSEE TO PRACTICE  
9 BEHAVIOR ANALYSIS WHILE THE LICENSE IS EFFECTIVE.

10 ~~17-6A-15.~~

11 ~~(A) THE BOARD SHALL MAINTAIN A ROSTER THAT CONTAINS THE NAME  
12 AND ADDRESS OF EACH BEHAVIOR ANALYST CURRENTLY LICENSED, LISTED  
13 ALPHABETICALLY BY NAME AND GEOGRAPHICALLY BY ADDRESS.~~

14 ~~(B) THE BOARD SHALL:~~

15 ~~(1) RESPOND TO INQUIRIES FROM THE PUBLIC REGARDING  
16 INFORMATION CONTAINED IN THE ROSTER; AND~~

17 ~~(2) ON REQUEST, PROVIDE COPIES OF THE ROSTER BY MAIL TO  
18 THE PUBLIC.~~

19 ~~17-6A-16.~~ 17-6A-15.

20 (A) A LICENSE EXPIRES ON A DATE SET BY THE ~~BOARD COMMITTEE~~  
21 BOARD UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS  
22 PROVIDED IN THIS SECTION.

23 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE ~~BOARD~~  
24 ~~COMMITTEE~~ BOARD SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR  
25 ELECTRONIC MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE, A  
26 RENEWAL NOTICE THAT STATES:

27 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

28 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
29 RECEIVED BY THE ~~BOARD COMMITTEE~~ BOARD FOR THE RENEWAL TO BE  
30 ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

1           (3) THE AMOUNT OF THE RENEWAL FEE.

2           (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY  
3 RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

4           (1) OTHERWISE IS ENTITLED TO BE LICENSED;

5           (2) PAYS TO THE ~~BOARD COMMITTEE~~ BOARD A RENEWAL FEE  
6 SET BY THE ~~BOARD COMMITTEE~~ BOARD; AND

7           (3) SUBMITS TO THE ~~BOARD COMMITTEE~~ BOARD:

8           (I) A RENEWAL APPLICATION ON THE FORM THAT THE  
9 ~~BOARD COMMITTEE~~ BOARD REQUIRES; AND

10           (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
11 CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE ~~BOARD~~  
12 ~~COMMITTEE~~ BOARD UNDER SUBSECTION (D) OF THIS SECTION.

13           (D) THE ~~BOARD COMMITTEE~~ BOARD MAY ESTABLISH CONTINUING  
14 EDUCATION REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES  
15 UNDER THIS SECTION.

16           (E) THE ~~BOARD COMMITTEE~~ BOARD SHALL RENEW THE LICENSE OF  
17 EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

18 ~~17-6A-17.~~ 17-6A-16.

19           (A) (1) THE ~~BOARD COMMITTEE~~ BOARD SHALL PLACE A LICENSEE  
20 ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE ~~BOARD COMMITTEE~~  
21 BOARD:

22           (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
23 REQUIRED BY THE ~~BOARD COMMITTEE~~ BOARD; AND

24           (II) THE INACTIVE STATUS FEE SET BY THE ~~BOARD~~  
25 ~~COMMITTEE~~ BOARD.

26           (2) (I) THE ~~BOARD COMMITTEE~~ BOARD SHALL LICENSE AN  
27 INDIVIDUAL ON INACTIVE STATUS WHO APPLIES FOR A LICENSE IF THE  
28 INDIVIDUAL:

1                   1.    COMPLIES WITH THE RENEWAL REQUIREMENTS  
2 THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM INACTIVE STATUS TO  
3 ACTIVE STATUS; AND

4                   2.    MEETS ANY CONTINUING EDUCATION  
5 REQUIREMENTS ESTABLISHED BY THE ~~BOARD COMMITTEE~~ BOARD.

6                   (ii) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT REQUIRE  
7 PAYMENT OF A LATE FEE BY AN INDIVIDUAL AS A CONDITION TO LICENSING  
8 UNDER THIS PARAGRAPH.

9                   (b) THE ~~BOARD COMMITTEE~~ BOARD SHALL REINSTATE THE LICENSE  
10 OF A BEHAVIOR ANALYST WHO HAS NOT BEEN PUT ON INACTIVE STATUS AND  
11 WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE BEHAVIOR  
12 ANALYST:

13                   (1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 17-6A-16~~  
14 § 17-6A-15 OF THIS SUBTITLE;

15                   (2) PAYS TO THE ~~BOARD COMMITTEE~~ BOARD A REINSTATEMENT  
16 FEE SET BY THE BOARD; AND

17                   (3) APPLIES TO THE ~~BOARD COMMITTEE~~ BOARD FOR  
18 REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE  
19 EXPIRES.

20                   (c) (1) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT REINSTATE THE  
21 LICENSE OF A BEHAVIOR ANALYST WHO FAILS TO APPLY FOR REINSTATEMENT  
22 OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

23                   (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF  
24 THIS SUBSECTION, A BEHAVIOR ANALYST MAY BECOME LICENSED BY MEETING  
25 THE CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS  
26 SUBTITLE.

27 ~~17-6A-18.~~ 17-6A-17.

28                   (a) A LICENSEE SHALL NOTIFY THE ~~BOARD COMMITTEE~~ BOARD IN  
29 WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE  
30 CHANGE.

31                   (b) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS  
32 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

1 ~~17-6A-19.~~ 17-6A-18.

2 UNLESS THE ~~BOARD COMMITTEE~~ BOARD ACCEPTS THE SURRENDER OF A  
3 LICENSE, THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE  
4 LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING  
5 AGAINST THE LICENSEE.

6 ~~17-6A-20.~~ 17-6A-19.

7 SUBJECT TO THE HEARING PROVISIONS OF ~~§ 17-6A-23~~ § 17-6A-21 OF  
8 THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS  
9 MEMBERS THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT,  
10 REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND  
11 OR REVOKE A LICENSE OF ANY LICENSEE IF THE APPLICANT OR LICENSEE:

12 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
13 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

14 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

15 (3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE  
16 TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT  
17 ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR  
18 PLEA SET ASIDE;

19 ~~(4) IS OR HAS BEEN ADDICTED TO ANY NARCOTIC OR HABITUALLY~~  
20 ~~INTOXICATED;~~

21 ~~(5)~~ (4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN  
22 PRACTICING BEHAVIOR ANALYSIS OR REPRESENTING ONESELF TO BE A  
23 BEHAVIOR ANALYST;

24 ~~(6)~~ (5) PRACTICES BEHAVIOR ANALYSIS FRAUDULENTLY OR  
25 DECEITFULLY;

26 ~~(7)~~ (6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE  
27 ~~BOARD COMMITTEE~~ BOARD UNDER § 17-6A-03 OF THIS SUBTITLE;

28 ~~(8)~~ (7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS  
29 REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR  
30 RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR  
31 RECORD THE REPORT;

32 ~~(9)~~ (8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

1           ~~(10)~~ (9)       WILLFULLY MAKES OR FILES A FALSE REPORT OR  
2 RECORD IN THE PRACTICE OF BEHAVIOR ANALYSIS;

3           ~~(11)~~ (10)     IS DISCIPLINED BY A LICENSING OR DISCIPLINARY  
4 AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A  
5 COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE  
6 UNITED STATES UNIFORMED SERVICES OR THE UNITED STATES VETERANS  
7 ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY  
8 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

9           ~~(12)~~ (11)     VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY  
10 REGULATION ADOPTED BY THE ~~BOARD COMMITTEE~~ BOARD;

11          ~~(13)~~ (12)     USES OR PROMOTES OR CAUSES THE USE OF ANY  
12 MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER,  
13 PROMOTIONAL LITERATURE, OR TESTIMONIAL;

14          ~~(14)~~ (13)     IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY  
15 INCOMPETENT;

16          ~~(15)~~ (14)     PROMOTES THE SALE OF DEVICES, APPLIANCES, OR  
17 GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

18          ~~(16)~~ (15)     BEHAVES IMMORALLY IN THE PRACTICE OF BEHAVIOR  
19 ANALYSIS;

20          ~~(17)~~ (16)     COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN  
21 THE PRACTICE OF BEHAVIOR ANALYSIS;

22          ~~(18)~~ (17)     REFUSES, WITHHOLDS FROM, DENIES, OR  
23 DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF  
24 PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND  
25 QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

26          ~~(19)~~ (18)     FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION  
27 CONDUCTED BY THE BOARD;

28          ~~(20)~~ (19)     COMMITS AN ACT THAT IS INCONSISTENT WITH  
29 GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF  
30 BEHAVIOR ANALYSIS; ~~OR~~

31          ~~(21)~~ (20)     FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS  
32 CHECK IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE;

1           **(21) HABITUALLY IS INTOXICATED;**

2           **(22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE**  
 3 **INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED**  
 4 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW**  
 5 **ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR**  
 6 **WITHOUT VALID MEDICAL INDICATION; OR**

7           **(23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**  
 8 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.**

9 ~~17-6A-21.~~ 17-6A-20.

10           **(A) IF, AFTER A HEARING UNDER ~~§ 17-6A-23~~ § 17-6A-21 OF THIS**  
 11 **SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER ~~§ 17-6A-20~~ §**  
 12 **17-6A-19 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO**  
 13 **REPRIMAND A LICENSEE, THE BOARD MAY IMPOSE A MONETARY PENALTY NOT**  
 14 **EXCEEDING \$10,000:**

15           **(1) INSTEAD OF SUSPENDING THE LICENSE; OR**

16           **(2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.**

17           **(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR**  
 18 **THE IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.**

19           **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS**  
 20 **SECTION INTO THE GENERAL FUND OF THE STATE.**

21 ~~17-6A-22.~~

22           ~~**(A) IF, IN INVESTIGATING AN ALLEGATION BROUGHT AGAINST A**~~  
 23 ~~**LICENSEE UNDER THIS SUBTITLE, THE BOARD HAS REASON TO BELIEVE THAT**~~  
 24 ~~**THE LICENSEE MAY CAUSE HARM TO PERSONS AFFECTED BY THE LICENSEE'S**~~  
 25 ~~**PRACTICE OF BEHAVIOR ANALYSIS, THE BOARD, ON ITS OWN INITIATIVE, MAY**~~  
 26 ~~**DIRECT THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A**~~  
 27 ~~**PSYCHOLOGIST OR PHYSICIAN DESIGNATED BY THE BOARD.**~~

28           ~~**(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE**~~  
 29 ~~**BEHAVIOR ANALYSIS IN THE STATE, THE LICENSEE IS DEEMED TO HAVE:**~~

30           ~~**(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS**~~  
 31 ~~**SECTION IF REQUESTED BY THE BOARD IN WRITING; AND**~~



1           ~~(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR~~  
2 ~~EXAMINATION REPORTS OF THE EXAMINING PSYCHOLOGIST OR PHYSICIAN.~~

3           ~~(C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN~~  
4 ~~EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA~~  
5 ~~FACIE EVIDENCE OF THE LICENSEE'S INABILITY TO PRACTICE BEHAVIOR~~  
6 ~~ANALYSIS COMPETENTLY UNLESS THE BOARD FINDS THAT THE FAILURE OR~~  
7 ~~REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.~~

8           ~~(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE~~  
9 ~~UNDER THIS SECTION.~~

10 ~~17-6A-23.~~ 17-6A-21.

11           (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE  
12 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 17-6A-20~~  
13 § 17-6A-19 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM  
14 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE  
15 BOARD.

16           (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
17 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

18           (C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE  
19 SERVED PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
20 BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE  
21 LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST ~~10~~ 30 DAYS BEFORE THE  
22 HEARING.

23           (D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY  
24 COUNSEL.

25           (E) (1) OVER THE SIGNATURE OF AN OFFICER OR THE  
26 ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND  
27 ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS  
28 SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

29           (2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE  
30 INDIVIDUAL IF THE INDIVIDUAL:

31                   (I) REQUESTS THAT THE BOARD DO SO; AND

1                   (II) STATES UNDER OATH THAT THE TESTIMONY OR  
2 EVIDENCE SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

3                   (3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A  
4 SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,  
5 TESTIFY, OR ANSWER A QUESTION, ON PETITION OF THE BOARD, A COURT OF  
6 COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

7                   (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE  
8 ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE  
9 BOARD MAY HEAR AND DETERMINE THE MATTER.

10                  (G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED  
11 BY ANY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED BEFORE THE  
12 FILING OF CHARGES.

13 ~~17-6A-24.~~ 17-6A-22.

14                  (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §  
15 ~~17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL  
16 DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE  
17 ADMINISTRATIVE PROCEDURE ACT, MAY:

18                   (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

19                   (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE  
20 ADMINISTRATIVE PROCEDURE ACT.

21                  (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE  
22 BOARD UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE MAY NOT APPEAL TO  
23 THE SECRETARY OR THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL  
24 APPEAL.

25                   (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL  
26 REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

27                  (C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A  
28 SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY  
29 NOT BE STAYED PENDING JUDICIAL REVIEW.

30 ~~17-6A-25.~~ 17-6A-23.

1           FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE  
2 AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE  
3 BOARD MAY:

4           (1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;

5           (2) REDUCE THE PERIOD OF A SUSPENSION; OR

6           (3) WITHDRAW A REPRIMAND.

7 ~~17-6A-26.~~ 17-6A-24.

8           THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF  
9 THIS SUBTITLE.

10 ~~17-6A-27.~~ 17-6A-25.

11           (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR  
12 THE BOARD TO ENJOIN:

13           (1) THE UNAUTHORIZED PRACTICE OF BEHAVIOR ANALYSIS; OR

14           (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION  
15 UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

16           (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

17           (1) THE BOARD, IN ITS OWN NAME;

18           (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

19           (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

20           (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE  
21 COUNTY WHERE THE DEFENDANT:

22           (1) RESIDES; OR

23           (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

24           (D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN  
25 ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN  
26 ACTION UNDER THIS SECTION.

1 (E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT  
2 INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF  
3 BEHAVIOR ANALYSIS UNDER ~~§ 17-6A-29~~ § 17-6A-27 OF THIS SUBTITLE OR  
4 DISCIPLINARY ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

5 ~~17-6A-28~~, 17-6A-26.

6 (A) IN THIS SECTION, "BEHAVIOR ANALYST REHABILITATION  
7 ~~COMMITTEE~~ SUBCOMMITTEE" MEANS A ~~COMMITTEE~~ SUBCOMMITTEE THAT:

8 (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND

9 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION  
10 (D) OF THIS SECTION.

11 (B) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST  
12 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE IS A ~~COMMITTEE~~  
13 SUBCOMMITTEE OF THE ~~BOARD~~ COMMITTEE THAT:

14 (1) IS RECOGNIZED BY THE ~~BOARD~~ COMMITTEE; AND

15 (2) INCLUDES BUT IS NOT LIMITED TO BEHAVIOR ANALYSTS.

16 (C) A REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OF THE ~~BOARD~~  
17 COMMITTEE OR RECOGNIZED BY THE ~~BOARD~~ COMMITTEE MAY FUNCTION:

18 (1) SOLELY FOR THE ~~BOARD~~ COMMITTEE; OR

19 (2) JOINTLY WITH A REHABILITATION COMMITTEE  
20 REPRESENTING ANOTHER BOARD OR BOARDS.

21 (D) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST  
22 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE EVALUATES AND PROVIDES  
23 ASSISTANCE TO ANY BEHAVIOR ANALYST IN NEED OF TREATMENT AND  
24 REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR  
25 OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

26 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
27 PROCEEDINGS, RECORDS, AND FILES OF THE BEHAVIOR ANALYST  
28 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE ARE NOT DISCOVERABLE AND  
29 ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE  
30 MATTERS THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE  
31 BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE.

1           **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO**  
2 **ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE BEHAVIOR ANALYST**  
3 **REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE AND THAT OTHERWISE WOULD**  
4 **BE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL**  
5 **ACTION.**

6           **(3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES**  
7 **NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A**  
8 **PROCEEDING BEFORE THE BOARD.**

9           **(F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF**  
10 **JURISDICTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~**  
11 **SUBCOMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE**  
12 **BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OR FOR**  
13 **GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE**  
14 **FUNCTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~**  
15 **SUBCOMMITTEE.**

16 ~~17-6A-29.~~ 17-6A-27.

17           **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON**  
18 **MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE BEHAVIOR**  
19 **ANALYSIS IN THIS STATE UNLESS LICENSED BY THE BOARD.**

20           **(B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**

21 ~~17-6A-30.~~ 17-6A-28.

22           **UNLESS AUTHORIZED TO PRACTICE BEHAVIOR ANALYSIS UNDER THIS**  
23 **SUBTITLE, A PERSON MAY NOT:**

24           **(1) REPRESENT TO THE PUBLIC THAT THE PERSON IS A LICENSED**  
25 **BEHAVIOR ANALYST; OR**

26           **(2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER**  
27 **REPRESENTATION THAT THE PERSON IS A LICENSED BEHAVIOR ANALYST.**

28 ~~17-6A-31.~~ 17-6A-29.

29           **(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**  
30 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**  
31 **EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**



1                   (2)    one behavior analyst member and the consumer member in 2016;  
2    and

3                   (3)    one behavior analyst member in 2017.

4                   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5    July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.