



HOUSE BILL 714: Behavior Analyst Licensure

2015-2016 General Assembly

Committee:	House Finance	Date:	June 18, 2015
Introduced by:	Reps. Jeter, McGrady, Shepard, Cotham	Prepared by:	Greg Roney Committee Counsel
Analysis of:	PCS to Second Edition H714-CSSH-49		

SUMMARY: *The Proposed Committee Substitute (PCS) for House Bill 714 establishes a licensure process for behavior analysts.*

The PCS authorizes the North Carolina Behavior Analysis Board to set fees by rule subject to the following maximum amounts: application: \$250; renewal: \$200; late renewal: \$50; reciprocal application: \$250; temporary license: \$100.

Compared to the second edition, the PCS makes 3 changes:

- *Makes two listings of activities excluded from the practice of behavior analysis identical.*
- *Adds an exception from licensure for certain faculty and students.*
- *Makes technical changes.*

CURRENT LAW: G.S. 90-270.2(8) provides that the practice of psychology includes behavior analysis and therapy.

BILL ANALYSIS: The PCS for House Bill 714 creates Article 43, Behavior Analyst Licensure, in Chapter 90, Medicine and Allied Occupations.

Section 1 of the PCS contains the elements outlined below:

Declaration of Purpose [G.S. 90-726.1] – The stated purpose is to protect the public from unqualified persons or unprofessional, unethical, or harmful conduct as it relates to the practice of behavior analysis.

Definitions [G.S. 90-726.2] – The PCS provides definitions for: board, certifying entity, licensed assistant behavior analyst, licensed behavior analyst, and practice of behavior analysis. The practice of behavior analysis pertains to the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The certifying entity is the Behavior Analyst Certification Board.

Board [G.S. 90-726.3] – The PCS establishes the North Carolina Behavior Analysis Board (Board) consisting of nine (9) members: 3 appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, 3 appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate; and 3 appointed by the Governor. Board members will include: 3 licensed behavior analysts, 3 licensed assistant behavior analysts, and 3 public members. The section provides the qualifications of the Board, removal from the Board, specifies the payment of per diem, and allows the Board to hire employees.

Powers and Duties of the Board [G.S. 90-726.4] – The Board's powers and duties include: administering the Article, adopting rules, evaluating applicants for licensure, issuing licenses, establishing fees, disciplining licensees, adopting a seal for use, and conducting investigations.

Annual Report [G.S. 90-726.5] – The Board is required to report to the Governor on June 30 each year.

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Licensure Application [G.S. 90-726.6] – Applicants for licensure are required to submit specified criteria on a prescribed form.

Licensure as a Behavior Analyst and an Assistant Behavior Analyst [G.S. 90-726.7 and .8] – An applicant for licensure must pass the Certification Board's examination and be in active status with the certifying entity. An assistant behavior analyst must have an arrangement for supervision by a licensed behavior analyst.

License renewal [G.S. 90-726.9] – Licenses are granted for a period of two years. Renewal requires proof of any required continuing education, payment of a renewal fee, active certification, and a supervision arrangement for an assistant behavior analyst.

Temporary license [G.S. 90-726.10] – An individual residing and practicing behavior analysis in another state and who is certified, or who is licensed in another state, may apply for a temporary license to practice in NC.

Reciprocity [G.S. 90-726.11] – Licensure by reciprocity is permitted when the other state has comparable licensure requirements and upon the applicant's submission of specified documents.

Denial, suspension, revocation of licenses and other disciplinary actions [G.S. 90-726.12] – Outlines requirements for complying with ethical and professional standards specified in the Code of Conduct. This section also includes provisions related to denial, suspension or revocation of licenses and other disciplinary and remedial actions. (The content in this section is substantially similar to that contained in G.S. 90-270.15 of the Psychology Practice Act.)

Fees [G.S. 90-726.13] – Fees collected by the Board will be established pursuant to rules, but must not exceed the following: Application: \$250; Renewal: \$200; Late Renewal: \$50; Reciprocal application: \$250; Temporary License: \$100.

Criminal History Record Checks [G.S. 90-726.14] – The criminal history record check process is similar to other licensure processes for criminal history record checks.

Limitation [G.S. 90-726.15] – Clarifies that the Article does not permit licensed behavior analysts or licensed assistant behavior analysts to engage in the practice of psychology.

Section 2 provides prohibited acts and penalties; injunctions; and exemptions from licensure; it becomes effective March 1, 2016.

Section 3 amends the exemptions under the Psychology Practice Act to conform to changes enacted by Sections 1 and 2, and it becomes effective March 1, 2016.

Section 4 requires the Board to adopt temporary rules no later than January 1, 2016.

Section 5 amends Chapter 8 of the General Statutes pertaining to the Competency of Witnesses to cover communications between behavior analyst and client or patient.

EFFECTIVE DATE: As provided above, Sections 2 and 3 become effective March 1, 2016. The remainder of the act is effective when it becomes law.

BACKGROUND: The Behavior Analyst Certification Board <http://www.bacb.com/> was created in 1998 and provides credentialing for the: Board Certified Behavior Analyst (BCBA) and the Board Certified Assistant Behavior Analyst (BCaBA).

Theresa Matula with the Research Division substantially contributed to this summary.