

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 696 - 5+**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Modifies statutes relating to the Behavior Analysis Regulatory Board. Requires Board to establish by rule criteria and procedures for the licensing of behavior analysts, and assistant behavior analysts, as well as the registration of behavior analysis interventionists

Government Unit(s) Affected:

Oregon Health Authority (OHA), Oregon Employment Department (OED), Department of Justice (DOJ)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

Senate Bill 696 modifies statutes relating to the Behavior Analysis Regulatory Board (BARB), including:

- Defining “applied behavior analysis;”
- Defining “licensed health care professional” to mean an individual whose scope of practice already includes applied behavior analysis and who is licensed by the Occupational Therapy Licensing Board, the Oregon Board of Licensed Professional Counselors and Therapists, the Oregon Medical Board, the Oregon State Board of Nursing, the Physical Therapist Licensing Board, the State Board of Examiners for Speech-Language Pathology and Audiology, the State Board of Licensed Social Workers, or the State Board of Psychologist Examiners.
- Extending the provision that individuals actively practicing applied behavior analysis on August 14, 2013 may continue to claim reimbursement from a benefit plan, PEBB or OEBB for services provided without a license, from July 1, 2016 to July 1, 2018.
- Adding two additional members to BARB, bringing total membership to nine;
- Requiring BARB to establish by rule criteria and procedures for the licensing of behavior analysts, and assistant behavior analysts, as well as the registration of behavior analysis interventionists;
- Specifying that applicants for behavior analyst and assistant behavior analyst licensing must undergo a national criminal records check including fingerprinting;
- Requiring the Health Licensing Office (HLO) establish by rule the criteria for registration of behavior analysis interventionists;
- Adding BARB to the list of health professional regulatory boards, and to the list of boards under the Health Licensing Office administrative and regulatory oversight;

Oregon Health Authority (OHA)

Passage of this bill is anticipated to have minimal Other Fund impact, and will modify licensing fees for the Behavior Analysis Regulatory Board. However, at this time, the exact changes to the fee structure cannot be quantified. BARB will calculate the cost of complying with the provisions of this bill and work with stakeholders to determine a fair fee structure to offset the cost.

Senate Bill 365 (2013) established the Behavior Analysis Regulatory Board (BARB) in the Health Licensing Office. HLO oversees licensing and regulation of multiple health and related professions represented by 12 volunteer citizen boards. HLO is financed solely from Other Funds derived from licensing fees. The Office segregates expenditures into shared costs (general expenditures that support

activities that span all of the 12 boards in the HLO portfolio) and direct costs (expenditures made to support a specific board). With the addition of two more board members, passage of this bill will require a nominal increase in expenditures for compensation and expenses of these new members. In addition, BARB could incur additional costs for Department of Justice and Office of Administrative Hearings expenses related to contested cases resulting from actions by BARB in denying licensure or imposing disciplinary measures. These additional costs will factor in the fee structure for BARB.

However, the greatest uncertainty in determining the fee structure lies in the fact that, at this time, BARB cannot predict how passage of this bill will affect the number of individuals seeking licensing and registration. The bill (Section 11) extends the provision that individuals actively practicing applied behavior analysis on August 14, 2013 may continue to claim reimbursement from a benefit plan, PEBB or OEBA for services provided without a license from July 1, 2016 to July 1, 2018. These individuals are required to submit documentation to the Health Licensing Office not later than April 30, 2016. As written, HLO does not know how many individuals will fall into this category. HLO will have a better idea of this number by the end of April 2016 when these individuals are required to submit required documentation and declaration. In addition, there is some concern that there may not be enough practicing behavior analysts, assistant behavior analysts, and behavior analysis interventionists seeking licensing and registration for BARB to recover its operating costs through licensing and registration fees. Currently, BARB has fewer than 50 licensees.

Oregon Employment Department (OED), Department of Justice (DOJ)

Passage of this bill is anticipated to have minimal impact on the OED and DOJ.