

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1311 & 1341
95TH GENERAL ASSEMBLY

3679L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to insurance coverage for diagnosis and treatment of pervasive developmental disorders, with penalty provisions.

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

Section A. Chapters 337 and 376, RSMo, are amended by adding thereto eleven new sections, to be known as sections 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, 337.345, and 376.1224, to read as follows:

337.300. As used in sections 337.300 to 337.340, the following terms shall mean:

- 2 **(1) "Applied behavior analysis", the design, implementation, and evaluation of**
3 **environmental modifications, using behavioral stimuli and consequences, to produce**
4 **socially significant improvement in human behavior, including the use of direct**
5 **observation, measurement, and functional analysis of the relationships between**
6 **environment and behavior;**
- 7 **(2) "Board", the behavior analyst advisory board within the state committee of**
8 **psychologists;**
- 9 **(3) "Certifying entity", the nationally accredited Behavior Analyst Certification**
10 **Board, or other equivalent nationally accredited nongovernmental agency approved by the**
11 **committee which certifies individuals who have completed academic, examination, training,**
12 **and supervision requirements in applied behavior analysis;**
- 13 **(4) "Committee", the state committee of psychologists;**
- 14 **(5) "Division", the division of professional registration within the department of**
15 **insurance, financial institutions and professional registration;**

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

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

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

22 (8) "Line therapist", an individual who provides general supervision of an
23 individual diagnosed with an autism diagnosis and other neurodevelopmental disorders,
24 provides protective oversight of the individual, and implements specific behavioral
25 interventions as outlined in the behavior plan under the direct supervision of a licensed
26 behavior analyst and meets the criteria in section 337.315 and as established by committee
27 rule;

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

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

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

37 (c) Consultation to individuals and organizations.
38

39 Applied behavior analysis does not include cognitive therapies or psychological testing,
40 personality assessment, intellectual assessment, neuropsychological assessment,
41 psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family
42 therapy, and long-term counseling as treatment modalities.

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

7 2. Appointments to the board shall be made by the governor upon the
8 recommendations of the director of the division, upon the advice and consent of the senate.
9 The division, prior to submitting nominations, shall solicit nominees from professional

10 associations and licensed behavior analysts or licensed assistant behavior analysts in the
11 state.

12 **3. The term of office for board members shall be five years. In making initial**
13 **appointments to the board, the governor shall stagger the terms of the appointees so that**
14 **one member serves an initial term of two years, three members shall serve an initial term**
15 **of three years, and three members serve initial terms of four years. Each member of the**
16 **board shall hold office until his or her successor has been qualified. A vacancy in the**
17 **membership of the board shall be filled for the unexpired term in the manner provided for**
18 **the original appointment. A member appointed for less than a full term may serve two full**
19 **terms in addition to such part of a full term.**

20 **4. Each board member shall be a resident of this state for a period of one year and**
21 **a registered voter, shall be a United States citizen, and shall, other than the public member,**
22 **have been a licensed behavior analyst or licensed assistant behavior analyst in this state for**
23 **at least three years prior to appointment except for the original members of the board.**

24 **5. The public member shall be a person who is not and never was a member of any**
25 **profession licensed or regulated under sections 337.300 to 337.340 or the spouse of such**
26 **person; and a person who does not have and never has had a material financial interest in**
27 **either the providing of the professional services regulated by sections 337.300 to 337.340,**
28 **or an activity or organization directly related to any profession licensed or regulated under**
29 **sections 337.300 to 337.340.**

30 **6. The board shall meet at least quarterly. At one of its regular meetings, the board**
31 **shall select from among its members a chairperson and a vice chairperson. A quorum of**
32 **the committee shall consist of a majority of its members. In the absence of the chairperson,**
33 **the vice chairperson shall conduct the office of the chairperson.**

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

38 **8. Staff for the board shall be provided by the director of the division of**
39 **professional registration.**

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

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

2 **(1) Review all applications for licensure and temporary licensure for behavior**
3 **analysts and assistant behavior analysts and any supporting documentation submitted with**
4 **the application to the committee and make recommendations to the committee regarding**
5 **the resolution of the application;**

6 **(2) Review all applications for registration for line therapists and any supporting**
7 **documentation submitted with the application to the committee and make**
8 **recommendations to the committee regarding the resolution of the application;**

9 **(3) Review all complaints made relating to the practice of behavior analysis and**
10 **make recommendations to the committee regarding investigation of the complaint, referral**
11 **for discipline or other resolution of the complaint; and**

12 **(4) Review any entities responsible for certifying behavior analysts and make**
13 **recommendations to the committee as to approval or disapproval of the certifying entity**
14 **based on qualifications established by the committee.**

15 **2. The board may recommend to the committee rules to be promulgated pertaining**
16 **to:**

17 **(1) The form and content of license and registration applications required and the**
18 **procedures for filing an application for an initial, temporary or renewal license and**
19 **registration in this state;**

20 **(2) The establishment of fees;**

21 **(3) The educational and training requirements for licensed behavior analysts,**
22 **licensed assistant behavior analysts, and line therapists;**

23 **(4) The roles, responsibilities and duties of licensed behavior analysts, licensed**
24 **assistant behavior analysts, and line therapists;**

25 **(5) The characteristics of supervision and supervised clinical practicum experience**
26 **for the licensed behavior analyst and the licensed assistant behavior analyst;**

27 **(6) The supervision of licensed assistant behavior analysts and line therapists;**

28 **(7) The requirements for continuing education for licensed behavior analysts and**
29 **licensed assistant behavior analysts;**

30 **(8) Establishment and promulgation of procedures for investigating, hearing and**
31 **determining grievances and violations occurring under sections 337.300 to 337.340;**

32 **(9) Development of an appeal procedure for the review of decisions and rules of**
33 **administrative agencies existing pursuant to the constitution or laws of this state;**

34 **(10) A code of conduct; and**

35 **(11) Any other policies or procedures necessary to the fulfillment of the**
36 **requirements of sections 337.300 to 337.340.**

37 **3. The committee shall make all final decisions, and only upon the board's**
38 **recommendation related to licensing, registration, complaint resolution, approval of**
39 **certifying entities, and rules unless otherwise authorized by sections 337.300 to 337.340.**

40 **4. Notwithstanding the provisions of subsection 3 of this section, until such time as**
41 **the governor appoints the board and the board has a quorum, the committee shall review**
42 **and resolve all applications for licensure as a licensed behavior analyst or licensed assistant**
43 **behavior analyst and line therapists.**

44 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
45 **created under the authority delegated in this section shall become effective only if it**
46 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
47 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
48 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
49 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
50 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
51 **shall be invalid and void.**

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

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

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

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

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

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

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

17 **(4) Submit to a background check and/or provide fingerprints;**

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

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

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

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

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

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

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

29 **(4) Submit to a background check and/or provide fingerprints;**

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

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

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

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

39 **4. Each person wishing to practice as a line therapist shall:**

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

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

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

44 **(4) Submit evidence satisfactory to the committee that the applicant is eighteen**
45 **years of age or older;**

46 **(5) Submit a copy of a high school diploma, or its equivalent;**

47 **(6) Submit documentation of successful passage of a background check through the**
48 **Missouri family care safety registry; and**

49 **(7) Submit documentation satisfactory to the committee that the applicant will be**
50 **directly supervised by a licensed behavior analyst.**

51 **5. The committee shall be authorized to issue a temporary license to an applicant**
52 **for a behavior analyst license or assistant behavior analyst license upon receipt of a**
53 **complete application for behavior analyst or assistant behavior analyst or a showing of**
54 **valid licensure as a behavior analyst in another state. The temporary license shall expire**
55 **upon issuance of a license or denial of the application but no later than ninety days from**

56 issuance of the temporary license. Upon written request to the committee, the holder of a
57 temporary license shall be entitled to one extension of ninety days of the temporary license.

58 **6. No person shall hold himself or herself out to be licensed behavior analysts or**
59 **LBA, licensed assistant behavior analysts or LaBA, or registered line therapist in the state**
60 **of Missouri unless they meet the applicable requirements.**

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

62 **(1) Licensed behavior analysts;**

63 **(2) Licensed assistant behavior analysts working under the supervision of a licensed**
64 **behavior analyst;**

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

69 **(4) Licensed psychologists practicing within the rules and standards of practice for**
70 **psychologists in the state of Missouri and whose practice is commensurate with their level**
71 **of training and experience.**

72 **8. Notwithstanding the provisions in subsection 7 of this section:**

73 **(1) A registered line therapist, under the direct supervision of a licensed behavior**
74 **analyst, may:**

75 **(a) Provide general supervision of an individual diagnosed with a pervasive**
76 **developmental disorder diagnosis and other neurodevelopmental disorders, or serve as a**
77 **line therapist under the supervision of a licensed behavior analyst;**

78 **(b) Provide protective oversight of the individual; and**

79 **(c) Implement specific behavioral interventions, including applied behavior**
80 **analysis, as outlined in the behavior plan;**

81 **(2) Any licensed healthcare professional may practice a component of applied**
82 **behavior analysis, as defined in section 337.300 or serves as a line therapist under the**
83 **supervision of a licensed behavior analyst, if he or she is acting within his or her applicable**
84 **scope of practice and ethical guidelines.**

85 **9. All licensed behavior analysts and licensed assistant behavior analysts and line**
86 **therapists shall be bound by the code of conduct adopted by the committee by rule.**

87 **10. Licensed assistant behavior analysts and line therapists shall work under the**
88 **direct supervision of a licensed behavior analyst as established by committee rule.**

89 **11. No line therapist may conduct behavior evaluations or establish or alter the**
90 **behavior plan or the intervention.**

91 **12. Persons who provide services under the Individuals with Disabilities Education**
92 **Act (IDEA), 20 U.S.C. Section 1400 et seq., or are enrolled in a course of study at a**
93 **recognized educational institution through which the person provides applied behavior**
94 **analysis as part of supervised clinical experience shall be exempt from the requirements**
95 **of this section.**

96 **13. The individual's immediate family, including natural, half, or step relationships**
97 **with parent, child, sibling, or spouse, providing services defined in section 337.300 shall not**
98 **be considered as a line therapist.**

99 **14. A violation of this section shall be punishable by probation, suspension, or loss**
100 **of any license or registration held by the violator.**

337.320. 1. The division shall mail a renewal notice to the last known address of
2 **each licensee or registrant prior to the renewal date.**

3 **2. Each person wishing to renew the behavior analyst license or the assistant**
4 **behavior analyst license shall:**

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

6 **(2) Pay all necessary fees as set by the committee; and**

7 **(3) Submit proof of active certification and fulfillment of all requirements for**
8 **renewal and recertification with the certifying entity.**

9 **3. Each person wishing to renew the line therapist registration shall:**

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

11 **(2) Pay all necessary fees as set by the committee; and**

12 **(3) Submit documentation satisfactory to the committee that the applicant is not**
13 **on the Missouri family care safety registry.**

14 **4. Failure to provide the division with documentation required by subsection 2 or**
15 **3 of this section or other information required for renewal shall effect a revocation of the**
16 **license or registration after a period of sixty days from the renewal date.**

17 **5. Each person wishing to restore the license, within two years of the renewal date,**
18 **shall:**

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

20 **(2) Pay the renewal fee and a delinquency fee as set by the committee; and**

21 **(3) Submit proof of current certification from a certifying body approved by the**
22 **committee.**

23 **6. Each person wishing to restore the registration, within two years of the renewal**
24 **date, shall:**

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

26 **(2) Pay the renewal fee and a delinquency fee as set by the committee; and**

27 **(3) Submit documentation satisfactory to the committee that the applicant has no**
28 **disqualifying information on the Missouri family care safety registry.**

29 **7. A new license or registration to replace any certificate lost, destroyed, or**
30 **mutilated may be issued subject to the rules of the committee, upon payment of a fee**
31 **established by the committee.**

32 **8. The committee shall set the amount of the fees authorized by sections 337.300 to**
33 **337.340 and required by rules promulgated under section 536.021. The fees shall be set at**
34 **a level to produce revenue which shall not substantially exceed the cost and expense of**
35 **administering sections 337.300 to 337.340.**

36 **9. The committee is authorized to issue an inactive license or registration to any**
37 **licensee or registrant who makes written application for such license or registration on a**
38 **form provided by the committee and remits the fee for an inactive license or registration**
39 **established by the committee. An inactive license or registration may be issued only to a**
40 **person who has previously been issued a license to practice as a licensed behavior analyst,**
41 **licensed assistant behavior analyst, or registration to practice as a line therapist, who is no**
42 **longer regularly engaged in such practice and who does not hold himself or herself out to**
43 **the public as being professionally engaged in such practice in this state. Each inactive**
44 **license or registration shall be subject to all provisions of this chapter, except as otherwise**
45 **specifically provided. Each inactive license or registration may be renewed by the**
46 **committee subject to all provisions of this section and all other provisions of this chapter.**
47 **The inactive licensee or registrant shall not be required to submit evidence of completion**
48 **of continuing education as required by this chapter.**

49 **10. An inactive licensee or registrant may apply for a license or registration to**
50 **regularly engage in the practice of behavioral analysis by:**

51 **(1) Submitting a complete application on a form approved by the committee;**

52 **(2) Paying the reactivation fee as set by the committee; and**

53 **(3) Submitting proof of current certification from a certifying body approved by**
54 **the committee.**

55 **11. An inactive registrant may apply for a line therapist registration by:**

56 **(1) Submitting a complete application on a form approved by the committee;**

57 **(2) Paying the reactivation fee as set by the committee; and**

58 **(3) Submitting documentation satisfactory to the committee that the applicant is**
59 **not on the Missouri family care safety registry.**

337.325. 1. A licensed behavior analyst and licensed assistant behavior analyst
2 **shall limit his or her practice to demonstrated areas of competence as documented by**
3 **relevant professional education, training, and experience. A licensed behavior analyst,**

4 **licensed assistant behavior analyst and line therapist trained in one area shall not practice**
5 **in another area without obtaining additional relevant professional education, training, and**
6 **experience.**

7 **2. A line therapist shall limit his or her practice as defined in section 337.300 and**
8 **as established by the committee by rule. A line therapist trained in one area shall not**
9 **practice in another area without obtaining additional relevant training as established in**
10 **section 337.315 and by the committee by rule.**

337.330. 1. The committee may refuse to issue any license or registration required
2 **under this chapter for one or any combination of causes stated in subsection 2 of this**
3 **section. The committee shall notify the applicant in writing of the reasons for the refusal**
4 **and shall advise the applicant of the applicant's right to file a complaint with the**
5 **administrative hearing commission as provided by chapter 621.**

6 **2. The committee may cause a complaint to be filed with the administrative hearing**
7 **commission, as provided by chapter 621, against any holder of any license or registration**
8 **required by this chapter or any person who has failed to renew or has surrendered the**
9 **person's license or registration for any one or any combination of the following causes:**

10 **(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage**
11 **to an extent that such use impairs a person's ability to perform the work of any profession**
12 **licensed or regulated by this chapter;**

13 **(2) The person has been finally adjudicated and found guilty, or entered a plea of**
14 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**
15 **United States, for any offense reasonably related to the qualifications, functions, or duties**
16 **of any profession licensed or regulated under this chapter, for any offense an essential**
17 **element of which is fraud, dishonesty or an act of violence, or for any offense involving**
18 **moral turpitude, whether or not sentence is imposed;**

19 **(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate**
20 **of registration or authority, permit or license issued under this chapter or in obtaining**
21 **permission to take any examination given or required under sections 337.300 to 337.340;**

22 **(4) Obtaining or attempting to obtain any fee, charge, tuition, or other**
23 **compensation by fraud, deception or misrepresentation;**

24 **(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or**
25 **dishonesty in the performance of the functions or duties of any profession licensed or**
26 **regulated by sections 337.300 to 337.340;**

27 **(6) Violation of, or assisting or enabling any person to violate, any provision of**
28 **sections 337.300 to 337.340, or of any lawful rule adopted thereunder;**

29 (7) Impersonation of any person holding a certificate of registration or authority,
30 permit or license or allowing any person to use his or her certificate of registration or
31 authority, permit, license, or diploma from any school;

32 (8) Disciplinary action against the holder of a license or other right to practice any
33 profession regulated by sections 337.300 to 337.340 granted by another state, territory,
34 federal agency, or country upon grounds for which revocation or suspension is authorized
35 in this state;

36 (9) A person is finally adjudged insane or incapacitated by a court of competent
37 jurisdiction;

38 (10) Assisting or enabling any person to practice or offer to practice any profession
39 licensed or regulated by sections 337.300 to 337.340 who is not registered and currently
40 eligible to practice as provided in sections 337.300 to 337.340;

41 (11) Issuance of a certificate of registration or authority, permit, or license based
42 upon a material mistake of fact;

43 (12) Failure to display a valid certificate or license if so required by sections 337.300
44 to 337.340 or any rule promulgated thereunder;

45 (13) Violation of any professional trust or confidence;

46 (14) Use of any advertisement or solicitation which is false, misleading, or deceptive
47 to the general public or persons to whom the advertisement or solicitation is primarily
48 directed;

49 (15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as
50 adopted by the committee and filed with the secretary of state.

51 3. After the filing of such complaint, the proceedings shall be conducted in
52 accordance with the provisions of chapter 621. Upon a finding by the administrative
53 hearing commission that the grounds, provided in subsection 2 of this section, for
54 disciplinary action are met, the committee may, singly or in combination, censure or place
55 the person named in the complaint on probation on such terms and conditions as the
56 department deems appropriate for a period not to exceed five years, or may suspend, for
57 a period not to exceed three years, or revoke the license, certificate, or permit.

 337.335. 1. Any person found guilty of violating any provision of sections 337.300
2 to 337.340 is guilty of a class A misdemeanor and upon conviction thereof shall be punished
3 as provided by law.

4 2. All fees or other compensation received for services rendered in violation of
5 sections 337.300 to 337.340 shall be refunded.

6 **3. The committee shall inquire as to any violation of any provision of sections**
7 **337.300 to 337.340 and may institute actions for penalties herein prescribed, and shall**
8 **enforce generally the provisions of sections 337.300 to 337.340.**

9 **4. Any person, organization, association or corporation who reports or provides**
10 **information to the committee or the division under sections 337.300 to 337.380 and who**
11 **does so in good faith shall not be subject to an action for civil damages as a result thereof.**

12 **5. Upon application by the committee the attorney general may on behalf of the**
13 **committee request that a court of competent jurisdiction grant an injunction, restraining**
14 **order, or other order as may be appropriate to enjoin a person from:**

15 **(1) Offering to engage or engaging in the performance of any acts or practices for**
16 **which a certificate of registration or authority, permit, or license is required upon a**
17 **showing that such acts or practices were performed or offered to be performed without a**
18 **certificate of registration or authority, permit or license; or**

19 **(2) Engaging in any practice or business authorized by a certificate of registration**
20 **or authority, permit, or license issued under sections 337.300 to 337.340 upon a showing**
21 **that the holder presents a substantial probability of serious harm to the health, safety, or**
22 **welfare of any resident of this state or client or patient of the licensee.**

23 **6. Any action brought under the provisions of this section shall be commenced**
24 **either in the county in which such conduct occurred or in the county in which the**
25 **defendant resides.**

26 **7. Any action brought under this section may be in addition to or in lieu of any**
27 **penalty provided by sections 337.300 to 337.380 and may be brought concurrently with**
28 **other actions to enforce sections 337.300 to 337.340.**

337.340. All fees authorized under sections 337.300 to 337.340 shall be collected by
2 **the director of the division of professional registration and shall be transmitted to the**
3 **department of revenue for deposit in the state treasury to the credit of the state committee**
4 **of psychologists fund.**

337.345. 1. Prior to August 28, 2012, each person desiring to obtain a provisional
2 **license shall make application to the committee upon such forms and in such manner as**
3 **may be prescribed by the committee and shall pay the required application fee. The**
4 **application fee shall not be refundable. Each application shall contain a statement that it**
5 **is made under oath or affirmation and that its representations are true and correct to the**
6 **best knowledge and belief of the person signing the application, subject to the penalties of**
7 **making a false affidavit or declaration.**

8 **2. For a provisional behavioral analyst license, the applicant shall:**

9 (1) **Submit a two-inch or three-inch photograph or passport photograph taken no**
10 **more than six months prior to the application date;**

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

14 (3) **Provide evidence of active status as a board certified behavior analyst.**

15 **3. For a provisional assistant behavioral analyst license, the applicant shall:**

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

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

20 (3) **Provide evidence of active status as a board certified assistant behavior analyst;**
21 **and**

22 (4) **Submit documentation satisfactory to the board that the applicant will be**
23 **directly supervised by a licensed behavior analyst in a manner consistent with the**
24 **certifying entity.**

25 **4. For a provisional line therapist registration, the applicant shall:**

26 (1) **Submit a two-inch or three-inch photograph or passport photograph taken no**
27 **more than six months prior to the application date;**

28 (2) **Submit evidence satisfactory to the committee that the applicant is eighteen**
29 **years of age or older; and**

30 (3) **Submit documentation satisfactory to the committee that the applicant will be**
31 **directly supervised by a licensed behavior analyst.**

32 **5. Each applicant for provisional licensure or registration shall meet the applicable**
33 **requirements of section 337.315 within three months of the date of issuance of the**
34 **provisional license or registration.**

35 **6. The provisional license or registration shall be effective only until the board shall**
36 **have had the opportunity to investigate the qualifications for licensure or registration**
37 **under subsection 5 of this section and to notify the applicant that his or her application for**
38 **a license or registration has been either granted or rejected. In no event shall such**
39 **provisional license or registration be in effect for more than three months after the date of**
40 **its issuance nor shall a provisional license or registration be reissued to the same applicant.**
41 **The holder of a provisional license or registration which has not expired, been suspended,**
42 **or revoked, shall be deemed to be the holder of a license or registration issued under**
43 **section 337.315 until such provisional license or registration expires, is suspended, or**
44 **revoked.**

376.1224. 1. For purposes of this section, the following terms shall mean:

- 2 **(1) "Applied behavior analysis", the design, implementation, and evaluation of**
3 **environmental modifications, using behavioral stimuli and consequences, to produce**
4 **socially significant improvement in human behavior, including the use of direct**
5 **observation, measurement, and functional analysis of the relationships between**
6 **environment and behavior;**
- 7 **(2) "Diagnosis of pervasive developmental disorders", medically necessary**
8 **assessments, evaluations, or tests in order to diagnose whether an individual has a**
9 **pervasive developmental disorder;**
- 10 **(3) "Habilitative or rehabilitative care", professional, counseling, and guidance**
11 **services and treatment programs, including applied behavior analysis, that are necessary**
12 **to develop and restore the functioning of an individual;**
- 13 **(4) "Health benefit plan", shall have the same meaning ascribed to it as in section**
14 **376.1350;**
- 15 **(5) "Health carrier", shall have the same meaning ascribed to it as in section**
16 **376.1350;**
- 17 **(6) "PDD service provider", a licensed behavior analyst or LBA who is certified by**
18 **the certifying entity as a certified behavior analyst and meets the criteria in section 337.315**
19 **and as established by rule by the state committee of psychologists; provided however, the**
20 **definition of PDD service provider shall specifically exclude parents and siblings of persons**
21 **with a PDD diagnosis to the extent such parents or siblings are providing diagnostic or**
22 **treatment services to their child or sibling;**
- 23 **(7) "Pervasive developmental disorders" or "PDD", a neurobiological disorder, an**
24 **illness of the nervous system, which includes Autism Spectrum Disorder, Autistic Disorder,**
25 **Asperger's Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett's**
26 **Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of**
27 **the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric**
28 **Association;**
- 29 **(8) "Pharmacy care", medications used to address symptoms of a pervasive**
30 **developmental disorder prescribed by a licensed physician, and any health-related services**
31 **deemed medically necessary to determine the need or effectiveness of the medications;**
- 32 **(9) "Psychiatric care", direct or consultative services provided by a psychiatrist**
33 **licensed in the state in which the psychiatrist practices;**
- 34 **(10) "Psychological care", direct or consultative services provided by a psychologist**
35 **licensed in the state in which the psychologist practices;**

36 (11) "Therapeutic care", services provided by licensed speech therapists,
37 occupational therapists, or physical therapists;

38 (12) "Treatment for pervasive developmental disorders", care prescribed or
39 ordered for an individual diagnosed with a pervasive developmental disorder by a licensed
40 physician or licensed psychologist, including equipment necessary for such care, pursuant
41 to the powers granted under such licensed physician's or licensed psychologist's license,
42 including, but not limited to:

43 (a) Psychiatric care;

44 (b) Psychological care;

45 (c) Habilitative or rehabilitative care, including applied behavior analysis therapy;

46 (d) Therapeutic care;

47 (e) Pharmacy care.

48 2. Except as otherwise provided in subsection 3 of this section, all group health
49 benefit plans that are delivered, issued for delivery, continued, or renewed on or after
50 January 1, 2011, if written inside the state of Missouri, or written outside the state of
51 Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and
52 treatment of pervasive developmental disorders for children through twenty-one years of
53 age. All individual health benefit plans that are delivered, issued for delivery, continued,
54 or renewed on or after January 1, 2011, if written inside the state of Missouri, or written
55 outside the state of Missouri but insuring Missouri residents, shall offer coverage for the
56 diagnosis and treatment of pervasive developmental disorders for children through twenty-
57 one years of age.

58 3. For small employers having fewer than twenty-five employees with a group
59 health plan, the coverage described in subsection 2 of this section shall be offered to such
60 small employers. For small employers having twenty-five to fifty employees with a group
61 health plan, the director of the department of insurance, financial institutions and
62 professional registration shall grant such small employers a waiver from the provisions of
63 this section if the small employer demonstrates to the director by actual experience over
64 any consecutive twenty-four month period that compliance with this section has increased
65 the cost of the group health plan by an amount that results in a five percent increase in
66 premium costs to such small employer over the period of one calendar year.

67 4. With regards to a health benefit plan, a health carrier shall not deny or refuse
68 to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or
69 otherwise terminate or restrict coverage on an individual or their dependent solely because
70 the individual is diagnosed with pervasive developmental disorder or because the
71 individual receives coverage under this section.

72 **5. (1) Coverage provided under this section is limited to medically necessary**
73 **treatment that is ordered by the insured's treating licensed physician or licensed**
74 **psychologist, pursuant to the powers granted under such licensed physician's or licensed**
75 **psychologist's license, in accordance with a treatment plan. Service exclusions contained**
76 **in the insurance policy or health maintenance organization contract that are inconsistent**
77 **with the treatment plan shall be considered invalid as to pervasive developmental**
78 **disorders.**

79 **(2) The treatment plan shall include all elements necessary for the health benefit**
80 **plan or health carrier to review the treatment plan upon request and to appropriately pay**
81 **claims. Such elements shall include, but are not limited to, a diagnosis, proposed treatment**
82 **by type, frequency, and duration of treatment and goals.**

83 **(3) Except for inpatient services, if an individual is receiving treatment for a**
84 **pervasive developmental disorder, a health carrier shall have the right to review the**
85 **treatment plan not more than once every six months unless the health carrier and the**
86 **individual's treating physician or psychologist agree that a more frequent review is**
87 **necessary. The cost of obtaining any review shall be borne by the health benefit plan or**
88 **health carrier, as applicable.**

89 **6. Coverage provided under this section for applied behavior analysis shall be**
90 **subject to a maximum benefit of thirty-six thousand dollars per calendar year for children**
91 **through age nine and twenty thousand dollars per calendar year for children ages ten to**
92 **twenty-one. In determining the maximum benefit limits for applied behavior analysis, a**
93 **health carrier or health benefit plan shall not include any claims for service unrelated to**
94 **pervasive developmental disorders. Beginning December 31, 2010, the maximum benefit**
95 **limits under this subsection shall be adjusted annually for inflation by director of the**
96 **department of insurance, financial institutions and professional registration.**

97 **7. Subject to the provisions set forth in subdivision (3) of subsection 5 of this**
98 **section, coverage provided under this section shall not be subject to any limits on the**
99 **number of visits an individual may make to a PDD service provider.**

100 **8. This section shall not be construed as limiting benefits which are otherwise**
101 **available to an individual under a health benefit plan. Subject to the provisions of**
102 **subsection 6 of this section, the coverage required by this section shall not be subject to any**
103 **greater deductible, coinsurance, co-payment, or utilization review of health care services,**
104 **including review of medical necessity, than other physical health care services provided by**
105 **a health benefit plan. Coverage for treatment under this section shall not be denied on the**
106 **basis that it is educational or habilitative in nature.**

107 **9. To the extent any payments or reimbursements are being made for applied**
108 **behavior analysis, such payments or reimbursements shall be made to the PDD service**
109 **provider.**

110 **10. If a health carrier makes a request for qualifications of a person who is not**
111 **licensed as a PDD service provider, such person shall provide documented evidence of**
112 **education and professional training, if any, in applied behavioral analysis.**

113 **11. The provisions of this section shall apply to any health care plans issued to**
114 **employees and their dependents under the Missouri consolidated health care plan**
115 **established under chapter 103, that are delivered, issued for delivery, continued, or**
116 **renewed in this state on or after January 1, 2011. The terms "employees" and "health care**
117 **plans" shall have the same meaning ascribed to them in section 103.003.**

118 **12. The provisions of this section shall also apply to the following types of plans that**
119 **are established, extended, modified, or renewed on or after January 1, 2011:**

120 **(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section**
121 **1002(32);**

122 **(2) All self-insured group arrangements, to the extent not preempted by federal**
123 **law;**

124 **(3) All plans provided through a multiple employer welfare arrangement, or plans**
125 **provided through another benefit arrangement, to the extent permitted by the Employee**
126 **Retirement Income Security Act of 1974, or any waiver or exception to that act provided**
127 **under federal law or regulation; and**

128 **(4) All self-insured school district health plans.**

129 **13. The provisions of this section shall not apply:**

130 **(1) To the MO HealthNet program as described in section 208.001, nor shall the**
131 **provisions of this section apply to any program administered or sponsored by the MO**
132 **HealthNet division. Nothing in this section shall be construed as providing the coverage**
133 **described in this section to MO HealthNet participants; or**

134 **(2) To a supplemental insurance policy, including a life care contract, accident-only**
135 **policy, specified disease policy, hospital policy providing a fixed daily benefit only,**
136 **Medicare supplement policy, long-term care policy, short-term major medical policy of six**
137 **months or less duration, or any other supplemental policy.**

138 **14. Any health carrier or other entity subject to the provisions of this section shall**
139 **not be required to provide reimbursement for the following services provided by the school**
140 **district: early intervention services, school services, and treatment for pervasive**
141 **developmental disorders. This section shall not be construed as affecting any obligation**
142 **to provide services to an individual under an individualized family service plan, an**

143 **individualized education plan, or an individualized service plan. Health carriers and**
144 **health benefit plans shall be the payor of last resort when services under this subsection**
145 **are not available from the first steps program.**

146 **15. The provisions of sections 376.1350 to 376.1399, 376.383, and 376.384 shall**
147 **apply to this section.**

148 **16. (1) By February 1, 2012, and every February first thereafter, the department**
149 **of insurance, financial institutions and professional registration shall submit a report to**
150 **the general assembly regarding the implementation of the coverage required under this**
151 **section. The report shall include, but shall not be limited to, the following:**

152 **(a) The total number of insureds diagnosed with pervasive developmental disorder;**

153 **(b) The total cost of all claims paid out in the immediately preceding calendar year**
154 **for PDD;**

155 **(c) The cost of such coverage per insured per month; and**

156 **(d) The average cost per insured for coverage of applied behavior analysis.**

157 **(2) All health carriers and health benefit plans subject to the provisions of this**
158 **section shall provide the department with the data requested by the department for**
159 **inclusion in the annual report.**

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