

EHB 2027

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 2027

As Amended

ENGROSSED HOUSE BILL NO. 2027 - By: Steele, Sullivan, McDaniel (Randy), Brown, Faught, Reynolds, Ownbey, Wesselhoft, Jones, Terrill, Mc Niel, Nelson, Walker, Martin (Steve), Sears, Martin (Scott), McDaniel (Jeannie), Cooksey, Bailey, Renegar and Shelton of the House and Justice of the Senate.

[autism - directing funds - codification - 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:

A. As used in this act:

- 1. a. "Applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior through skill, acquisition, and the reduction of problematic behavior. An applied behavior analysis program shall:
 - (1) be based on empirical research including the direct observation and measurement of behavior as well as a functional behavioral assessment, and

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

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

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

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

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

21 D. A person licensed under this section shall:

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

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

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

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

13 F. The Division shall:

14 1. Investigate all complaints relating to:

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

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

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

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

22 G. The Department shall promulgate rules to implement the
23 provisions of this section.

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

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

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

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

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

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

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

5 2. The project shall:

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

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

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

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

20 a. the effectiveness of the project,

21 b. the results found when using applied behavioral
22 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. AMENDATORY Section 1, Chapter 399, O.S.L.
17 2008 (70 O.S. Supp. 2008, Section 3520), is amended to read as
18 follows:

19 Section 3520. A. The Oklahoma State Legislature requests the
20 Regional University System of Oklahoma to establish a comprehensive
21 autism training program with operations at the University of Central
22 Oklahoma. The comprehensive autism training program should provide
23 statewide leadership in the training of post-graduate and post-

1 baccalaureate behavior therapists to deliver research-based
2 intervention services to children with autistic spectrum disorders.
3 Such program will meet national standards and qualify candidates
4 upon completion of the training program to take the national
5 certification exam.

6 B. It is the intent of the Legislature that the Oklahoma State
7 Regents for Higher Education provide funding for such comprehensive
8 autism training program at the same level that the State Department
9 of Education provides for the early intervention program.

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

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
12 3-26-09 - DO PASS, As Amended and Coauthored.