



March 26, 2021

ENGROSSED HOUSE BILL No. 1516

DIGEST OF HB 1516 (Updated March 24, 2021 12:08 pm - DI 104)

Citations Affected: IC 25-0.5; IC 25-8.5; IC 25-22.5; IC 25-41; IC 35-52.

Synopsis: Licensure of behavior analysts. Establishes the behavior analyst committee (committee) with oversight by the medical licensing board of Indiana (board). Requires the committee to recommend proposed rules to the board concerning the practice of behavior analysis and continuing education requirements for behavior analysts and assistant behavior analysts. Requires the board to establish fees upon consideration of recommendations from the committee. Provides for the licensing of behavior analysts and assistant behavior analysts. Requires a licensed behavior analyst or licensed assistant behavior analyst to comply with a professional code published by the Behavior Analyst Certification Board, Inc. Makes it a Class A misdemeanor for an unlicensed individual to profess to be a licensed behavior analyst or licensed assistant behavior analyst, but provides that certain types of individuals may use applied behavior analysis techniques without being licensed.

Effective: July 1, 2021.

Judy, VanNatter, Morris, Lindauer

(SENATE SPONSORS — CHARBONNEAU, BROWN L, BUSCH, ZAY,
QADDOURA)

January 14, 2021, read first time and referred to Committee on Public Health.
February 2, 2021, reassigned to Committee on Employment, Labor and Pensions.
February 9, 2021, amended, reported — Do Pass.
February 16, 2021, read second time, amended, ordered engrossed.
February 17, 2021, engrossed.
February 18, 2021, read third time, passed. Yeas 69, nays 9.

SENATE ACTION

March 4, 2021, read first time and referred to Committee on Health and Provider Services.
March 25, 2021, amended, reported favorably — Do Pass.

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March 26, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1516

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-0.5-1-2.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: **Sec. 2.7. IC 25-1-1.1-4 applies to an**
4 **individual licensed or certified under IC 25-8.5 (behavior analysts).**
5 SECTION 2. IC 25-0.5-2-36 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2021]: **Sec. 36. IC 25-1-2-2.1 applies to licenses held by behavior**
8 **analysts and assistant behavior analysts.**
9 SECTION 3. IC 25-0.5-3-35.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2021]: **Sec. 35.5. IC 25-1-2-6(b) applies to the**
12 **behavior analyst committee.**
13 SECTION 4. IC 25-0.5-4-23.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2021]: **Sec. 23.5. The behavior analyst**
16 **committee (IC 25-8.5-2) is a board under IC 25-1-4.**
17 SECTION 5. IC 25-0.5-5-22 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2021]: **Sec. 22. The Indiana professional licensing agency shall
3 perform administrative functions, duties, and responsibilities for
4 the behavior analyst committee (IC 25-8.5-2) under IC 25-1-5-3(a).**

5 SECTION 6. IC 25-0.5-6-21 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2021]: **Sec. 21. An individual licensed, certified, registered, or
8 permitted by the behavior analyst committee (IC 25-8.5-2) is a
9 provider under IC 25-1-5-10.**

10 SECTION 7. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2021]: **Sec. 38. An occupation for which a person is licensed,
13 certified, or registered by the behavior analyst committee
14 (IC 25-8.5-2) is a regulated occupation under IC 25-1-7.**

15 SECTION 8. IC 25-0.5-9-29.5 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2021]: **Sec. 29.5. The behavior analyst
18 committee is a board under IC 25-1-8.**

19 SECTION 9. IC 25-0.5-10-35 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2021]: **Sec. 35. The behavior analyst
22 committee (IC 25-8.5-2) is a board under IC 25-1-8-6.**

23 SECTION 10. IC 25-0.5-11-20 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2021]: **Sec. 20. The behavior analyst
26 committee (IC 25-8.5-2) is a board under IC 25-1-9.**

27 SECTION 11. IC 25-8.5 IS ADDED TO THE INDIANA CODE AS
28 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
29 2021]:

30 **ARTICLE 8.5. BEHAVIOR ANALYSTS**

31 **Chapter 1. Definitions**

32 **Sec. 1. The definitions in this chapter apply to this article.**

33 **Sec. 2. "Board" refers to the medical licensing board of Indiana
34 created by IC 25-22.5-2-1.**

35 **Sec. 3. "Committee" refers to the behavior analyst committee
36 established by IC 25-8.5-2-1.**

37 **Sec. 4. (a) "Practice of behavior analysis" means the design,
38 implementation, and evaluation of instructional and environmental
39 modifications to produce socially significant improvements in
40 human behavior. The term includes the following:**

- 41 **(1) Empirical identification of functional relations between
42 behavior and environmental factors through functional**



1 assessment and analysis.

2 (2) Applied behavior analysis interventions based on scientific
3 research and the direct observation and measurement of
4 behavior and the environment.

5 (3) Use of contextual factors, motivating operations,
6 antecedent stimuli, positive reinforcement, and other
7 consequences to assist people in developing new behaviors,
8 increase or decrease existing behaviors, and emit behaviors
9 under specific environmental conditions.

10 (b) The term does not include the following:

11 (1) Psychological testing.

12 (2) Diagnosis of mental or physical disorders.

13 (3) Neuropsychology.

14 (4) Psychotherapy.

15 (5) Cognitive therapy.

16 (6) Sex therapy.

17 (7) Psychoanalysis.

18 (8) Hypnotherapy.

19 (9) Counseling.

20 **Chapter. 2. Behavior Analyst Committee**

21 **Sec. 1. (a) The behavior analyst committee is established.**

22 (b) The committee consists of the following members appointed
23 by the governor:

24 (1) Three (3) behavior analyst members.

25 (2) One (1) consumer member.

26 (3) One (1) physician member.

27 (c) A member appointed to the committee serves a term under
28 IC 25-1-6.5.

29 **Sec. 2. Each member of the committee who is not a state**
30 **employee is entitled to the minimum salary per diem provided by**
31 **IC 4-10-11-2.1(b). Each member of the committee is entitled to**
32 **reimbursement for travel expenses and other expenses actually**
33 **incurred in connection with the member's duties, as provided in the**
34 **state travel policies and procedures established by the department**
35 **of administration and approved by the budget agency.**

36 **Sec. 3. A member of the committee who is appointed by the**
37 **governor may be removed under IC 25-1-6.5-4.**

38 **Sec. 4. The committee shall elect a chairperson from among the**
39 **members of the committee for a one (1) year term. An individual**
40 **may not be elected as chairperson for more than two (2)**
41 **consecutive one (1) year terms.**

42 **Sec. 5. The committee shall meet at times and places determined**



1 by the committee.

2 **Sec. 6. (a) The committee shall recommend proposed rules to the**
 3 **board establishing standards for the following:**

- 4 (1) **The competent practice of behavior analysis.**
 5 (2) **The renewal of licenses issued under this chapter.**
 6 (3) **Continuing education requirements for an individual**
 7 **seeking renewal of licensure as a behavior analyst or assistant**
 8 **behavior analyst.**
 9 (4) **The approval of continuing education providers,**
 10 **programs, courses, fees, and proof of course completion.**

11 **The board, after considering the committee's recommendations**
 12 **under this subsection, shall adopt rules under IC 4-22-2 concerning**
 13 **the standards described in this subsection.**

14 (b) **The committee shall recommend, and the board, after**
 15 **considering the committee's recommendations, shall establish fees**
 16 **under IC 25-1-8-2.**

17 (c) **The committee shall do the following:**

- 18 (1) **Consider the qualifications of individuals who apply for a**
 19 **license under this chapter.**
 20 (2) **Subject to IC 25-1-8-6, renew licenses under this article.**
 21 (3) **Conduct proceedings under IC 25-1-9.**

22 **Chapter 3. Licensure**

23 **Sec. 1. To be issued a license as a behavior analyst, an individual**
 24 **must do the following:**

- 25 (1) **Furnish satisfactory evidence to the committee that the**
 26 **individual is certified as a board certified behavior analyst by:**
 27 (A) **the Behavior Analyst Certification Board, Inc., or its**
 28 **successor; or**
 29 (B) **another entity approved by the committee.**
 30 (2) **Submit to a national criminal history background check**
 31 **under IC 25-1-1.1-4 and furnish satisfactory evidence to the**
 32 **committee that the individual has not been convicted of a**
 33 **crime that has a direct bearing on the individual's ability to**
 34 **practice competently.**
 35 (3) **Furnish satisfactory evidence to the committee that the**
 36 **individual has not been the subject of a disciplinary action by**
 37 **a licensing or certification agency of another state or**
 38 **jurisdiction on the grounds that the individual was not able to**
 39 **practice behavior analysis without endangering the public.**
 40 (4) **Apply for the license in the manner prescribed by the**
 41 **committee.**
 42 (5) **Pay the fee established by the board that is sufficient to**



- 1 cover the operations of the committee.
- 2 **Sec. 2. (a) To be issued a license as an assistant behavior analyst,**
- 3 **an individual must do the following:**
- 4 (1) **Furnish satisfactory evidence to the committee that the**
- 5 **individual is certified as a board certified assistant behavior**
- 6 **analyst by:**
- 7 (A) **the Behavior Analyst Certification Board, Inc., or its**
- 8 **successor; or**
- 9 (B) **another entity approved by the committee.**
- 10 (2) **Submit to a national criminal history background check**
- 11 **under IC 25-1-1.1-4 and furnish satisfactory evidence to the**
- 12 **committee that the individual has not been convicted of a**
- 13 **crime that has a direct bearing on the individual's ability to**
- 14 **practice competently.**
- 15 (3) **Furnish satisfactory evidence to the committee that the**
- 16 **individual has not been the subject of a disciplinary action by**
- 17 **a licensing or certification agency of another state or**
- 18 **jurisdiction on the grounds that the individual was not able to**
- 19 **practice behavior analysis without endangering the public.**
- 20 (4) **Apply for the license in the manner prescribed by the**
- 21 **committee.**
- 22 (5) **Pay the fee established by the board that is sufficient to**
- 23 **cover the operations of the committee.**
- 24 (b) **An individual who is licensed as an assistant behavior**
- 25 **analyst under this section:**
- 26 (1) **must be directly supervised by a behavior analyst licensed**
- 27 **under this chapter; and**
- 28 (2) **must submit to the committee a written record of the**
- 29 **supervision provided to the individual by a behavior analyst**
- 30 **licensed under this chapter.**
- 31 **Sec. 3. If the committee determines that:**
- 32 (1) **an individual possesses a valid license from another**
- 33 **jurisdiction authorizing the individual to perform acts for**
- 34 **which a license is required under this chapter; and**
- 35 (2) **the jurisdiction issuing the license imposes requirements**
- 36 **on license applicants that are substantially equal to the**
- 37 **requirements imposed on applicants for an Indiana license;**
- 38 **the committee may issue to the individual, upon payment of the**
- 39 **licensure fee, a license to perform in Indiana the acts referred to in**
- 40 **subdivision (1).**
- 41 **Sec. 4. An individual who is licensed under this chapter shall**
- 42 **comply with the requirements of:**



1 (1) the Professional and Ethical Compliance Code for
 2 Behavior Analysts published by the Behavior Analyst
 3 Certification Board, Inc., or its successor; or

4 (2) another professional and ethical set of rules for behavior
 5 analysts published by an entity approved by the committee.

6 **Sec. 5. The committee may summarily suspend a behavior
 7 analyst or assistant behavior analyst license under IC 25-1-9-10.**

8 **Sec. 6. (a) An individual may not:**

9 (1) profess to be a licensed behavior analyst or licensed
 10 assistant behavior analyst;

11 (2) use the initials "LBA" or "LABA" or any other words,
 12 letters, abbreviations, or insignia indicating or implying that
 13 the individual is a licensed behavior analyst or licensed
 14 assistant behavior analyst; or

15 (3) practice applied behavior analysis;

16 **unless the individual holds a license issued under this chapter.**

17 **(b) This chapter does not limit the use of applied behavior
 18 analysis techniques by an individual who:**

19 (1) does not use a title specified in subsection (a); and

20 (2) is one (1) of the following:

21 (A) A licensed or certified health care professional acting
 22 within the scope of the individual's license or certificate
 23 and within the individual's training.

24 (B) A student, an intern, or a trainee pursuing a course of
 25 study to gain licensure under this article in an accredited
 26 eligible postsecondary educational institution or training
 27 institution.

28 (C) An individual who is not a resident of Indiana, if the
 29 individual:

30 (i) performs the services in Indiana for not more than
 31 five (5) days in any one (1) month and not more than

32 fifteen (15) days within any one (1) calendar year; and

33 (ii) is authorized to perform the services under the laws
 34 of the state or country in which the individual resides.

35 (D) Either:

36 (i) an applied behavior analysis direct contact
 37 technician; or

38 (ii) a family member implementing a plan within the
 39 family home;

40 **who acts under the extended authority and direction of a
 41 behavior analyst or assistant behavior analyst licensed
 42 under this chapter.**



- 1 **(E) A professional who provides general applied behavior**
 2 **analysis services to an organization as long as the services**
 3 **are provided for the benefit of the organization and do not**
 4 **involve direct services to an individual.**
- 5 **Sec. 7. An individual who violates this chapter commits a Class**
 6 **A misdemeanor.**
- 7 SECTION 12. IC 25-22.5-2-7, AS AMENDED BY P.L.249-2019,
 8 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 7. (a) The board shall do the following:
- 10 (1) Adopt rules and forms necessary to implement this article that
 11 concern, but are not limited to, the following areas:
- 12 (A) Qualification by education, residence, citizenship,
 13 training, and character for admission to an examination for
 14 licensure or by endorsement for licensure.
 15 (B) The examination for licensure.
 16 (C) The license or permit.
 17 (D) Fees for examination, permit, licensure, and registration.
 18 (E) Reinstatement of licenses and permits.
 19 (F) Payment of costs in disciplinary proceedings conducted by
 20 the board.
- 21 (2) Administer oaths in matters relating to the discharge of the
 22 board's official duties.
- 23 (3) Enforce this article and assign to the personnel of the agency
 24 duties as may be necessary in the discharge of the board's duty.
- 25 (4) Maintain, through the agency, full and complete records of all
 26 applicants for licensure or permit and of all licenses and permits
 27 issued.
- 28 (5) Make available, upon request, the complete schedule of
 29 minimum requirements for licensure or permit.
- 30 (6) Issue, at the board's discretion, a temporary permit to an
 31 applicant for the interim from the date of application until the
 32 next regular meeting of the board.
- 33 (7) Issue an unlimited license, a limited license, or a temporary
 34 medical permit, depending upon the qualifications of the
 35 applicant, to any applicant who successfully fulfills all of the
 36 requirements of this article.
- 37 (8) Adopt rules establishing standards for the competent practice
 38 of medicine, osteopathic medicine, or any other form of practice
 39 regulated by a limited license or permit issued under this article.
- 40 (9) Adopt rules regarding the appropriate prescribing of Schedule
 41 III or Schedule IV controlled substances for the purpose of weight
 42 reduction or to control obesity.



- 1 (10) Adopt rules establishing standards for office based
 2 procedures that require moderate sedation, deep sedation, or
 3 general anesthesia.
- 4 (11) Adopt rules or protocol establishing the following:
 5 (A) An education program to be used to educate women with
 6 high breast density.
 7 (B) Standards for providing an annual screening or diagnostic
 8 test for a woman who is at least forty (40) years of age and
 9 who has been determined to have high breast density.
- 10 As used in this subdivision, "high breast density" means a
 11 condition in which there is a greater amount of breast and
 12 connective tissue in comparison to fat in the breast.
- 13 (12) Adopt rules establishing standards and protocols for the
 14 prescribing of controlled substances.
- 15 (13) Adopt rules as set forth in IC 25-23.4 concerning the
 16 certification of certified direct entry midwives.
- 17 (14) In consultation with the state department of health and the
 18 office of the secretary of family and social services, adopt rules
 19 under IC 4-22-2 or protocols concerning the following for
 20 providers that are providing office based opioid treatment:
 21 (A) Requirements of a treatment agreement (as described in
 22 IC 12-23-20-2) concerning the proper referral and treatment of
 23 mental health and substance use.
 24 (B) Parameters around the frequency and types of visits
 25 required for the periodic scheduled visits required by
 26 IC 12-23-20-2.
 27 (C) Conditions on when the following should be ordered or
 28 performed:
 29 (i) A urine toxicology screening.
 30 (ii) HIV, hepatitis B, and hepatitis C testing.
 31 (D) Required documentation in a patient's medical record
 32 when buprenorphine is prescribed over a specified dosage.
- 33 (15) Adopt rules as set forth in IC 25-14.5 concerning the
 34 certification of certified dietitians.
- 35 **(16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6**
 36 **concerning the licensure of behavior analysts.**
- 37 (b) The board may adopt rules that establish:
 38 (1) certification requirements for child death pathologists;
 39 (2) an annual training program for child death pathologists under
 40 IC 16-35-7-3(b)(2); and
 41 (3) a process to certify a qualified child death pathologist.
- 42 (c) The board may adopt rules under IC 4-22-2 establishing



1 guidelines for the practice of telemedicine in Indiana. Adoption of rules
2 under this subsection may not delay the implementation and provision
3 of telemedicine services by a provider under IC 25-1-9.5.

4 SECTION 13. IC 25-41 IS REPEALED [EFFECTIVE JULY 1,
5 2021]. (BEHAVIOR ANALYSTS).

6 SECTION 14. IC 35-52-25-7.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. IC 25-8.5-3-7 defines a crime**
9 **concerning behavior analysts and assistant behavior analysts.**

10 SECTION 15. IC 35-52-25-66 IS REPEALED [EFFECTIVE JULY
11 1, 2021]. **Sec. 66. IC 25-41-1-2 defines a crime concerning behavior**
12 **analysts.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1516, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 3. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 34. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-4.**

SECTION 4. IC 25-0.5-5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the behavior analyst board (IC 25-23.6-3.5) under IC 25-1-5-3(a).**

SECTION 5. IC 25-0.5-6-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 21. An individual licensed, certified, registered, or permitted by the behavior analyst board (IC 25-23.6-3.5) is a provider under IC 25-1-5-10.**

SECTION 6. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the behavior analyst board (IC 25-23.6-3.5) is a regulated occupation under IC 25-1-7.**

SECTION 7. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 35. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-8-6.**

SECTION 8. IC 25-0.5-11-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-9.**

SECTION 9. IC 25-23.6-1-2, AS AMENDED BY P.L.122-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) "Board", **except as provided in subsection (b)**, refers to the behavioral health and human services licensing board.

(b) "Board", **for purposes of IC 25-23.6-3.5, refers to the behavior analyst board."**

Page 2, delete lines 23 through 42.

Delete page 3.



Page 4, delete lines 1 through 25.

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 1. (a) The behavior analyst board is established.

(b) The board consists of the following members appointed by the governor:

(1) Three (3) behavior analyst members.

(2) One (1) consumer member.

(3) One (1) physician member.

(c) A member appointed to the board serves a term under IC 25-1-6.5.

Sec. 2. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

Sec. 3. A member of the board who is appointed by the governor may be removed under IC 25-1-6.5-4.

Sec. 4. The board shall elect a chairman from among the members of the board for a one (1) year term. An individual may not be elected as chairman for more than two (2) consecutive one (1) year terms.

Sec. 5. The board shall meet at times and places determined by the board.

Sec. 6. (a) The board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of behavior analysis.

(2) The renewal of licenses issued under this chapter.

(3) Continuing education requirements for an individual seeking renewal of licensure as a behavior analyst or assistant behavior analyst.

(4) The approval of continuing education providers, programs, courses, fees, and proof of course completion.

(b) The board shall establish fees under IC 25-1-8-2.

(c) The board shall do the following:

(1) Consider the qualifications of individuals who apply for a license under this chapter.

(2) Subject to IC 25-1-8-6, renew licenses under this article.

(3) Conduct proceedings under IC 25-1-9."

Page 4, line 31, delete "1." and insert "7."

Page 5, line 6, delete "board." and insert "**board that is sufficient**"



to cover the operations of the board."

Page 5, line 7, delete "2." and insert "8."

Page 5, line 24, delete "board." and insert "**board that is sufficient to cover the operations of the board."**

Page 5, line 32, delete "3." and insert "9."

Page 5, line 42, delete "4." and insert "10."

Page 6, line 4, delete "5." and insert "11."

Page 6, line 6, delete "6." and insert "12."

Page 6, line 40, delete "7." and insert "13."

Page 7, line 4, delete "25-23.6-3.5-7" and insert "**25-23.6-3.5-13**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1516 as introduced.)

VANNATTER

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1516 be amended to read as follows:

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 13. IC 25-43 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

ARTICLE 43. MUSIC THERAPISTS

Chapter 1. Application; Definitions

Sec. 1. This article may not be construed to limit music therapy services performed by a person who does not use a title specified in IC 25-43-2-1 and who is any of the following:

- (1) A licensed, certified, registered, or permitted health care professional, counselor, or educational professional acting within the scope of the person's license, certificate, or registration.**
- (2) A student, an intern, or a trainee pursuing a course of study in a health care profession, counseling, education, or music therapy.**
- (3) A nonresident of Indiana if the person performs music therapy in Indiana for not more than:**

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- (A) five (5) days in any one (1) month; or
 - (B) fifteen (15) days in any one (1) calendar year;
- and the person is authorized to perform such services under the laws of the state or country in which the person resides.
- (4) A person who performs music therapy under the supervision of a music therapist.

Sec. 2. As used in this chapter, "eligible postsecondary educational institution" means an institution that meets any of the following requirements:

- (1) If the institution is located in the United States or a territory of the United States, at the time of the individual's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.
- (2) If the institution is located in Canada, at the time of the individual's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.
- (3) If the institution is located in a foreign country other than Canada, at the time of the individual's graduation the institution:
 - (A) was recognized by the government of the country where the school was located as a program to train in the practice of music therapy; and
 - (B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

Sec. 3. As used in this chapter, "music therapist" means an individual who:

- (1) holds a bachelor's degree or higher in music therapy or a related discipline from an eligible postsecondary educational institution; or
- (2) is certified by the Certification Board for Music Therapists or its successor organization.

Sec. 4. (a) As used in this chapter, "music therapy" means providing professional services that are delivered by a music therapist, that use clinical and evidence based music interventions to accomplish individualized goals for clients of any age or ability level within a therapeutic relationship, and that include the following:

- (1) Developing individualized music therapy treatment plans



specific to the needs and strengths of each client.

(2) Establishing goals, objectives, and potential strategies of the music therapy services that are appropriate for the client and setting.

(b) The term does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

Chapter 2. Unlawful Practices; Penalty

Sec. 1. An individual may not:

(1) profess to be a music therapist;

(2) use the title "music therapist";

(3) use any other words indicating or implying that the individual qualifies as a music therapist; or

(4) practice music therapy for compensation;

unless the individual meets the qualifications under this article.

Sec. 2. An individual who knowingly and intentionally violates this chapter commits a Class A misdemeanor."

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 16. IC 35-52-25-67 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 67. IC 25-43-2-2 defines a crime concerning music therapists."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1516 as printed February 9, 2021.)

CLERE

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1516, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 25-0.5-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.7. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-8.5 (behavior analysts).**

SECTION 2. IC 25-0.5-2-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 36. IC 25-1-2-2.1 applies to licenses held by behavior**

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analysts and assistant behavior analysts.

SECTION 3. IC 25-0.5-3-35.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 35.5. IC 25-1-2-6(b) applies to the behavior analyst committee.**

SECTION 4. IC 25-0.5-4-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 23.5. The behavior analyst committee (IC 25-8.5-2) is a board under IC 25-1-4."**

Page 2, line 3, delete "board (IC 25-23.6-3.5)" and insert "**committee (IC 25-8.5-2)**".

Page 2, line 7, delete "board (IC 25-23.6-3.5)" and insert "**committee (IC 25-8.5-2)**".

Page 2, line 12, delete "board" and insert "**committee (IC 25-8.5-2)**".

Page 2, line 13, delete "(IC 25-23.6-3.5)".

Page 2, between lines 13 and 14, begin a new paragraph and insert: "SECTION 7. IC 25-0.5-9-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 29.5. The behavior analyst committee is a board under IC 25-1-8."**

Page 2, line 16, delete "board" and insert "**committee (IC 25-8.5-2)**".

Page 2, line 17, delete "(IC 25-23.6-3.5)".

Page 2, line 20, delete "board" and insert "**committee (IC 25-8.5-2)**".

Page 2, line 21, delete "(IC 25-23.6-3.5)".

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 11. IC 25-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

ARTICLE 8.5. BEHAVIOR ANALYSTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply to this article.

Sec. 2. "Board" refers to the medical licensing board of Indiana created by IC 25-22.5-2-1.

Sec. 3. "Committee" refers to the behavior analyst committee established by IC 25-8.5-2-1.

Sec. 4. (a) "Practice of behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in



human behavior. The term includes the following:

- (1) Empirical identification of functional relations between behavior and environmental factors through functional assessment and analysis.**
- (2) Applied behavior analysis interventions based on scientific research and the direct observation and measurement of behavior and the environment.**
- (3) Use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to assist people in developing new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.**

(b) The term does not include the following:

- (1) Psychological testing.**
- (2) Diagnosis of mental or physical disorders.**
- (3) Neuropsychology.**
- (4) Psychotherapy.**
- (5) Cognitive therapy.**
- (6) Sex therapy.**
- (7) Psychoanalysis.**
- (8) Hypnotherapy.**
- (9) Counseling.**

Chapter. 2. Behavior Analyst Committee

Sec. 1. (a) The behavior analyst committee is established.

(b) The committee consists of the following members appointed by the governor:

- (1) Three (3) behavior analyst members.**
- (2) One (1) consumer member.**
- (3) One (1) physician member.**

(c) A member appointed to the committee serves a term under IC 25-1-6.5.

Sec. 2. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

Sec. 3. A member of the committee who is appointed by the governor may be removed under IC 25-1-6.5-4.

Sec. 4. The committee shall elect a chairperson from among the members of the committee for a one (1) year term. An individual



may not be elected as chairperson for more than two (2) consecutive one (1) year terms.

Sec. 5. The committee shall meet at times and places determined by the committee.

Sec. 6. (a) The committee shall recommend proposed rules to the board establishing standards for the following:

- (1) The competent practice of behavior analysis.
- (2) The renewal of licenses issued under this chapter.
- (3) Continuing education requirements for an individual seeking renewal of licensure as a behavior analyst or assistant behavior analyst.
- (4) The approval of continuing education providers, programs, courses, fees, and proof of course completion.

The board, after considering the committee's recommendations under this subsection, shall adopt rules under IC 4-22-2 concerning the standards described in this subsection.

(b) The committee shall recommend, and the board, after considering the committee's recommendations, shall establish fees under IC 25-1-8-2.

(c) The committee shall do the following:

- (1) Consider the qualifications of individuals who apply for a license under this chapter.
- (2) Subject to IC 25-1-8-6, renew licenses under this article.
- (3) Conduct proceedings under IC 25-1-9.

Chapter 3. Licensure

Sec. 1. To be issued a license as a behavior analyst, an individual must do the following:

- (1) Furnish satisfactory evidence to the committee that the individual is certified as a board certified behavior analyst by:
 - (A) the Behavior Analyst Certification Board, Inc., or its successor; or
 - (B) another entity approved by the committee.
- (2) Submit to a national criminal history background check under IC 25-1-1.1-4 and furnish satisfactory evidence to the committee that the individual has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently.
- (3) Furnish satisfactory evidence to the committee that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice behavior analysis without endangering the public.



(4) Apply for the license in the manner prescribed by the committee.

(5) Pay the fee established by the board that is sufficient to cover the operations of the committee.

Sec. 2. (a) To be issued a license as an assistant behavior analyst, an individual must do the following:

(1) Furnish satisfactory evidence to the committee that the individual is certified as a board certified assistant behavior analyst by:

(A) the Behavior Analyst Certification Board, Inc., or its successor; or

(B) another entity approved by the committee.

(2) Submit to a national criminal history background check under IC 25-1-1.1-4 and furnish satisfactory evidence to the committee that the individual has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the committee that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice behavior analysis without endangering the public.

(4) Apply for the license in the manner prescribed by the committee.

(5) Pay the fee established by the board that is sufficient to cover the operations of the committee.

(b) An individual who is licensed as an assistant behavior analyst under this section:

(1) must be directly supervised by a behavior analyst licensed under this chapter; and

(2) must submit to the committee a written record of the supervision provided to the individual by a behavior analyst licensed under this chapter.

Sec. 3. If the committee determines that:

(1) an individual possesses a valid license from another jurisdiction authorizing the individual to perform acts for which a license is required under this chapter; and

(2) the jurisdiction issuing the license imposes requirements on license applicants that are substantially equal to the requirements imposed on applicants for an Indiana license;

the committee may issue to the individual, upon payment of the licensure fee, a license to perform in Indiana the acts referred to in



subdivision (1).

Sec. 4. An individual who is licensed under this chapter shall comply with the requirements of:

- (1) the Professional and Ethical Compliance Code for Behavior Analysts published by the Behavior Analyst Certification Board, Inc., or its successor; or**
- (2) another professional and ethical set of rules for behavior analysts published by an entity approved by the committee.**

Sec. 5. The committee may summarily suspend a behavior analyst or assistant behavior analyst license under IC 25-1-9-10.

Sec. 6. (a) An individual may not:

- (1) profess to be a licensed behavior analyst or licensed assistant behavior analyst;**
- (2) use the initials "LBA" or "LABA" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed behavior analyst or licensed assistant behavior analyst; or**
- (3) practice applied behavior analysis;**

unless the individual holds a license issued under this chapter.

(b) This chapter does not limit the use of applied behavior analysis techniques by an individual who:

- (1) does not use a title specified in subsection (a); and**
- (2) is one (1) of the following:**

(A) A licensed or certified health care professional acting within the scope of the individual's license or certificate and within the individual's training.

(B) A student, an intern, or a trainee pursuing a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution.

(C) An individual who is not a resident of Indiana, if the individual:

- (i) performs the services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days within any one (1) calendar year; and**
- (ii) is authorized to perform the services under the laws of the state or country in which the individual resides.**

(D) Either:

- (i) an applied behavior analysis direct contact technician; or**
- (ii) a family member implementing a plan within the family home;**



who acts under the extended authority and direction of a behavior analyst or assistant behavior analyst licensed under this chapter.

(E) A professional who provides general applied behavior analysis services to an organization as long as the services are provided for the benefit of the organization and do not involve direct services to an individual.

Sec. 7. An individual who violates this chapter commits a Class A misdemeanor.

SECTION 12. IC 25-22.5-2-7, AS AMENDED BY P.L.249-2019, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The board shall do the following:

- (1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:
 - (A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
 - (B) The examination for licensure.
 - (C) The license or permit.
 - (D) Fees for examination, permit, licensure, and registration.
 - (E) Reinstatement of licenses and permits.
 - (F) Payment of costs in disciplinary proceedings conducted by the board.
- (2) Administer oaths in matters relating to the discharge of the board's official duties.
- (3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.
- (4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.
- (5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.
- (6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.
- (7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.
- (8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.



(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

(13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(14) In consultation with the state department of health and the office of the secretary of family and social services, adopt rules under IC 4-22-2 or protocols concerning the following for providers that are providing office based opioid treatment:

(A) Requirements of a treatment agreement (as described in IC 12-23-20-2) concerning the proper referral and treatment of mental health and substance use.

(B) Parameters around the frequency and types of visits required for the periodic scheduled visits required by IC 12-23-20-2.

(C) Conditions on when the following should be ordered or performed:

(i) A urine toxicology screening.

(ii) HIV, hepatitis B, and hepatitis C testing.

(D) Required documentation in a patient's medical record when buprenorphine is prescribed over a specified dosage.

(15) Adopt rules as set forth in IC 25-14.5 concerning the certification of certified dietitians.

(16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6 concerning the licensure of behavior analysts.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under



IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telemedicine in Indiana. Adoption of rules under this subsection may not delay the implementation and provision of telemedicine services by a provider under IC 25-1-9.5."

Delete pages 3 through 5.

Page 6, delete lines 1 through 27.

Page 6, delete lines 30 through 42.

Delete page 7.

Page 8, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 14. IC 35-52-25-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. IC 25-8.5-3-7 defines a crime concerning behavior analysts and assistant behavior analysts.**"

Page 8, delete lines 29 through 32.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1516 as reprinted February 17, 2021.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.

