

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2027
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kris Steele

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2027

By: Steele, Sullivan and
McDaniel (Randy)

6
7 FLOOR 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 master's or doctoral degree from an accredited
23 institution of higher learning in a qualifying field of study, as
24 determined by the Division.

1 C. A person holding a license shall apply for renewal of the
2 license on or before April 30 of each odd-numbered year. The
3 application shall be accompanied by a renewal fee to be set by the
4 Division in accordance with paragraph 3 of subsection G of this
5 section.

6 D. A person licensed under this section shall:

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

9 2. Conduct professional activities in accordance with accepted
10 standards such as the Guidelines for Responsible Conduct and
11 Professional Disciplinary Standards of the Board.

12 E. 1. No person shall claim the title of Licensed Behavior
13 Analyst or Licensed Assistant Behavior Analyst unless that person
14 meets the applicable requirements in this section. No person shall
15 practice applied behavior analysis without obtaining a license in
16 accordance with this section.

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

21 F. The Division shall:

22 1. Investigate all complaints relating to:
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1 a. the practice of applied behavior analysis by any
2 person licensed as a behavior analyst or assistant
3 behavior analyst, or

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

5 2. Refer any substantiated complaints to the Board;

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

8 4. Promulgate rules to implement the provisions of this
9 section.

10 G. A person having a qualifying degree, as provided for in
11 paragraph 5 of subsection B of this section, and participating in
12 the pilot project established in Section 3 of this act shall be
13 exempted from the requirement to obtain a license while such person
14 is actively participating in the project.

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

18 A. Funds shall be used by the State Department of Health for
19 specialized training for providers in the Sooner Start program to
20 acquire skills necessary to treat children with autism spectrum
21 disorders.

22 B. The Department is authorized to contract with independent
23 third-party providers for services offered by the Sooner Start
24 program.

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

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

8 B. 1. The Developmental Disabilities Services Division of the
9 Department of Human Services shall establish an applied behavioral
10 analysis research pilot project. The Department shall secure
11 federal matching dollars to implement and maintain the project.

12 2. The project shall:

13 a. require three Board Certified Behavioral Analysts to
14 treat children with autism, who are approved by the
15 Division to participate in the project, in order to
16 determine the effects of applied behavioral analysis
17 with a parental training component, and

18 b. require the analysts to provide the necessary
19 supervision to assist graduates seeking to practice in
20 the field of applied behavioral analysis in this state
21 in achieving board certification.

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

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

- 3 a. the effectiveness of the project,
- 4 b. the results found when using applied behavioral
5 analysis with a parental training component to treat
6 children with autism, and
- 7 c. any other findings and recommendations resulting from
8 the project.

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

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

14 The Oklahoma State Regents for Higher Education shall establish
15 a program modeled after Early Foundations, an outreach program that
16 provides early intensive behavioral intervention for children with
17 autism. The program shall be established in a county selected by
18 the State Regents where an Early Foundations program does not exist.

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