

House Bill 2563

Sponsored by Representative WILLIAMSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands Behavior Analysis Regulatory Board membership to include one licensed health care professional and one individual who has experience with applied behavior analysis therapy.

Directs Behavior Analysis Regulatory Board to recognize coursework, training and practical experience with various models of applied behavior analysis as qualification for registration as licensed health care professional or behavior analysis interventionist.

Becomes operative on November 1, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to regulation of applied behavior analysis professionals; creating new provisions; amending
3 ORS 676.800; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 676.800 is amended to read:

6 676.800. (1) There is created, within the Health Licensing Office, the Behavior Analysis Regu-
7 latory Board consisting of [*seven*] **nine** members appointed by the Governor, including:

8 (a) Three members who are licensed by the board;

9 (b) One member who is a licensed psychiatrist or developmental pediatrician, with experience
10 or training in treating autism spectrum disorder;

11 (c) One member who is a licensed psychologist registered with the board;

12 (d) One member who is a licensed speech-language pathologist registered with the board; [*and*]

13 (e) **One member who is a licensed health care professional registered under this section**
14 **and has experience in a developmental or naturalistic approach to applied behavior analysis;**

15 [*e*] (f) One member of the general public who does not have a financial interest in the provision
16 of applied behavior analysis and does not have a ward or family member who has been diagnosed
17 with autism spectrum disorder; **and**

18 (g) **One member of the general public who is:**

19 (A) **An individual who has been diagnosed with autism spectrum disorder and has re-**
20 **ceived some form of applied behavior analysis therapy; or**

21 (B) **A parent, guardian or family member of an individual who has been diagnosed with**
22 **autism spectrum disorder and has received some form of applied behavior analysis therapy.**

23 (2) Not more than one member of the Behavior Analysis Regulatory Board may be an employee
24 of an insurer.

25 (3) The term of office of each member is four years, but a member serves at the pleasure of the
26 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
27 whose term begins on November 1 next following. A member is eligible for reappointment. If there
28 is a vacancy for any cause, the Governor shall make an appointment to become immediately effec-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 tive for the unexpired term.

2 (4) A member of the Behavior Analysis Regulatory Board is entitled to compensation and ex-
 3 penses as provided in ORS 292.495.

4 (5) The Behavior Analysis Regulatory Board shall select one of its members as chairperson and
 5 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
 6 ance of the functions of such offices as the board determines.

7 (6) A majority of the members of the Behavior Analysis Regulatory Board constitutes a quorum
 8 for the transaction of business.

9 (7) The Behavior Analysis Regulatory Board shall meet at least once every three months at a
 10 place, day and hour determined by the board. The board may also meet at other times and places
 11 specified by the call of the chairperson or of a majority of the members of the board.

12 (8) In accordance with ORS chapter 183, the Behavior Analysis Regulatory Board shall establish
 13 by rule criteria for the:

14 (a) Licensing of:

15 (A) Behavior analysts; and

16 (B) Assistant behavior analysts; and

17 (b) Registration of:

18 (A) Licensed health care professionals; and

19 (B) Behavior analysis interventionists.

20 (9) The criteria for the licensing of a behavior analyst must include, but are not limited to, the
 21 requirement that the applicant:

22 (a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified
 23 Behavior Analyst; and

24 (b) Have successfully completed a criminal records check.

25 (10) The criteria for the licensing of an assistant behavior analyst must include, but are not
 26 limited to, the requirement that the applicant:

27 (a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified
 28 Assistant Behavior Analyst;

29 (b) Be supervised by a behavior analyst who is licensed by the Behavior Analysis Regulatory
 30 Board; and

31 (c) Have successfully completed a criminal records check.

32 (11) The criteria for the registration of a behavior analysis interventionist must include, but are
 33 not limited to, the requirement that the applicant:

34 (a) Have completed coursework and training prescribed by the Behavior Analysis Regulatory
 35 Board by rule;

36 (b) Receive ongoing oversight by a licensed behavior analyst or a licensed assistant behavior
 37 analyst, or by another licensed health care professional approved by the board; and

38 (c) Have successfully completed a criminal records check.

39 **(12) In establishing criteria for registration of a licensed health care professional or a**
 40 **behavior analysis interventionist, the Behavior Analysis Regulatory Board shall recognize as**
 41 **satisfying any criteria requiring coursework or training proof of successful completion of**
 42 **coursework, training or practical experience in any form of applied behavior analysis that is**
 43 **generally accepted by the applied behavior analysis community, including developmental and**
 44 **naturalistic forms.**

45 [(12)] (13) In accordance with applicable provisions of ORS chapter 183, the Behavior Analysis

1 Regulatory Board shall adopt rules:

2 (a) Establishing standards and procedures for the licensing of behavior analysts and assistant
3 behavior analysts and for the registration of licensed health care professionals and behavior analysis
4 interventionists in accordance with this section;

5 (b) Establishing guidelines for the professional methods and procedures to be used by individuals
6 licensed and registered under this section;

7 (c) Governing the examination of applicants for licenses and registrations under this section and
8 the renewal, suspension and revocation of the licenses and registrations; and

9 (d) Establishing fees sufficient to cover the costs of administering the licensing and registration
10 procedures under this section.

11 ~~[(13)]~~ (14) The Behavior Analysis Regulatory Board shall issue a license to an applicant who:

12 (a) Files an application in the form prescribed by the board;

13 (b) Pays fees established by the board; and

14 (c) Demonstrates to the satisfaction of the board that the applicant meets the criteria adopted
15 under this section.

16 ~~[(14)]~~ (15) The Behavior Analysis Regulatory Board shall establish the procedures for the reg-
17 istration of licensed health care professionals and behavior analysis interventionists.

18 ~~[(15)]~~ (16) All moneys received by the Behavior Analysis Regulatory Board under subsection
19 ~~[(13)]~~ (14) of this section shall be paid into the General Fund of the State Treasury and credited to
20 the Health Licensing Office Account.

21 ~~[(16)]~~ (17) An individual who has not been licensed or registered by the Behavior Analysis
22 Regulatory Board in accordance with criteria and standards adopted under this section may not
23 claim reimbursement for services described in section 2, chapter 771, Oregon Laws 2013, under a
24 health benefit plan or under a self-insured health plan offered by the Public Employees' Benefit
25 Board or the Oregon Educators Benefit Board.

26 **SECTION 2.** ORS 676.800, as amended by section 19, chapter 771, Oregon Laws 2013, is
27 amended to read:

28 676.800. (1) There is created, within the Health Licensing Office, the Behavior Analysis Regu-
29 latory Board consisting of ~~[seven]~~ **nine** members appointed by the Governor, including:

30 (a) Three members who are licensed by the board;

31 (b) One member who is a licensed psychiatrist or developmental pediatrician, with experience
32 or training in treating autism spectrum disorder;

33 (c) One member who is a licensed psychologist registered with the board;

34 (d) One member who is a licensed speech-language pathologist registered with the board; ~~[and]~~

35 **(e) One member who is a licensed health care professional registered under this section**
36 **and has experience in a developmental or naturalistic approach to applied behavior analysis;**

37 ~~[(e)]~~ **(f)** One member of the general public who does not have a financial interest in the provision
38 of applied behavior analysis and does not have a ward or family member who has been diagnosed
39 with autism spectrum disorder; **and**

40 **(g) One member of the general public who is:**

41 **(A) An individual who has been diagnosed with autism spectrum disorder and has re-**
42 **ceived some form of applied behavior analysis therapy; or**

43 **(B) A parent, guardian or family member of an individual who has been diagnosed with**
44 **autism spectrum disorder and has received some form of applied behavior analysis therapy.**

45 (2) Not more than one member of the Behavior Analysis Regulatory Board may be an employee

1 of an insurer.

2 (3) The term of office of each member is four years, but a member serves at the pleasure of the
 3 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor
 4 whose term begins on November 1 next following. A member is eligible for reappointment. If there
 5 is a vacancy for any cause, the Governor shall make an appointment to become immediately effec-
 6 tive for the unexpired term.

7 (4) A member of the Behavior Analysis Regulatory Board is entitled to compensation and ex-
 8 penses as provided in ORS 292.495.

9 (5) The Behavior Analysis Regulatory Board shall select one of its members as chairperson and
 10 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
 11 ance of the functions of such offices as the board determines.

12 (6) A majority of the members of the Behavior Analysis Regulatory Board constitutes a quorum
 13 for the transaction of business.

14 (7) The Behavior Analysis Regulatory Board shall meet at least once every three months at a
 15 place, day and hour determined by the board. The board may also meet at other times and places
 16 specified by the call of the chairperson or of a majority of the members of the board.

17 (8) In accordance with ORS chapter 183, the Behavior Analysis Regulatory Board shall establish
 18 by rule criteria for the:

19 (a) Licensing of:

20 (A) Behavior analysts; and

21 (B) Assistant behavior analysts; and

22 (b) Registration of:

23 (A) Licensed health care professionals; and

24 (B) Behavior analysis interventionists.

25 (9) The criteria for the licensing of a behavior analyst must include, but are not limited to, the
 26 requirement that the applicant:

27 (a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified
 28 Behavior Analyst; and

29 (b) Have successfully completed a criminal records check.

30 (10) The criteria for the licensing of an assistant behavior analyst must include, but are not
 31 limited to, the requirement that the applicant:

32 (a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified
 33 Assistant Behavior Analyst;

34 (b) Be supervised by a behavior analyst who is licensed by the Behavior Analysis Regulatory
 35 Board; and

36 (c) Have successfully completed a criminal records check.

37 (11) The criteria for the registration of a behavior analysis interventionist must include, but are
 38 not limited to, the requirement that the applicant:

39 (a) Have completed coursework and training prescribed by the Behavior Analysis Regulatory
 40 Board by rule;

41 (b) Receive ongoing oversight by a licensed behavior analyst or a licensed assistant behavior
 42 analyst, or by another licensed health care professional approved by the board; and

43 (c) Have successfully completed a criminal records check.

44 **(12) In establishing criteria for registration of a licensed health care professional or a**
 45 **behavior analysis interventionist, the Behavior Analysis Regulatory Board shall recognize as**

1 **satisfying any criteria requiring coursework or training proof of successful completion of**
 2 **coursework, training or practical experience in any form of applied behavior analysis that is**
 3 **generally accepted by the applied behavior analysis community, including developmental and**
 4 **naturalistic forms.**

5 [(12)] (13) In accordance with applicable provisions of ORS chapter 183, the Behavior Analysis
 6 Regulatory Board shall adopt rules:

7 (a) Establishing standards and procedures for the licensing of behavior analysts and assistant
 8 behavior analysts and for the registration of licensed health care professionals and behavior analysis
 9 interventionists in accordance with this section;

10 (b) Establishing guidelines for the professional methods and procedures to be used by individuals
 11 licensed and registered under this section;

12 (c) Governing the examination of applicants for licenses and registrations under this section and
 13 the renewal, suspension and revocation of the licenses and registrations; and

14 (d) Establishing fees sufficient to cover the costs of administering the licensing and registration
 15 procedures under this section.

16 [(13)] (14) The Behavior Analysis Regulatory Board shall issue a license to an applicant who:

17 (a) Files an application in the form prescribed by the board;

18 (b) Pays fees established by the board; and

19 (c) Demonstrates to the satisfaction of the board that the applicant meets the criteria adopted
 20 under this section.

21 [(14)] (15) The Behavior Analysis Regulatory Board shall establish the procedures for the reg-
 22 istration of licensed health care professionals and behavior analysis interventionists.

23 [(15)] (16) All moneys received by the Behavior Analysis Regulatory Board under subsection
 24 [(13)] (14) of this section shall be paid into the General Fund of the State Treasury and credited to
 25 the Health Licensing Office Account.

26 **SECTION 3. (1) Notwithstanding the term of office specified in ORS 676.800 or any pro-**
 27 **vision of section 3a, chapter 771, Oregon Laws 2013, of the board members added to the Be-**
 28 **havior Analysis Regulatory Board by the amendments to ORS 676.800 by sections 1 and 2 of**
 29 **this 2015 Act:**

30 (a) **One shall serve for a term ending October 31, 2018.**

31 (b) **One shall serve for a term ending October 31, 2019.**

32 (2) **The terms of office specified in subsection (1) of this section commence on November**
 33 **1, 2015.**

34 **SECTION 4. The amendments to ORS 676.800 by sections 1 and 2 of this 2015 Act apply**
 35 **to applications for registration of a licensed health care professional or behavior analysis**
 36 **interventionist received by the Behavior Analysis Regulatory Board on or after the operative**
 37 **date specified in section 5 of this 2015 Act.**

38 **SECTION 5. (1) Sections 3 and 4 of this 2015 Act and the amendments to ORS 676.800 by**
 39 **sections 1 and 2 of this 2015 Act become operative on November 1, 2015.**

40 (2) **The Health Licensing Office, the Governor and the Behavior Analysis Regulatory**
 41 **Board may take any action before the operative date specified in subsection (1) of this sec-**
 42 **tion that is necessary to enable the board, on and after the operative date specified in sub-**
 43 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**
 44 **the board by sections 3 and 4 of this 2015 Act and the amendments to ORS 676.800 by sections**
 45 **1 and 2 of this 2015 Act.**

1 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
3 **on its passage.**

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