

**Subject** Behavior Analyst Licensure

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## Overview

This bill, as amended, establishes licensure for behavior analysts to practice applied behavior analysis, establishes the Behavior Analyst Advisory Council, specifies fees, and appropriates money for the implementation of behavior analyst licensure.

## Summary

Section	Description
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1	<b>Definitions.</b>
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Proposes coding for § 148.9981. Defines the following terms for behavior analyst licensing sections of statute:

- Accredited school or educational program
- Advisory council
- Board
- Certifying entity
- Client
- Licensed behavior analyst
- Licensee
- Practice of applied behavior analysis

Makes this section effective July 1, 2024.

2	<b>Duties of the Board of Psychology.</b>
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Proposes coding for § 148.9982. Requires the Board of Psychology, in consultation with the newly established Behavior Analyst Advisory Council, to carry out licensing, disciplinary, and educational duties related to behavior analyst licensure. Allows the board to adopt rules necessary to carry out behavior analyst licensure provisions.

Makes this section effective July 1, 2024.

Section	Description
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**3 Requirements for licensure.**

Proposes coding for § 148.9983.

**Subd. 1. General.** Requires an individual seeking licensure as a behavior analyst to complete and submit a written application on forms provided by the board, with the appropriate fee.

**Subd. 2. Requirements for licensure.** Requires an applicant for licensure to submit evidence to the board that the applicant has a current, active national certification as a behavior analyst or has completed equivalent certification requirements, including passing a valid examination.

**Subd. 3. Background investigation.** Requires the applicant to sign a release related to background check information; requires listed agencies to provide background investigation information and data; allows the board to contract with the Department of Human Services to obtain criminal history data. Classifies background check information as private data.

Makes this section effective July 1, 2024.

**4 License renewal requirements.**

Proposes coding for § 148.9984. Requires biennial licensure renewal and establishes renewal notice requirements, renewal requirements, a pending renewal policy, and a late renewal fee.

Makes this section effective July 1, 2024.

**5 Expired license.**

Proposes coding for § 148.9985. Establishes policies and timelines related to license expiration and termination.

Makes this section effective July 1, 2024.

**6 Prohibited practice or use of titles; penalty.**

Proposes coding for § 148.9986. Effective January 1, 2025, prohibits the unlicensed (or unexempt) practice of applied behavior analysis; specifies that a licensed psychologist is not required to obtain a behavior analyst license to engage in applied behavior analysis.

Lists protected titles to be used only by licensed behavior analysts. Provides an exemption for a licensed psychologist to use the title “behavior analyst.”

Makes this section effective July 1, 2024.

Section	Description
7	<p><b>Exceptions to license requirement.</b></p> <p>Proposes coding for § 148.9987. Specifies that behavior analyst licensure provisions do not prohibit or restrict:</p> <ol style="list-style-type: none"><li>1) the licensed or supervised practice of psychology;</li><li>2) the practice of any other profession or occupation licensed, certified, or registered by the state by an individual duly licensed, certified, or registered to practice the profession or occupation;</li><li>3) school district employees from providing behavior analysis as part of their employment, under certain conditions;</li><li>4) employees of DHS-licensed disability services programs from providing specified intervention services;</li><li>5) teaching behavior analysis or conducting research;</li><li>6) the provision of behavior analysis services by an unlicensed supervisee or trainee, in compliance with supervision requirements;</li><li>7) a family member or guardian of a behavior analysis service recipient from performing behavior analysis as authorized and directed by a licensed behavior analyst; and</li><li>8) students or interns completing practicums in behavior analysis.</li></ol> <p>Allows a licensed psychologist to supervise an unlicensed supervisee, trainee, student, or intern engaging in the practice of behavior analysis.</p> <p>Makes this section effective July 1, 2024.</p>
8	<p><b>Nontransferability of licenses.</b></p> <p>Proposes coding for § 148.9988. Specifies that a behavior analyst license is not transferable.</p> <p>Makes this section effective July 1, 2024.</p>
9	<p><b>Duty to maintain current information.</b></p> <p>Proposes coding for § 148.9989. Requires licensees and applicants to notify the board of a change of contact information or other change in application information within 30 days.</p> <p>Makes this section effective July 1, 2024.</p>
10	<p><b>Discipline; reporting.</b></p> <p>Proposes coding for § 148.999. Specifies that licensed psychologist disciplinary provisions apply to behavior analysts.</p>

Section	Description
	Makes this section effective July 1, 2024.
11	<p><b>Competent provision of services.</b></p> <p>Proposes coding for § 148.9991. Requires behavior analysts to limit their practice to the client populations and services for which they have competence. Specifies requirements for a behavior analyst developing competence. Requires behavior analysts to recognize the limitations on the scope of practice of applied behavior analysis and inform clients of other resources accordingly. Establishes that the burden of proof is on the behavior analyst when a complaint is submitted to the board regarding competency.</p> <p>Makes this section effective July 1, 2024.</p>
12	<p><b>Duty to warn; limitation on liability; violent behavior of patient.</b></p> <p>Proposes coding for § 148.9992. Defines “other person,” “reasonable efforts,” and “licensee” for purposes of this section.</p> <p>Establishes a duty to predict, warn of, or take reasonable precautions to provide protection from violent behavior only when there is a specific, serious threat or physical violence against a specific potential victim. Establishes a standard of liability and immunity from breach of confidence for compliance with the duty to warn.</p> <p>Specifies that circumstances leading to a duty to warn do not authorize termination of services unless the client is referred elsewhere. Provides that this section does not apply to a threat of suicide or self-harm, or to a threat made by a person committed as having a mental illness and dangerous to the public. Allows for optional disclosure and provides limitation on liability.</p> <p>Makes this section effective July 1, 2024.</p>
13	<p><b>Informed consent.</b></p> <p>Proposes coding for § 148.9993. Establishes requirements for obtaining informed consent for services and updating informed consent; provides exception for crisis or emergency services.</p> <p>Makes this section effective July 1, 2024.</p>
14	<p><b>Behavior Analyst Advisory Council.</b></p> <p>Proposes coding for § 148.9994. Creates the Behavior Analyst Advisory Council, to advise the Board of Psychology on standards for behavior analysts. Lists the membership and duties of the council.</p> <p>Makes this section effective July 1, 2024.</p>

Section	Description
15	<p><b>Fees.</b></p> <p>Proposes coding for § 148.9995. Establishes application, licensing, and processing fees for behavior analyst licensure; specifies that fees are nonrefundable and are required to be deposited in the state government special revenue fund.</p> <p>Makes this section effective July 1, 2024.</p>
16	<p><b>Initial applied Behavior Analyst Advisory Council.</b></p> <p>Specifies requirements for the first appointments to the Behavior Analyst Advisory Council, first meeting, and election of a chair.</p> <p>Makes this section effective July 1, 2024.</p>
17	<p><b>Appropriation.</b></p> <p>Appropriates money in fiscal year 2025 from the state government special revenue fund to the Board of Psychology to implement behavior analyst licensure.</p> <p>Makes this section effective July 1, 2024.</p>



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