

SECOND REGULAR SESSION

HOUSE BILL NO. 1964

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

4053H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 337.300 and 337.315, RSMo, and to enact in lieu thereof two new sections relating to the practice of applied behavior analysis.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 337.300 and 337.315, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 337.300 and 337.315, to read as follows:

337.300. As used in sections 337.300 to ~~[337.345]~~ **337.347**, the following terms shall
2 mean:

3 (1) "Applied behavior analysis", the design, implementation, and evaluation of
4 environmental modifications, using behavioral stimuli and consequences, to produce socially
5 significant improvement in human behavior, including the use of direct observation,
6 measurement, and functional analysis of the relationships between environment and behavior.
7 Applied behavior analysis does not include cognitive therapies or psychological testing,
8 personality assessment, intellectual assessment, neuropsychological assessment,
9 psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family
10 therapy, and long-term counseling as treatment modalities;

11 (2) "Board", the behavior analyst advisory board within the state committee of
12 psychologists;

13 (3) "Certifying entity"~~[s]~~:

14 (a) The nationally accredited Behavior Analyst Certification Board, or other
15 equivalent nationally accredited nongovernmental agency approved by the committee which
16 certifies individuals who have completed academic, examination, training, and supervision
17 requirements in applied behavior analysis; **or**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(b) The nationally accredited Qualified Applied Behavior Analysis Credentialing**
19 **Board;**

20 (4) "Committee", the state committee of psychologists;

21 (5) "Division", the division of professional registration within the department of
22 commerce and insurance;

23 (6) "Licensed assistant behavior analyst" or "LaBA", an individual who:

24 **(a) Is certified by the certifying entity as a certified assistant behavior analyst or**
25 **qualified autism services practitioner-supervisor; and**

26 **(b) Meets the criteria in section 337.315 and as established by committee rule;**

27 (7) "Licensed behavior analyst" or "LBA", an individual who:

28 **(a) Is certified by the certifying entity as a certified behavior analyst or qualified**
29 **behavior analyst; and**

30 **(b) Meets the criteria in section 337.315 and as established by committee rule;**

31 (8) "Practice of applied behavior analysis", the application of the principles, methods,
32 and procedures of the experimental analysis of behavior and applied behavior analysis
33 (including principles of operant and respondent learning) to assess and improve socially
34 important human behaviors. It includes, but is not limited to, applications of those principles,
35 methods, and procedures to:

36 (a) The design, implementation, evaluation, and modification of treatment programs
37 to change behavior of individuals;

38 (b) The design, implementation, evaluation, and modification of treatment programs
39 to change behavior of groups; and

40 (c) Consultation to individuals and organizations;

41 (9) "Provisionally licensed assistant behavior analyst" or "PLABA", an individual
42 who meets the criteria in subsection 5 of section 337.315 and as established by the committee
43 by rule;

44 (10) "Provisionally licensed behavior analyst" or "PLBA", an individual who meets
45 the criteria in subsection 5 of section 337.315 and as established by the committee by rule;

46 (11) **"Qualified autism services practitioner-supervisor", an individual who**
47 **holds a qualified autism services practitioner-supervisor certification from the Qualified**
48 **Applied Behavior Analysis Credentialing Board;**

49 (12) **"Qualified behavior analyst", an individual who holds a qualified behavior**
50 **analyst certification from the Qualified Applied Behavior Analysis Credentialing**
51 **Board;**

52 (13) "Temporary licensed assistant behavior analyst" or "TLaBA", an individual who
53 meets the criteria of subsection 4 of section 337.315 and as established by the committee by
54 rule;

55 ~~[(12)]~~ (14) "Temporary licensed behavior analyst" or "TLBA", an individual who
56 meets the criteria in subsection 4 of section 337.315 and as established by the committee by
57 rule.

337.315. 1. An applied behavior analysis intervention shall produce socially
2 significant improvements in human behavior through skill acquisition, increase or decrease in
3 behaviors under specific environmental conditions and the reduction of problematic behavior.
4 An applied behavior analysis intervention shall:

5 (1) Be based on empirical research and the identification of functional relations
6 between behavior and environment, contextual factors, antecedent stimuli and reinforcement
7 operations through the direct observation and measurement of behavior, arrangement of
8 events and observation of effects on behavior, as well as other information gathering methods
9 such as record review and interviews; and

10 (2) Utilize changes and arrangements of contextual factors, antecedent stimuli,
11 positive reinforcement, and other consequences to produce behavior change.

12 2. Each person wishing to practice as a licensed behavior analyst shall:

13 (1) Submit a complete application on a form approved by the committee, which shall
14 include a statement that the applicant has completed two hours of suicide assessment, referral,
15 treatment, and management training;

16 (2) Pay all necessary fees as set by the committee;

17 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
18 than six months prior to the application date;

19 (4) Provide two classified sets of fingerprints for processing by the Missouri state
20 highway patrol under section 43.543. One set of fingerprints shall be used by the highway
21 patrol to search the criminal history repository and the second set shall be forwarded to the
22 Federal Bureau of Investigation for searching the federal criminal history files;

23 (5) Have passed an examination and been certified as a board-certified behavior
24 analyst **or qualified behavior analyst** by a certifying entity, as defined in section 337.300;

25 (6) Provide evidence of active status as a board-certified behavior analyst **or**
26 **qualified behavior analyst**; and

27 (7) If the applicant holds a license as a behavior analyst in another state, a statement
28 from all issuing states verifying licensure and identifying any disciplinary action taken
29 against the license holder by that state.

30 3. Each person wishing to practice as a licensed assistant behavior analyst shall:

31 (1) Submit a complete application on a form approved by the committee;

32 (2) Pay all necessary fees as set by the committee;

33 (3) Submit a two-inch or three-inch photograph or passport photograph taken no more
34 than six months prior to the application date;

35 (4) Provide two classified sets of fingerprints for processing by the Missouri state
36 highway patrol under section 43.543. One set of fingerprints shall be used by the highway
37 patrol to search the criminal history repository and the second set shall be forwarded to the
38 Federal Bureau of Investigation for searching the federal criminal history files;

39 (5) Have passed an examination and been certified as a board-certified assistant
40 behavior analyst **or qualified autism services practitioner-supervisor** by a certifying entity,
41 as defined in section 337.300;

42 (6) Provide evidence of active status as a board-certified assistant behavior analyst **or**
43 **qualified autism services practitioner-supervisor**;

44 (7) If the applicant holds a license as an assistant behavior analyst in another state, a
45 statement from all issuing states verifying licensure and identifying any disciplinary action
46 taken against the license holder by that state; and

47 (8) Submit documentation satisfactory to the committee that the applicant will be
48 directly supervised by a licensed behavior analyst in a manner consistent with the certifying
49 entity.

50 4. The committee shall be authorized to issue a temporary license to an applicant for a
51 behavior analyst license or assistant behavior analyst license upon receipt of a complete
52 application, submission of a fee as set by the committee by rule for behavior analyst or
53 assistant behavior analyst, and a showing of valid licensure as a behavior analyst or assistant
54 behavior analyst in another state, only if the applicant has submitted fingerprints and no
55 disqualifying criminal history appears on the family care safety registry. The temporary
56 license shall expire upon issuance of a license or denial of the application but no later than
57 ninety days from issuance of the temporary license. Upon written request to the committee,
58 the holder of a temporary license shall be entitled to one extension of ninety days of the
59 temporary license.

60 5. (1) The committee shall, in accordance with rules promulgated by the committee,
61 issue a provisional behavior analyst license or a provisional assistant behavior analyst license
62 upon receipt by the committee of a complete application, appropriate fee as set by the
63 committee by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this
64 section, respectively, and other requirements established by the committee by rule, except that
65 applicants for a provisional license as either a behavior analyst or assistant behavior analyst
66 need not have passed an examination and been certified as a board-certified behavior analyst
67 ~~[or]~~, **a qualified behavior analyst**, a board-certified assistant behavior analyst, **or a qualified**
68 **autism services practitioner-supervisor** to obtain a provisional behavior analyst or
69 provisional assistant behavior analyst license.

70 (2) A provisional license issued under this subsection shall only authorize and permit
71 the licensee to render behavior analysis under the supervision and the full professional
72 responsibility and control of such licensee's licensed supervisor.

73 (3) A provisional license shall automatically terminate upon issuance of a permanent
74 license, upon a finding of cause to discipline after notice and hearing under section 337.330,
75 upon termination of supervision by a licensed supervisor, or upon the expiration of one year
76 from the date of issuance of the provisional license, whichever first occurs. The provisional
77 license may be renewed after one year, with a maximum issuance of two years. Upon a
78 showing of good cause, the committee by rule shall provide procedures for exceptions and
79 variances from the requirement of a maximum issuance of two years.

80 6. No person shall hold himself or herself out to be licensed behavior analysts or
81 LBA, provisionally licensed behavior analyst or PLBA, provisionally licensed assistant
82 behavior analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary
83 licensed assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in
84 the state of Missouri unless they meet the applicable requirements.

85 7. No persons shall practice applied behavior analysis unless they are:

86 (1) Licensed behavior analysts;

87 (2) Licensed assistant behavior analysts working under the supervision of a licensed
88 behavior analyst;

89 (3) An individual who has a bachelor's or graduate degree and completed course work
90 for licensure as a behavior analyst and is obtaining supervised field experience under a
91 licensed behavior analyst pursuant to required supervised work experience for licensure at the
92 behavior analyst or assistant behavior analyst level;

93 (4) Licensed psychologists practicing within the rules and standards of practice for
94 psychologists in the state of Missouri and whose practice is commensurate with their level of
95 training and experience;

96 (5) Provisionally licensed behavior analysts;

97 (6) Provisionally licensed assistant behavior analysts;

98 (7) Temporary licensed behavior analysts; or

99 (8) Temporary licensed assistant behavior analysts.

100 8. Notwithstanding the provisions in subsection ~~[6]~~ 7 of this section, any licensed or
101 certified professional may practice components of applied behavior analysis, as defined in
102 section 337.300 if he or she is acting within his or her applicable scope of practice and ethical
103 guidelines.

104 9. All licensed behavior analysts and licensed assistant behavior analysts shall be
105 bound by the code of conduct adopted by the committee by rule.

106 10. Licensed assistant behavior analysts shall work under the direct supervision of a
107 licensed behavior analyst as established by committee rule.

108 11. Persons who provide services under the Individuals with Disabilities Education
109 Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act
110 of 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized
111 educational institution through which the person provides applied behavior analysis as part of
112 supervised clinical experience shall be exempt from the requirements of this section.

113 12. A violation of this section shall be punishable by probation, suspension, or loss of
114 any license held by the violator.

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