

THE HOUSE OF REPRESENTATIVES
Monday, February 9, 2009

Committee Substitute for
House Bill No. 2027

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2027 - By: STEELE, SULLIVAN AND MCDANIEL (RANDY) of the House.

An Act relating to autism; defining terms; providing for the licensing of certain persons; stating qualifications; providing for reciprocity; providing for renewal; stating duties of licensee; prohibiting certain act; providing penalties; stating duties of the Developmental Disabilities Services Division of the Department of Human Services; providing for the promulgation of rules; exempting certain persons; directing funds to be used for certain purpose; authorizing the State Department of Health to contract with third parties for certain services; directing funds for certain evaluation training; providing for a behavioral analysis research pilot project; stating requirements; requiring commencement of project by certain date; limiting duration of project; providing for certain report to the 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:

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 1928 of Title 59, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. As used in this act:
- 5 1. a. “Applied behavior analysis” means the design, implementation, and
6 evaluation of instructional and environmental modifications to produce
7 socially significant improvements in human behavior through skill,

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

3 (1) be based on empirical research including the direct observation
4 and measurement of behavior as well as a functional behavioral
5 assessment, and

6 (2) utilize antecedent stimuli, positive reinforcement, and other
7 consequences to produce behavior change.

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

12 2. “Board” means the National Behavior Analyst Certification Board;

13 3. “Licensed Assistant Behavior Analyst” means an individual who is certified by
14 the National Behavior Analyst Certification Board as a Board Certified Assistant
15 Behavior Analyst; and

16 4. “Licensed Behavior Analyst” means an individual who is certified by the
17 National Behavior Analyst Certification Board as a Board Certified Behavior Analyst.

18 B. Each person wishing to practice as a Licensed Behavior Analyst or a Licensed
19 Assistant Behavior Analyst shall apply to the Developmental Disabilities Services
20 Division of the Department of Human Services using a form and in a manner prescribed
21 by the Division and shall furnish evidence satisfactory to the Division that such person:
22 1. Is of good moral character;

- 1 2. Is at least twenty-one (21) years of age;
- 2 3. Has passed the examination and received certification as a Board Certified
- 3 Behavior Analyst or a Board Certified Assistant Behavior Analyst, as applicable;
- 4 4. Has not had a professional license or certification refused, revoked, suspended,
- 5 or restricted and does not have a complaint, allegation, or investigation pending in any
- 6 regulatory jurisdiction in the United States or in another country for reasons that relate
- 7 to unprofessional conduct unless the Division finds, to its satisfaction, that the conduct
- 8 has been corrected or that mitigating circumstances exist that prevent its resolution; and
- 9 5. Has a graduate, master's, or doctoral degree from an accredited institution of
- 10 higher learning in a qualifying field of study, as determined by the Division.
- 11 C. The Division may issue a license to a person who is licensed or certified by
- 12 another state regulatory agency at an equivalent or higher practice level as determined
- 13 by the Division if the person:
- 14 1. Documents to the satisfaction of the Division proof of initial licensure or
- 15 certification; and
- 16 2. Shows proof that the license or certificate is current and in good standing.
- 17 D. A person holding a license shall apply for renewal of the license on or before
- 18 April 30 of each odd-numbered year. The application shall be accompanied by a renewal
- 19 fee to be set by the Division in accordance with paragraph 3 of subsection G of this
- 20 section.
- 21 E. A person licensed under this section shall:

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

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

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

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

13 G. The Division shall:

14 1. Investigate all complaints relating to:

15 a. the practice of applied behavior analysis by any person licensed as a
16 behavior analyst or assistant behavior analyst, or

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

18 2. Refer any substantiated complaints to the Board;

19 3. Charge reasonable fees for licenses, not to exceed One Hundred Dollars
20 (\$100.00); and

21 4. Promulgate rules to implement the provisions of this section.

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

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

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

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

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

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

19 B. 1. The Developmental Disabilities Services Division of the Department of
20 Human Services shall establish an applied behavioral analysis research pilot project.
21 The Department shall secure federal matching dollars to implement and maintain the
22 project.

- 1 2. The project shall:
- 2 a. require three Board Certified Behavioral Analysts to treat children
- 3 with autism, who are approved by the Division to participate in the
- 4 project, in order to determine the effects of applied behavioral analysis
- 5 with a parental training component, and
- 6 b. require the analysts to provide the necessary supervision to assist
- 7 graduates seeking to practice in the field of applied behavioral analysis
- 8 in this state in achieving board certification.
- 9 3. The project shall commence no later than January 1, 2011, and end no later than
- 10 three (3) years from the date of commencement.
- 11 4. The Department shall submit a report to the Legislature and the Governor no
- 12 later than January 1, 2014, concerning:
- 13 a. the effectiveness of the project,
- 14 b. the results found when using applied behavioral analysis with a
- 15 parental training component to treat children with autism, and
- 16 c. any other findings and recommendations resulting from the project.
- 17 5. The Department shall promulgate rules to implement the provisions of this
- 18 subsection.

19 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma

20 Statutes as Section 1-280.3 of Title 63, unless there is created a duplication in

21 numbering, reads as follows:

1 The Oklahoma State Regents for Higher Education shall establish a program
2 modeled after Early Foundations, an outreach program that provides early intensive
3 behavioral intervention for children with autism. The program shall be established in a
4 county selected by the State Regents where an Early Foundations program does not
5 exist.

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

7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND ECONOMIC
8 DEVELOPMENT, dated 02-05-09 - DO PASS, As Amended and Coauthored.