

ACT No. 351

SENATE BILL NO. 134

BY SENATORS MORRELL AND HEITMEIER AND REPRESENTATIVES ARMES, BADON, BARROW, BERTHELOT, BROSSETT, BROWN, COX, FOIL, GUINN, HAVARD, HOWARD, HUNTER, KATRINA JACKSON, KLECKLEY, LEGER, MORENO, SCHEXNAYDER, THIERRY, ALFRED WILLIAMS AND PATRICK WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

AN ACT

To enact R.S. 36:259(E)(25) and Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3701 through 3718, relative to behavior analysts; to create the Louisiana Behavior Analyst Board within the Department of Health and Hospitals; to provide for the Behavior Analyst Practice Act; to provide for definitions; to provide for the Louisiana Behavior Analyst Board and provide for its powers and duties; to provide for the requirements of licensure, state certification, or registration; to provide for the qualifications for licensure and state certification; to provide for issuance and renewal of licenses and state certificates; to provide for reinstatement of licenses and state certifications; to provide for the filing of licenses and state certificates; to provide for the denial, revocation, or suspension of licenses and state certificates; to provide for continuing education; to provide for fees; to provide for certain exceptions; to provide for penalties; to provide for injunctive proceedings; to provide for the sharing of resources between boards; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(E)(25) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Department of Health and Hospitals

* * *

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.

1 36:803:

2 * * *

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

4 Section 2. Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950,
5 comprised of R.S. 37:3701 through 3718, is hereby enacted to read as follows:

6 CHAPTER 60. BEHAVIOR ANALYSTS

7 §3701. Short title

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

10 §3702. Definitions

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

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

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

22 (3) "Behavior analyst", "licensed behavior analyst" or "LBA" means an
23 individual who by training, experience, and examination meets the
24 requirements for licensing by the board and is duly licensed to independently
25 practice behavior analysis in the state of Louisiana. The distinction of a licensed
26 behavior analyst or LBA is separate and apart from any other licensed
27 individuals, including but not limited to psychologists.

28 (4) "Board" means the Louisiana Behavior Analyst Board.

29 (5) "Line technician" or "registered line technician" means an individual
30 who works directly with the client to implement applied behavior analysis

1 services under the direction and supervision of a licensed behavior analyst and
 2 is registered as required in this Chapter.

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

18 §3703. Louisiana Behavior Analyst Board

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

22 B. (1) The board shall consist of five behavior analysts who shall be
 23 appointed by the governor from a list of nominees submitted by the Louisiana
 24 Behavior Analysis Association, and who shall be confirmed by the Senate.

25 (2) The five behavior analysts shall become licensed once this Chapter
 26 becomes effective.

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

30 (4)(a) The first two appointments to the initial board shall each serve a

1 term of four years, and such positions on the board shall be four-year terms.

2 (b) The third and fourth appointments to the initial board shall each
3 serve a term of three years, and such positions on the board shall be three-year
4 terms.

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

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

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

11 (7) The State Board of Examiners of Psychologists shall appoint a
12 member to serve as an ex officio, nonvoting member of the board.

13 C. The board shall convene its first meeting no later than October 1,
14 2013. At this meeting, the board shall elect from among its membership a
15 chairman and vice chairman.

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

19 E. The board shall meet at least quarterly. The board shall meet at the
20 call of the chairman or at the request of at least three members.

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

24 §3704. Powers and duties

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

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

28 (2) Approve, deny, revoke, suspend, renew and reinstate licensure and
29 state certification of duly qualified applicants.

30 (3) Establish and publish standards for the registration of line

1 **technicians.**

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

7 **(5) Promulgate rules in accordance with the Administrative Procedure**
8 **Act governing the temporary licensure of behavior analysts.**

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

14 **(7) Receive, review, and approve or disapprove applications for an**
15 **emergency temporary license in response to a declared public health emergency.**

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

20 **(9) Summarily suspend the license of a licensee or a state certificate**
21 **holder of one who poses an imminent danger to the public acting upon the**
22 **recommendation of the committee provided that a hearing shall be afforded to**
23 **the individual within ten days after any such action by the board to determine**
24 **whether such summary action was warranted.**

25 **(10) Accept grants, donations, or gifts of money or services from public**
26 **or private individuals or organizations or from any other sources to be utilized**
27 **for the purposes of the board. Such monies shall be deposited into the treasury**
28 **of the board.**

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

30 **(12) Submit the names of applicants for licensure and state certification**

1 to the Louisiana Bureau of Criminal Identification and Information of the office
2 of state police within the Department of Public Safety and Corrections for
3 criminal background checks. Upon the board's submission of an applicant's
4 fingerprints and such other identifying information as may be required, the
5 Louisiana Bureau of Criminal Identification and Information of the office of
6 state police within the Department of Public Safety and Corrections shall survey
7 its criminal history records and identification files and make a simultaneous
8 request of the Federal Bureau of Investigation for like information from other
9 jurisdictions. The Louisiana Bureau of Criminal Identification and Information
10 of the office of state police within the Department of Public Safety and
11 Corrections may charge the board a reasonable processing fee for conducting
12 and reporting on any such search.

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

15 B. The board shall maintain and make available to the public a registry
16 of licensed behavior analysts, state certified assistant behavior analysts, and
17 registered line technicians.

18 §3705. License, state certification, or registration required

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

23 B. This Section shall be enforced beginning December 31, 2013.

24 §3706. Qualifications of applicants of a licensed behavior analyst

25 A. Notwithstanding any other provision of this Chapter or other law to
26 the contrary, an applicant for licensure as a licensed behavior analyst shall be
27 issued a behavior analyst license by the board upon satisfaction of all the
28 following criteria:

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

1 (2) Payment of all mandatory licensure fees.

2 (3) Proof of good moral character.

3 (4) Satisfactory completion of the criminal background check in
4 accordance with the authority granted to the board.

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

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

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

19 (8) Proof that the applicant holds a master's degree from any accredited
20 university or other institution of higher learning.

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

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

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

28 **§3707. Qualifications of applicants of a state certified assistant behavior analyst**

29 A. Notwithstanding any other provision of this Chapter or other law to
30 the contrary, an applicant for state certification as a state certified assistant

1 behavior analyst shall be issued an assistant behavior analyst state certificate
2 by the board upon satisfaction of all the following criteria:

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

5 (2) Payment of all mandatory certification fees.

6 (3) Proof of good moral character.

7 (4) Satisfactory completion of the criminal background check in
8 accordance with the authority granted to the board.

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

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

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

23 (8) Proof that the applicant holds a bachelor's degree from any
24 accredited university or other institution of higher learning.

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

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

30 D. An assistant behavior analyst applicant who has a suspended

1 certificate may reapply for certification after three years from the date of
 2 suspension.

3 §3708. Registration of line technician

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

6 B. At registration, the line technician shall submit a criminal background
 7 report from the Louisiana Bureau of Criminal Identification and Information
 8 of the office of state police within the Department of Public Safety and
 9 Corrections, issued not more than fourteen days from the date of registration.

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

12 §3709. Issuance and renewal of license and state certificate

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

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

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

21 §3710. Reinstatement of license and state certificate

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

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

30 §3711. License and state certificate; filing

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

9 §3712. Denial, revocation, or suspension of license or state certificate

10 A. A licensed behavior analyst and anyone under the supervision of a
11 licensed behavior analyst shall conduct his activities in conformity with ethical
12 and professional standards promulgated by the board under its current rules
13 and regulations.

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

21 (1) Fraud or deception in applying for or procuring a license or a state
22 certificate to practice behavior analysis.

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

25 (a) Harassment, intimidation, or abuse, sexual or otherwise, of a client
26 or patient.

27 (b) Engaging in sexual intercourse or other sexual contact with a client
28 or patient.

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

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

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

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

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

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

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

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

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

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

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

29 (13) Inability to practice behavior analysis with reasonable skill and
30 safety to patients or clients by reason of illness, inebriation, misuse of drugs,

1 narcotics, alcohol, chemicals, or any other substance, or as a result of any
2 mental or physical condition.

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

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

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

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

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

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

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

1 **§3713. Continuing education**

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

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

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

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

10 **§3714. Fees**

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

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

- | | | |
|----|--|----------------------------|
| 16 | <u>(1) For application for licensure</u> | <u>\$400</u> |
| 17 | <u>(2) For application for certification</u> | <u>\$250</u> |
| 18 | <u>(3) For application for registration</u> | <u>\$50</u> |
| 19 | <u>(4) For renewal of licensure</u> | <u>\$400</u> |
| 20 | <u>(5) For renewal of certification</u> | <u>\$250</u> |
| 21 | <u>(6) For renewal of registration</u> | <u>\$50</u> |
| 22 | <u>(7) For JE examination</u> | <u>\$75</u> |
| 23 | <u>(8) For late fees</u> | <u>\$50</u> |
| 24 | <u>(9) For reissuance of license or certificate</u> | <u>\$15</u> |
| 25 | <u>(10) For name changes on record</u> | <u>\$25</u> |
| 26 | <u>(11) For background check</u> | <u>\$50</u> |
| 27 | <u>(12) License verification</u> | <u>\$15</u> |
| 28 | <u>(13) Insufficient check fee</u> | <u>\$15</u> |
| 29 | <u>(14) For copies of documents in the board or committee's</u> | |
| 30 | <u>possession</u> | <u>\$2 per page</u> |

1 (15) For temporary licensure \$125

2 §3715. Persons and practices not affected

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

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

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

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

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

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

25 (6) A matriculated college or university student, intern, or postdoctoral
26 fellow whose activities are part of a defined behavior analysis program of study,
27 practicum, intensive practicum, or supervised independent fieldwork. Such
28 practice under this exemption requires the direct supervision by a licensed
29 behavior analyst in this state or an instructor in an approved course sequence
30 approved by the board. A student, intern, or postdoctoral fellow shall not

1 represent himself as a behavior analyst and shall use a title that clearly indicates
2 his training status, such as "behavior analysis student", "behavior analysis
3 intern", "behavior analysis trainee", or other title clearly indicating such
4 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. This
18 includes individuals acting under the extended authority and direction of
19 licensed psychologists. Licensed psychologists and those acting under their
20 extended authority are prohibited from representing themselves as behavior
21 analysts, licensed behavior analysts, assistant behavior analysts, or state
22 certified assistant behavior analysts without being duly licensed or state
23 certified.

24 §3716. Penalties

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

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

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

1 (3) To represent himself as a licensed behavior analyst or a state
2 certified assistant behavior analyst during the time that his license or state
3 certificate as a behavior analyst or an assistant behavior analyst shall be
4 suspended or revoked or lapsed.

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

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

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

13 §3717. Injunctive proceedings

14 A. The board may investigate any evidence or allegation which appears
15 to show that any person is or may be in violation of any provision of this
16 Chapter.

17 B. The board may apply for an injunction in any court of competent
18 jurisdiction to enjoin any person from committing any act which is in violation
19 of this Chapter.

20 C. If it be established that the defendant has been or is committing an
21 act which is in violation of this Chapter, the court shall enter a decree
22 perpetually enjoining said defendant from further committing such act.

23 D. In case of violation of any injunction issued under the provisions of
24 this Section, the court may summarily conduct a hearing and find the offender
25 in contempt of court.

26 E. Such injunctive proceedings shall be in addition to, and not in lieu of,
27 all penalties and other remedies as provided in this Chapter.

28 §3718. Termination

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____