

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, INNAMORATO, SCHROEDER, MERSKI, ZABEL, SONNEY, GAINEY, STEPHENS, SCHMITT, DeLUCA, JAMES, BURNS, CARROLL, SIMS, TOMLINSON, FARRY, KOSIEROWSKI, SMITH, McNEILL, DAY, SANCHEZ AND N. NELSON, MARCH 11, 2021

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 24, 2022

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. DEFINITIONS, FOR <--
11 RESPIRATORY THERAPISTS, FOR PERFUSIONIST, FOR GENETIC
12 COUNSELOR AND FOR PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND
13 ORTHOTIC FITTERS; PROVIDING FOR BEHAVIOR ANALYSTS AND
14 ASSISTANT BEHAVIOR ANALYSTS; AND FURTHER PROVIDING FOR
15 LICENSES AND CERTIFICATES AND GENERAL QUALIFICATION.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 3(a) and (b) of the act of December 20, <--
19 1985 (P.L.457, No.112), known as the Medical Practice Act of
20 1985, are amended to read:

1 ~~Section 3. State Board of Medicine.~~

2 ~~(a) Establishment. The State Board of Medicine shall~~  
3 ~~consist of the commissioner or his designee, the Secretary of~~  
4 ~~Health or his designee, two members appointed by the Governor~~  
5 ~~who shall be persons representing the public at large and seven~~  
6 ~~members appointed by the Governor, six of whom shall be medical~~  
7 ~~doctors with unrestricted licenses to practice medicine and~~  
8 ~~surgery in this Commonwealth for five years immediately~~  
9 ~~preceding their appointment and one who shall be a nurse~~  
10 ~~midwife, physician assistant, certified registered nurse~~  
11 ~~practitioner, respiratory therapist, licensed athletic trainer~~  
12 ~~[redacted], perfusionist or behavior analyst licensed or certified~~  
13 ~~under the laws of this Commonwealth. All professional and public~~  
14 ~~members of the board shall be appointed by the Governor, with~~  
15 ~~the advice and consent of a majority of the members elected to~~  
16 ~~the Senate.~~

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

1 nurse midwife, one is a physician assistant, one is a certified  
2 registered nurse practitioner [and], one is a respiratory  
3 therapist and one is a behavior analyst.

4 \* \* \*

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

6 Section 13.7. Behavior analyst.

7 (a) Behavior analyst licensure. An applicant for licensure  
8 as a behavior analyst under this section shall meet all of the  
9 following requirements:

10 (1) The applicant shall hold, as verified by the board,  
11 a current certification from a certifying entity as a board  
12 certified behavior analyst or board certified behavior  
13 analyst doctoral.

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

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

19 (4) The applicant shall have completed, as part of, or  
20 in addition to, the educational requirements specified under  
21 this subsection, a minimum number of hours of verified  
22 behavior analytic graduate coursework as determined by a  
23 certifying entity.

24 (5) The applicant shall have passed the examination  
25 developed by a certifying entity that represents a  
26 psychometrically and legally validated professional  
27 examination in applied behavior analysis.

28 (b) Assistant behavior analyst licensure. An applicant for  
29 licensure as an assistant behavior analyst under this section  
30 shall meet all of the following requirements:

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

4       ~~(2) The applicant shall have completed the education,~~  
5       ~~supervised fieldwork and examination requirements as~~  
6       ~~specified by a certifying entity and adopted by the board.~~

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

9       ~~(4) The applicant shall have completed, as part of, or~~  
10       ~~in addition to, the educational requirements specified under~~  
11       ~~this subsection, a minimum number of hours of verified~~  
12       ~~behavior analytic undergraduate coursework as determined by a~~  
13       ~~certifying entity.~~

14       ~~(5) The applicant shall have passed the examination~~  
15       ~~developed by a certifying entity that represents a~~  
16       ~~psychometrically and legally validated professional~~  
17       ~~examination in applied behavior analysis.~~

18       ~~(c) Use of title. Except as provided under subsection (d),~~  
19       ~~an individual may not practice or hold oneself out as being~~  
20       ~~qualified to practice applied behavior analysis in this~~  
21       ~~Commonwealth unless the individual holds a current, unsuspended,~~  
22       ~~unrevoked license issued by the board.~~

23       ~~(d) Exceptions. Nothing in this section shall be construed~~  
24       ~~as prohibiting or restricting the practice of any of the~~  
25       ~~following:~~

26       ~~(1) An individual who is licensed to practice psychology~~  
27       ~~in this Commonwealth if the applied behavior analysis~~  
28       ~~services provided by the licensed psychologist are practiced~~  
29       ~~within the psychologist's code of ethics as determined by~~  
30       ~~the State Board of Psychology and the licensed psychologist~~

~~1 does not represent himself or herself as a licensed behavior  
2 analyst unless licensed under this section.~~

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

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

~~25 (4) A family member who delivers applied behavior  
26 analysis services under the authority and direction of a  
27 licensed behavior analyst or licensed assistant behavior  
28 analyst. A family member under this paragraph may not  
29 represent himself or herself as a licensed behavior analyst  
30 and shall use a title that indicates the family member's~~

1 ~~nonlicensed status.~~

2 ~~(5) A behavior analyst who practices with nonhumans,~~  
3 ~~including applied animal behaviorists and animal trainers. A~~  
4 ~~behavior analyst under this paragraph may use the title~~  
5 ~~"behavior analyst," but may not represent himself or herself~~  
6 ~~as a licensed behavior analyst or licensed assistant behavior~~  
7 ~~analyst unless licensed under this section.~~

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

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

26 ~~(8) An unlicensed individual pursuing supervised~~  
27 ~~experiential training in applied behavior analysis consistent~~  
28 ~~with a certifying entity's requirements if the training is~~  
29 ~~supervised by a licensed behavior analyst or licensed~~  
30 ~~psychologist in this Commonwealth who is approved by the~~

~~certifying entity to provide the supervision. An unlicensed individual under this paragraph may not represent himself or herself as a licensed behavior analyst and shall use a title that clearly indicates a trainee status.~~

~~(9) An individual who teaches behavior analysis or conducts behavior analytic research at an accredited college or university in this Commonwealth if the activities do not involve the direct delivery of applied behavior analysis services beyond the typical parameters of applied research. An individual under this paragraph may use the title "behavior analyst," but may not represent himself or herself as a licensed behavior analyst or a licensed assistant behavior analyst unless licensed under this section.~~

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

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

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

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

~~(11) An individual licensed to practice occupational therapy. Nothing in this section shall be construed to~~

~~prohibit, limit, include or affect the practice of occupational therapy.~~

~~(12) A nonresident of this Commonwealth who is licensed to practice applied behavior analysis independently under the laws of another state, the District of Columbia or a territory of the United States that has licensure requirements substantially equal to the requirements under this section as determined by the board and practices in this Commonwealth for no more than 15 days in a calendar year.~~

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

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

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

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

~~(i) The professional liability insurance is~~



~~effective by the next biennial period for license renewal after the effective date of this paragraph. The board shall accept any of the following from an applicant as satisfactory evidence of professional insurance coverage under this paragraph:~~

~~(A) Self insurance.~~

~~(B) Individually purchased professional liability insurance.~~

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

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

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

~~(4) For a licensed assistant behavior analyst applicant, current certification as a board certified assistant behavior analyst with a certifying entity and a letter from a licensed behavior analyst in this Commonwealth who is approved by a certifying entity to supervise board certified assistant behavior analysts stating that the licensed behavior analyst is supervising the applicant in accordance with the certifying entity's current requirements. The board shall verify with the certifying entity that the licensed behavior analyst has the necessary approval to supervise the applicant under this paragraph.~~

~~(5) Good moral character as determined by the board and as defined by the profession's code of ethics and other~~

1 ~~conduct standards.~~

2 ~~(6) If applicable, completion of the child abuse~~  
3 ~~recognition and continuing education required under~~  
4 ~~subsection (k).~~

5 ~~(f) Licensure restrictions. The board may not grant a~~  
6 ~~license to an applicant as a behavior analyst or an assistant~~  
7 ~~behavior analyst under this section if the applicant has been:~~

8 ~~(1) convicted of a felony offense under section~~  
9 ~~635.2(g)(3) of the act of May 17, 1921 (P.L.682, No.284),~~  
10 ~~known as The Insurance Company Law of 1921, unless:~~

11 ~~(i) at least ten years has elapsed from the date of~~  
12 ~~conviction;~~

13 ~~(ii) the applicant has satisfactorily demonstrated~~  
14 ~~to the board that the applicant has made significant~~  
15 ~~progress in personal rehabilitation since the conviction;~~  
16 ~~and~~

17 ~~(iii) the applicant has satisfactorily demonstrated~~  
18 ~~to the board that licensure of the applicant will not~~  
19 ~~create a substantial risk of harm to the health and~~  
20 ~~safety of the applicant's patients, the public or~~  
21 ~~additional criminal violations;~~

22 ~~(2) has been convicted of, entered a plea of nolo~~  
23 ~~contendere to or has been adjudicated delinquent of a crime~~  
24 ~~for which the applicant has been required to register under~~  
25 ~~42 Pa.C.S. Ch. 97 Subch. H (relating to registration of~~  
26 ~~sexual offenders) without regard to the time elapsed since~~  
27 ~~the date of the conviction, plea or adjudication or the~~  
28 ~~length of the registration required; or~~

29 ~~(3) has been found guilty of unprofessional conduct as~~  
30 ~~defined by rules established by the board or violating the~~

~~profession's code of ethics or other conduct standards established by a certifying entity.~~

~~(g) Temporary licenses.~~

~~(1) The board may grant a temporary license under this subsection to a nonresident who engages in the practice of applied behavior analysis in this Commonwealth for no more than three months in a calendar year if the individual meets any of the following requirements:~~

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

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

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

~~(h) Licensure by endorsement. The board may issue a license under this subsection by endorsement to an individual who is currently licensed as a behavior analyst or an assistant behavior analyst in good standing under the laws of another state, the District of Columbia or a territory of the United States that has licensure requirements substantially equal to~~

1 ~~the requirements under this section. An applicant for licensure~~  
2 ~~under this subsection shall have the applicant's current license~~  
3 ~~verified by the board and comply with other requirements under~~  
4 ~~this section.~~

5 ~~(i) Supervision. An individual who is currently licensed as~~  
6 ~~a behavior analyst or an assistant behavior analyst in good~~  
7 ~~standing under the laws of another state, the District of~~  
8 ~~Columbia or a territory of the United States who has applied for~~  
9 ~~a temporary license or a license by endorsement under subsection~~  
10 ~~(g) or (h) may practice applied behavior analysis in this~~  
11 ~~Commonwealth under the supervision of an individual fully~~  
12 ~~licensed in this Commonwealth while awaiting approval of an~~  
13 ~~application submitted to the board under subsection (e).~~

14 ~~(j) Renewal or expiration. A license issued under this~~  
15 ~~section shall be subject to biennial renewal. Before the~~  
16 ~~expiration of a license under this section, the board may issue~~  
17 ~~a license renewal upon the submission of all of the following:~~

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

19 ~~(2) A board verification of current certification in~~  
20 ~~good standing by a certifying entity, which signifies that~~  
21 ~~the applicant for renewal has met all requirements for~~  
22 ~~maintaining certification at the appropriate level.~~

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

24 ~~(4) Evidence of having active professional liability~~  
25 ~~insurance as specified under subsection (e) (2).~~

26 ~~(5) A record of completion of a State approved criminal~~  
27 ~~background check, a State approved child abuse clearance and~~  
28 ~~a Federal Bureau of Investigation fingerprint based record~~  
29 ~~check as specified under subsection (e) (1).~~

30 ~~(6) If applicable, updated records of the completion of~~

~~1 the child abuse recognition and continuing education required  
2 under subsection (k).~~

~~3 (7) Evidence of having completed the continuing  
4 education required by a certifying entity and maintained  
5 national certification by completing recertifying mechanisms  
6 available to the practice of applied behavior analysis.~~

~~7 (k) Child abuse recognition.~~

~~8 (1) An applicant for a license under this section shall  
9 report suspected child abuse as specified under 23 Pa.C.S.  
10 Ch. 63 and shall complete at least three hours of approved  
11 child abuse recognition and continuing education as specified  
12 under 23 Pa.C.S. § 6383(b) (3).~~

~~13 (2) A license holder subject to paragraph (2) who  
14 applies for the renewal of the license under subsection (j)  
15 shall complete at least two hours of approved child abuse  
16 recognition and reporting continuing education as provided  
17 under 23 Pa.C.S. § 6383(b) (3).~~

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

1 ~~insurance as specified under subsection (e) (2).~~

2 ~~(m) Violations. Any of the following shall constitute a~~  
3 ~~violation under this section:~~

4 ~~(1) Except as provided under subsection (d), the~~  
5 ~~unlicensed practice of applied behavior analysis in this~~  
6 ~~Commonwealth.~~

7 ~~(2) Holding oneself out to be a licensed behavior~~  
8 ~~analyst or licensed assistant behavior analyst without~~  
9 ~~holding a license under this section.~~

10 ~~(3) Except as provided under subsection (d), holding~~  
11 ~~oneself out as a licensed behavior analyst or a substantially~~  
12 ~~similar profession without holding a license under this~~  
13 ~~section.~~

14 ~~(n) Disciplinary actions.~~

15 ~~(1) The board may refuse to issue or renew and may~~  
16 ~~suspend or revoke a license under this section of an~~  
17 ~~applicant or license holder by a vote of at least a majority~~  
18 ~~of the members of the board for any of the following reasons:~~

19 ~~(i) Ineligibility for licensure, including,~~  
20 ~~ineligibility due to a failure to maintain active~~  
21 ~~certification by a certifying entity or falsification of~~  
22 ~~documentation submitted for licensure.~~

23 ~~(ii) Aiding and abetting an unlicensed individual to~~  
24 ~~directly or indirectly perform activities requiring a~~  
25 ~~license for the practice of behavior analysis.~~

26 ~~(iii) Engaging in professional misconduct,~~  
27 ~~incompetence, gross negligence or manifest incapacity in~~  
28 ~~the practice of behavior analysis.~~

29 ~~(iv) Engaging in the practice of behavior analysis~~  
30 ~~while impaired by alcohol or drugs.~~

1           ~~(v) Engaging in conduct or practice contrary to a~~  
2           ~~certifying entity's current professional and ethical~~  
3           ~~standards.~~

4           ~~(vi) Failing to comply with, observe or adhere to a~~  
5           ~~Federal or State law in a manner that causes the board to~~  
6           ~~determine that the applicant or license holder is unfit~~  
7           ~~to hold a license.~~

8           ~~(vii) Having a license revoked or suspended or other~~  
9           ~~subject to disciplinary action by a Federal or State~~  
10           ~~agency for any reason that is provided by applicable~~  
11           ~~Federal or State law or under this section.~~

12           ~~(viii) Having been convicted of a crime directly~~  
13           ~~related to the qualifications, functions or duties of the~~  
14           ~~practice of behavior analysis.~~

15           ~~(ix) Failing to report in writing to the board a~~  
16           ~~disciplinary decision issued against the applicant or~~  
17           ~~license holder in an out of State jurisdiction within 30~~  
18           ~~days of the disciplinary decision.~~

19           ~~(x) Failing to report in writing to the board~~  
20           ~~revocation or disciplinary action by a certifying entity~~  
21           ~~within 15 days of the action.~~

22           ~~(xi) Employing, whether gratuitously or for pay, an~~  
23           ~~individual not licensed under this section to perform the~~  
24           ~~functions or duties of the practice of behavior analysis.~~

25           ~~(2) When the board, after notice of a violation under~~  
26           ~~paragraph (1) and an opportunity for a hearing, finds that an~~  
27           ~~applicant or a license holder under this section has~~  
28           ~~committed a violation under paragraph (2), the board may take~~  
29           ~~any of the following actions:~~

30           ~~(i) Administer a public reprimand.~~

1 ~~(ii) Mandate specific continuing education.~~

2 ~~(iii) Deny, revoke, suspend, limit or otherwise~~  
3 ~~restrict a license as determined by the board.~~

4 ~~(iv) Suspend enforcement of the board's finding and~~  
5 ~~place a license holder on probation with the right to~~  
6 ~~vacate the probationary order for noncompliance.~~

7 ~~(v) Restore or reissue, at the board's discretion, a~~  
8 ~~suspended license to practice applied behavior analysis~~  
9 ~~and impose an alternative disciplinary or corrective~~  
10 ~~measure.~~

11 ~~(vi) Issue a notice to a certifying entity.~~

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

13 ~~(3) An individual aggrieved by a final order of the~~  
14 ~~board under paragraph (2) may appeal to the Bureau of~~  
15 ~~Professional and Occupational Affairs.~~

16 ~~(o) Reinstatement of license.—~~

17 ~~(1) Within three years, the board may reinstate a~~  
18 ~~license under this section that has lapsed upon the~~  
19 ~~completion of the license renewal requirements under~~  
20 ~~subsection (j), including payment of the required renewal fee~~  
21 ~~under subsection (j) (3) and a reinstatement fee established~~  
22 ~~by the board.~~

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

30 ~~(p) Committee.—~~



1       ~~(1) The Behavior Analyst Advisory Committee is~~  
2       ~~established to assist the board in promulgating regulations~~  
3       ~~for the practice of applied behavior analysis and assist the~~  
4       ~~board regarding the licensure standards under this section~~  
5       ~~when a behavior analyst is not serving on the board. The~~  
6       ~~board shall appoint the following members to committee:~~

7               ~~(i) A board certified behavior analyst doctoral who~~  
8               ~~is eligible for licensure under this section and has a~~  
9               ~~minimum of five years' post doctoral experience~~  
10              ~~designing, overseeing or delivering applied behavior~~  
11              ~~analysis services.~~

12              ~~(ii) One or more board certified behavior analysts~~  
13              ~~who are eligible for licensure under this section and~~  
14              ~~have a minimum of five years' experience designing,~~  
15              ~~overseeing or delivering applied behavior analysis~~  
16              ~~services.~~

17              ~~(iii) A board certified behavior analyst or~~  
18              ~~assistant behavior analyst who is eligible for licensure~~  
19              ~~under this section and has a minimum of five years'~~  
20              ~~experience in or experience assisting with the design,~~  
21              ~~oversight or delivery of applied behavior analysis~~  
22              ~~services.~~

23       ~~(2) A member of the committee may not be a Federal or~~  
24       ~~State employee, hold a Federal or State contract or hold an~~  
25       ~~appointed position.~~

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

1 ~~(g) Regulations. The board shall promulgate regulations~~  
2 ~~necessary to implement this section.~~

3 ~~(r) Definitions. As used in this section, the following~~  
4 ~~words and phrases shall have the meaning given to them in this~~  
5 ~~subsection:~~

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

19 ~~"Behavior analyst." An individual who is certified by a~~  
20 ~~certifying entity as a board certified behavior analyst or~~  
21 ~~board certified behavior analyst doctoral and is licensed under~~  
22 ~~this section to engage in the independent practice of applied~~  
23 ~~behavior analysis.~~

24 ~~"Behavior technician." A paraprofessional who practices~~  
25 ~~under the close, ongoing supervision and direction of a licensed~~  
26 ~~professional, delivers services as assigned by the supervisor~~  
27 ~~responsible for the individual's work and does not design~~  
28 ~~assessment or intervention plans or procedures. A~~  
29 ~~paraprofessional who meets the criteria specified in this~~  
30 ~~definition may be employed or supervised by another professional~~

1 ~~licensed in this Commonwealth if the applied behavior analysis~~  
2 ~~services delivered by the individual are supervised by a~~  
3 ~~licensed behavior analyst, licensed assistant behavior analyst~~  
4 ~~or other professional licensed in this Commonwealth whose~~  
5 ~~legislated or statutory scope of practice includes applied~~  
6 ~~behavior analysis and who is practicing within the boundaries of~~  
7 ~~the profession's code of ethics.~~

8 ~~"Certifying entity." A nonprofit organization approved by~~  
9 ~~the board that provides programs to credential professional~~  
10 ~~practitioners of applied behavior analysis that are accredited~~  
11 ~~by the National Commission for Certifying Agencies or the~~  
12 ~~American National Standards Institute.~~

13 ~~"Committee." The Behavior Analyst Advisory Committee~~  
14 ~~established under subsection (p)(1).~~

15 ~~"Practice of applied behavior analysis." As follows:~~

16 ~~(1) The design, implementation and evaluation of~~  
17 ~~instructional and environmental modifications with an~~  
18 ~~individual to produce socially significant improvements in~~  
19 ~~human behavior or prevent the loss of an attained skill or~~  
20 ~~function.~~

21 ~~(2) The term includes all of the following:~~

22 ~~(i) The empirical identification of functional~~  
23 ~~relations between behavior and environmental factors,~~  
24 ~~known as functional assessment and analysis.~~

25 ~~(ii) Interventions based on scientific research and~~  
26 ~~direct and indirect observation and measurement of~~  
27 ~~behavior and environment.~~

28 ~~(iii) The utilization of contextual factors,~~  
29 ~~motivating operations, antecedent stimuli, positive~~  
30 ~~reinforcement and other procedures to help individuals~~

1 ~~develop new behaviors, increase or decrease existing~~  
2 ~~behaviors and emit behaviors under specific environmental~~  
3 ~~conditions.~~

4 ~~(3) The term does not include the diagnosis of~~  
5 ~~disorders, psychological testing, psychotherapy, cognitive~~  
6 ~~therapy, psychoanalysis and counseling.~~

7 ~~Section 3. This act shall take effect in 60 days.~~

8 SECTION 1. SECTION 2 OF THE ACT OF DECEMBER 20, 1985 <--

9 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS  
10 AMENDED BY ADDING DEFINITIONS TO READ:

11 SECTION 2. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
13 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 \* \* \*

16 "APPLIED BEHAVIOR ANALYSIS." THE DESIGN, IMPLEMENTATION AND  
17 EVALUATION OF INSTRUCTIONAL AND ENVIRONMENTAL MODIFICATIONS WITH  
18 AN INDIVIDUAL TO PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENT IN  
19 HUMAN BEHAVIOR OR TO PREVENT LOSS OF AN ATTAINED SKILL OR  
20 FUNCTION, INCLUDING THE USE OF DIRECT OBSERVATION, MEASUREMENT  
21 AND FUNCTIONAL ANALYSIS OF THE RELATIONS BETWEEN ENVIRONMENT AND  
22 BEHAVIOR.

23 "ASSISTANT BEHAVIOR ANALYST." AN INDIVIDUAL WHO IS LICENSED  
24 UNDER SECTION 13.7(B) TO ASSIST IN THE PRACTICE OF APPLIED  
25 BEHAVIOR ANALYSIS UNDER THE SUPERVISION OF A LICENSED BEHAVIOR  
26 ANALYST WHO IS APPROVED BY A CERTIFYING ENTITY TO SUPERVISE  
27 ASSISTANT BEHAVIOR ANALYSTS.

28 \* \* \*

29 "BEHAVIOR ANALYST." AN INDIVIDUAL WHO IS LICENSED BY THE  
30 BOARD TO PRACTICE APPLIED BEHAVIOR ANALYSIS UNDER SECTION

1 13.7(A).

2 \* \* \*

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 NCCA OR THE AMERICAN NATIONAL STANDARDS INSTITUTE OR A  
7 SUCCESSOR INSTITUTE.

8 \* \* \*

9 SECTION 2. SECTIONS 13.1(A)(3), 13.3(F)(2), 13.4(E)(2) AND  
10 13.5(A)(1) OF THE ACT ARE AMENDED TO READ:

11 SECTION 13.1. RESPIRATORY THERAPISTS.

12 (A) QUALIFICATIONS.--AN INDIVIDUAL SHALL BE ELIGIBLE TO  
13 APPLY FOR LICENSURE AS A RESPIRATORY THERAPIST IF THAT  
14 INDIVIDUAL SATISFIES ALL OF THE FOLLOWING:

15 \* \* \*

16 (3) HAS PROVED TO THE SATISFACTION OF THE BOARD THAT THE  
17 INDIVIDUAL IS OF GOOD MORAL CHARACTER AND IS NOT UNFIT OR  
18 UNABLE TO PRACTICE AS A RESPIRATORY THERAPIST BY REASON OF  
19 PHYSICAL OR MENTAL IMPAIRMENT. IN ASSESSING THE MORAL  
20 CHARACTER OF AN INDIVIDUAL WITH A CRIMINAL CONVICTION, THE  
21 BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN  
22 ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION  
23 OF CRIMINAL CONVICTIONS).

24 \* \* \*

25 SECTION 13.3. PERFUSIONIST.

26 \* \* \*

27 (F) QUALIFICATIONS.--AN APPLICANT SHALL BE LICENSED TO  
28 PRACTICE PERFUSION UNDER THIS ACT IF THE APPLICANT MEETS ALL OF  
29 THE FOLLOWING QUALIFICATIONS AND HAS OTHERWISE COMPLIED WITH THE  
30 PROVISIONS OF THIS ACT:

1 \* \* \*

2 (2) THE PERSON IS OF GOOD MORAL CHARACTER. IN ASSESSING  
3 THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
4 CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED  
5 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO  
6 CONSIDERATION OF CRIMINAL CONVICTIONS).

7 \* \* \*

8 SECTION 13.4. GENETIC COUNSELOR.

9 \* \* \*

10 (E) QUALIFICATIONS.--AN APPLICANT SHALL BE LICENSED TO  
11 PRACTICE GENETIC COUNSELING UNDER THIS ACT IF THE APPLICANT  
12 MEETS ALL OF THE FOLLOWING QUALIFICATIONS AND HAS OTHERWISE  
13 COMPLIED WITH THE PROVISIONS OF THIS ACT:

14 \* \* \*

15 (2) THE PERSON IS OF GOOD MORAL CHARACTER. IN ASSESSING  
16 THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
17 CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED  
18 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO  
19 CONSIDERATION OF CRIMINAL CONVICTIONS).

20 \* \* \*

21 SECTION 13.5. PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND  
22 ORTHOTIC FITTERS.

23 (A) LICENSURE QUALIFICATIONS.--TO QUALIFY FOR LICENSURE TO  
24 PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING,  
25 AN APPLICANT SHALL:

26 (1) BE OF GOOD MORAL CHARACTER. IN ASSESSING THE MORAL  
27 CHARACTER OF AN APPLICANT WITH A CRIMINAL CONVICTION, THE  
28 BOARD SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT IN  
29 ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO CONSIDERATION  
30 OF CRIMINAL CONVICTIONS).

1 \* \* \*

2 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
3 SECTION 13.7. BEHAVIOR ANALYSTS AND ASSISTANT BEHAVIOR  
4 ANALYSTS.

5 (A) BEHAVIOR ANALYST LICENSURE.--AN APPLICANT SHALL BE  
6 LICENSED TO PRACTICE AS A BEHAVIOR ANALYST BY THE BOARD IF THE  
7 APPLICANT MEETS ALL OF THE FOLLOWING QUALIFICATIONS AND HAS  
8 OTHERWISE COMPLIED WITH THE PROVISIONS OF THIS ACT:

9 (1) THE APPLICANT IS AT LEAST 21 YEARS OF AGE.

10 (2) THE APPLICANT IS OF GOOD MORAL CHARACTER. IN  
11 ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
12 CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED  
13 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO  
14 CONSIDERATION OF CRIMINAL CONVICTIONS).

15 (3) THE APPLICANT HAS COMPLETED AN APPLICATION AND PAID  
16 A FEE AS ESTABLISHED BY THE BOARD BY REGULATION.

17 (4) THE APPLICANT HAS RECEIVED A MASTER'S DEGREE OR  
18 HIGHER IN A COURSE OF STUDY REQUIRED FOR CERTIFICATION FROM A  
19 CERTIFYING ENTITY.

20 (5) THE APPLICANT HOLDS A CURRENT CERTIFICATION AS A  
21 BOARD-CERTIFIED BEHAVIOR ANALYST FROM A CERTIFYING ENTITY.

22 (6) THE APPLICANT HAS PASSED THE EXAMINATION FOR  
23 CERTIFICATION AS A BOARD-CERTIFIED BEHAVIOR ANALYST BY A  
24 CERTIFYING ENTITY AS APPROVED BY THE BOARD.

25 (7) THE APPLICANT SUBMITS PROOF OF PROFESSIONAL  
26 LIABILITY INSURANCE COVERAGE AS REQUIRED UNDER SUBSECTION  
27 (G).

28 (8) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY  
29 UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS  
30 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR

1 OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION WHICH,  
2 IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER  
3 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,  
4 UNLESS ALL OF THE FOLLOWING APPLY:

5 (I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF  
6 CONVICTION.

7 (II) THE APPLICANT HAS SATISFACTORILY DEMONSTRATED  
8 TO THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT  
9 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION.

10 (III) THE APPLICANT HAS SATISFACTORILY DEMONSTRATED  
11 TO THE BOARD THAT LICENSURE OF THE APPLICANT WILL NOT  
12 CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND  
13 SAFETY OF THE APPLICANT'S PATIENTS OR THE GENERAL PUBLIC  
14 OR RESULT IN ADDITIONAL CRIMINAL VIOLATIONS.

15 (B) ASSISTANT BEHAVIOR ANALYST LICENSURE.--AN APPLICANT  
16 SHALL BE LICENSED TO PRACTICE AS AN ASSISTANT BEHAVIOR ANALYST  
17 BY THE BOARD IF THE APPLICANT MEETS ALL OF THE FOLLOWING  
18 QUALIFICATIONS AND HAS OTHERWISE COMPLIED WITH THE PROVISIONS OF  
19 THIS ACT:

20 (1) THE APPLICANT IS AT LEAST 21 YEARS OF AGE.

21 (2) THE APPLICANT IS OF GOOD MORAL CHARACTER. IN  
22 ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
23 CONVICTION, THE BOARD SHALL CONDUCT AN INDIVIDUALIZED  
24 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO  
25 CONSIDERATION OF CRIMINAL CONVICTIONS).

26 (3) THE APPLICANT HAS COMPLETED AN APPLICATION AND PAID  
27 A FEE AS ESTABLISHED BY THE BOARD BY REGULATION.

28 (4) THE APPLICANT HAS RECEIVED A BACHELOR'S DEGREE OR  
29 HIGHER IN A COURSE OF STUDY REQUIRED FOR CERTIFICATION FROM A  
30 CERTIFYING ENTITY.



1           (5) THE APPLICANT HOLDS A CURRENT CERTIFICATION AS A  
2 BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST FROM A CERTIFYING  
3 ENTITY.

4           (6) THE APPLICANT HAS PASSED THE EXAMINATION FOR  
5 CERTIFICATION AS A BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST  
6 BY A CERTIFYING ENTITY AS APPROVED BY THE BOARD.

7           (7) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY  
8 UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC  
9 ACT, OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION  
10 WHICH, IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY  
11 UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC  
12 ACT, UNLESS ALL OF THE FOLLOWING APPLY:

13           (I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF  
14 CONVICTION.

15           (II) THE APPLICANT HAS SATISFACTORILY DEMONSTRATED  
16 TO THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT  
17 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION.

18           (III) THE APPLICANT HAS SATISFACTORILY DEMONSTRATED  
19 TO THE BOARD THAT LICENSURE OF THE APPLICANT WILL NOT  
20 CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND  
21 SAFETY OF THE APPLICANT'S PATIENTS OR THE GENERAL PUBLIC  
22 OR RESULT IN ADDITIONAL CRIMINAL VIOLATIONS.

23           (8) THE APPLICANT PROVIDES A LETTER FROM A LICENSED  
24 BEHAVIOR ANALYST IN THIS COMMONWEALTH WHO IS APPROVED BY A  
25 CERTIFYING ENTITY TO SUPERVISE LICENSED ASSISTANT BEHAVIOR  
26 ANALYSTS STATING THAT THE LICENSED BEHAVIOR ANALYST IS  
27 SUPERVISING THE APPLICANT IN ACCORDANCE WITH THE CERTIFYING  
28 ENTITY'S CURRENT REQUIREMENTS.

29           (C) LICENSURE REQUIRED.--TWO YEARS AFTER THE EFFECTIVE DATE  
30 OF THIS SECTION, IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO HOLD

1 ONESELF OUT TO THE PUBLIC AS A BEHAVIOR ANALYST OR AN ASSISTANT  
2 BEHAVIOR ANALYST OR TO PRACTICE OR ASSIST IN THE PRACTICE OF  
3 APPLIED BEHAVIOR ANALYSIS OR OFFER TO PRACTICE OR ASSIST IN THE  
4 PRACTICE OF APPLIED BEHAVIOR ANALYSIS UNLESS THE INDIVIDUAL  
5 HOLDS A LICENSE UNDER SUBSECTION (A) OR (B).

6 (D) PROHIBITION OR RESTRICTION.--IN ACCORDANCE WITH  
7 SUBSECTION (C), NOTHING IN THIS SECTION SHALL BE CONSTRUED AS  
8 PROHIBITING OR RESTRICTING THE PRACTICE OF ANY OF THE FOLLOWING:

9 (1) AN INDIVIDUAL LICENSED UNDER ANY OTHER SECTION OF  
10 THIS ACT OR ANY OTHER LAW OF THIS COMMONWEALTH, WHILE ACTING  
11 WITHIN THE SCOPE OF PRACTICE OF THE INDIVIDUAL'S LICENSE AND  
12 TRAINING, INCLUDING, BUT NOT LIMITED TO, ANY OF THE  
13 FOLLOWING:

14 (I) AN INDIVIDUAL LICENSED TO ENGAGE IN THE PRACTICE  
15 OF PSYCHOLOGY UNDER THE ACT OF MARCH 23, 1972 (P.L.136,  
16 NO.52), KNOWN AS THE PROFESSIONAL PSYCHOLOGISTS PRACTICE  
17 ACT.

18 (II) AN INDIVIDUAL LICENSED TO PRACTICE AUDIOLOGY OR  
19 SPEECH-LANGUAGE PATHOLOGY UNDER THE ACT OF DECEMBER 21,  
20 1984 (P.L.1253, NO.238), KNOWN AS THE SPEECH-LANGUAGE  
21 PATHOLOGISTS AND AUDIOLOGISTS LICENSURE ACT.

22 (III) AN INDIVIDUAL LICENSED TO PRACTICE  
23 OCCUPATIONAL THERAPY UNDER THE ACT OF JUNE 15, 1982  
24 (P.L.502, NO.140), KNOWN AS THE OCCUPATIONAL THERAPY  
25 PRACTICE ACT.

26 (IV) AN INDIVIDUAL LICENSED AS A BEHAVIOR SPECIALIST  
27 UNDER SECTION 635.2(G) OF THE ACT OF MAY 17, 1921  
28 (P.L.682, NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF  
29 1921.

30 (2) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT TO

1 PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES WHILE IN THE  
2 DISCHARGE OF THE INDIVIDUAL'S OFFICIAL DUTIES.

3 (3) A BEHAVIOR ANALYST WHO PRACTICES WITH NON-HUMANS,  
4 INCLUDING AN APPLIED ANIMAL BEHAVIORIST OR ANIMAL TRAINER. A  
5 BEHAVIOR ANALYST UNDER THIS PARAGRAPH MAY USE THE TITLE  
6 "BEHAVIOR ANALYST," BUT MAY NOT REPRESENT ONESELF AS A  
7 LICENSED BEHAVIOR ANALYST OR LICENSED ASSISTANT BEHAVIOR  
8 ANALYST.

9 (4) AN INDIVIDUAL WHO PROVIDES GENERAL APPLIED BEHAVIOR  
10 ANALYSIS SERVICES TO AN ORGANIZATION FOR WHICH THE INDIVIDUAL  
11 IS EMPLOYED IF THE SERVICES ARE FOR THE BENEFIT OF THE  
12 ORGANIZATION AND DO NOT INVOLVE DIRECT SERVICES TO  
13 INDIVIDUALS. AN INDIVIDUAL UNDER THIS PARAGRAPH MAY USE THE  
14 TITLE "BEHAVIOR ANALYST" BUT MAY NOT REPRESENT ONESELF AS A  
15 LICENSED BEHAVIOR ANALYST OR LICENSED ASSISTANT BEHAVIOR  
16 ANALYST.

17 (5) A STUDENT OF AN ACCREDITED COLLEGE OR UNIVERSITY OR  
18 A POSTDOCTORAL FELLOW WHOSE APPLIED BEHAVIOR ANALYSIS  
19 ACTIVITIES ARE PART OF A DEFINED PROGRAM OF STUDY, COURSE,  
20 PRACTICUM, INTERNSHIP OR FELLOWSHIP AND ARE DIRECTLY  
21 SUPERVISED BY A LICENSED BEHAVIOR ANALYST OR QUALIFIED  
22 FACULTY MEMBER.

23 (6) AN INDIVIDUAL PURSUING SUPERVISED EXPERIENTIAL  
24 TRAINING IN APPLIED BEHAVIOR ANALYSIS CONSISTENT WITH A  
25 CERTIFYING ENTITY'S REQUIREMENTS IF THE TRAINING IS  
26 SUPERVISED BY A LICENSED BEHAVIOR ANALYST OR LICENSED  
27 PSYCHOLOGIST WHO IS APPROVED BY THE CERTIFYING ENTITY TO  
28 PROVIDE THE SUPERVISION.

29 (7) AN INDIVIDUAL WHO TEACHES BEHAVIOR ANALYSIS OR  
30 CONDUCTS BEHAVIOR-ANALYTIC RESEARCH AT AN ACCREDITED COLLEGE

1 OR UNIVERSITY IF THE ACTIVITIES DO NOT INVOLVE THE DIRECT  
2 DELIVERY OF APPLIED BEHAVIOR ANALYSIS SERVICES BEYOND THE  
3 TYPICAL PARAMETERS OF APPLIED RESEARCH. AN INDIVIDUAL UNDER  
4 THIS PARAGRAPH MAY USE THE TITLE "BEHAVIOR ANALYST" BUT MAY  
5 NOT REPRESENT ONESELF AS A LICENSED BEHAVIOR ANALYST OR  
6 LICENSED ASSISTANT BEHAVIOR ANALYST.

7 (8) A NONRESIDENT OF THIS COMMONWEALTH WHO IS LICENSED  
8 TO PRACTICE APPLIED BEHAVIOR ANALYSIS IN ANOTHER STATE OR  
9 TERRITORY OF THE UNITED STATES WHOSE REQUIREMENTS ARE  
10 SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS UNDER THIS  
11 SECTION AS DETERMINED BY THE BOARD AND WHO PRACTICES IN THIS  
12 COMMONWEALTH FOR NO MORE THAN 15 DAYS IN A CALENDAR YEAR.

13 (9) AN INDIVIDUAL EMPLOYED OR CONTRACTED BY AN ENTITY  
14 REGULATED BY THE DEPARTMENT OF EDUCATION WHO DELIVERS APPLIED  
15 BEHAVIOR ANALYSIS SERVICES TO AN INDIVIDUAL SERVED BY THE  
16 SAME ENTITY.

17 (E) USE OF TITLE.--EXCEPT AS PROVIDED UNDER SUBSECTION (D)  
18 (4) AND (7), ONLY AN INDIVIDUAL WHO HOLDS AN ACTIVE LICENSE  
19 UNDER SUBSECTION (A) OR (B) MAY USE THE TITLE "BEHAVIOR  
20 ANALYST," "LICENSED BEHAVIOR ANALYST," "ASSISTANT BEHAVIOR  
21 ANALYST," "LICENSED ASSISTANT BEHAVIOR ANALYST" OR USE ANY  
22 SIMILAR WORDS OR SYMBOLS INDICATING THAT THE INDIVIDUAL IS A  
23 BEHAVIOR ANALYST OR AN ASSISTANT BEHAVIOR ANALYST OR THE  
24 ABBREVIATION OF "B.A.," "L.B.A.," "A.B.A." OR "L.A.B.A."

25 (F) LIMITATION.--NOTHING IN THIS SECTION SHALL BE CONSTRUED  
26 AS AN AUTHORIZATION FOR A BEHAVIOR ANALYST OR AN ASSISTANT  
27 BEHAVIOR ANALYST TO PRACTICE ANY BRANCH OF THE HEALING ARTS,  
28 EXCEPT AS OTHERWISE SPECIFIED UNDER THIS ACT, OR TO ISSUE A  
29 DIAGNOSIS OF A DISORDER.

30 (G) LIABILITY INSURANCE.--

1           (1) AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) AND  
2 PRACTICING IN THIS COMMONWEALTH SHALL MAINTAIN A LEVEL OF  
3 PROFESSIONAL LIABILITY INSURANCE COVERAGE IN THE MINIMUM  
4 AMOUNT OF \$1,000,000 PER OCCURRENCE OR CLAIMS MADE. FAILURE  
5 TO MAINTAIN THE PROFESSIONAL LIABILITY INSURANCE COVERAGE AS  
6 REQUIRED UNDER THIS PARAGRAPH SHALL SUBJECT THE LICENSEE TO  
7 DISCIPLINARY PROCEEDINGS BY THE BOARD. THE BOARD SHALL ACCEPT  
8 AS SATISFACTORY EVIDENCE OF INSURANCE COVERAGE ANY OF THE  
9 FOLLOWING:

10           (I) SELF-INSURANCE.

11           (II) PERSONALLY PURCHASED LIABILITY INSURANCE.

12           (III) PROFESSIONAL LIABILITY INSURANCE COVERAGE  
13 PROVIDED BY THE LICENSEE'S EMPLOYER OR SIMILAR INSURANCE  
14 COVERAGE ACCEPTABLE TO THE BOARD.

15           (2) AN APPLICANT SHALL PROVIDE PROOF THAT THE APPLICANT  
16 HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE COVERAGE IN  
17 ACCORDANCE WITH PARAGRAPH (1). THE PROOF REQUIRED UNDER THIS  
18 PARAGRAPH SHALL BE SATISFIED IF THE APPLICANT FILES WITH THE  
19 APPLICATION A COPY OF A LETTER FROM THE APPLICANT'S  
20 PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING THAT THE  
21 APPLICANT WILL BE COVERED AGAINST PROFESSIONAL LIABILITY IN  
22 THE REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF THE  
23 APPLICANT'S LICENSE TO PRACTICE AS A BEHAVIOR ANALYST.

24           (3) UPON THE ISSUANCE OF A LICENSE UNDER SUBSECTION (A),  
25 THE LICENSEE SHALL HAVE 30 DAYS TO SUBMIT TO THE BOARD THE  
26 CERTIFICATE OF INSURANCE OR A COPY OF THE POLICY DECLARATION  
27 PAGE TO COMPLY WITH THE PROFESSIONAL LIABILITY INSURANCE  
28 COVERAGE UNDER PARAGRAPH (1).

29           (4) THE BOARD SHALL ADOPT BY REGULATION STANDARDS AND  
30 PROCEDURES ESTABLISHED BY THE INSURANCE COMMISSIONER FOR

1 SELF-INSURANCE. IN THE ABSENCE OF THESE STANDARDS AND  
2 PROCEDURES, THE BOARD, AFTER CONSULTATION WITH THE INSURANCE  
3 COMMISSIONER, SHALL ESTABLISH STANDARDS AND PROCEDURES BY  
4 REGULATION FOR SELF-INSURANCE UNDER THIS SUBSECTION.

5 (H) TEMPORARY LICENSES.--

6 (1) THE BOARD SHALL GRANT A TEMPORARY LICENSE UNDER THIS  
7 SECTION TO AN APPLICANT IF THE APPLICANT SUBMITS ALL THE  
8 REQUIRED DOCUMENTATION TO THE BOARD. A TEMPORARY LICENSE  
9 UNDER THIS PARAGRAPH SHALL BE VALID UNTIL THE BOARD COMPLETES  
10 THE PROCESSING OF THE APPLICATION AND DENIES OR GRANTS  
11 LICENSURE UNDER SUBSECTION (A) OR (B).

12 (2) THE BOARD MAY GRANT A TEMPORARY LICENSE UNDER THIS  
13 SECTION TO A NONRESIDENT WHO ENGAGES IN THE PRACTICE OF  
14 APPLIED BEHAVIOR ANALYSIS IN THIS COMMONWEALTH FOR NO MORE  
15 THAN THREE MONTHS IN A CALENDAR YEAR IF THE INDIVIDUAL MEETS  
16 ANY OF THE FOLLOWING REQUIREMENTS:

17 (I) THE INDIVIDUAL IS LICENSED TO PRACTICE APPLIED  
18 BEHAVIOR ANALYSIS IN ANOTHER STATE OR TERRITORY OF THE  
19 UNITED STATES WHOSE LICENSURE REQUIREMENTS ARE  
20 SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS IN THIS  
21 COMMONWEALTH.

22 (II) THE INDIVIDUAL HOLDS A CURRENT CERTIFICATION BY  
23 A CERTIFYING ENTITY TO PRACTICE APPLIED BEHAVIOR  
24 ANALYSIS.

25 (3) AN APPLICANT FOR A TEMPORARY LICENSE UNDER THIS  
26 SUBSECTION SHALL SUBMIT AN APPLICATION AND PAY A FEE AS  
27 DETERMINED BY THE BOARD BY REGULATION. A TEMPORARY LICENSE  
28 HOLDER SHALL BE SUBJECT TO ALL OTHER LICENSURE AND  
29 DISCIPLINARY REQUIREMENTS AS SPECIFIED UNDER THIS SECTION AND  
30 BY THE BOARD.

1 (I) RENEWAL.--A LICENSE ISSUED UNDER SUBSECTION (A) OR (B)  
2 SHALL BE SUBJECT TO BIENNIAL RENEWAL. THE BOARD MAY ISSUE A  
3 LICENSE RENEWAL TO A LICENSEE UPON THE SUBMISSION OF ALL OF THE  
4 FOLLOWING:

5 (1) AN APPLICATION AND A FEE AS ESTABLISHED BY THE BOARD  
6 BY REGULATION.

7 (2) VERIFICATION OF CURRENT CERTIFICATION IN GOOD  
8 STANDING BY A CERTIFYING ENTITY.

9 (3) EVIDENCE OF HAVING ACTIVE PROFESSIONAL LIABILITY  
10 INSURANCE COVERAGE AS SPECIFIED UNDER SUBSECTION (G).

11 (4) COMPLETION OF 30 HOURS OF CONTINUING EDUCATION. THE  
12 FOLLOWING SHALL APPLY:

13 (I) AN APPLICANT FOR LICENSURE RENEWAL UNDER THIS  
14 SUBSECTION SHALL COMPLETE AT LEAST THREE HOURS OF THE  
15 CONTINUING EDUCATION REQUIREMENT UNDER THIS PARAGRAPH IN  
16 APPROVED CHILD ABUSE RECOGNITION AND REPORTING TRAINING  
17 AS SPECIFIED UNDER 23 PA.C.S. § 6383(B) (3) (RELATING TO  
18 EDUCATION AND TRAINING).

19 (II) AN INDIVIDUAL WHO APPLIES FOR INITIAL LICENSURE  
20 UNDER SUBSECTION (A) OR (B) SHALL BE EXEMPT FROM THE  
21 CONTINUING EDUCATION REQUIREMENT UNDER THIS PARAGRAPH FOR  
22 THE BIENNIAL RENEWAL PERIOD AFTER INITIAL LICENSURE.

23 (III) THE BOARD MAY WAIVE ALL OR A PORTION OF THE  
24 CONTINUING EDUCATION REQUIREMENT UNDER THIS PARAGRAPH FOR  
25 A LICENSEE WHO SHOWS TO THE SATISFACTION OF THE BOARD  
26 THAT THE LICENSEE WAS UNABLE TO COMPLETE OR SATISFY THE  
27 CONTINUING EDUCATION REQUIREMENT DUE TO SERIOUS ILLNESS,  
28 MILITARY SERVICE OR OTHER DEMONSTRATED HARDSHIP.

29 (IV) THE BOARD MAY NOT GIVE CREDIT TOWARDS THE  
30 COMPLETION OF THE CONTINUING EDUCATION REQUIREMENT UNDER

1           THIS PARAGRAPH TO A LICENSEE FOR OFFICE MANAGEMENT OR  
2           PRACTICE BUILDING.

3           (J) EFFECT OF LICENSURE.--LICENSURE UNDER THIS SECTION SHALL  
4 NOT BE CONSTRUED AS REQUIRING NEW OR ADDITIONAL THIRD-PARTY  
5 REIMBURSEMENT OR OTHERWISE MANDATING COVERAGE UNDER 75 PA.C.S.  
6 CH. 17 (RELATING TO FINANCIAL RESPONSIBILITY) OR THE ACT OF JUNE  
7 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION  
8 ACT.

9           SECTION 4. SECTION 22(B) INTRODUCTORY PARAGRAPH OF THE ACT  
10 IS AMENDED TO READ:

11 SECTION 22. LICENSES AND CERTIFICATES; GENERAL QUALIFICATION.

12           \* \* \*

13           (B) QUALIFICATIONS.--THE BOARD SHALL NOT ISSUE A LICENSE OR  
14 CERTIFICATE TO AN APPLICANT UNLESS THE APPLICANT ESTABLISHES  
15 WITH EVIDENCE, VERIFIED BY AN AFFIDAVIT OR AFFIRMATION OF THE  
16 APPLICANT, THAT THE APPLICANT IS OF LEGAL AGE, IS OF GOOD MORAL  
17 CHARACTER AND IS NOT ADDICTED TO THE INTEMPERATE USE OF ALCOHOL  
18 OR THE HABITUAL USE OF NARCOTICS OR OTHER HABIT-FORMING DRUGS  
19 AND THAT THE APPLICANT HAS COMPLETED THE EDUCATIONAL  
20 REQUIREMENTS PRESCRIBED BY THE BOARD AND OTHERWISE SATISFIES THE  
21 QUALIFICATIONS FOR THE LICENSE OR CERTIFICATE CONTAINED IN OR  
22 AUTHORIZED BY THIS ACT. IN ASSESSING THE MORAL CHARACTER OF AN  
23 APPLICANT WITH A CRIMINAL CONVICTION, THE BOARD SHALL CONDUCT AN  
24 INDIVIDUALIZED ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113  
25 (RELATING TO CONSIDERATION OF CRIMINAL CONVICTIONS). THE BOARD  
26 SHALL NOT ISSUE A LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS  
27 BEEN CONVICTED OF A FELONY UNDER THE ACT OF APRIL 14, 1972  
28 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
29 DEVICE AND COSMETIC ACT, OR OF AN OFFENSE UNDER THE LAWS OF  
30 ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH,



1 WOULD BE A FELONY UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE  
2 AND COSMETIC ACT, UNLESS:

3 \* \* \*

4 SECTION 5. THE STATE BOARD OF MEDICINE SHALL PROMULGATE  
5 FINAL REGULATIONS NECESSARY TO IMPLEMENT THE ADDITION OF SECTION  
6 13.7 OF THE ACT WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS  
7 SECTION.

8 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.