

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1557

By: Rosino

AS INTRODUCED

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

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

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

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

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 Osteopathic Examiners;

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 Osteopathic Examiners;

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

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

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

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

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

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

B. Each person wishing to practice as a licensed behavior  
analyst or a certified assistant behavior analyst shall apply to the  
~~Developmental Disabilities Services Division of the Department of~~  
~~Human Services~~ State Board of Osteopathic Examiners using a form and

1 in a manner prescribed by the ~~Division~~ Board and shall furnish  
2 evidence satisfactory to the ~~Division~~ Board 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 ~~Board~~ applicable examination and is certified  
6 by the national Behavior Analyst Certification Board as a ~~Board-~~  
7 ~~Certified~~ Board Certified Behavior Analyst or a ~~Board-Certified~~  
8 Board Certified Assistant Behavior Analyst, as applicable;

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

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

21 C. The State Board of Osteopathic Examiners shall have  
22 exclusive power and authority to determine the qualifications and  
23 fitness of all applicants for admission to practice as a licensed  
24 behavior analyst or certified assistant behavior analyst in this

1 state. The Board shall require that each applicant submit to a  
2 national criminal history record check as defined in Section 150.9  
3 of Title 74 of the Oklahoma Statutes. The Board shall not  
4 disseminate criminal history record information resulting from the  
5 record check.

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

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

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

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

22 ~~E.~~ F. 1. No person shall claim the title of licensed behavior  
23 analyst or certified assistant behavior analyst unless that person  
24 meets the applicable requirements in this section. No person shall

1 practice applied behavior analysis without obtaining a license or  
2 certification in accordance with this section. Supervisees may only  
3 provide applied behavior analysis under the supervision of a  
4 licensed behavior analyst. This section shall not restrict the  
5 practice of applied behavior analysis by human services  
6 professionals, provided such individuals are working within the  
7 scope of their professions and the practice of applied behavior  
8 analysis is commensurate with their level of training and  
9 experience.

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

15 ~~F. G.~~ The ~~Division~~ State Board of Osteopathic Examiners shall:

16 1. Investigate all complaints relating to:

- 17 a. the practice or supervision of applied behavior  
18 analysis by any person licensed by the ~~Developmental~~  
19 ~~Disabilities Services Division of the Department~~ Board  
20 as a behavior analyst or certified by the ~~Division~~  
21 Board as an assistant behavior analyst, or  
22 b. any person alleged to be practicing or providing  
23 supervision without a state license or state  
24 certification;

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

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

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

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

17        ~~H. I.~~ The ~~Department~~ State Board of Osteopathic Examiners shall  
18 promulgate rules to implement the provisions of this section.

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