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E. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Department of Health and Hospitals, as provided in R.S. 36:803:

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(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)

Section 2. Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3701 through 3717 is hereby enacted to read as follows:

CHAPTER 60. BEHAVIOR ANALYSTS

§3701. Short title

This Part shall be known and may be cited as the "Behavior Analyst Practice Act".

§3702. Definitions

As used in this Part the following words, terms, and phrases have the following meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1) "Applied behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications by a behavior analyst, to produce socially significant improvements in behavior.

(2) "Assistant behavior analyst", "state certified assistant behavior analyst", or "SCABA" means an individual who by training, experience, and examination meets the requirements for certification by the board and is duly certified to engage in the practice of behavior analysis under the supervision of a licensed behavior analyst.

(3) "Behavior analyst", "licensed behavior analyst" or "LBA" means an individual who by training, experience, and examination meets the requirements for licensing by the board and is duly licensed to independently practice behavior analysis in the state of Louisiana. The distinction of a licensed behavior analyst or LBA is separate and apart from any other licensed

1 **individuals, including but not limited to psychologists.**

2 **(4) "Board" means the Louisiana Behavior Analyst Board.**

3 **(5) "Line technician" or "registered line technician" means an individual**
4 **who works directly with the patient to implement applied behavior analysis**
5 **services under the direction and supervision of a licensed behavior analyst and**
6 **is registered as required in this Chapter.**

7 **(6) "Scope of practice of behavior analysis" includes the empirical**
8 **identification of functional relations between behavior and environments. It**
9 **uses direct observation and measurement of behavior and environment, the**
10 **empirical identification of functional relations between behavior and**
11 **environmental factors, known as functional assessment and analysis. Applied**
12 **behavior analysis interventions are based on scientific research and the direct**
13 **observation and measurement of behavior and environment. They utilize**
14 **contextual factors, establishing operations, antecedent stimuli, positive**
15 **reinforcement, and other consequences to help people develop new behaviors,**
16 **increase or decrease existing behaviors, and emit behaviors under specific**
17 **environmental conditions. The practice of behavior analysis expressly excludes**
18 **psychological testing, neuropsychology, cognitive therapy, diagnosis of**
19 **psychiatric conditions, psychotherapy, sex therapy, psychoanalysis,**
20 **hypnotherapy, and counseling as treatment modalities or academic teaching by**
21 **college or university staff.**

22 **§3703. Louisiana Behavior Analyst Board**

23 **A. There is hereby created within the Department of Health and**
24 **Hospitals the Louisiana Behavior Analyst Board which shall be subject to the**
25 **provisions of R.S. 36:803.**

26 **B. (1) The board shall consist of five behavior analysts who shall be**
27 **appointed by the governor from a list of nominees submitted by the Louisiana**
28 **Behavior Analysis Association and who shall be confirmed by the Senate.**

29 **(2) The five behavior analysts shall become licensed once this Chapter**

1 becomes effective.

2 (3) Members of the board shall serve at the pleasure of the governor. A
3 vacancy in an unexpired term shall be filled in the manner of the original
4 appointment.

5 (4)(a) The first two appointments to the initial board shall each serve a
6 term of four years and such positions on the board shall be four year terms.

7 (b)The third and fourth appointments to the initial board shall each
8 serve a term of three years and such positions on the board shall be three year
9 terms.

10 (c) The fifth appointment to the initial board shall serve a term of five
11 years and such position on the board shall be a five year term.

12 (5) If there is a vacancy, the appointment to complete the term shall
13 follow the same process to appoint members to the board.

14 (6) No member of the board shall serve more than two consecutive
15 complete terms on the board.

16 (7) The State Board of Examiners of Psychologists shall appoint a
17 member to serve as an ex officio, non-voting member of the board.

18 C. The board shall convene its first meeting no later than October 1,
19 2013. At this meeting, the board shall elect from among its membership a
20 chairman and vice chairman.

21 D. A majority of the members of the board shall constitute a quorum for
22 the transaction of all business. The ex officio member shall not be considered
23 for the purpose of establishing a quorum.

24 E. The board shall meet at least monthly. The board shall meet at the call
25 of the chairman or at the request of at least three members.

26 F. Members of the board shall serve without compensation but shall be
27 reimbursed for reasonable travel expenses incurred in attendance at meetings
28 and other official business of the board.

29 §3704. Powers and duties

1 **A. The board shall have and exercise all powers and duties granted to**
2 **it by this Chapter. In addition, the board shall have the authority to:**

3 **(1) Establish and publish standards of behavior analysis practice.**

4 **(2) Approve, deny, revoke, suspend, renew and reinstate licensure and**
5 **state certification of duly qualified applicants.**

6 **(3) Establish and publish standards for the registration of line**
7 **technicians.**

8 **(4) Adopt, revise, and enforce orders and rules, and promulgate**
9 **regulations governing the licensure of behavior analysts, the state certification**
10 **of assistant behavior analysts, the registration of line technicians, the practice**
11 **of behavior analysis, the protection of the public, and proper administration in**
12 **accordance with the Administrative Procedure Act.**

13 **(5) Promulgate rules in accordance with the Administrative Procedure**
14 **Act governing the temporary licensure of behavior analysts and the temporary**
15 **state certification of assistant behavior analysts.**

16 **(6) Promulgate rules in accordance with the Administrative Procedure**
17 **Act governing the reciprocity of licensure of behavior analysts and the state**
18 **certification of assistant behavior analysts provided that the standards under**
19 **which the applicants were licensed or certified are at least as stringent as those**
20 **required in this Chapter.**

21 **(7) Receive, review and approve or disapprove applications for an**
22 **emergency temporary license, state certification, and registration in response**
23 **to a declared public health emergency.**

24 **(8) Fine, censure, revoke, suspend or deny a license or state certificate,**
25 **place on probation, reprimand or otherwise discipline licensees or holders of**
26 **certificates for violations of the code of ethics or the rules and regulations of the**
27 **board and committee.**

28 **(9) Summarily suspend the license of a licensee or a state certificate**
29 **holder of one who poses an imminent danger to the public acting upon the**

1 recommendation of the committee provided that a hearing shall be afforded to
2 the individual within ten days after any such action by the board to determine
3 whether such summary action was warranted.

4 (10) Accept grants, donations, or gifts of money or services from public
5 or private individuals or organizations or from any other sources to be utilized
6 for the purposes of the board. Such monies shall be deposited into the treasury
7 of the board.

8 (11) Create and adopt an official seal for the board.

9 (12) Submit the names of applicants for licensure and state certification
10 to the office of state police for criminal background checks.

11 (13) Perform such other functions and duties as may be required to carry
12 out under this Chapter.

13 B. The board shall maintain and make available to the public a registry
14 of behavioral analysts, assistant behavior analysts, and line technicians.

15 §3705. License, state certification, or registration required

16 No person shall hold himself out as a licensed behavior analyst, a state
17 certified assistant behavior analyst, or a registered line technician unless
18 licensed, state certified, or registered in accordance with the provisions of this
19 Chapter.

20 §3706. Qualifications of applicants of a licensed behavior analyst

21 A. Notwithstanding any other provision of the Chapter or other law to
22 the contrary, an applicant for licensure as a licensed behavior analyst shall be
23 issued a behavior analyst license by the board upon satisfaction of all the
24 following criteria:

25 (1) Submission to the board of a completed application form. The board
26 shall approve the form.

27 (2) Payment of all mandatory licensure fees.

28 (3) Proof of good moral character.

29 (4) Submission of applicant to a criminal background check in

1 accordance with the authority granted to the board.

2 (5) Proof that the applicant passed a nationally recognized examination
3 administered by a nonprofit organization accredited by the National
4 Commission for Certifying Agencies, the National Standards Institute, or a
5 substantial equivalent to credential professional practitioners of behavior
6 analysis related to the principles and practice of the profession of behavior
7 analysis that is approved by the board.

8 (6) Proof that the applicant passed the jurisprudence examination
9 covering the laws and rules governing the practice of behavior analysis in
10 Louisiana that is approved by the board.

11 (7) Proof that the applicant conducts his professional activities in
12 accordance with accepted standards, including the Guidelines for Responsible
13 Conduct for Behavior Analysts and Professional Disciplinary and Ethical
14 Standards of the Behavior Analyst Certification Board or other national
15 professional organizations as approved by the board.

16 (8) Proof that the applicant holds a master's degree from any regional
17 accredited university or other institutions of higher learning.

18 B. The standards and requirements in this Chapter shall be separate and
19 unique from the standards and requirements for practicing psychology and
20 pertain to the practice of applied behavior analysis.

21 C. There shall be no requirement for individuals practicing under this
22 Chapter to be supervised by members of other professions.

23 D. A behavior analyst applicant who has a suspended license may
24 reapply for licensure after three years from the date of suspension.

25 §3707. Qualifications of applicants of a state certified assistant behavior analyst

26 A. Notwithstanding any other provision of the Chapter or other law to
27 the contrary, an applicant for state certification as a state certified assistant
28 behavior analyst shall be issued an assistant behavior analyst state certificate
29 by the board upon satisfaction of all the following criteria:

1 **(1) Submission to the board of a completed application form. The board**
2 **shall approve the form.**

3 **(2) Payment of all mandatory certification fees.**

4 **(3) Proof of good moral character.**

5 **(4) Submission of applicant to a criminal background check in**
6 **accordance with the authority granted to the board.**

7 **(5) Proof that the applicant passed a nationally recognized examination**
8 **administered by a nonprofit organization accredited by the National**
9 **Commission for Certifying Agencies, the National Standards Institute, or a**
10 **substantial equivalent to credential professional practitioners of behavior**
11 **analysis related to the principles and practice of the profession of behavior**
12 **analysis that is approved by the board.**

13 **(6) Proof that the applicant passed the jurisprudence examination**
14 **covering the laws and rules governing the practice of behavior analysis in**
15 **Louisiana that is approved by the board.**

16 **(7) Proof that the applicant conducts his professional activities in**
17 **accordance with accepted standards, including the Guidelines for Responsible**
18 **Conduct for Behavior Analysts and Professional Disciplinary and Ethical**
19 **Standards of the Behavior Analyst Certification Board or other national**
20 **professional organizations as approved by the board.**

21 **(8) Proof that the applicant holds a bachelor's degree from any regional**
22 **accredited university or other institutions of higher learning.**

23 **B. The standards and requirements in this Chapter shall be separate and**
24 **unique from the standards and requirements for practicing psychology and**
25 **pertain to the practice of applied behavior analysis.**

26 **C. There shall be no requirement for practicing under this Chapter to**
27 **be supervised by members of other professions.**

28 **D. An assistant behavior analyst applicant who has a suspended**
29 **certificate may reapply for certification after three years from the date of**

1 suspension.

2 §3708. Registration of line technician

3 A. A line technician shall be registered by his supervising licensed
4 behavior analyst with the board.

5 B. At registration, the line technician shall submit a criminal background
6 report, issued not more than fourteen days from the date of registration.

7 C. The registration provided for in this Section shall be renewed
8 annually by the supervising licensed behavior analyst.

9 §3709. Issuance and renewal of license and state certificate

10 A. The board shall issue a license or state certificate to any person who
11 meets the qualifications provided in this Chapter and the rules and regulations
12 of the board, and who pays the applicable fees fixed by the board.

13 B. A license or state certificate issued under provisions of this Chapter
14 shall be subject to annual renewal and shall expire and become null and void
15 unless renewed in the manner prescribed by the board.

16 C. License and state certificate renewal shall require documentation of
17 completion of the continuing education as required by this Chapter.

18 §3710. Reinstatement of license and state certificate

19 A. Any license or state certificate suspended, revoked, or otherwise
20 restricted by the board may be reinstated by the board.

21 B. A license or state certificate that has expired without renewal for a
22 period of one year from the date of expiration may be reinstated by the board
23 provided the applicant shall otherwise be eligible under the provisions of this
24 Chapter, pays the applicable fees, satisfies the continuing education
25 requirement, and meets such other requirements as may be established by the
26 board.

27 §3711. License and state certificate; filing

28 The board shall issue a license or certificate signed by the board's
29 chairman, vice chairman, and all members of the board whenever a candidate

1 for licensure or state certification is found to be qualified as provided in this
2 Chapter. A copy of such license or state certificate, so certified by the board's
3 vice chairman as a true copy, shall be filed with the secretary of state by the
4 administrative assistant of the board. Any filing fees in connection with such
5 filing shall be paid, in advance, to the administrative assistant of the board by
6 the person being licensed or receiving a certificate.

7 §3712. Denial, revocation, or suspension of license or state certificate

8 A. A behavior analyst and anyone under the supervision of a behavior
9 analyst shall conduct their activities in conformity with ethical and professional
10 standards promulgated by the board under its current rules and regulations.

11 B. The board shall have the power and duty to suspend, place on
12 probation, require remediation for a specified time, revoke any license or state
13 certificate to practice behavior analysis, or take any other action specified in the
14 rules and regulations whenever the board, by affirmative vote of at least four
15 of its five members, shall find by a preponderance of the evidence that a
16 behavior analyst or assistant behavior analyst has engaged in any of the
17 following acts or offenses:

18 (1) Fraud or deception in applying for or procuring a license to practice
19 behavior analysis.

20 (2) Practicing behavior analysis in such a manner as to endanger the
21 welfare of clients or patients, including but not limited to:

22 (a) Harassment, intimidation, or abuse, sexual or otherwise, of a client
23 or patient.

24 (b) Engaging in sexual intercourse or other sexual contact with a client
25 or patient.

26 (c) Gross malpractice, repeated malpractice, or gross negligence in the
27 practice of behavior analysis.

28 (3) Conviction of a felony. A copy of the record of conviction, certified
29 by the clerk of the court entering the conviction, shall be conclusive evidence.

1 **(4) Conviction of any crime or offense which reflects the inability of the**
2 **practitioner to practice behavior analysis with due regard for the health and**
3 **safety of clients or patients.**

4 **(5) Use of repeated untruthful, deceptive, or improbable statements**
5 **concerning the licensee's qualifications or the effects or results of proposed**
6 **treatment, including functioning outside of one's professional competence**
7 **established by education, training, and experience.**

8 **(6) Aiding or abetting the practice of behavior analysis by any person not**
9 **licensed, state certified, or registered with the board and in violation of this**
10 **Chapter.**

11 **(7) Conviction of fraud in filing Medicare or Medicaid claims or in filing**
12 **claims to any third party payor. A copy of the record of conviction, certified by**
13 **the clerk of the court entering the conviction, shall be conclusive evidence.**

14 **(8) Exercising undue influence in such a manner as to exploit the client**
15 **or patient for financial or other personal advantage to the practitioner or a**
16 **third party.**

17 **(9) The suspension or revocation by another state of a license or**
18 **certificate to practice behavior analysis. A certified copy of the record of**
19 **suspension or revocation of the state making such a suspension or revocation**
20 **shall be conclusive evidence thereof.**

21 **(10) Refusal to appear before the board after having been ordered to do**
22 **so in writing by a duly authorized agent of the board.**

23 **(11) Making any fraudulent or untrue statement to the board.**

24 **(12) Violation of the code of ethics adopted in the rules and regulations**
25 **of the board or other immoral, unprofessional, or dishonorable conduct as**
26 **defined in the rules and regulations of the board.**

27 **(13) Inability to practice behavior analysis with reasonable skill and**
28 **safety to patients or clients by reason of illness, inebriation, misuse of drugs,**
29 **narcotics, alcohol, chemicals, or any other substance, or as a result of any**

1 mental or physical condition.

2 (14) Failure to report the physical, mental, or sexual abuse of a child to
3 a law enforcement agency or district attorney.

4 (15) Violation of any of the provisions of this Chapter or of the rules and
5 regulations promulgated by the board.

6 C. Proceedings for disciplinary action or for the denial or withholding
7 of a license or state certificate under the authority of this Section shall be
8 conducted in compliance with the Louisiana Administrative Procedure Act, R.S.
9 49:950 et seq. The board may require a person against whom disciplinary
10 action has been taken by the board after hearing to pay reasonable costs of the
11 proceedings incurred by the board for hearing and any judicial review,
12 including attorney, stenographer, and witness fees. These costs shall be paid no
13 later than thirty days after the adjudication by the board becomes final. No
14 license shall be issued, reinstated, or renewed until such costs have been paid.

15 D. The board may deny or withhold for a specified time not to exceed
16 two years the granting of a license or a state certificate to any applicant or
17 candidate who has committed any of the acts or offenses set forth in Subsection
18 B of this Section.

19 E. Suspension by the board of the license of a behavior analyst or the
20 state certificate of an assistant behavior analyst shall be for a period not
21 exceeding two years.

22 F. A person who has been refused a license or state certificate, or whose
23 license or state certificate has been revoked, under the provisions of this Section,
24 may reapply for licensure or state certification after more than two years have
25 elapsed from the date such denial or revocation is legally effective.

26 G. The board shall notify all licensed behavior analysts, state certified
27 assistant behavior analysts, or registered line technicians of any disciplinary
28 action taken against a licensed behavior analyst, a state certified assistant
29 behavior analyst, or a registered line technician.

§3713. Continuing education

A.(1) A licensed behavior analyst shall annually complete a minimum number of hours of continuing education relevant to the practice of behavior analysis as established by the board.

(2) A certified assistant behavior analyst shall annually complete a minimum number of hours of continuing education relevant to the practice of behavior analysis as established by the board.

B. The board shall develop the requirements for continuing education.

C. The continuing education classes shall be approved by the board.

§3714. Fees

A. All monies received by the board under this Section shall be paid into the treasury of the board.

B. Fees set by the board under the authority of this Chapter shall include fees for the following purposes which shall not exceed the maximum amounts listed below:

<u>(1) For application for licensure</u>	<u>\$400</u>
<u>(2) For application for certification</u>	<u>\$250</u>
<u>(3) For application for registration</u>	<u>\$50</u>
<u>(4) For renewal of licensure</u>	<u>\$400</u>
<u>(5) For renewal of certification</u>	<u>\$250</u>
<u>(6) For renewal of registration</u>	<u>\$50</u>
<u>(7) For JE examination</u>	<u>\$75</u>
<u>(8) For late fees</u>	<u>\$50</u>
<u>(9) For reissuance of license or certificate</u>	<u>\$15</u>
<u>(10) For name changes on record</u>	<u>\$25</u>
<u>(11) For background check</u>	<u>\$50</u>
<u>(12) License verification</u>	<u>\$15</u>
<u>(13) Insufficient check fee</u>	<u>\$15</u>
<u>(14) For copies of documents in the board or committee's</u>	

\$2 per page

possession§3715. Persons and practices not affected

The provisions of this Chapter shall not be construed as prohibiting or restricting the practice of any of the following:

(1) Other human service professionals who are licensed, certified, or registered by the state of Louisiana, provided such individuals are working within the scope of practice of their profession and the scope of their training and competence.

(2) State certified assistant behavior analyst or registered line technician who delivers applied behavior analysis services under the extended authority and direction of a licensed behavior analyst. Such state certified assistant behavior analyst or registered line technician shall not represent himself as a behavior analyst.

(3) A family member or guardian of a recipient of applied behavior analysis services who implements certain applied behavior analysis procedures with recipient under the extended authority and direction of a licensed behavior analyst or a state certified assistant behavior analyst who is supervised by a licensed behavior analyst. Such an individual shall not represent himself as a behavior analyst.

(4) An individual who practices with nonhumans, including applied animal behaviorists and animal trainers.

(5) An individual who provides general applied behavior analysis services to an organization, so long as those services are for the benefit of such organization and does not involve direct services to an individual.

(6) A matriculated college or university student, intern, or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, or intensive practicum. Such practice under this exemption requires the direct supervision by a licensed behavior analyst in this state or an instructor in an approved course sequence approved by the board. A student,

1 intern, or postdoctoral fellow shall not represent himself as a behavior analyst
2 and shall use a title that clearly indicates his training status, such as "behavior
3 analysis student", "behavior analysis intern", "behavior analysis trainee", or
4 other title clearly indicating such training status.

5 (7) An individual who teaches behavior analysis or conducts behavior
6 analytic research, provided that such teaching or research shall not involve the
7 delivery of direct behavior analytic services. Such individual may use the title
8 "behavior analyst" but may not represent himself as a licensed behavior analyst
9 or a state certified assistant behavior analyst unless he holds one of those
10 credentials issued by the board.

11 (8) An unlicensed individual pursuing experiential training in behavior
12 analysis consistent with the licensure requirements and standards as required
13 by the board, provided such experience is supervised by a licensed behavior
14 analyst.

15 (9) An individual licensed to practice psychology within the state, so long
16 as the applied behavior analysis services provided by the licensed psychologist
17 are within the licensed psychologist's education, training, and expertise and
18 provided he does not represent himself as behavior analysts, assistant behavior
19 analysts, licensed behavior analysts, or state certified assistant behavior analysts
20 without being duly licensed or state certified.

21 §3716. Penalties

22 A. It shall be a misdemeanor for any individual:

23 (1) Not licensed, state certified, or registered under this Chapter to
24 represent himself as a licensed behavior analyst, a state certified assistant
25 behavior analyst, or a registered line technician.

26 (2) Not licensed, state certified, or registered under this Chapter to
27 engage in the practice of behavior analysis.

28 (3) To represent himself as a licensed behavior analyst or a state
29 certified assistant behavior analyst during the time that his license or state

1 certificate as a behavior analyst or an assistant behavior analyst shall be
2 suspended or revoked or lapsed.

3 (4) To employ as a line technician, a line technician who is not registered
4 pursuant to this Chapter.

5 B. Such misdemeanor shall be punishable upon conviction by
6 imprisonment for not more than six months, or by a fine of not less than one
7 hundred dollars nor more than five hundred dollars, or both. Each violation
8 shall be deemed a separate offense.

9 C. Such misdemeanor shall be prosecuted by the district attorney of the
10 judicial district in which the offense was committed.

11
12 §3717. Termination

13 The provisions of this Chapter shall terminate and have no effect on and
14 after July 1, 2018.

15 Section 3. The Louisiana Behavior Analyst Board and the State Board of Examiners
16 of Psychologists shall share office space, professional staff, and other resources in the
17 operation and management of each of the respective boards.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Proposed law enacts the Behavior Analysts Practice Act. Provides for definitions relative to the practice.

Proposed law provides for the Louisiana Behavior Analyst Board within the Department of Health and Hospitals. Provides for a board consisting of five behavior analysts appointed by the governor and subject to Senate confirmation. Board nominees are submitted to the governor by the Louisiana Behavior Analysis Association, and the members serve for staggered terms as follows: the first two appointees serve for four year terms; the third and fourth appointees serve for three year terms; and the fifth appointee serves for a five year term. Vacancies are to be filled in the same manner as the original appointees. Provides that no member of the board serve for more than two consecutive complete terms. Also provides for an ex officio, non-voting member appointed by the State Board of Examiners of Psychologists. Provides for the board to convene its first meeting no later than October 1, 2013, at which time the chairman and vice chairman are to be selected by the board. Provides that a majority of the board members shall constitute a quorum. Requires monthly meetings of the board and permits additional meetings at the call of the chairman or at the request of at least three members of the board. Provides for reimbursement of reasonable travel expenses but no compensation for board members.

Proposed law provides for the powers and duties of the board, including establishing standards of practice, licensure, revocation and suspension of license, reinstatement for behavior analysts and assistant behavior analysts, and for registration of line technicians. Also provides for fines and censure by the board.

Proposed law also authorizes the board to accept grants, donations, and gifts of money or services.

Proposed law requires the board to maintain and make available to the public a registry of behavior analysts, assistant behavior analysts, and line technicians.

Proposed law provides that no person shall hold himself out as a licensed behavior analyst, a state certified assistant behavior analyst, or a registered line technician unless licensed, state certified, or registered in accordance with the provisions of proposed law.

Proposed law provides the following licensure requirements for a behavior analyst:

- (1) Submission to the board of a completed application form.
- (2) Payment of all mandatory licensure fees.
- (3) Proof of good moral character.
- (4) Submission of applicant to a criminal background check in accordance with the authority granted to the board.
- (5) Proof that the applicant passed a nationally recognized examination administered by a nonprofit organization accredited by the National Commission for Certifying Agencies, the National Standards Institute, or a substantial equivalent to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board.
- (6) Proof that the applicant passed the jurisprudence examination covering the laws and rules governing the practice of behavior analysis in Louisiana that is approved by the board.
- (7) Proof that the applicant conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary and Ethical Standards of the Behavior Analyst Certification Board or other national professional organizations as approved by the board.
- (8) Proof that the applicant holds a master's degree from any regional accredited university or other institutions of higher learning.

Proposed law provides the following licensure requirements for a state certified assistant behavior analyst:

- (1) Submission to the board of a completed application form.
- (2) Payment of all mandatory certification fees.
- (3) Proof of good moral character.
- (4) Submission of applicant to a criminal background check in accordance with the authority granted to the board.

- (5) Proof that the applicant passed a nationally recognized examination administered by a nonprofit organization accredited by the National Commission for Certifying Agencies, the National Standards Institute, or a substantial equivalent to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board.
- (6) Proof that the applicant passed the jurisprudence examination covering the laws and rules governing the practice of behavior analysis in Louisiana that is approved by the board.
- (7) Proof that the applicant conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary and Ethical Standards of the Behavior Analyst Certification Board or other national professional organizations as approved by the board.
- (8) Proof that the applicant holds a bachelor's degree from any regional accredited university or other institutions of higher learning.

Proposed law provides that a line technician be registered by his supervising licensed behavior analyst with the board, and requires that at registration, the line technician submit a criminal background report, issued not more than 14 days from the date of registration. Further requires annual renewal of the registration.

Proposed law provides for annual renewal of licenses and certificates, and for documentation of completion of continuing education as required by the board. Provides for filing of a copy of each license and certificate with the secretary of state. Provides for adherence to ethical and professional standards as promulgated by the board.

Proposed law provides for the power and duty of the board with regard to suspension and revocation of any license or certificate whenever the board, by affirmative vote of at least four of its five members, finds by a preponderance of the evidence that a licensee or holder of a certificate has engaged in any of the following acts or offenses:

- (1) Fraud or deception in applying for or procuring a license to practice behavior analysis.
- (2) Practicing behavior analysis in such a manner as to endanger the welfare of clients or patients, including but not limited to:
 - (a) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient.
 - (b) Engaging in sexual intercourse or other sexual contact with a client or patient.
 - (c) Gross malpractice, repeated malpractice, or gross negligence in the practice of behavior analysis.
- (3) Conviction of a felony. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence.
- (4) Conviction of any crime or offense which reflects the inability of the practitioner to practice behavior analysis with due regard for the health and safety of clients or patients.
- (5) Use of repeated untruthful, deceptive, or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education,

- training, and experience.
- (6) Aiding or abetting the practice of behavior analysis by any person not licensed, state certified, or registered with the board and in violation of this Chapter.
 - (7) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor. A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence.
 - (8) Exercising undue influence in such a manner as to exploit the client or patient for financial or other personal advantage to the practitioner or a third party.
 - (9) The suspension or revocation by another state of a license or certificate to practice behavior analysis. A certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof.
 - (10) Refusal to appear before the board after having been ordered to do so in writing by a duly authorized agent of the board.
 - (11) Making any fraudulent or untrue statement to the board.
 - (12) Violation of the code of ethics adopted in the rules and regulations of the board or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board.
 - (13) Inability to practice behavior analysis with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
 - (14) Failure to report the physical, mental, or sexual abuse of a child to a law enforcement agency or district attorney.
 - (15) Violation of any of the provisions of this Chapter or of the rules and regulations promulgated by the board.

Further provides that disciplinary proceedings shall be conducted in compliance with the Administrative Procedure Act, and provides for the assessment of reasonable costs against the person subject to the disciplinary proceedings, to be paid no later than 30 days after the adjudication becomes final. Further provides for periods of suspension.

Proposed law authorizes the board to set fees and establishes the maximum amounts of such fees. Also provides penalties for those who violate the provisions of the proposed law.

Proposed law provides that its provisions shall terminate and have no effect on and after July 1, 2018.

Effective August 1, 2013.

(Adds R.S. 36:259(E)(25) and R.S. 37:3701-3717)