

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2027

6 By: Steele

7 COMMITTEE SUBSTITUTE

8 An Act relating to autism; defining terms; providing
9 for the licensing of certain persons; stating
10 qualifications; providing for reciprocity; providing
11 for renewal; stating duties of licensee; prohibiting
12 certain act; providing penalties; stating duties of
13 the Developmental Disabilities Services Division of
14 the Department of Human Services; providing for the
15 promulgation of rules; exempting certain persons;
16 directing funds to be used for certain purpose;
17 authorizing the State Department of Health to
18 contract with third parties for certain services;
19 directing funds for certain evaluation training;
20 providing for a behavioral analysis research pilot
21 project; stating requirements; requiring commencement
22 of project by certain date; limiting duration of
23 project; providing for certain report to the
24 Legislature and Governor; directing the Oklahoma
State Regents for Higher Education to establish
certain program; stating certain condition for
location; providing for codification; and providing
an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1928 of Title 59, unless there
is created a duplication in numbering, reads as follows:

1 A. As used in this act:

2 1. a. "Applied behavior analysis" means the design,
3 implementation, and evaluation of instructional and
4 environmental modifications to produce socially
5 significant improvements in human behavior through
6 skill, acquisition, and the reduction of problematic
7 behavior. An applied behavior analysis program shall:

- 8 (1) be based on empirical research including the
9 direct observation and measurement of behavior as
10 well as a functional behavioral assessment, and
11 (2) utilize antecedent stimuli, positive
12 reinforcement, and other consequences to produce
13 behavior change.

14 b. "Applied behavior analysis" does not include cognitive
15 therapies or psychological testing, neuropsychology,
16 psychotherapy, sex therapy, psychoanalysis,
17 hypnotherapy, and long-term counseling as treatment
18 modalities;

19 2. "Board" means the National Behavior Analyst Certification
20 Board;

21 3. "Licensed Assistant Behavior Analyst" means an individual
22 who is certified by the National Behavior Analyst Certification
23 Board as a Board Certified Assistant Behavior Analyst; and
24

1 4. "Licensed Behavior Analyst" means an individual who is
2 certified by the National Behavior Analyst Certification Board as a
3 Board Certified Behavior Analyst.

4 B. Each person wishing to practice as a Licensed Behavior
5 Analyst or a Licensed Assistant Behavior Analyst shall apply to the
6 Developmental Disabilities Services Division of the Department of
7 Human Services using a form and in a manner prescribed by the
8 Division and shall furnish evidence satisfactory to the Division
9 that such person:

10 1. Is of good moral character;

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

12 3. Has passed the examination and received certification as a
13 Board Certified Behavior Analyst or a Board Certified Assistant
14 Behavior Analyst, as applicable;

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

22 5. Has a graduate, master's, or doctoral degree from an
23 accredited institution of higher learning in a qualifying field of
24 study, as determined by the Division.

1 C. The Division may issue a license to a person who is licensed
2 or certified by another state regulatory agency at an equivalent or
3 higher practice level as determined by the Division if the person:

4 1. Documents to the satisfaction of the Division proof of
5 initial licensure or certification; and

6 2. Shows proof that the license or certificate is current and
7 in good standing.

8 D. A person holding a license shall apply for renewal of the
9 license on or before April 30 of each odd-numbered year. The
10 application shall be accompanied by a renewal fee to be set by the
11 Division in accordance with paragraph 3 of subsection G of this
12 section.

13 E. A person licensed under this section shall:

14 1. Maintain active status and fulfill all requirements for
15 renewal and recertification with the Board; and

16 2. Conduct professional activities in accordance with accepted
17 standards such as the Guidelines for Responsible Conduct and
18 Professional Disciplinary Standards of the Board.

19 F. 1. No person shall claim the title of Licensed Behavior
20 Analyst or Licensed Assistant Behavior Analyst unless that person
21 meets the applicable requirements in this section. No person shall
22 practice applied behavior analysis without obtaining a license in
23 accordance with this section.

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

5 G. The Division shall:

6 1. Investigate all complaints relating to:

7 a. the practice of applied behavior analysis by any
8 person licensed as a behavior analyst or assistant
9 behavior analyst, or

10 b. any person alleged to be practicing without a license;

11 2. Refer any substantiated complaints to the Board;

12 3. Charge reasonable fees for licenses, not to exceed One
13 Hundred Dollars (\$100.00); and

14 4. Promulgate rules to implement the provisions of this
15 section.

16 H. A person having a qualifying degree, as provided for in
17 paragraph 5 of subsection B of this section, and participating in
18 the pilot project established in Section 3 of this act shall be
19 exempted from the requirement to obtain a license while such person
20 is actively participating in the project.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-280.1 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. Funds shall be used by the State Department of Health for
2 specialized training for providers in the Sooner Start program to
3 acquire skills necessary to treat children with autism spectrum
4 disorders.

5 B. The Department is authorized to contract with independent
6 third-party providers for services offered by the Sooner Start
7 program.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-280.2 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Funds shall be used by the University Hospitals Authority
12 for primary care provider evaluation training for providers in the
13 Sooner SUCCESS program to acquire skills necessary to evaluate
14 children with autism spectrum disorders.

15 B. 1. The Developmental Disabilities Services Division of the
16 Department of Human Services shall establish an applied behavioral
17 analysis research pilot project. The Department shall secure
18 federal matching dollars to implement and maintain the project.

19 2. The project shall:

20 a. require three Board Certified Behavioral Analysts to
21 treat children with autism, who are approved by the
22 Division to participate in the project, in order to
23 determine the effects of applied behavioral analysis
24 with a parental training component, and

1 b. require the analysts to provide the necessary
2 supervision to assist graduates seeking to practice in
3 the field of applied behavioral analysis in this state
4 in achieving board certification.

5 3. The project shall commence no later than January 1, 2011,
6 and end no later than three (3) years from the date of commencement.

7 4. The Department shall submit a report to the Legislature and
8 the Governor no later than January 1, 2014, concerning:

9 a. the effectiveness of the project,

10 b. the results found when using applied behavioral
11 analysis with a parental training component to treat
12 children with autism, and

13 c. any other findings and recommendations resulting from
14 the project.

15 5. The Department shall promulgate rules to implement the
16 provisions of this subsection.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-280.3 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 The Oklahoma State Regents for Higher Education shall establish
21 a program modeled after Early Foundations, an outreach program that
22 provides early intensive behavioral intervention for children with
23 autism. The program shall be established in a county selected by
24 the State Regents where an Early Foundations program does not exist.

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SECTION 5. This act shall become effective November 1, 2009.

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