

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2027

By: Steele

4
5 AS INTRODUCED

6 An Act relating to autism; defining terms; providing
7 for the licensing of certain persons; stating
8 qualifications; providing for reciprocity; providing
9 for renewal; stating duties of licensee; prohibiting
10 certain act; providing penalty; stating duties of the
11 State Department of Health; providing for the
12 promulgation of rules; exempting certain persons;
13 directing funds to be used for certain purpose;
14 authorizing the State Department of Health to
15 contract with third parties for certain services;
16 directing funds for certain evaluation training;
17 providing for a behavioral analysis research pilot
18 project; stating requirements; directing the State
19 Department of Health to establish certain program;
20 stating certain condition for location; providing for
21 codification; and providing an effective date.

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

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

30 A. As used in this act:

- 31 1. a. "Applied behavior analysis" means the design,
32 implementation, and evaluation of instructional and
33 environmental modifications to produce socially
34 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 State Department of Health using a form and in a manner prescribed

1 by the State Commissioner of Health and shall furnish evidence
2 satisfactory to the Department that such person:

3 1. Is of good moral character;

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

5 3. Has passed the examination and received certification as a
6 Board Certified Behavior Analyst or a Board Certified Assistant
7 Behavior Analyst, as applicable;

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

15 5. Has a graduate, master's, or doctoral degree from an
16 accredited institution of higher learning in a qualifying field of
17 study, as determined by the Commissioner.

18 C. The Department may issue a license to a person who is
19 licensed or certified by another state regulatory agency at an
20 equivalent or higher practice level as determined by the Department
21 if the person:

22 1. Documents to the satisfaction of the Department proof of
23 initial licensure or certification; and

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1 2. Proof that the license or certificate is current and in good
2 standing.

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

8 E. A person licensed under this section shall:

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

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

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

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

23 G. The State Department of Health shall:
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1 1. Investigate all complaints relating to the practice of
2 applied behavior analysis by any person licensed as a behavior
3 analyst or assistant behavior analyst or any person alleged to be
4 practicing without a license;

5 2. Refer any substantiated complaints to the Department;

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 H. Those 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 actively
14 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 provided 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 State Department of Health for
5 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 Department shall establish an applied behavioral
9 analysis research pilot project. The project shall:

10 a. require three Board certified behavioral analysts to
11 treat children with autism, who are approved by the
12 Department to participate in the project, in order to
13 determine the effects of applied behavioral analysis
14 with a parental training component, and

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

19 2. The Department shall promulgate rules to implement the
20 provisions of this subsection.

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

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

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

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