

1 | ENGROSSED HOUSE  
2 | BILL NO. 2027

By: Steele, Sullivan, McDaniel  
(Randy), Brown, Faught,  
Reynolds, Ownbey,  
Wesselhoft, Jones, Terrill,  
McNiel, Nelson, Walker,  
Martin (Steve), Sears,  
Martin (Scott), McDaniel  
(Jeannie), Cooksey and  
Bailey of the House

and

Justice of the Senate

( autism - directing funds - codification -  
effective date )

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

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

20 | A. As used in this act:

21 | 1. a. "Applied behavior analysis" means the design,  
22 | implementation, and evaluation of instructional and  
23 | environmental modifications to produce socially  
24 | significant improvements in human behavior through

1 skill, acquisition, and the reduction of problematic  
2 behavior. An applied behavior analysis program shall:

- 3 (1) be based on empirical research including the  
4 direct observation and measurement of behavior as  
5 well as a functional behavioral assessment, and  
6 (2) utilize antecedent stimuli, positive  
7 reinforcement, and other consequences to produce  
8 behavior change.

9 b. "Applied behavior analysis" does not include cognitive  
10 therapies or psychological testing, neuropsychology,  
11 psychotherapy, sex therapy, psychoanalysis,  
12 hypnotherapy, and long-term counseling as treatment  
13 modalities;

14 2. "Board" means the national Behavior Analyst Certification  
15 Board;

16 3. "Licensed Assistant Behavior Analyst" means an individual  
17 who is certified by the national Behavior Analyst Certification  
18 Board as a Board Certified Assistant Behavior Analyst; and

19 4. "Licensed Behavior Analyst" means an individual who is  
20 certified by the national Behavior Analyst Certification Board as a  
21 Board Certified Behavior Analyst.

22 B. Each person wishing to practice as a Licensed Behavior  
23 Analyst or a Licensed Assistant Behavior Analyst shall apply to the  
24 Developmental Disabilities Services Division of the Department of

1 Human Services using a form and in a manner prescribed by the  
2 Division and shall furnish evidence satisfactory to the Division  
3 that such person:

4 1. Is of good moral character;

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

6 3. Has passed the examination and is certified as a Board  
7 Certified Behavior Analyst or a Board Certified Assistant Behavior  
8 Analyst, as applicable;

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

16 5. Has at least the minimum graduate or undergraduate degree,  
17 appropriate for the level of certification, from an accredited  
18 institution of higher learning in a qualifying field of study, as  
19 determined by the Board.

20 C. A person holding a license shall apply for renewal of the  
21 license on or before April 30 of each odd-numbered year. The  
22 application shall be accompanied by a renewal fee to be set by the  
23 Division in accordance with paragraph 3 of subsection F of this  
24 section.

1 D. A person licensed under this section shall:

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

4 2. Conduct professional activities in accordance with accepted  
5 standards such as the Guidelines for Responsible Conduct and  
6 Professional Disciplinary Standards of the Board.

7 E. 1. No person shall claim the title of Licensed Behavior  
8 Analyst or Licensed Assistant Behavior Analyst unless that person  
9 meets the applicable requirements in this section. No person shall  
10 practice applied behavior analysis without obtaining a license in  
11 accordance with this section.

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

16 F. The Division shall:

17 1. Investigate all complaints relating to:

18 a. the practice of applied behavior analysis by any  
19 person licensed as a behavior analyst or assistant  
20 behavior analyst, or

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

22 2. Refer any substantiated complaints to the Board; and

23 3. Charge reasonable fees for licenses, not to exceed One  
24 Hundred Dollars (\$100.00).

1 G. The Department shall promulgate rules to implement the  
2 provisions of this section.

3 H. A person having a qualifying degree, as provided for in  
4 paragraph 5 of subsection B of this section, and participating in  
5 the applied behavioral analysis treatment pilot project established  
6 in Section 3 of this act shall be exempted from the requirement to  
7 obtain a license while such person is actively participating in the  
8 project.

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

12 A. Funds shall be used by the State Department of Education for  
13 specialized training for direct service providers in the Sooner  
14 Start program to acquire skills necessary to treat children with  
15 autism spectrum disorders.

16 B. The State Department of Health is authorized to contract  
17 with independent third-party providers for services offered by the  
18 Sooner Start program.

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

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

3 B. 1. The Developmental Disabilities Services Division of the  
4 Department of Human Services shall establish an applied behavioral  
5 analysis treatment pilot project. The Division shall secure federal  
6 matching dollars to implement and maintain the project.

7 2. The project shall:

8 a. provide three Board Certified Behavioral Analysts to  
9 measure functional outcomes of children with autism,  
10 who are approved by the Division to participate in the  
11 project, and study the effects of applied behavioral  
12 analysis in a consultative model that includes a  
13 parental training component, and

14 b. require the participating analysts to provide the  
15 necessary supervision to assist graduates seeking to  
16 practice in the field of applied behavioral analysis  
17 in this state in achieving board certification.

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

20 4. The Division shall submit a report to the Legislature and  
21 the Governor no later than January 1, 2014, concerning:

22 a. the effectiveness of the project,

23 b. the results found when using applied behavioral  
24 analysis in a consultative model that includes a

1 parental training component to measure functional  
2 outcomes of children with autism, and

3 c. any other findings and recommendations resulting from  
4 the project.

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

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

10 The University Hospitals Authority shall establish a program  
11 modeled after Early Foundations, an outreach program that provides  
12 early intensive behavioral intervention for children with autism.  
13 The program shall be established in a county selected by the  
14 University Hospitals Authority where an Early Foundations program  
15 does not exist.

16 SECTION 5. This act shall become effective November 1, 2009.  
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1 Passed the House of Representatives the 12th day of February,  
2 2009.

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5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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