

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 19 Session of 2021

INTRODUCED BY MEHAFFIE, SCHLEGEL CULVER, R. BROWN, BURGOS, CIRESI, A. DAVIS, T. DAVIS, FRANKEL, FREEMAN, GALLOWAY, GAYDOS, HILL-EVANS, HOHENSTEIN, ISAACSON, KULIK, MARKOSEK, MARSHALL, D. MILLER, PENNYCUICK, POLINCHOCK, RYAN, SAPPEY, SCHLOSSBERG, SHUSTERMAN, STRUZZI, THOMAS AND INNAMORATO, MARCH 11, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 11, 2021

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
 2 entitled "An act relating to the right to practice medicine
 3 and surgery and the right to practice medically related acts;
 4 reestablishing the State Board of Medical Education and
 5 Licensure as the State Board of Medicine and providing for
 6 its composition, powers and duties; providing for the
 7 issuance of licenses and certificates and the suspension and
 8 revocation of licenses and certificates; provided penalties;
 9 and making repeals," further providing for State Board of
 10 Medicine and providing for behavior analyst.

11 The General Assembly of the Commonwealth of Pennsylvania
 12 hereby enacts as follows:

13 Section 1. Section 3(a) and (b) of the act of December 20,
 14 1985 (P.L.457, No.112), known as the Medical Practice Act of
 15 1985, are amended to read:

16 Section 3. State Board of Medicine.

17 (a) Establishment.--The State Board of Medicine shall
 18 consist of the commissioner or his designee, the Secretary of
 19 Health or his designee, two members appointed by the Governor
 20 who shall be persons representing the public at large and seven

1 members appointed by the Governor, six of whom shall be medical
2 doctors with unrestricted licenses to practice medicine and
3 surgery in this Commonwealth for five years immediately
4 preceding their appointment and one who shall be a nurse
5 midwife, physician assistant, certified registered nurse
6 practitioner, respiratory therapist, licensed athletic trainer
7 [or], perfusionist or behavior analyst licensed or certified
8 under the laws of this Commonwealth. All professional and public
9 members of the board shall be appointed by the Governor, with
10 the advice and consent of a majority of the members elected to
11 the Senate.

12 (b) Terms of office.--The term of each professional and
13 public member of the board shall be four years or until his or
14 her successor has been appointed and qualified, but not longer
15 than six months beyond the four-year period. In the event that
16 any of said members shall die or resign or otherwise become
17 disqualified during his or her term, a successor shall be
18 appointed in the same way and with the same qualifications and
19 shall hold office for the unexpired term. No member shall be
20 eligible for appointment to serve more than two consecutive
21 terms. The Governor shall assure that nurse midwives, physician
22 assistants, certified registered nurse practitioners,
23 perfusionists [and], respiratory therapists and behavior
24 analysts are appointed to four-year terms on a rotating basis so
25 that, of every four appointments to a four-year term, one is a
26 nurse midwife, one is a physician assistant, one is a certified
27 registered nurse practitioner [and], one is a respiratory
28 therapist and one is a behavior analyst.

29 * * *

30 Section 2. The act is amended by adding a section to read:

1 Section 13.7. Behavior analyst.

2 (a) Behavior analyst licensure.--An applicant for licensure
3 as a behavior analyst under this section shall meet all of the
4 following requirements:

5 (1) The applicant shall hold, as verified by the board,
6 a current certification from a certifying entity as a board-
7 certified behavior analyst or board-certified behavior
8 analyst-doctoral.

9 (2) The applicant shall have completed the education,
10 supervised fieldwork and examination requirements as
11 specified by a certifying entity and adopted by the board.

12 (3) The applicant shall have completed the academic
13 requirements of an accredited graduate degree program.

14 (4) The applicant shall have completed, as part of, or
15 in addition to, the educational requirements specified under
16 this subsection, a minimum number of hours of verified
17 behavior analytic graduate coursework as determined by a
18 certifying entity.

19 (5) The applicant shall have passed the examination
20 developed by a certifying entity that represents a
21 psychometrically and legally validated professional
22 examination in applied behavior analysis.

23 (b) Assistant behavior analyst licensure.--An applicant for
24 licensure as an assistant behavior analyst under this section
25 shall meet all of the following requirements:

26 (1) The applicant shall hold, as verified by the board,
27 a current certification from a certifying entity as a board-
28 certified assistant behavior analyst.

29 (2) The applicant shall have completed the education,
30 supervised fieldwork and examination requirements as

1 specified by a certifying entity and adopted by the board.

2 (3) The applicant shall have completed the academic
3 requirements of an accredited undergraduate degree program.

4 (4) The applicant shall have completed, as part of, or
5 in addition to, the educational requirements specified under
6 this subsection, a minimum number of hours of verified
7 behavior analytic undergraduate coursework as determined by a
8 certifying entity.

9 (5) The applicant shall have passed the examination
10 developed by a certifying entity that represents a
11 psychometrically and legally validated professional
12 examination in applied behavior analysis.

13 (c) Use of title.--Except as provided under subsection (d),
14 an individual may not practice or hold oneself out as being
15 qualified to practice applied behavior analysis in this
16 Commonwealth unless the individual holds a current, unsuspended,
17 unrevoked license issued by the board.

18 (d) Exceptions.--Nothing in this section shall be construed
19 as prohibiting or restricting the practice of any of the
20 following:

21 (1) An individual who is licensed to practice psychology
22 in this Commonwealth if the applied behavior analysis
23 services provided by the licensed psychologist are practiced
24 within the psychologist's code of ethics as determined by
25 the State Board of Psychology and the licensed psychologist
26 does not represent himself or herself as a licensed behavior
27 analyst unless licensed under this section.

28 (2) An individual who is licensed to practice a
29 profession other than applied behavior analysis in this
30 Commonwealth and an individual supervised by an individual

1 who is licensed to practice a profession other than applied
2 behavior analysis in this Commonwealth, if applied behavior
3 analysis is in the individual's statutory or regulated scope
4 of practice and the individual's scope of training and
5 competence. An individual who is licensed to practice a
6 profession other than applied behavior analysis in this
7 Commonwealth may not represent himself or herself as a
8 licensed behavior analyst unless licensed under this section.

9 (3) A behavior technician who delivers applied behavior
10 analysis services under the authority and direction of a
11 licensed behavior analyst or licensed assistant behavior
12 analyst or other professional licensed in this Commonwealth
13 who is approved by a certifying entity to supervise
14 credentialed behavior technicians in accordance with the
15 certifying entity's current supervision requirements. A
16 behavior technician under this paragraph may not represent
17 himself or herself as a licensed behavior analyst and shall
18 use a title that indicates the behavior technician's
19 nonlicensed status.

20 (4) A family member who delivers applied behavior
21 analysis services under the authority and direction of a
22 licensed behavior analyst or licensed assistant behavior
23 analyst. A family member under this paragraph may not
24 represent himself or herself as a licensed behavior analyst
25 and shall use a title that indicates the family member's
26 nonlicensed status.

27 (5) A behavior analyst who practices with nonhumans,
28 including applied animal behaviorists and animal trainers. A
29 behavior analyst under this paragraph may use the title
30 "behavior analyst," but may not represent himself or herself

1 as a licensed behavior analyst or licensed assistant behavior
2 analyst unless licensed under this section.

3 (6) An individual who provides general applied behavior
4 analysis services to an organization if the services are for
5 the benefit of the organization and do not involve direct
6 services to individuals. An individual under this paragraph
7 may use the title "behavior analyst," but may not represent
8 himself or herself as a licensed behavior analyst or licensed
9 assistant behavior analyst unless licensed under this
10 section.

11 (7) A matriculated college or university student or
12 postdoctoral fellow whose applied behavior analysis
13 activities are part of a defined program of study, course,
14 practicum, internship or fellowship and are directly
15 supervised by a licensed behavior analyst in this
16 Commonwealth or a qualified faculty member. A matriculated
17 college or university student or postdoctoral fellow under
18 this paragraph may not represent himself or herself as a
19 licensed behavior analyst and shall use a title that clearly
20 indicates a trainee status.

21 (8) An unlicensed individual pursuing supervised
22 experiential training in applied behavior analysis consistent
23 with a certifying entity's requirements if the training is
24 supervised by a licensed behavior analyst or licensed
25 psychologist in this Commonwealth who is approved by the
26 certifying entity to provide the supervision. An unlicensed
27 individual under this paragraph may not represent himself or
28 herself as a licensed behavior analyst and shall use a title
29 that clearly indicates a trainee status.

30 (9) An individual who teaches behavior analysis or

1 conducts behavior-analytic research at an accredited college
2 or university in this Commonwealth if the activities do not
3 involve the direct delivery of applied behavior analysis
4 services beyond the typical parameters of applied research.
5 An individual under this paragraph may use the title
6 "behavior analyst," but may not represent himself or herself
7 as a licensed behavior analyst or a licensed assistant
8 behavior analyst unless licensed under this section.

9 (10) An individual employed or contracted by an entity
10 regulated by the Department of Education who delivers applied
11 behavior analysis services to an individual served by the
12 same entity. An individual under this paragraph may not:

13 (i) represent himself or herself as a licensed
14 behavior analyst or licensed assistant behavior analyst
15 unless licensed under this section;

16 (ii) offer applied behavior analysis services for an
17 entity other than the entity regulated by the Department
18 of Education; or

19 (iii) accept remuneration for providing applied
20 behavior analysis services other than the remuneration
21 the individual receives from the entity regulated by the
22 Department of Education unless licensed under this
23 section.

24 (11) An individual licensed to practice occupational
25 therapy. Nothing in this section shall be construed to
26 prohibit, limit, include or affect the practice of
27 occupational therapy.

28 (12) A nonresident of this Commonwealth who is licensed
29 to practice applied behavior analysis independently under the
30 laws of another state, the District of Columbia or a

1 territory of the United States that has licensure
2 requirements substantially equal to the requirements under
3 this section as determined by the board and practices in this
4 Commonwealth for no more than 15 days in a calendar year.

5 (13) A nonresident of this Commonwealth who is certified
6 by a certifying entity to practice applied behavior analysis
7 independently under the laws of another state, the District
8 of Columbia or a territory of the United States and practices
9 in this Commonwealth for no more than 15 days in a calendar
10 year.

11 (e) Application requirements.--An applicant for licensure as
12 a behavior analyst or an assistant behavior analyst under this
13 section shall submit an application and requisite fees as
14 provided by the board. The application shall include evidence of
15 all of the following for verification by the board:

16 (1) A criminal background check conducted by the
17 Pennsylvania State Police, a State-approved child abuse
18 clearance and a Federal Bureau of Investigation
19 fingerprint-based record check in accordance with applicable
20 Federal law and 23 Pa.C.S. Ch. 63 (relating to child
21 protective services) conducted through the Department of
22 Education or Department of Human Services.

23 (2) Professional liability insurance that meets all of
24 the following criteria:

25 (i) The professional liability insurance is
26 effective by the next biennial period for license renewal
27 after the effective date of this paragraph. The board
28 shall accept any of the following from an applicant as
29 satisfactory evidence of professional insurance coverage
30 under this paragraph:

1 (A) Self-insurance.

2 (B) Individually purchased professional
3 liability insurance.

4 (C) Professional liability insurance coverage
5 provided by the applicant's employer or any similar
6 type of coverage acceptable to the board.

7 (ii) The level of professional liability insurance
8 coverage is the minimum amount of \$1,000,000 per
9 occurrence or claim made.

10 (3) For a licensed behavior analyst applicant, current
11 certification as a board-certified behavior analyst or board-
12 certified behavior analyst-doctoral with a certifying entity.

13 (4) For a licensed assistant behavior analyst applicant,
14 current certification as a board-certified assistant behavior
15 analyst with a certifying entity and a letter from a licensed
16 behavior analyst in this Commonwealth who is approved by a
17 certifying entity to supervise board-certified assistant
18 behavior analysts stating that the licensed behavior analyst
19 is supervising the applicant in accordance with the
20 certifying entity's current requirements. The board shall
21 verify with the certifying entity that the licensed behavior
22 analyst has the necessary approval to supervise the applicant
23 under this paragraph.

24 (5) Good moral character as determined by the board and
25 as defined by the profession's code of ethics and other
26 conduct standards.

27 (6) If applicable, completion of the child abuse
28 recognition and continuing education required under
29 subsection (k).

30 (f) Licensure restrictions.--The board may not grant a

1 license to an applicant as a behavior analyst or an assistant
2 behavior analyst under this section if the applicant has been:

3 (1) convicted of a felony offense under section
4 635.2(g)(3) of the act of May 17, 1921 (P.L.682, No.284),
5 known as The Insurance Company Law of 1921, unless:

6 (i) at least ten years has elapsed from the date of
7 conviction;

8 (ii) the applicant has satisfactorily demonstrated
9 to the board that the applicant has made significant
10 progress in personal rehabilitation since the conviction;
11 and

12 (iii) the applicant has satisfactorily demonstrated
13 to the board that licensure of the applicant will not
14 create a substantial risk of harm to the health and
15 safety of the applicant's patients, the public or
16 additional criminal violations;

17 (2) has been convicted of, entered a plea of nolo
18 contendere to or has been adjudicated delinquent of a crime
19 for which the applicant has been required to register under
20 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
21 sexual offenders) without regard to the time elapsed since
22 the date of the conviction, plea or adjudication or the
23 length of the registration required; or

24 (3) has been found guilty of unprofessional conduct as
25 defined by rules established by the board or violating the
26 profession's code of ethics or other conduct standards
27 established by a certifying entity.

28 (g) Temporary licenses.--

29 (1) The board may grant a temporary license under this
30 subsection to a nonresident who engages in the practice of

1 applied behavior analysis in this Commonwealth for no more
2 than three months in a calendar year if the individual meets
3 any of the following requirements:

4 (i) The individual is licensed to practice applied
5 behavior analysis independently under the laws of
6 another state, the District of Columbia or a territory of
7 the United States that has licensure requirements
8 substantially equal to the requirements under this
9 section.

10 (ii) The individual is certified by a certifying
11 entity to practice applied behavior analysis
12 independently, as verified by the board with the
13 licensing entity in the out-of-State jurisdiction or the
14 certifying entity.

15 (2) An applicant for a temporary license under this
16 subsection shall submit an application and a fee as
17 determined by the board and evidence that the applicant's
18 practice in this Commonwealth is time-limited and the
19 individual holds valid liability insurance.

20 (h) Licensure by endorsement.--The board may issue a license
21 under this subsection by endorsement to an individual who is
22 currently licensed as a behavior analyst or an assistant
23 behavior analyst in good standing under the laws of another
24 state, the District of Columbia or a territory of the United
25 States that has licensure requirements substantially equal to
26 the requirements under this section. An applicant for licensure
27 under this subsection shall have the applicant's current license
28 verified by the board and comply with other requirements under
29 this section.

30 (i) Supervision.--An individual who is currently licensed as

1 a behavior analyst or an assistant behavior analyst in good
2 standing under the laws of another state, the District of
3 Columbia or a territory of the United States who has applied for
4 a temporary license or a license by endorsement under subsection
5 (g) or (h) may practice applied behavior analysis in this
6 Commonwealth under the supervision of an individual fully
7 licensed in this Commonwealth while awaiting approval of an
8 application submitted to the board under subsection (e).

9 (j) Renewal or expiration.--A license issued under this
10 section shall be subject to biennial renewal. Before the
11 expiration of a license under this section, the board may issue
12 a license renewal upon the submission of all of the following:

13 (1) An application for renewal as provided by the board.

14 (2) A board verification of current certification in
15 good standing by a certifying entity, which signifies that
16 the applicant for renewal has met all requirements for
17 maintaining certification at the appropriate level.

18 (3) Payment of the renewal fee imposed by the board.

19 (4) Evidence of having active professional liability
20 insurance as specified under subsection (e) (2).

21 (5) A record of completion of a State-approved criminal
22 background check, a State-approved child abuse clearance and
23 a Federal Bureau of Investigation fingerprint-based record
24 check as specified under subsection (e) (1).

25 (6) If applicable, updated records of the completion of
26 the child abuse recognition and continuing education required
27 under subsection (k).

28 (7) Evidence of having completed the continuing
29 education required by a certifying entity and maintained
30 national certification by completing recertifying mechanisms

1 available to the practice of applied behavior analysis.

2 (k) Child abuse recognition.--

3 (1) An applicant for a license under this section shall
4 report suspected child abuse as specified under 23 Pa.C.S.
5 Ch. 63 and shall complete at least three hours of approved
6 child abuse recognition and continuing education as specified
7 under 23 Pa.C.S. § 6383(b) (3).

8 (2) A license holder subject to paragraph (2) who
9 applies for the renewal of the license under subsection (j)
10 shall complete at least two hours of approved child abuse
11 recognition and reporting continuing education as provided
12 under 23 Pa.C.S. § 6383(b) (3).

13 (l) Liability insurance.--An individual licensed under this
14 section shall obtain and maintain professional liability
15 insurance as specified under subsection (e) (2). A license holder
16 shall notify the board within 30 days of the license holder's
17 failure to maintain professional liability insurance as
18 specified under subsection (e) (2). A license holder who fails to
19 notify the board under this subsection shall be subject to a
20 disciplinary action under subsection (n) and the license
21 holder's license shall automatically be suspended upon failure
22 to maintain professional liability insurance as specified under
23 subsection (e) (2). An individual's license shall not be restored
24 until the individual submits satisfactory evidence to the board
25 that the individual has obtained professional liability
26 insurance as specified under subsection (e) (2).

27 (m) Violations.--Any of the following shall constitute a
28 violation under this section:

29 (1) Except as provided under subsection (d), the
30 unlicensed practice of applied behavior analysis in this

1 Commonwealth.

2 (2) Holding oneself out to be a licensed behavior
3 analyst or licensed assistant behavior analyst without
4 holding a license under this section.

5 (3) Except as provided under subsection (d), holding
6 oneself out as a licensed behavior analyst or a substantially
7 similar profession without holding a license under this
8 section.

9 (n) Disciplinary actions.--

10 (1) The board may refuse to issue or renew and may
11 suspend or revoke a license under this section of an
12 applicant or license holder by a vote of at least a majority
13 of the members of the board for any of the following reasons:

14 (i) Ineligibility for licensure, including,
15 ineligibility due to a failure to maintain active
16 certification by a certifying entity or falsification of
17 documentation submitted for licensure.

18 (ii) Aiding and abetting an unlicensed individual to
19 directly or indirectly perform activities requiring a
20 license for the practice of behavior analysis.

21 (iii) Engaging in professional misconduct,
22 incompetence, gross negligence or manifest incapacity in
23 the practice of behavior analysis.

24 (iv) Engaging in the practice of behavior analysis
25 while impaired by alcohol or drugs.

26 (v) Engaging in conduct or practice contrary to a
27 certifying entity's current professional and ethical
28 standards.

29 (vi) Failing to comply with, observe or adhere to a
30 Federal or State law in a manner that causes the board to

1 determine that the applicant or license holder is unfit
2 to hold a license.

3 (vii) Having a license revoked or suspended or other
4 subject to disciplinary action by a Federal or State
5 agency for any reason that is provided by applicable
6 Federal or State law or under this section.

7 (viii) Having been convicted of a crime directly
8 related to the qualifications, functions or duties of the
9 practice of behavior analysis.

10 (ix) Failing to report in writing to the board a
11 disciplinary decision issued against the applicant or
12 license holder in an out-of-State jurisdiction within 30
13 days of the disciplinary decision.

14 (x) Failing to report in writing to the board
15 revocation or disciplinary action by a certifying entity
16 within 15 days of the action.

17 (xi) Employing, whether gratuitously or for pay, an
18 individual not licensed under this section to perform the
19 functions or duties of the practice of behavior analysis.

20 (2) When the board, after notice of a violation under
21 paragraph (1) and an opportunity for a hearing, finds that an
22 applicant or a license holder under this section has
23 committed a violation under paragraph (2), the board may take
24 any of the following actions:

25 (i) Administer a public reprimand.

26 (ii) Mandate specific continuing education.

27 (iii) Deny, revoke, suspend, limit or otherwise
28 restrict a license as determined by the board.

29 (iv) Suspend enforcement of the board's finding and
30 place a license holder on probation with the right to

1 vacate the probationary order for noncompliance.

2 (v) Restore or reissue, at the board's discretion, a
3 suspended license to practice applied behavior analysis
4 and impose an alternative disciplinary or corrective
5 measure.

6 (vi) Issue a notice to a certifying entity.

7 (vii) Impose a fine of not more than \$2,500.

8 (3) An individual aggrieved by a final order of the
9 board under paragraph (2) may appeal to the Bureau of
10 Professional and Occupational Affairs.

11 (o) Reinstatement of license.--

12 (1) Within three years, the board may reinstate a
13 license under this section that has lapsed upon the
14 completion of the license renewal requirements under
15 subsection (j), including payment of the required renewal fee
16 under subsection (j) (3) and a reinstatement fee established
17 by the board.

18 (2) The board may reinstate a license under this section
19 that has been revoked or suspended if the board determines
20 that the license holder is currently certified in good
21 standing at the appropriate level by a certifying entity. As
22 a condition of reinstatement, the board may impose reasonable
23 restrictions under which the license holder may engage in the
24 practice of applied behavior analysis.

25 (p) Committee.--

26 (1) The Behavior Analyst Advisory Committee is
27 established to assist the board in promulgating regulations
28 for the practice of applied behavior analysis and assist the
29 board regarding the licensure standards under this section
30 when a behavior analyst is not serving on the board. The

1 board shall appoint the following members to committee:

2 (i) A board-certified behavior analyst-doctoral who
3 is eligible for licensure under this section and has a
4 minimum of five years' post-doctoral experience
5 designing, overseeing or delivering applied behavior
6 analysis services.

7 (ii) One or more board-certified behavior analysts
8 who are eligible for licensure under this section and
9 have a minimum of five years' experience designing,
10 overseeing or delivering applied behavior analysis
11 services.

12 (iii) A board-certified behavior analyst or
13 assistant behavior analyst who is eligible for licensure
14 under this section and has a minimum of five years'
15 experience in or experience assisting with the design,
16 oversight or delivery of applied behavior analysis
17 services.

18 (2) A member of the committee may not be a Federal or
19 State employee, hold a Federal or State contract or hold an
20 appointed position.

21 (3) A member of the committee shall be a resident of
22 this Commonwealth and be a member of a national or State
23 nonprofit organization representing behavior analysts as
24 defined under section 501(c)(3) of the Internal Revenue Code
25 of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

26 (g) Regulations.--The board shall promulgate regulations
27 necessary to implement this section.

28 (r) Definitions.--As used in this section, the following
29 words and phrases shall have the meaning given to them in this
30 subsection:

1 "Assistant behavior analyst." An individual who is certified
2 by a certifying entity as a board-certified assistant behavior
3 analyst and licensed under this section to assist in the
4 practice of behavior analysis under the supervision of a
5 licensed behavior analyst who is approved by a certifying entity
6 to supervise assistant behavior analysts. An individual who
7 meets the criteria specified in this definition may be employed
8 or supervised by another professional licensed in this
9 Commonwealth whose statutory or regulated scope of practice
10 includes applied behavior analysis if the licensed professional
11 practices within the boundaries of the profession's code of
12 ethics and the licensed professional is approved by a certifying
13 entity to supervise assistant behavior analysts.

14 "Behavior analyst." An individual who is certified by a
15 certifying entity as a board-certified behavior analyst or
16 board-certified behavior analyst-doctoral and is licensed under
17 this section to engage in the independent practice of applied
18 behavior analysis.

19 "Behavior technician." A paraprofessional who practices
20 under the close, ongoing supervision and direction of a licensed
21 professional, delivers services as assigned by the supervisor
22 responsible for the individual's work and does not design
23 assessment or intervention plans or procedures. A
24 paraprofessional who meets the criteria specified in this
25 definition may be employed or supervised by another professional
26 licensed in this Commonwealth if the applied behavior analysis
27 services delivered by the individual are supervised by a
28 licensed behavior analyst, licensed assistant behavior analyst
29 or other professional licensed in this Commonwealth whose
30 legislated or statutory scope of practice includes applied

1 behavior analysis and who is practicing within the boundaries of
2 the profession's code of ethics.

3 "Certifying entity." A nonprofit organization approved by
4 the board that provides programs to credential professional
5 practitioners of applied behavior analysis that are accredited
6 by the National Commission for Certifying Agencies or the
7 American National Standards Institute.

8 "Committee." The Behavior Analyst Advisory Committee
9 established under subsection (p) (1).

10 "Practice of applied behavior analysis." As follows:

11 (1) The design, implementation and evaluation of
12 instructional and environmental modifications with an
13 individual to produce socially significant improvements in
14 human behavior or prevent the loss of an attained skill or
15 function.

16 (2) The term includes all of the following:

17 (i) The empirical identification of functional
18 relations between behavior and environmental factors,
19 known as functional assessment and analysis.

20 (ii) Interventions based on scientific research and
21 direct and indirect observation and measurement of
22 behavior and environment.

23 (iii) The utilization of contextual factors,
24 motivating operations, antecedent stimuli, positive
25 reinforcement and other procedures to help individuals
26 develop new behaviors, increase or decrease existing
27 behaviors and emit behaviors under specific environmental
28 conditions.

29 (3) The term does not include the diagnosis of
30 disorders, psychological testing, psychotherapy, cognitive

1 therapy, psychoanalysis and counseling.

2 Section 3. This act shall take effect in 60 days.