

1 SB560
2 140717-1
3 By Senator Ward
4 RFD: Health
5 First Read: 24-APR-12

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8 SYNOPSIS: Under existing law, behavior analysts are
9 not licensed or regulated in the state.

10 This bill would establish the Alabama
11 Behavior Analyst Licensing Board and provide for
12 the powers and duties of the licensing board.

13 This bill would define the practice of
14 behavior analysis and would provide for the
15 qualifications of and licensing of behavior
16 analysts and assistant behavior analysts.

17 This bill would also provide for reciprocity
18 and would subject the licensing board to review
19 under the Alabama Sunset Law.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Relating to behavior analysts; to establish the
26 Alabama Behavior Analyst Licensing Board; to provide for the

1 powers and duties of the licensing board; to define the
2 practice of behavior analysis; to provide for the
3 qualifications of and licensing of behavior analysts and
4 assistant behavior analysts; to provide for reciprocity; and
5 to subject the licensing board to review under the Alabama
6 Sunset Law.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. The practice of applied behavior analysis
9 in Alabama is declared to affect the public health, safety,
10 and welfare and to be subject to regulation to protect the
11 public from the practice of applied behavior analysis by
12 unqualified persons and from unprofessional conduct by persons
13 licensed to practice applied behavior analysis.

14 Section 2. (1) CERTIFYING BOARD. The nationally
15 accredited Behavior Analyst Certification Board, or its
16 successor.

17 (2) LICENSED ASSISTANT BEHAVIOR ANALYST. An
18 individual who is certified by the certifying board as an
19 assistant behavior analyst and satisfies the criteria
20 specified in this act. A licensed assistant behavior analysts
21 is required to work under the supervision of a licensed
22 behavior analyst.

23 (3) LICENSED BEHAVIOR ANALYST. An individual who is
24 certified by the certifying board as a behavior analyst and
25 satisfies the criteria specified in this act.

1 (4) LICENSING BOARD. The Alabama Behavior Analyst
2 Licensing Board.

3 (5) PRACTICE OF BEHAVIOR ANALYSIS. The design,
4 implementation, and evaluation of instructional and
5 environmental modifications by a behavior analyst to produce
6 socially significant improvements in human behavior. The
7 practice of behavior analysis includes the empirical
8 identification of functional relations between behavior and
9 environmental factors, known as functional assessment and
10 analysis. Applied behavior analysis interventions are based on
11 scientific research and the direct observation and measurement
12 of behavior and environment. They utilize contextual factors,
13 establishing operations, antecedent stimuli, positive
14 reinforcement, and other consequences to help people develop
15 new behaviors, increase or decrease existing behaviors, and
16 emit behaviors under specific environmental conditions. The
17 practice of behavior analysis expressly excludes psychological
18 testing, neuropsychology, psychotherapy, cognitive therapy,
19 sex therapy, psychoanalysis, hypnotherapy, and long-term
20 counseling as treatment modalities.

21 Section 3. (a) Each person desiring to obtain a
22 license as a licensed behavior analyst shall make application
23 to the licensing board upon such form and in such manner as
24 the licensing board shall prescribe and shall furnish evidence
25 to the licensing board that the person satisfies all of the
26 following qualifications:

1 (1) Is of good moral character.

2 (2) Has passed the examination and is certified as a
3 board certified behavior analyst by the certifying board.

4 (3) Maintains active status and fulfills all
5 requirements for renewal and recertification with the
6 certifying board as a board certified behavior analyst.

7 (4) Conducts his or her professional activities in
8 accordance with accepted standards, including the Guidelines
9 for Responsible Conduct for Behavior Analysts and the
10 professional disciplinary and ethical standards of the
11 certifying board.

12 (5) Has not been subject to disciplinary suspension
13 or revocation by the certifying board for violation of the
14 professional disciplinary and ethical standards.

15 (b) Each person desiring to obtain a license as a
16 licensed assistant behavior analyst shall make application to
17 the licensing board upon such form and in such manner as the
18 licensing board shall prescribe and shall furnish evidence to
19 the licensing board that the person:

20 (1) Is of good moral character.

21 (2) Has passed the examination and is certified as a
22 board certified assistant behavior analyst by the certifying
23 board.

24 (3) Maintains active status and fulfills all
25 requirements for renewal and recertification with the

1 certifying board as a board certified assistant behavior
2 analyst.

3 (4) Conducts his or her professional activities in
4 accordance with accepted standards, including the Guidelines
5 for Responsible Conduct and the professional disciplinary and
6 ethical standards of the certifying board.

7 (5) Has not been subject to disciplinary suspension
8 or revocation by the certifying board for violation of the
9 professional disciplinary and ethical standards.

10 (6) Is supervised by a licensed behavior analyst in
11 a manner consistent with the requirements of the certifying
12 board for supervision of board certified assistant behavior
13 analysts.

14 Section 4. (a) No person shall hold himself or
15 herself out to be a licensed behavior analyst or a licensed
16 assistant behavior analyst unless he or she is certified by
17 the certifying board and satisfies the applicable requirements
18 of this section. Violation of this subsection shall be
19 punishable by a fine of not more than two hundred fifty
20 dollars (\$250) or by the suspension or loss of any license
21 held by the violator, or both.

22 (b) No person shall practice applied behavior
23 analysis unless he or she is certified by the certifying board
24 or is a licensed behavior analyst or a licensed assistant
25 behavior analyst working under the supervision of a licensed
26 behavior analyst. Violation of this subsection shall be

1 punishable by a fine of not more than two hundred fifty
2 dollars (\$250) or by the suspension or loss of any license
3 held by the violator, or both.

4 (c) This section may not be construed as prohibiting
5 or restricting the practice of any of the following:

6 (1) An applied behavior analysis direct contact
7 therapist acting only under the extended authority and
8 direction of a licensed behavior analyst or a licensed
9 assistant behavior analyst to provide applied behavior
10 analysis services.

11 (2) A licensed professional who is not a behavior
12 analyst, so long as the licensed professional does not
13 represent that he or she is a behavior analyst or qualified to
14 provide applied behavior analysis, and so long as the services
15 of the licensed professional are specified within the scope of
16 practice of the licensing law governing the licensed
17 professional and the services performed are commensurate with
18 the formal university training and supervised experience of
19 the licensed professional.

20 Section 5. (a) The Alabama Behavior Analyst
21 Licensing Board is created.

22 (b) The licensing board shall consist of three
23 licensed behavior analysts, one licensed assistant behavior
24 analyst, and one consumer representative holding neither
25 license, all appointed by the Governor, and who are free from
26 conflicts of interest in performing the duties of the

1 licensing board. The membership of the licensing board shall
2 be inclusive and reflect the racial, gender, geographic,
3 urban/rural, and economic diversity of the state.

4 (c) The licensing board may license as licensed
5 behavior analysts and licensed assistant behavior analysts
6 those persons who satisfy the requirements for licensure as
7 specified in Section 3, and may charge reasonable fees for
8 licenses.

9 (d) The licensing board may promulgate, develop, and
10 enforce disciplinary rules and regulations adopted pursuant to
11 the Alabama Administrative Procedure Act, and may coordinate
12 investigations with the process used by the certifying board
13 for investigating alleged violations of the professional
14 disciplinary and ethical standards of the certifying board.

15 Section 6. The licensing board shall issue a license
16 to any person who satisfies all of the following:

17 (1) Holds a valid behavior analyst license from
18 another state.

19 (2) Is currently certified by the certifying board.

20 (3) Satisfies the requirements specified in this act
21 and any licensing requirements contained in administrative
22 rules promulgated by the licensing board.

23 (4) Has no imposed or pending disciplinary action.

24 Section 7. The licensing board shall be subject to
25 the Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama
26 1975, as an enumerated agency as provided in Section 41-20-3,

1 Code of Alabama 1975, and shall have a termination date of
2 October 1, 2015, and every four years thereafter, unless
3 continued pursuant to the Alabama Sunset Law.

4 Section 8. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.