

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 756

By: Pittman

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5
6 AS INTRODUCED

7 An Act relating to behavior analysts; amending 59
8 O.S. 2011, Section 1928, which relates to
9 definitions; broadening certain definitions to
include certain examinations and qualifications; and
providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1928, is
14 amended to read as follows:

15 Section 1928. A. As used in this act:

- 16 1. a. "Applied behavior analysis" means the design,
17 implementation, and evaluation of instructional and
18 environmental modifications to produce socially
19 significant improvements in human behavior through
20 skill, acquisition, and the reduction of problematic
21 behavior. An applied behavior analysis program shall:
22 (1) be based on empirical research including the
23 direct observation and measurement of behavior as
24 well as a functional behavior assessment, and

1 (2) utilize antecedent stimuli, positive
2 reinforcement, and other consequences to produce
3 behavior change.

4 b. Applied behavior analysis ~~does not include~~ includes
5 cognitive therapies or psychological testing,
6 neuropsychology, psychotherapy, sex therapy,
7 psychoanalysis, hypnotherapy, and long-term counseling
8 as treatment modalities;

9 2. "Board" means the nationally accredited Behavior Analyst
10 Certification Board;

11 3. "Human services professional" means an individual licensed
12 or certified by the state as one of the following:

13 a. a licensed physical therapist or physical therapist
14 assistant pursuant to Sections 887.1 through 887.18 of
15 Title 59 of the Oklahoma Statutes,

16 b. an occupational therapist, occupational therapy
17 assistant, or occupational therapy aide pursuant to
18 Sections 888.1 through 888.15 of Title 59 of the
19 Oklahoma Statutes,

20 c. a licensed clinical social worker, licensed masters
21 social worker, or social work associate pursuant to
22 Sections 1250 through 1273 of Title 59 of the Oklahoma
23 Statutes,
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- 1 d. a psychologist or health service psychologist pursuant
2 to Sections 1351 through 1376 of Title 59 of the
3 Oklahoma Statutes,
- 4 e. a licensed speech pathologist, licensed audiologist,
5 speech-language pathologist or audiologist pursuant to
6 Sections 1601 through 1622 of Title 59 of the Oklahoma
7 Statutes,
- 8 f. a licensed professional counselor or licensed
9 professional counselor candidate pursuant to Sections
10 1901 through 1920 of Title 59 of the Oklahoma
11 Statutes,
- 12 g. a licensed marital and family therapist or licensed
13 marital and family therapist candidate pursuant to
14 Sections 1925.1 through 1925.18 of Title 59 of the
15 Oklahoma Statutes, or
- 16 h. a licensed behavioral practitioner or licensed
17 behavioral practitioner candidate pursuant to Sections
18 1930 through 1949.1 of Title 59 of the Oklahoma
19 Statutes;

20 4. "Certified assistant behavior analyst" means an individual
21 who is certified by the nationally accredited Behavior Analyst
22 Certification Board or licensed by the State Board of Behavioral
23 Health Licensure as a Board-Certified Assistant Behavior Analyst and
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1 certified by the Developmental Disabilities Services Division of the
2 Department of Human Services;

3 5. "Licensed behavior analyst" means an individual who is
4 certified by the nationally accredited Behavior Analyst
5 Certification Board or licensed by the State Board of Behavioral
6 Health Licensure as a Board-Certified Behavior Analyst and licensed
7 by the Developmental Disabilities Services Division of the
8 Department; and

9 6. "Supervisee" means a person who acts under the extended
10 authority of a licensed behavior analyst to provide applied behavior
11 analysis services or a person who is in training to provide such
12 services.

13 B. Each person wishing to practice as a licensed behavior
14 analyst or a certified assistant behavior analyst shall apply to the
15 Developmental Disabilities Services Division of the Department of
16 Human Services using a form and in a manner prescribed by the
17 Division and shall furnish evidence satisfactory to the Division
18 that such person:

19 1. Is of good moral character;

20 2. Is at least twenty-one (21) years of age;

21 3. Has passed the Board examination and is certified by the
22 Board or the State Board of Behavioral Health Licensure as a Board-
23 Certified Behavior Analyst or a Board-Certified Assistant Behavior
24 Analyst, as applicable;

1 4. Has not had a professional license or certification refused,
2 revoked, suspended, or restricted and does not have a complaint,
3 allegation, or investigation pending in any regulatory jurisdiction
4 in the United States or in another country for reasons that relate
5 to unprofessional conduct unless the Division finds, to its
6 satisfaction, that the conduct has been corrected or that mitigating
7 circumstances exist that prevent its resolution; and

8 5. Has at least the minimum graduate or undergraduate degree,
9 appropriate for the level of certification, from an accredited
10 institution of higher learning in a qualifying field of study, as
11 determined by the Board.

12 C. A person holding a state license or state certification
13 shall apply for renewal of the state license or state certification
14 on or before April 30 of each odd-numbered year. The application
15 shall be accompanied by a renewal fee to be set by the Division in
16 accordance with paragraph 3 of subsection F of this section.

17 D. A person licensed or certified by the Developmental
18 Disabilities Services Division of the Department under this section
19 shall:

20 1. Maintain active status and fulfill all requirements for
21 renewal of national certification or recertification with the Board;
22 and
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1 2. Conduct professional activities in accordance with accepted
2 standards such as the Guidelines for Responsible Conduct and
3 Professional Disciplinary Standards of the Board.

4 E. 1. No person shall claim the title of licensed behavior
5 analyst or certified assistant behavior analyst unless that person
6 meets the applicable requirements in this section. No person shall
7 practice applied behavior analysis without obtaining a license or
8 certification in accordance with this section. Supervisees may only
9 provide applied behavior analysis under the supervision of a
10 licensed behavior analyst. This section shall not restrict the
11 practice of applied behavior analysis by human services
12 professionals, provided such individuals are working within the
13 scope of their professions and the practice of applied behavior
14 analysis is commensurate with their level of training and
15 experience.

16 2. A violation of this subsection shall be punishable by a fine
17 of not more than Five Hundred Dollars (\$500.00), the suspension or
18 revocation of a license or certification issued pursuant to this
19 section, or both such fine and loss of licensure or certification.

20 F. The Division shall:

- 21 1. Investigate all complaints relating to:
 - 22 a. the practice or supervision of applied behavior
 - 23 analysis by any person licensed by the Developmental
 - 24 Disabilities Services Division of the Department as a

1 behavior analyst or certified by the Division as an
2 assistant behavior analyst, or

3 b. any person alleged to be practicing or providing
4 supervision without a state license or state
5 certification;

6 2. Refer any substantiated complaints to the Board; and

7 3. Charge reasonable fees for a license or for certification,
8 not to exceed One Hundred Dollars (\$100.00).

9 G. 1. A person having a qualifying degree, as provided for in
10 paragraph 5 of subsection B of this section, and participating in
11 the applied behavior analysis treatment pilot project established in
12 Section ~~3~~ 1-280.2 of ~~this act~~ Title 63 of the Oklahoma Statutes
13 shall be exempt from the requirements of this section while such
14 person is actively participating in the project.

15 2. Persons employed by a school district in this state who
16 provide services solely to the school district under the Individuals
17 with Disabilities Education Act (IDEA), 20 U.S.C., Section 1400 et
18 seq., shall be exempt from the requirements of this section.

19 H. The Department shall promulgate rules to implement the
20 provisions of this section.

21 SECTION 2. This act shall become effective November 1, 2015.

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