

Regular Session, 2012

SENATE BILL NO. 755 (Substitute of Senate Bill No. 191 by Senator Claitor)

BY SENATOR CLAITOR

HEALTH SERVICES. Provides relative to licensing of behavior analysts. (gov sig)

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AN ACT

To enact Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.81 through 1360.97, relative to behavior analysts; to provide for licensure of behavior analysts and certification for assistant behavior analysts; to provide for a board to develop standards and procedures and to promulgate rules and regulations with respect to the practice of behavior analysis; to provide for the future creation of an independent regulatory authority; to provide qualifications for licensure and certification; to provide for continuing education; to provide with respect to fees for licensure and certification; to provide for causes for refusal to issue, suspension, or revocation; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1360.81 through 1360.97, is hereby enacted to read as follows:

PART VII. BEHAVIOR ANALYSTS

§1360.81. Legislative intent

The enacting of the Licensed Behavior Analyst Practice Act is necessary

1 in order to safeguard life, health, property and public welfare of the citizens of
2 the state, and to protect the people of this state from the unauthorized,
3 unqualified, and improper application of applied behavior analysis. The goal of
4 this Part is to:

5 (1) Establish licensure for behavior analysts and certification for
6 assistant behavior analysts, to authorize the promulgation of rules and
7 regulations for the practice of behavior analysis in the state, and to authorize
8 the development of standards or procedures for all other matters related to
9 applied behavior analysis.

10 (2) Create a committee of behavioral analysts to recommend action on
11 applicants, to recommend changes in the rules relating to their practice, and to
12 advise the board on related matters.

13 (3) Provide for the future creation of an independent regulatory
14 authority.

15 §1360.82. Short title

16 This Part shall be known and may be cited as the "Licensed Behavior
17 Analyst Practice Act".

18 §1360.83. Definitions

19 As used in this Part the following words, terms, and phrases have the
20 meaning ascribed to them in this Section, unless the context clearly indicates a
21 different meaning:

22 (1)"Applied behavior analysis" means the design, implementation, and
23 evaluation of environmental modifications, using behavioral stimuli and
24 consequences, to produce socially significant improvements in and
25 understanding of human behavior based on the principles of behavior identified
26 through the experimental analysis of behavior. It includes the empirical
27 identification of functional relations between behavior and environments. It
28 uses direct observation and measurement of behavior and environment.
29 Interventions based on scientific research are used and includes contextual

1 factors, establishing operations, antecedent stimuli, positive reinforcers, and
2 other consequences, based on identified functional relationships with the
3 environment, in order to produce practical behavior change.

4 (2) "Board" means Louisiana State Board of Examiners of Psychologists.

5 (3) "Licensed behavior analyst" or "LBA" means an individual who by
6 education and experience meets the requirements for licensing by the board and
7 is duly licensed to independently practice applied behavior analysis.

8 (4) "Certified assistant behavior analyst" or "CABA" means an
9 individual who by education and experience meets the requirements for
10 certification as a certified assistant behavior analyst by the board and who shall
11 only practice behavior analysis under the supervision of a licensed behavior
12 analyst or psychologist experienced in behavior analysis.

13 (5) "Licensed Behavior Analyst Committee" or "LBAC" means a
14 committee, established by the board for purposes as defined in this Part.

15 (6) "Recognized educational institution" means a degree-granting college
16 or university that is accredited by a regional board or association of institutions
17 of higher education approved by the Council on Post Secondary Education of
18 the United States Department of Education.

19 (7) "Supervised experience" means services rendered as a part of the
20 certification requirements of a behavior analyst or board certified associate
21 behavior analyst under the supervision of a licensed behavior analyst or
22 psychologist as approved by the Licensed Behavior Analyst Committee.

23 §1360.84. Powers and duties of the board

24 The board shall have and exercise with respect to licensed behavior
25 analysts and certified assistant behavior analyst, all powers and duties granted
26 to it by R.S. 37:2351 et seq. In addition, the board shall have the authority to:

27 (1) Establish and publish standards of applied behavior analysis practice
28 in accordance with those developed and accepted by the behavior analysis
29 professional organizations.

1 (2) Approve, deny, revoke, suspend, renew and reinstate licensure or
2 certification of duly qualified applicants based on the recommendation of the
3 Licensed Behavior Analyst Committee and approved by the board.

4 (3) Adopt, revise, and enforce orders, rules, and regulations for licensure
5 or certification and renewal as recommended by the Licensed Behavior Analyst
6 Committee to ensure the competency of applicants, the protection of the public,
7 and proper administration of this Part in accordance with the Administrative
8 Procedure Act.

9 (4) Conduct hearings on charges calling for the denial, suspension,
10 revocation, or refusal to renew a license or certification with a designee from the
11 Licensed Behavior Analyst Committee present. Such designee shall be
12 appointed as needed by the chair of the board.

13 §1360.85. License or certification required

14 No person shall hold himself out as a licensed behavior analyst or a
15 certified assistant behavioral analyst unless licensed or certified in accordance
16 with the provisions of this Part.

17 §1360.86. Qualifications of applicants of a licensed behavior analysts

18 A. Notwithstanding any other provision of the Part or other law to the
19 contrary, an applicant for licensure as an applied behavior analyst shall be
20 issued an applied behavior analyst license by the board upon satisfaction of all
21 of the following criteria:

22 (1) Submission to the board of a completed application form approved
23 by the Licensed Behavior Analyst Committee.

24 (2) Payment of all mandatory licensure fees.

25 (3) Proof of good moral character.

26 (4) Proof that the applicant holds a master's degree or doctoral degree
27 in behavioral analysis from a regionally accredited college or university with a
28 board approved course sequence reviewed by the Licensed Behavior Analyst
29 Committee and approved by the board. The course work will include the ethics

1 of behavioral analysis, principles of behavior analysis, research methods in
2 behavioral analysis, applied behavioral analysis and supervised practice in
3 behavioral analysis.

4 (5) Completion of an approved supervised practice totaling at least one
5 thousand five hundred hours.

6 (6) Submission of applicant to a criminal background check in
7 accordance with the authority granted to the board.

8 (7) Successful completion of an approved or supervised experience in the
9 practice of applied behavior analysis as an approved experiential sequence
10 reviewed by the Licensed Behavior Analyst Committee and approved by the
11 board.

12 (8) Proof that the applicant passed a nationally recognized examination
13 related to the principles and practice of the profession of applied behavior
14 analysis reviewed by the Licensed Behavior Analyst Committee and approved
15 by the board.

16 (9) Proof that the applicant passed the jurisprudence examination
17 covering the laws and rules governing the practice of behavior analysis in
18 Louisiana reviewed by the Licensed Behavior Analyst Committee and approved
19 by the board. Once a candidate passes the jurisprudence examination, a
20 candidate may pay the licensure fee and be granted a license to practice applied
21 behavior analysis in Louisiana.

22 (10) Proof that the applicant conducts his professional activities in
23 accordance with accepted standards, including the Guidelines for Responsible
24 Conduct for Behavior Analysts and Professional Disciplinary Standards of the
25 Behavior Analyst Certification Board or other national professional
26 organizations as reviewed by the Licensed Behavior Analyst Committee and
27 approved by the board.

28 B. An applied behavior analyst applicant who has a suspended license
29 may reapply after one year.

1 **C. Until August 1, 2013, an applicant who has graduated with a doctoral**
2 **or master's degree from a regionally accredited university and who holds the**
3 **board certified behavior analyst certificate from the Behavior Analyst**
4 **Certification Board shall be eligible to be granted status as a licensed behavior**
5 **analyst. Thereafter, applications shall meet the requirements set forth in this**
6 **Section.**

7 **§1360.87. Qualifications of applicants for certified assistant behavior analysts**

8 **Notwithstanding any other provision of law to the contrary, an applicant**
9 **as a certified assistant behavior analyst shall be issued a certified applied**
10 **behavior analyst certificate by the board upon satisfaction of all the following**
11 **criteria:**

12 **(1) Submission to the board of a completed application form approved**
13 **by the Licensed Behavior Analyst Committee.**

14 **(2) Payment of all mandatory certification fees.**

15 **(3) Proof of good moral character.**

16 **(4) Proof that the applicant holds a bachelor's or graduate degree from**
17 **an accredited college or university and completed behavior analyst course work,**
18 **and is obtaining supervised field experience, approved by the board, under a**
19 **licensed behavior analyst or qualified psychologist.**

20 **(5) Completion of an approved supervised practice totaling at least one**
21 **thousand hours.**

22 **(6) Submission of applicant to a criminal background check in**
23 **accordance with the authority granted to the board.**

24 **(7) Proof that the applicant passed the state jurisprudence exam,**
25 **reviewed by the Licensed Behavior Analyst Committee and approved by the**
26 **board. Once the examination is passed, candidates may pay the certification fee**
27 **and be granted a certificate to practice.**

28 **(8) Proof that the applicant conducts his professional activities in**
29 **accordance with accepted standards, including the Guidelines for Responsible**

1 Conduct for Behavior Analysts and Professional Disciplinary Standards of the
2 Behavior Analyst Certification Board or other national professional
3 organizations as reviewed by the Licensed Behavior Analyst Committee and
4 approved by the board.

5 (9) Proof that the applicant has not been subject to disciplinary
6 suspension or revocation by the Behavior Analyst Certification Board, for
7 violation of the professional disciplinary and ethical standards.

8 §1360.88. Issuance and renewal of license or certificate

9 A. The board shall issue a license or certificate to any person who meets
10 the qualifications provided in this Part and the rules and regulations of the
11 board, and who pays the applicable fees fixed by the board.

12 B. A license or certificate issued under provisions of this Part shall be
13 subject to annual renewal and shall expire and become null and void unless
14 renewed in the manner prescribed by the board, as recommended by the
15 Licensed Behavior Analyst Committee.

16 C. License renewal shall require documentation of completion of the
17 continuing education required by this Part.

18 §1360.89. Reinstatement of license or certificate

19 A. Any license or certificate suspended, revoked, or otherwise restricted
20 by the board may be reinstated by the board based upon recommendations by
21 the Licensed Behavior Analyst Committee.

22 B. A license or certificate that has expired without renewal for a period
23 of one year from the date of expiration may be reinstated by the board upon
24 recommendation from the Licensed Behavior Analyst Committee, provided the
25 applicant shall otherwise be eligible under the provisions of this Part, pays the
26 applicable fees, satisfies the continuing education requirement, and such other
27 requirements as may be established by the board based on recommendation by
28 the Licensed Behavior Analyst Committee.

29 §1360.90. Licensed Behavior Analyst Committee

1 **A. The Licensed Behavior Analyst Committee shall be established by the**
2 **board for the purpose of reviewing and recommending action on applications**
3 **for licensure, certification, relicensure, and recertification, recommending**
4 **educational and training requirements, establishing a professional code of**
5 **conduct, recommending changes in related statutes and rules, as well as other**
6 **activities as may be requested by the board or activities provided in this Part.**
7 **The committee shall be statutorily created for a period of three years beginning**
8 **July 1, 2012, and terminating on July 1, 2015, unless recreated by a majority**
9 **vote of the committee and subsequently approved by the board.**

10 **B. The Licensed Behavior Analyst Committee shall consist of three**
11 **licensed behavior analysts and one member of the public at large. The executive**
12 **director of the board shall serve ex officio as a voting member.**

13 **(1) Three licensed behavior analysts, who shall become licensed once this**
14 **Part becomes effective, shall be appointed by the governor and confirmed by the**
15 **Senate.**

16 **(2) For the vacancies occurring July 1, 2012, one member shall be**
17 **appointed for a one-year term and one member shall be appointed for a two-**
18 **year term, and one member shall be appointed to a three-year term. The**
19 **members shall be limited to two consecutive terms.**

20 **(3) The licensed behavior analyst members shall be appointed by the**
21 **governor from a list of three nominees for each position submitted by the**
22 **Louisiana Association for Behavior Analysis.**

23 **(4) The member of the public at large shall be a parent of a child with a**
24 **behavior disorder and shall be appointed by the governor.**

25 **C. Members of the committee shall serve at the pleasure of the governor.**
26 **A vacancy in an unexpired term shall be filled in the manner of the original**
27 **appointment.**

28 **D. The committee may meet as needed but shall meet at least quarterly.**
29 **A majority of the members of the committee shall constitute a quorum for the**

1 transaction of all business. A quorum shall be three voting members.

2 E. Members of the committee shall serve without compensation but shall
3 be reimbursed for reasonable travel expenses incurred in attendance at
4 meetings and other official business on behalf of the committee or the board.

5 §1360.91. Continuing education

6 A. A licensed behavior analyst shall annually complete a minimum of
7 twelve hours of continuing education relevant to the practice of behavior
8 analyst.

9 B. To qualify under the requirements of this Part, continuing education
10 classes shall be approved by the Licensed Behavior Analyst Committee.

11 §1360.92. Fees

12 The board under its authority established in R.S. 37:2351 et seq., shall
13 fix fees in accordance with the Administrative Procedure Act for the purpose
14 of administering the provisions of this Part.

15 §1360.93. Causes for refusal to issue, suspension, or revocation of license or
16 certificate

17 A. Upon the recommendation of the Licensed Behavior Analyst
18 Committee, the board may refuse to issue any license or certificate required
19 under this Part for any cause or any combination of causes stated in this
20 Section. The Licensed Behavior Analyst Committee shall give written notice of
21 the reasons for the refusal.

22 B. Upon the recommendation of the Licensed Behavior Analyst
23 Committee, the board may suspend or revoke any license or certificate or
24 impose probationary or other restrictions on any license or certificate under
25 this Part for the following causes:

26 (1) Conviction of a felony or nolo contendere plea or conviction of any
27 crime or offense of or relating to the practice of applied behavioral analysis.

28 (2) Knowingly make or present , or cause to be made or presented, any
29 false, fraudulent, or forged statement, writing, certificate, or diploma in

1 connection with an application for a license or certificate.

2 (3) Refusing to appear before the Licensed Behavior Analyst Committee
3 after having been duly ordered to do so in writing by a duly authorized agent
4 of the board as a result of the Licensed Behavior Analyst Committee
5 recommendation.

6 (4) Habitual or recurring abuse of drugs, including alcohol, which affects
7 the central nervous system, and which is capable of inducing physiological or
8 psychological dependence applicant or licensee or certificate holder's physical
9 and mental fitness and ability to practice applied behavior analysis with
10 reasonable skill and safety to patients.

11 (5) Impersonating another licensed practitioner or any person holding
12 a certificate of registration of authority, permit, or license or allowing any
13 person to use his or her certificate or authority, permit, license or diploma from
14 any school.

15 (6) Incompetence, including but not limited to a person who has been
16 unable to practice applied behavior analysis to acceptable and prevailing
17 standards of care by reason of mental or physical illness or other condition,
18 including but not limited to physical deterioration that adversely affects
19 cognitive, motor, or perceptive skills.

20 (7) Voluntary or involuntary commitment or interdiction.

21 (8) Failing to self-report in writing to the Licensed Behavior Analyst
22 Committee any personal action which constitutes a violation of the Part within
23 thirty days of the occurrence.

24 (9) Soliciting patients or self-promoting through advertising or
25 communication, public or private, which is fraudulent, false, deceptive, or
26 misleading.

27 (10) Making or submitting false, deceptive, or unfounded claims, reports,
28 or opinions to any patient, insurance company or indemnity association,
29 company, individual, or government authority for the purpose of obtaining

1 anything of economic value.

2 (11) Soliciting, accepting, or receiving anything of economic value in
3 return for and based on referral of patients to another person, firm, or
4 corporation.

5 (12) Engaging in dishonorable, unethical or unprofessional conduct of
6 a character likely to deceive, defraud, or harm the public or any member
7 thereof.

8 (13) Continuing or recurring practice, which fails to satisfy the
9 prevailing and usually accepted standards of the practice of applied behavior
10 analysis.

11 (14) Gross, willful, and continued overcharging for professional services.

12 (15) Abandoning a patient by failure to make reasonable efforts to plan
13 for facilitating care in the event that behavior analytic services are interrupted
14 by factors such as the behavior analyst's illness, impending death,
15 unavailability, or relocation or by the patient's relocation or financial
16 limitations.

17 (16) Knowingly performing any act which, in any way, assists an
18 unqualified person to practice applied behavior analysis, or having professional
19 connection with or lending one's name to an illegal practitioner.

20 (17) Violating ethical codes of conduct as promulgated by the Board of
21 Certified Behavior Analysts or the guidelines for Responsible Conduct for
22 Behavior Analysts or violating any code of ethics adopted in the rules and
23 regulations of the board as developed by the Licensed Behavior Analyst
24 Committee, or other immoral, unprofessional, or dishonorable conduct as
25 defined in the rules and regulations of the board.

26 (18) Practicing applied behavior analysis in such a manner as to
27 endanger the welfare of patients, including but not limited to:

28 (a) Harassment, intimidation, or abuse, sexual or otherwise, of a patient.

29 (b) Engaging in any sexual contact with a patient.

1 (c) Gross malpractice, repeated malpractice, or gross negligence in the
2 practice of applied behavior analysis.

3 (19) Using of untruthful, deceptive, or improbable statements concerning
4 the licensee or certificate holder's qualifications or the effects or results of
5 proposed treatment, including functioning outside one's professional
6 competence established by education, training, and experience.

7 (20) Exercising undue influence in such a manner as to exploit the
8 patient for financial or other personal advantage to the practitioner or a third
9 party.

10 (21) Refusal of a licensing authority of another state to issue or renew a
11 license, permit, or certificate to practice applied behavior analysis in that state
12 or the revocation or suspension, or other restriction imposed on a license,
13 permit, or certificate issued by such licensing authority which prevents or
14 restricts practice in that state, or the surrender of a license, permit or certificate
15 issued by another state when criminal or administrative charges are pending or
16 threatened against the holder of such license, permit, or certificate.

17 (22) Any suspension or revocation of certification by the certification
18 board would vacate licensure in this state.

19 C. The board may, as a probationary condition, or as a condition of the
20 reinstatement of any license or certificate suspended or revoked hereunder,
21 require the license or certificate holder to pay all costs of the board proceedings,
22 including investigator, stenographer, and attorney fees, and to pay a fine not to
23 exceed five thousand dollars. Such fines received by the board under this
24 Subsection shall be paid into the treasury of the board.

25 D. The board's final decision in an adjudication proceeding conducted
26 pursuant to this Section other than by consent or, agreement or other informal
27 disposition, shall constitute a public record, and the board may disclose and
28 provide such final decision to any person, firm, or corporation or to the public
29 generally. The board's disposition of an adjudication proceeding by consent

1 order shall not constitute a public record, but the board shall have authority
2 and discretion to disclose such disposition.

3 E. No judicial order staying or enjoining the effectiveness or enforcement
4 of a final decision or order in a adjudication proceeding, whether issued
5 pursuant to R.S. 49:964(C) or otherwise, shall be effective, beyond the earlier
6 of either of the following:

7 (1) One hundred twenty days from the date on which the board's
8 decision or order was rendered.

9 (2) The date on which a court of competent jurisdiction enters judgment
10 in a proceeding for judicial review of the board's decision or order issued
11 pursuant to R.S. 49:964.

12 F. Notwithstanding any other law to the contrary, no judicial order
13 staying, enjoining, or continuing and adjudication proceeding before, or a
14 preliminary, procedural, or intermediate decision, ruling, order, or action of,
15 the board shall be effective, whether pursuant to R.S. 49:964 or otherwise, prior
16 to the exhausting of all administrative remedies and issuance of a final decision
17 by the board.

18 G. No order staying or enjoining a final decision or order of the board
19 shall be issued unless the district court finds that the applicant or petitioner has
20 established that the issuance of the stay does neither of the following:

21 (1) Threaten harm to other interested parties, including individuals for
22 whom the applicant or petitioner may render applied behavior analysis services.

23 (2) Constitute a threat to the health, safety, and welfare of the citizens of
24 this state.

25 H. No stay of a final decision or order of the board shall be granted ex
26 parte. The court shall schedule a hearing request for a stay order within ten
27 days from filing of the request. The court's decision to either grant or deny the
28 stay order shall be rendered within five days at the conclusion of the hearing.

29 §1360.94. Persons and practices not affected

1 The provisions of this Part shall not be construed as prohibiting or
2 restricting the practice of any of the following:

3 (1) A licensed professional who is not a behavior analyst, so long as the
4 licensed professional does not represent that he is a behavior analyst or
5 qualified to provide applied behavior analysis, and so long as the services of the
6 licensed professional are specified within the scope of the practice of the
7 licensing law governing the licensed professional and the services performed are
8 commensurate with the licensed professional's formal training and supervised
9 experience.

10 (2) The practice of applied behavior analysis expressly excludes
11 psychological testing, neuropsychology, psychotherapy, cognitive therapy,
12 psychoanalysis, hypnotherapy, diagnosis of mental or emotional disorders, and
13 long-term counseling as treatment modalities.

14 §1360.95. Injunctive proceedings

15 A. The board may investigate any evidence or allegation which appears
16 to show that any person is or may be in violation of any provision of this Part.

17 B. The board may apply for an injunction in any court of competent
18 jurisdiction to enjoin any person from committing any act which is in violation
19 of this Part.

20 C. If it is established that the defendant has been or is committing an act
21 which is in violation of this Part, the court shall enjoin the defendant from
22 further committing the act or acts.

23 D. In case of violation of any injunction issued under the provisions of
24 this Section, the court may summarily try and punish the offender for contempt
25 of court.

26 E. Such injunctive proceedings shall be in addition to, and not in lieu of,
27 all penalties and other remedies provided in this Part.

28 §1360.96. Penalties

29 A. It shall be a misdemeanor for any individual:

1 **(1) Not licensed under this Part to represent himself as a licensed**
 2 **behavior analyst.**

3 **(2) Not licensed under this Part to engage in the practice of behavior**
 4 **analysis.**

5 **(3) To represent himself as a licensed behavior analyst during the time**
 6 **that his license as a behavior analyst shall be suspended or revoked or lapse.**

7 **(4) To otherwise violate this Part.**

8 **B. Such misdemeanor shall be punishable upon conviction by**
 9 **imprisonment for not more than six months, or by a fine of not less than one**
 10 **hundred dollars nor more than five hundred dollars, or both. Each violation**
 11 **shall be deemed a separate offense.**

12 **C. Such misdemeanor shall be prosecuted by the district attorney of the**
 13 **judicial district in which the offense was committed.**

14 **§1360.97. Access to files**

15 **The Licensed Behavior Analyst Committee shall make available to the**
 16 **board all files relating to behavior analysts practicing within the state.**

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Claitor (SB 755)

Proposed law provides for the Board Certified Behavior Analyst Practice Act.

Proposed law provides for the licensure of behavioral analysts and certification of certified
 assistant behavior analysts and places the practice of behavior analytics under the Louisiana
 State Board of Examiners of Psychologists (the board).

Proposed law provides the Louisiana State Board of Examiners of Psychologists with respect
 to licensed behavior analysts and certified assistant behavior analysts, all powers and duties
 granted to it by R.S. 37:2351 et seq. In addition, the board shall have the authority to:

1. Establish and publish standards of applied behavior analysis practice in accordance with those developed and accepted by the behavior analysis professional organizations.
2. Approve, deny, revoke, suspend, renew and reinstate licensure or certification of duly qualified applicants based on the recommendation of the Licensed Behavior Analyst Committee and approved by the board.
3. Adopt, revise, and enforce orders, rules, and regulations for licensure or certification and renewal as recommended by the Licensed Behavior Analyst Committee to ensure the competency of applicants, the protection of the public, and proper administration of proposed law in accordance with the Administrative Procedure Act.
4. Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license or certification with a designee from the Licensed Behavior Analyst Committee present. Such designee shall be appointed as needed by the chair of the board.

Proposed law provides license requirements for behavioral analysts. Licensure requirements include:

1. Submit to the board a completed application form approved by the Licensed Behavior Analyst Committee.
2. Pay all mandatory licensure fees.
3. Is of good moral character.
4. Hold a master's degree or doctoral degree in behavioral analysis from a regionally accredited college or university with a board approved course sequence reviewed by the Licensed Behavior Analyst Committee and approved by the board. The course work will include the ethics of behavioral analysis, principles of behavior analysis, research methods in behavioral analysis, applied behavioral analysis and supervised practice in behavioral analysis.
5. Complete an approved supervised practice totaling at least one thousand five hundred hours.
6. Submit to a criminal background check in accordance with the authority granted to the board.
7. The successful completion of an approved or supervised experience in the practice of applied behavior analysis as an approved experiential sequence reviewed by the Licensed Behavior Analyst Committee and approved by the board.
8. Passes a nationally recognized examination related to the principles and practice of the profession of applied behavior analysis reviewed by the Licensed Behavior Analyst Committee and approved by the board.
9. Passes the jurisprudence examination covering the laws and rules governing the practice of behavior analysis in Louisiana reviewed by the Licensed Behavior Analyst Committee and approved by the board. Once a candidate passes the jurisprudence examination, a candidate may pay the licensure fee and be granted a license to practice applied behavior analysis in Louisiana.
10. Conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional

Disciplinary Standards of the Behavior Analyst Certification Board or other national professional organizations as reviewed by the Licensed Behavior Analyst Committee and approved by the board.

Proposed law provides license requirements for certified assistant behavioral analysts. Certification requirements include:

1. Submit to the board a completed application form approved by the Licensed Behavior Analyst Committee.
2. Pay all mandatory certification fees.
3. Is of good moral character.
4. Hold a bachelor's or graduate degree from an accredited college or university and completed behavior analyst course work, and is obtaining supervised field experience, approved by the board, under a licensed behavior analyst or qualified psychologist.
5. Complete an approved supervised practice totaling at least one thousand hours.
6. Submit to a criminal background check in accordance with the authority granted to the board.
7. Pass the state jurisprudence exam, reviewed by the Licensed Behavior Analyst Committee and approved by the board. Once the examination is passed, candidates may pay the certification fee and be granted a certificate to practice.
8. Conduct his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary Standards of the Behavior Analyst Certification Board or other national professional organizations as reviewed by the Licensed Behavior Analyst Committee and approved by the board.
9. Has not been subject to disciplinary suspension or revocation by the Behavior Analyst Certification Board, for violation of the professional disciplinary and ethical standards.

Proposed law provides for the issuance and renewal of licenses and certificates for behavioral analysts and assistant behavioral analysts.

Proposed law provides for the reinstatement of licenses and certificates for behavioral analysts and assistant behavioral analysts.

Proposed law provides for the Licensed Behavior Analyst Committee to be established by the board for the purpose of reviewing and recommending action on applications for licensure, certification, relicensure, and recertification, recommending educational and training requirements, establishing a professional code of conduct, recommending changes in related statutes and rules, as well as other activities as may be requested by the board or activities provided in proposed law. The committee shall be statutorily created for a period of three years beginning July 1, 2012, and terminating on July 1, 2015, unless recreated by a majority vote of the committee and subsequently approved by the board. The Licensed Behavior Analyst Committee shall consist of three licensed behavior analysts and one public member. The executive director of the board shall serve ex officio as a voting member.

Proposed law provides the three licensed behavior analysts, who shall become licensed once the proposed law becomes effective, shall be appointed by the governor and confirmed by the Senate. For the vacancies occurring July 1, 2012, one member shall be appointed for a

one-year term and one member shall be appointed for a term of two years, and one member for a term of three years. The members shall be limited to two consecutive terms. The licensed behavior analyst members will be appointed by the governor from a list of three for each position to be submitted by Louisiana ABA. The public member, who is a parent of a child with a behavior disorder, shall be appointed by the governor.

Proposed law provides the committee may meet as needed but shall meet at least quarterly, and three voting members of the committee shall constitute a quorum for the transaction of all business. Further provides the members of the committee shall serve without compensation but shall be reimbursed for reasonable travel expenses incurred in attendance at meetings and other official business on behalf of the committee or the board.

Proposed law provides licensed behavioral analysts shall annually complete a minimum of twelve hours of committee-approved continuing education classes.

Proposed law provides the board the authority to fix certain fees through the Administrative Procedure Act.

Proposed law provides for the causes for refusal to issue, the suspension of, or the revocation of a license by the board based on the recommendation of the committee.

Proposed law provides the board the authority to seek injunctive relief through the courts.

Proposed law provides penalties for any individual:

1. Not licensed under proposed law to represent himself as a licensed behavior analyst.
2. Not licensed under proposed law to engage in the practice of behavior analysis.
3. To represent himself as a medical psychologist during the time that his license as a behavior analyst shall be suspended or revoked or lapsed.
4. To otherwise violate proposed law.

Proposed law provides such misdemeanor shall be punishable upon conviction by imprisonment for not more than six months, or by a fine of not less than \$100 nor more than \$500, or both. Each violation is deemed a separate offense. Proposed law provides such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed.

Proposed law requires the committee to make available to the board all files relating to behavior analysts practicing within the state.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:1360.81 through 1360.97)