

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 667, Page 2, Section 321.228, Line 30,
2 by inserting after all of said section and line:

3
4 "337.300. As used in sections 337.300 to 337.345, the following terms shall mean:

5 (1) "Applied behavior analysis", the design, implementation, and evaluation of
6 environmental modifications, using behavioral stimuli and consequences, to produce socially
7 significant improvement in human behavior, including the use of direct observation,
8 measurement, and functional analysis of the relationships between environment and behavior.

9 Applied behavior analysis does not include cognitive therapies or psychological testing,
10 personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy,
11 cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term
12 counseling as treatment modalities;

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

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

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

20 (5) "Division", the division of professional registration within the department of
21 insurance, financial institutions and professional registration;

22 (6) "Licensed assistant behavior analyst" or "LaBA", an individual who is certified by the
23 certifying entity as a certified assistant behavior analyst and meets the criteria in section 337.315
24 and as established by committee rule;

25 (7) "Licensed behavior analyst" or "LBA", an individual who is certified by the certifying
26 entity as a certified behavior analyst and meets the criteria in section 337.315 and as established
27 by committee rule;

28 (8) "Practice of applied behavior analysis", the application of the principles, methods, and

1 procedures of the experimental analysis of behavior and applied behavior analysis (including
2 principles of operant and respondent learning) to assess and improve socially important human
3 behaviors. It includes, but is not limited to, applications of those principles, methods, and
4 procedures to:

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

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

9 (c) Consultation to individuals and organizations[. Applied behavior analysis does not
10 include cognitive therapies or psychological testing, personality assessment, intellectual
11 assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy,
12 psychoanalysis, hypnotherapy, family therapy, and long-term counseling as treatment modalities];

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

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

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

19 (12) "Temporary licensed behavior analyst" or "TLBA", an individual who meets the
20 criteria in subsection 4 of section 337.315 and as established by the committee by rule.

21 337.305. 1. There is hereby created under the state committee of psychologists within the
22 division of professional registration the "Behavior Analyst Advisory Board". The behavior
23 analyst advisory board shall consist of the following seven members: three licensed behavior
24 analysts, one licensed behavior analyst holding a doctoral degree, one licensed assistant behavior
25 analyst, one professional member of the committee, and one public member.

26 2. Appointments to the board, except for the one professional member of the committee,
27 shall be made by the governor upon the recommendations of the director of the division, upon the
28 advice and consent of the senate. The division, prior to submitting nominations, shall solicit
29 nominees from professional associations and licensed behavior analysts or licensed assistant
30 behavior analysts in the state. Appointment to the board of the one professional member of the
31 committee shall be made by nomination and majority vote of the committee.

32 3. The term of office for board members shall be five years. In making initial
33 appointments to the board, the governor shall stagger the terms of the appointees so that one
34 member serves an initial term of two years, three members shall serve an initial term of three
35 years, and three members serve initial terms of four years. Each member of the board shall hold
36 office until his or her successor has been qualified. A vacancy in the membership of the board

1 shall be filled for the unexpired term in the manner provided for the original appointment. A
2 member appointed for less than a full term may serve two full terms in addition to such part of a
3 full term.

4 4. Each board member shall be a resident of this state for a period of one year and a
5 registered voter, shall be a United States citizen, and shall, other than the public member, have
6 been a licensed behavior analyst or licensed assistant behavior analyst in this state for at least
7 three years prior to appointment except for the original members of the board who shall have
8 experience in the practice of applied behavior analysis.

9 5. The public member shall be a person who is not and never was a member of any
10 profession licensed or regulated under sections 337.300 to 337.345 or the spouse of such person;
11 and a person who does not have and never has had a material financial interest in either the
12 providing of the professional services regulated by sections 337.300 to 337.345, or an activity or
13 organization directly related to any profession licensed or regulated under sections 337.300 to
14 337.345.

15 6. The board shall meet at least quarterly. At one of its regular meetings, the board shall
16 select from among its members a chairperson and a vice chairperson. A quorum of the committee
17 shall consist of a majority of its members. In the absence of the chairperson, the vice chairperson
18 shall conduct the office of the chairperson.

19 7. Each member of the board shall receive as compensation an amount set by the division
20 not to exceed fifty dollars for each day devoted to the affairs of the board and shall be entitled to
21 reimbursement for necessary and actual expenses incurred in the performance of the member's
22 official duties.

23 8. Staff for the board shall be provided by the director of the division of professional
24 registration.

25 9. The governor may remove any member of the board for misconduct, inefficiency,
26 incompetency, or neglect of office. All vacancies shall be filled by appointment of the governor
27 with the advice and consent of the senate, and the member so appointed shall serve for the
28 unexpired term.

29 337.310. 1. The behavior analyst advisory board is authorized to:

30 (1) Review all applications for licensure, provisional licensure, and temporary licensure
31 for behavior analysts and assistant behavior analysts and any supporting documentation submitted
32 with the application to the committee and make recommendations to the committee regarding the
33 resolution of the application;

34 (2) Review all complaints made relating to the practice of behavior analysis and make
35 recommendations to the committee regarding investigation of the complaint, referral for discipline
36 or other resolution of the complaint; and

1 (3) Review any entities responsible for certifying behavior analysts and make
2 recommendations to the committee as to approval or disapproval of the certifying entity based on
3 qualifications established by the committee.

4 2. The board shall recommend to the committee rules to be promulgated pertaining to:

5 (1) The form and content of license applications required and the procedures for filing an
6 application for an initial, provisional temporary or renewal license in this state;

7 (2) The establishment of fees;

8 (3) The educational and training requirements for licensed behavior analysts and licensed
9 assistant behavior analysts;

10 (4) The roles, responsibilities, and duties of licensed behavior analysts [and], licensed
11 assistant behavior analysts, provisionally licensed behavior analysts, provisionally licensed
12 assistant behavior analysts, temporary licensed behavior analysts, and temporary licensed assistant
13 behavior analysts;

14 (5) The characteristics of supervision and supervised clinical practicum experience for
15 [the] licensed behavior analyst [and the], licensed assistant behavior analyst, provisionally
16 licensed behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed
17 behavior analysts, and temporary licensed assistant behavior analysts;

18 (6) The supervision of licensed assistant behavior analysts, provisionally licensed
19 behavior analysts, provisionally licensed assistant behavior analysts, temporary licensed behavior
20 analysts, and temporary licensed assistant behavior analysts;

21 (7) The requirements for continuing education for licensed behavior analysts and licensed
22 assistant behavior analysts;

23 (8) A code of conduct; and

24 (9) Any other policies or procedures necessary to the fulfillment of the requirements of
25 sections 337.300 to 337.345.

26 3. Only after the board's recommendation and approval by majority vote may the
27 committee make any final decisions related to licensing, rules and regulations, complaint
28 resolution, approval of certifying entities or any actions bearing upon the practice of applied
29 behavior analysis unless otherwise authorized by sections 337.300 to 337.345.

30 4. [Notwithstanding the provisions of subsection 3 of this section, until such time as the
31 governor appoints the board and the board has a quorum, the committee shall review and resolve
32 all applications for licensure as a licensed behavior analyst or licensed assistant behavior analyst.

33 5.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created
34 under the authority delegated in this section shall become effective only if it complies with and is
35 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
36 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant

1 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
3 or adopted after August 28, 2010, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

1 to search the criminal history repository and the second set shall be forwarded to the Federal
2 Bureau of Investigation for searching the federal criminal history files;

3 (5) Have passed an examination and been certified as a board-certified assistant behavior
4 analyst by a certifying entity, as defined in section 337.300;

5 (6) Provide evidence of active status as a board-certified assistant behavior analyst;

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

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

11 4. The committee shall be authorized to issue a temporary license to an applicant for a
12 behavior analyst license or assistant behavior analyst license upon receipt of a complete
13 application, submission of a fee as set by the committee by rule for behavior analyst or assistant
14 behavior analyst [or], and a showing of valid licensure as a behavior analyst or assistant behavior
15 analyst in another state, only if the applicant has submitted fingerprints and no disqualifying
16 criminal history appears on the family care safety registry. The temporary license shall expire
17 upon issuance of a license or denial of the application but no later than ninety days from issuance
18 of the temporary license. Upon written request to the committee, the holder of a temporary
19 license shall be entitled to one extension of ninety days of the temporary license.

20 5. (1) The committee shall, in accordance with rules promulgated by the committee, issue
21 a provisional behavior analyst license or a provisional assistant behavior analyst license upon
22 receipt by the committee of a complete application, appropriate fee as set by the committee by
23 rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section,
24 respectively, and other requirements established by the committee by rule, except that applicants
25 for a provisional license as either a behavior analyst or assistant behavior analyst need not have
26 passed an examination and been certified as a board-certified behavior analyst or a board-certified
27 assistant behavior analyst to obtain a provisional behavior analyst or provisional assistant
28 behavior analyst license.

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

32 (3) A provisional license shall automatically terminate upon issuance of a permanent
33 license, upon a finding of cause to discipline after notice and hearing under section 337.330, upon
34 termination of supervision by a licensed supervisor, or upon the expiration of one year from the
35 date of issuance of the provisional license, whichever first occurs. The provisional license may be
36 renewed after one year, with a maximum issuance of two years. Upon a showing of good cause,

1 the committee by rule shall provide procedures for exceptions and variances from the requirement
2 of a maximum issuance of two years.

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

8 [6.] 7. No persons shall practice applied behavior analysis unless they are:

9 (1) Licensed behavior analysts;

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

12 (3) An individual who has a bachelor's or graduate degree and completed course work for
13 licensure as a behavior analyst and is obtaining supervised field experience under a licensed
14 behavior analyst pursuant to required supervised work experience for licensure at the behavior
15 analyst or assistant behavior analyst level; [or]

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

19 (5) Provisionally licensed behavior analysts;

20 (6) Provisionally licensed assistant behavior analysts;

21 (7) Temporary licensed behavior analysts; or

22 (8) Temporary licensed assistant behavior analysts.

23 [7.] 8. Notwithstanding the provisions in subsection 6 of this section, any licensed or
24 certified professional may practice components of applied behavior analysis, as defined in section
25 337.300 if he or she is acting within his or her applicable scope of practice and ethical guidelines.

26 [8.] 9. All licensed behavior analysts and licensed assistant behavior analysts shall be
27 bound by the code of conduct adopted by the committee by rule.

28 [9.] 10. Licensed assistant behavior analysts shall work under the direct supervision of a
29 licensed behavior analyst as established by committee rule.

30 [10.] 11. Persons who provide services under the Individuals with Disabilities Education
31 Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of
32 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational
33 institution through which the person provides applied behavior analysis as part of supervised
34 clinical experience shall be exempt from the requirements of this section.

35 [11.] 12. A violation of this section shall be punishable by probation, suspension, or loss
36 of any license held by the violator.

1 337.325. A licensed behavior analyst [and], licensed assistant behavior analyst,
2 provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst,
3 temporary licensed behavior analyst and temporary licensed assistant behavior analyst shall limit
4 his or her practice to demonstrated areas of competence as documented by relevant professional
5 education, training, or experience. A licensed behavior analyst [and], licensed assistant behavior
6 analyst, provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst,
7 temporary licensed behavior analyst and temporary licensed assistant behavior analyst trained in
8 one area shall not practice in another area without obtaining additional relevant professional
9 education, training, and experience.

10 337.347. For reimbursement and billing purposes of section 376.1224, services provided
11 by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst, or
12 a temporary licensed behavior analyst shall be billed by the supervising board-certified behavior
13 analyst.”; and

14
15 Further amend said bill, section 537.033, Page 24, Line 65 by inserting after all of said section and
16 line the following:

17
18 “[337.345. 1. Prior to August 28, 2012, each person desiring to obtain a
19 provisional license shall make application to the committee upon such forms and in
20 such manner as may be prescribed by the committee and shall pay the required
21 application fee. The application fee shall not be refundable. Each application shall
22 contain a statement that it is made under oath or affirmation and that its
23 representations are true and correct to the best knowledge and belief of the person
24 signing the application, subject to the penalties of making a false affidavit or
25 declaration.

26 2. For a provisional behavior analyst license, the applicant shall:

27 (1) Submit a two-inch or three-inch photograph or passport photograph taken no
28 more than six months prior to the application date, and only if the applicant has
29 submitted fingerprints and no disqualifying criminal history appears on the family
30 care safety registry;

31 (2) Have passed an examination and been certified as a board-certified behavior
32 analyst by the Behavior Analyst Certification Board or a certifying entity listed in
33 subdivision (3) of section 337.300; and

34 (3) Provide evidence of active status as a board-certified behavior analyst.

35 3. For a provisional assistant behavior analyst license, the applicant shall:

36 (1) Submit a two-inch or three-inch photograph or passport photograph taken no
37 more than six months prior to the application date, and only if the applicant has
38 submitted fingerprints and no disqualifying criminal history appears on the family
39 care safety registry;

40 (2) Have passed an examination and been certified as a board-certified assistant
41 behavior analyst by a certifying entity listed in subdivision (3) of section 337.300;

42 (3) Provide evidence of active status as a board-certified assistant behavior

- 1 analyst; and
2 (4) Submit documentation satisfactory to the board that the applicant will be
3 directly supervised by a licensed behavior analyst in a manner consistent with the
4 certifying entity.
5 4. Each applicant for provisional licensure shall meet the applicable requirements
6 of section 337.315 within three months of the date of issuance of the provisional
7 license.
8 5. The provisional license shall be effective only until the later to occur of:
9 (1) Grant or rejection of a license pursuant to section 337.315; or
10 (2) August 28, 2012. The holder of a provisional license which has not expired,
11 been suspended, or revoked shall be deemed to be the holder of a license issued
12 under section 337.315 until such provisional license expires, is suspended, or
13 revoked.]”; and
14

15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.