

1 **SENATE FLOOR VERSION**

2 February 16, 2026

3 **AS AMENDED**

4 SENATE BILL NO. 1557

5 By: Rosino of the Senate

6 and

7 Newton of the House

8 An Act relating to applied behavior analysis;
9 amending 59 O.S. 2021, Section 1928, which relates to
10 licensing of behavior analysts; modifying
11 definitions; transferring certain powers and duties
12 from the Department of Human Services to the State
13 Board of **Examiners of Psychologists**; granting certain
14 additional power to the Board; requiring a national
15 criminal history record check for applicants;
16 prohibiting certain dissemination of information;
17 updating statutory language and references; modifying
18 certain fee limit; and providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1928, is
21 amended to read as follows:

22 Section 1928. A. As used in this ~~act~~ section and Sections 1-
23 280.1, 1-280.2, and 1-280.3 of Title 63 of the Oklahoma Statutes:

- 24 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

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 behavior 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 ~~nationally accredited Behavior Analyst~~
15 ~~Certification Board~~ State Board of **Examiners of Psychologists**;

16 3. "Certified 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 certified
19 by the State Board of **Examiners of Psychologists**;

20 4. "Human services professional" means an individual licensed
21 or certified by the state as one of the following:

22 a. a licensed physical therapist or physical therapist
23 assistant pursuant to Sections 887.1 through ~~887.18~~

1 887.19 of ~~Title 59 of the Oklahoma Statutes~~ this
2 title,

3 b. an occupational therapist, occupational therapy
4 assistant, or occupational therapy aide pursuant to
5 Sections 888.1 through 888.15 of ~~Title 59 of the~~
6 ~~Oklahoma Statutes~~ this title,

7 c. a licensed clinical social worker, licensed masters
8 social worker, or social work associate pursuant to
9 Sections 1250 through 1273 of ~~Title 59 of the Oklahoma~~
10 ~~Statutes~~ this title,

11 d. a psychologist or health service psychologist pursuant
12 to Sections 1351 through 1376 of ~~Title 59 of the~~
13 ~~Oklahoma Statutes~~ this title,

14 e. a licensed speech pathologist, licensed audiologist,
15 speech-language pathologist or audiologist pursuant to
16 Sections 1601 through 1622 of ~~Title 59 of the Oklahoma~~
17 ~~Statutes~~ this title,

18 f. a licensed professional counselor or licensed
19 professional counselor candidate pursuant to Sections
20 1901 through 1920 of ~~Title 59 of the Oklahoma Statutes~~
21 this title,

22 g. a licensed marital and family therapist or licensed
23 marital and family therapist candidate pursuant to
24

1 Sections 1925.1 through 1925.18 of ~~Title 59 of the~~
2 ~~Oklahoma Statutes~~ this title, or

3 h. a licensed behavioral practitioner or licensed
4 behavioral practitioner candidate pursuant to Sections
5 1930 through 1949.1 of ~~Title 59 of the Oklahoma~~
6 ~~Statutes~~ this title;

7 4. ~~"Certified assistant behavior analyst" means an individual~~
8 ~~who is certified by the nationally accredited Behavior Analyst~~
9 ~~Certification Board as a Board-Certified Assistant Behavior Analyst~~
10 ~~and certified by the Developmental Disabilities Services Division of~~
11 ~~the Department of Human Services;~~

12 5. "Licensed behavior analyst" means an individual who is
13 certified by the ~~nationally accredited~~ national Behavior Analyst
14 Certification Board as a ~~Board-Certified~~ Board Certified Behavior
15 Analyst and licensed by the ~~Developmental Disabilities Services~~
16 ~~Division of the Department~~ State Board of **Examiners of**
17 **Psychologists**; and

18 6. "Supervisee" means a person who acts under the extended
19 authority of a licensed behavior analyst to provide applied behavior
20 analysis services or a person who is in training to provide such
21 services.

22 B. Each person wishing to practice as a licensed behavior
23 analyst or a certified assistant behavior analyst shall apply to the
24 ~~Developmental Disabilities Services Division of the Department of~~

1 ~~Human Services~~ State Board of **Examiners of Psychologists** using a
2 form and in a manner prescribed by the ~~Division~~ Board and shall
3 furnish evidence satisfactory to the ~~Division~~ Board that such
4 person:

5 1. Is of good moral character;

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

7 3. Has passed the ~~Board~~ applicable examination and is certified
8 by the national Behavior Analyst Certification Board as a ~~Board-~~
9 ~~Certified~~ Board Certified Behavior Analyst or a ~~Board-Certified~~
10 Board Certified Assistant Behavior Analyst, as applicable;

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

19 5. Has at least the minimum graduate or undergraduate degree,
20 appropriate for the level of certification, from an accredited
21 institution of higher learning in a qualifying field of study, as
22 determined by the national Behavior Analyst Certification Board.

23 C. The State Board of **Examiners of Psychologists** shall have
24 exclusive power and authority to determine the qualifications and

1 fitness of all applicants for admission to practice as a licensed
2 behavior analyst or certified assistant behavior analyst in this
3 state. The Board shall require that each applicant submit to a
4 national criminal history record check as defined in Section 150.9
5 of Title 74 of the Oklahoma Statutes. The Board shall not
6 disseminate criminal history record information resulting from the
7 record check.

8 D. A person holding a state license or state certification
9 shall apply for renewal of the state license or state certification
10 on or before April 30 of each odd-numbered year. The application
11 shall be accompanied by a renewal fee to be set by the ~~Division~~
12 State Board of **Examiners of Psychologists** in accordance with
13 paragraph 3 of subsection ~~F~~ G of this section.

14 ~~D.~~ E. A person licensed or certified by the ~~Developmental~~
15 ~~Disabilities Services Division of the Department~~ Board under this
16 section shall:

17 1. Maintain active status and fulfill all requirements for
18 renewal of ~~national~~ certification or recertification ~~with~~ by the
19 national Behavior Analyst Certification Board; and

20 2. Conduct professional activities in accordance with accepted
21 standards such as the ~~Guidelines for Responsible Conduct and~~
22 ~~Professional Disciplinary Standards~~ Ethics Code for Behavior
23 Analysts of the national Behavior Analyst Certification Board.

24

1 ~~E.~~ F. 1. No person shall claim the title of licensed behavior
2 analyst or certified assistant behavior analyst unless that person
3 meets the applicable requirements in this section. No person shall
4 practice applied behavior analysis without obtaining a license or
5 certification in accordance with this section. Supervisees may only
6 provide applied behavior analysis under the supervision of a
7 licensed behavior analyst. This section shall not restrict the
8 practice of applied behavior analysis by human services
9 professionals, provided such individuals are working within the
10 scope of their professions and the practice of applied behavior
11 analysis is commensurate with their level of training and
12 experience.

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

18 ~~F.~~ G. The ~~Division~~ State Board of **Examiners of Psychologists**
19 shall:

- 20 1. Investigate all complaints relating to:
- 21 a. the practice or supervision of applied behavior
22 analysis by any person licensed by the ~~Developmental~~
23 ~~Disabilities Services Division of the Department~~ Board

24

1 as a behavior analyst or certified by the ~~Division~~
2 Board as an assistant behavior analyst, or

3 b. any person alleged to be practicing or providing
4 supervision without a state license or state
5 certification;

6 2. Refer any substantiated complaints to the national Behavior
7 Analyst Certification Board; and

8 3. Charge reasonable fees for issuance or renewal of a license
9 or ~~for certification, not to exceed One Hundred Dollars (\$100.00) in~~ an amount sufficient to cover the cost and expense incurred by the
10 State Board of **Examiners of Psychologists** for such issuance or
11 renewal.

13 ~~G. H.~~ 1. A person having a qualifying degree, as provided for
14 in paragraph 5 of subsection B of this section, and participating in
15 the applied behavior analysis treatment pilot project established in
16 ~~Section 3 of this act~~ Section 1-280.2 of Title 63 of the Oklahoma
17 Statutes shall be exempt from the requirements of this section while
18 such person is actively participating in the project.

19 2. Persons employed by a school district in this state who
20 provide services solely to the school district under the Individuals
21 with Disabilities Education Act (IDEA), 20 U.S.C., Section 1400 et
22 seq., shall be exempt from the requirements of this section.

23 ~~H. I.~~ The ~~Department~~ State Board of **Examiners of Psychologists**
24 shall promulgate rules to implement the provisions of this section.

1 SECTION 2. This act shall become effective November 1, 2026.

2 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
3 February 16, 2026 - DO PASS AS AMENDED
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