

AMENDED IN SENATE JUNE 9, 2014  
AMENDED IN ASSEMBLY APRIL 22, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2041**

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**Introduced by Assembly Member Jones**

February 20, 2014

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~~An act to amend Section 1374.73 of the Health and Safety Code, to amend Section 10144.51 of the Insurance Code, and to add Section 4648.32 to the Welfare and Institutions Code, relating to health developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2041, as amended, Jones. Developmental services: regional centers: behavioral health treatment.

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers for the provision of community services and supports for persons with developmental disabilities and their families. Regulations adopted under that act require a regional center to classify a vendor of services provided by the regional center as a behavior management consultant or behavior management assistant if the vendor designs or implements behavior management intervention services, possesses specified experience in designing or implementing those services, and meets other specified licensure and education requirements.

This bill would require that a regional center classify a vendor as a behavior management consultant or behavior management assistant if

the vendor designs or implements behavioral health treatment, has a specified amount of experience in designing or implementing that treatment, and meets other licensure and education requirements. *The bill would require the department to amend its regulations as necessary to implement the provisions of the bill.*

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment for pervasive developmental disorder or autism until January 1, 2017, and defines behavioral health treatment to mean specified services provided by, among others, a qualified autism service professional supervised and employed by a qualified autism service provider. For purposes of this provision, existing law defines a “qualified autism service professional” to mean a person who, among other requirements, is a behavior service provider approved as a vendor by a California regional center to provide services as an associate behavior analyst, behavior management assistant, behavior management consultant, or behavior management program pursuant to specified regulations adopted under the Lanterman Developmental Disabilities Services Act.~~

~~This bill would instead require that the behavior management assistant or behavior management consultant be approved as a California regional center vendor under the provisions described above.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 1374.73 of the Health and Safety Code~~
- 2     ~~is amended to read:~~
- 3     ~~1374.73. (a) (1) Every health care service plan contract that~~
- 4     ~~provides hospital, medical, or surgical coverage shall also provide~~
- 5     ~~coverage for behavioral health treatment for pervasive~~
- 6     ~~developmental disorder or autism no later than July 1, 2012. The~~
- 7     ~~coverage shall be provided in the same manner and is subject to~~
- 8     ~~the same requirements as provided in Section 1374.72.~~
- 9     ~~(2) Notwithstanding paragraph (1), as of the date that proposed~~
- 10    ~~final rulemaking for essential health benefits is issued, this section~~

1 does not require any benefits to be provided that exceed the  
2 essential health benefits that all health plans will be required by  
3 federal regulations to provide under Section 1302(b) of the federal  
4 Patient Protection and Affordable Care Act (Public Law 111-148),  
5 as amended by the federal Health Care and Education  
6 Reconciliation Act of 2010 (Public Law 111-152).

7 (3) This section shall not affect services for which an individual  
8 is eligible pursuant to Division 4.5 (commencing with Section  
9 4500) of the Welfare and Institutions Code or Title 14  
10 (commencing with Section 95000) of the Government Code.

11 (4) This section shall not affect or reduce any obligation to  
12 provide services under an individualized education program, as  
13 defined in Section 56032 of the Education Code, or an individual  
14 service plan, as described in Section 5600.4 of the Welfare and  
15 Institutions Code, or under the federal Individuals with Disabilities  
16 Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing  
17 regulations.

18 (b) Every health care service plan subject to this section shall  
19 maintain an adequate network that includes qualified autism service  
20 providers who supervise and employ qualified autism service  
21 professionals or paraprofessionals who provide and administer  
22 behavioral health treatment. Nothing shall prevent a health care  
23 service plan from selectively contracting with providers within  
24 these requirements.

25 (e) For the purposes of this section, the following definitions  
26 shall apply:

27 (1) "Behavioral health treatment" means professional services  
28 and treatment programs, including applied behavior analysis and  
29 evidence-based behavior intervention programs, that develop or  
30 restore, to the maximum extent practicable, the functioning of an  
31 individual with pervasive developmental disorder or autism and  
32 that meet all of the following criteria:

33 (A) The treatment is prescribed by a physician and surgeon  
34 licensed pursuant to Chapter 5 (commencing with Section 2000)  
35 of, or is developed by a psychologist licensed pursuant to Chapter  
36 6.6 (commencing with Section 2900) of, Division 2 of the Business  
37 and Professions Code.

38 (B) The treatment is provided under a treatment plan prescribed  
39 by a qualified autism service provider and is administered by one  
40 of the following:

- 1 (i) ~~A qualified autism service provider.~~
- 2 (ii) ~~A qualified autism service professional supervised and~~
- 3 ~~employed by the qualified autism service provider.~~
- 4 (iii) ~~A qualified autism service paraprofessional supervised and~~
- 5 ~~employed by a qualified autism service provider.~~
- 6 (C) ~~The treatment plan has measurable goals over a specific~~
- 7 ~~timeline that is developed and approved by the qualified autism~~
- 8 ~~service provider for the specific patient being treated. The treatment~~
- 9 ~~plan shall be reviewed no less than once every six months by the~~
- 10 ~~qualified autism service provider and modified whenever~~
- 11 ~~appropriate, and shall be consistent with Section 4686.2 of the~~
- 12 ~~Welfare and Institutions Code pursuant to which the qualified~~
- 13 ~~autism service provider does all of the following:~~
- 14 (i) ~~Describes the patient’s behavioral health impairments or~~
- 15 ~~developmental challenges that are to be treated.~~
- 16 (ii) ~~Designs an intervention plan that includes the service type,~~
- 17 ~~number of hours, and parent participation needed to achieve the~~
- 18 ~~plan’s goal and objectives, and the frequency at which the patient’s~~
- 19 ~~progress is evaluated and reported.~~
- 20 (iii) ~~Provides intervention plans that utilize evidence-based~~
- 21 ~~practices, with demonstrated clinical efficacy in treating pervasive~~
- 22 ~~developmental disorder or autism.~~
- 23 (iv) ~~Discontinues intensive behavioral intervention services~~
- 24 ~~when the treatment goals and objectives are achieved or no longer~~
- 25 ~~appropriate.~~
- 26 (D) ~~The treatment plan is not used for purposes of providing or~~
- 27 ~~for the reimbursement of respite, day care, or educational services~~
- 28 ~~and is not used to reimburse a parent for participating in the~~
- 29 ~~treatment program. The treatment plan shall be made available to~~
- 30 ~~the health care service plan upon request.~~
- 31 (2) ~~“Pervasive developmental disorder or autism” shall have~~
- 32 ~~the same meaning and interpretation as used in Section 1374.72.~~
- 33 (3) ~~“Qualified autism service provider” means either of the~~
- 34 ~~following:~~
- 35 (A) ~~A person, entity, or group that is certified by a national~~
- 36 ~~entity, such as the Behavior Analyst Certification Board, that is~~
- 37 ~~accredited by the National Commission for Certifying Agencies,~~
- 38 ~~and who designs, supervises, or provides treatment for pervasive~~
- 39 ~~developmental disorder or autism, provided the services are within~~

1 the experience and competence of the person, entity, or group that  
2 is nationally certified.

3 ~~(B) A person licensed as a physician and surgeon, physical~~  
4 ~~therapist, occupational therapist, psychologist, marriage and family~~  
5 ~~therapist, educational psychologist, clinical social worker,~~  
6 ~~professional clinical counselor, speech-language pathologist, or~~  
7 ~~audiologist pursuant to Division 2 (commencing with Section 500)~~  
8 ~~of the Business and Professions Code, who designs, supervises,~~  
9 ~~or provides treatment for pervasive developmental disorder or~~  
10 ~~autism, provided the services are within the experience and~~  
11 ~~competence of the licensee.~~

12 ~~(4) “Qualified autism service professional” means an individual~~  
13 ~~who meets all of the following criteria:~~

14 ~~(A) Provides behavioral health treatment.~~

15 ~~(B) Is employed and supervised by a qualified autism service~~  
16 ~~provider.~~

17 ~~(C) Provides treatment pursuant to a treatment plan developed~~  
18 ~~and approved by the qualified autism service provider.~~

19 ~~(D) Is a behavioral service provider approved as a vendor by a~~  
20 ~~California regional center to provide services as an Associate~~  
21 ~~Behavior Analyst, Behavior Analyst, or Behavior Management~~  
22 ~~Program as defined in Section 54342 of Title 17 of the California~~  
23 ~~Code of Regulations or as a Behavior Management Assistant or~~  
24 ~~Behavior Management Consultant pursuant to Section 4648.32 of~~  
25 ~~the Welfare and Institutions Code.~~

26 ~~(E) Has training and experience in providing services for~~  
27 ~~pervasive developmental disorder or autism pursuant to Division~~  
28 ~~4.5 (commencing with Section 4500) of the Welfare and~~  
29 ~~Institutions Code or Title 14 (commencing with Section 95000)~~  
30 ~~of the Government Code.~~

31 ~~(5) “Qualified autism service paraprofessional” means an~~  
32 ~~unlicensed and uncertified individual who meets all of the~~  
33 ~~following criteria:~~

34 ~~(A) Is employed and supervised by a qualified autism service~~  
35 ~~provider.~~

36 ~~(B) Provides treatment and implements services pursuant to a~~  
37 ~~treatment plan developed and approved by the qualified autism~~  
38 ~~service provider.~~

39 ~~(C) Meets the criteria set forth in the regulations adopted~~  
40 ~~pursuant to Section 4686.3 of the Welfare and Institutions Code.~~

1 ~~(D) Has adequate education, training, and experience, as~~  
2 ~~certified by a qualified autism service provider.~~

3 ~~(d) This section shall not apply to the following:~~

4 ~~(1) A specialized health care service plan that does not deliver~~  
5 ~~mental health or behavioral health services to enrollees.~~

6 ~~(2) A health care service plan contract in the Medi-Cal program~~  
7 ~~(Chapter 7 (commencing with Section 14000) of Part 3 of Division~~  
8 ~~9 of the Welfare and Institutions Code).~~

9 ~~(3) A health care service plan contract in the Healthy Families~~  
10 ~~Program (Part 6.2 (commencing with Section 12693) of Division~~  
11 ~~2 of the Insurance Code).~~

12 ~~(4) A health care benefit plan or contract entered into with the~~  
13 ~~Board of Administration of the Public Employees' Retirement~~  
14 ~~System pursuant to the Public Employees' Medical and Hospital~~  
15 ~~Care Act (Part 5 (commencing with Section 22750) of Division 5~~  
16 ~~of Title 2 of the Government Code).~~

17 ~~(e) Nothing in this section shall be construed to limit the~~  
18 ~~obligation to provide services under Section 1374.72.~~

19 ~~(f) As provided in Section 1374.72 and in paragraph (1) of~~  
20 ~~subdivision (a), in the provision of benefits required by this section,~~  
21 ~~a health care service plan may utilize case management, network~~  
22 ~~providers, utilization review techniques, prior authorization,~~  
23 ~~copayments, or other cost sharing.~~

24 ~~(g) This section shall remain in effect only until January 1, 2017,~~  
25 ~~and as of that date is repealed, unless a later enacted statute, that~~  
26 ~~is enacted before January 1, 2017, deletes or extends that date.~~

27 ~~SEC. 2. Section 10144.51 of the Insurance Code is amended~~  
28 ~~to read:~~

29 ~~10144.51. (a) (1) Every health insurance policy shall also~~  
30 ~~provide coverage for behavioral health treatment for pervasive~~  
31 ~~developmental disorder or autism no later than July 1, 2012. The~~  
32 ~~coverage shall be provided in the same manner and shall be subject~~  
33 ~~to the same requirements as provided in Section 10144.5.~~

34 ~~(2) Notwithstanding paragraph (1), as of the date that proposed~~  
35 ~~final rulemaking for essential health benefits is issued, this section~~  
36 ~~does not require any benefits to be provided that exceed the~~  
37 ~~essential health benefits that all health insurers will be required by~~  
38 ~~federal regulations to provide under Section 1302(b) of the federal~~  
39 ~~Patient Protection and Affordable Care Act (Public Law 111-148),~~

1 ~~as amended by the federal Health Care and Education~~  
2 ~~Reconciliation Act of 2010 (Public Law 111-152).~~

3 ~~(3) This section shall not affect services for which an individual~~  
4 ~~is eligible pursuant to Division 4.5 (commencing with Section~~  
5 ~~4500) of the Welfare and Institutions Code or Title 14~~  
6 ~~(commencing with Section 95000) of the Government Code.~~

7 ~~(4) This section shall not affect or reduce any obligation to~~  
8 ~~provide services under an individualized education program, as~~  
9 ~~defined in Section 56032 of the Education Code, or an individual~~  
10 ~~service plan, as described in Section 5600.4 of the Welfare and~~  
11 ~~Institutions Code, or under the federal Individuals with Disabilities~~  
12 ~~Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing~~  
13 ~~regulations.~~

14 ~~(b) Pursuant to Article 6 (commencing with Section 2240) of~~  
15 ~~Title 10 of the California Code of Regulations, every health insurer~~  
16 ~~subject to this section shall maintain an adequate network that~~  
17 ~~includes qualified autism service providers who supervise and~~  
18 ~~employ qualified autism service professionals or paraprofessionals~~  
19 ~~who provide and administer behavioral health treatment. Nothing~~  
20 ~~shall prevent a health insurer from selectively contracting with~~  
21 ~~providers within these requirements.~~

22 ~~(e) For the purposes of this section, the following definitions~~  
23 ~~shall apply:~~

24 ~~(1) “Behavioral health treatment” means professional services~~  
25 ~~and treatment programs, including applied behavior analysis and~~  
26 ~~evidence-based behavior intervention programs, that develop or~~  
27 ~~restore, to the maximum extent practicable, the functioning of an~~  
28 ~~individual with pervasive developmental disorder or autism, and~~  
29 ~~that meet all of the following criteria:~~

30 ~~(A) The treatment is prescribed by a physician and surgeon~~  
31 ~~licensed pursuant to Chapter 5 (commencing with Section 2000)~~  
32 ~~of, or is developed by a psychologist licensed pursuant to Chapter~~  
33 ~~6.6 (commencing with Section 2900) of, Division 2 of the Business~~  
34 ~~and Professions Code.~~

35 ~~(B) The treatment is provided under a treatment plan prescribed~~  
36 ~~by a qualified autism service provider and is administered by one~~  
37 ~~of the following:~~

38 ~~(i) A qualified autism service provider.~~

39 ~~(ii) A qualified autism service professional supervised and~~  
40 ~~employed by the qualified autism service provider.~~

1     ~~(iii) A qualified autism service paraprofessional supervised and~~  
2 ~~employed by a qualified autism service provider.~~  
3     ~~(C) The treatment plan has measurable goals over a specific~~  
4 ~~timeline that is developed and approved by the qualified autism~~  
5 ~~service provider for the specific patient being treated. The treatment~~  
6 ~~plan shall be reviewed no less than once every six months by the~~  
7 ~~qualified autism service provider and modified whenever~~  
8 ~~appropriate, and shall be consistent with Section 4686.2 of the~~  
9 ~~Welfare and Institutions Code pursuant to which the qualified~~  
10 ~~autism service provider does all of the following:~~  
11     ~~(i) Describes the patient’s behavioral health impairments or~~  
12 ~~developmental challenges that are to be treated.~~  
13     ~~(ii) Designs an intervention plan that includes the service type,~~  
14 ~~number of hours, and parent participation needed to achieve the~~  
15 ~~plan’s goal and objectives, and the frequency at which the patient’s~~  
16 ~~progress is evaluated and reported.~~  
17     ~~(iii) Provides intervention plans that utilize evidence-based~~  
18 ~~practices, with demonstrated clinical efficacy in treating pervasive~~  
19 ~~developmental disorder or autism.~~  
20     ~~(iv) Discontinues intensive behavioral intervention services~~  
21 ~~when the treatment goals and objectives are achieved or no longer~~  
22 ~~appropriate.~~  
23     ~~(D) The treatment plan is not used for purposes of providing or~~  
24 ~~for the reimbursement of respite, day care, or educational services~~  
25 ~~and is not used to reimburse a parent for participating in the~~  
26 ~~treatment program. The treatment plan shall be made available to~~  
27 ~~the insurer upon request.~~  
28     ~~(2) “Pervasive developmental disorder or autism” shall have~~  
29 ~~the same meaning and interpretation as used in Section 10144.5.~~  
30     ~~(3) “Qualified autism service provider” means either of the~~  
31 ~~following:~~  
32     ~~(A) A person, entity, or group that is certified by a national~~  
33 ~~entity, such as the Behavior Analyst Certification Board, that is~~  
34 ~~accredited by the National Commission for Certifying Agencies,~~  
35 ~~and who designs, supervises, or provides treatment for pervasive~~  
36 ~~developmental disorder or autism, provided the services are within~~  
37 ~~the experience and competence of the person, entity, or group that~~  
38 ~~is nationally certified.~~  
39     ~~(B) A person licensed as a physician and surgeon, physical~~  
40 ~~therapist, occupational therapist, psychologist, marriage and family~~



1 therapist, educational psychologist, clinical social worker,  
2 professional clinical counselor, speech-language pathologist, or  
3 audiologist pursuant to Division 2 (commencing with Section 500)  
4 of the Business and Professions Code, who designs, supervises,  
5 or provides treatment for pervasive developmental disorder or  
6 autism, provided the services are within the experience and  
7 competence of the licensee.

8 (4) “Qualified autism service professional” means an individual  
9 who meets all of the following criteria:

10 (A) Provides behavioral health treatment.

11 (B) Is employed and supervised by a qualified autism service  
12 provider.

13 (C) Provides treatment pursuant to a treatment plan developed  
14 and approved by the qualified autism service provider.

15 (D) Is a behavioral service provider approved as a vendor by a  
16 California regional center to provide services as an Associate  
17 Behavior Analyst, Behavior Analyst, or Behavior Management  
18 Program as defined in Section 54342 of Title 17 of the California  
19 Code of Regulations or as a Behavior Management Assistant or  
20 Behavior Management Consultant pursuant to Section 4648.32 of  
21 the Welfare and Institutions Code.

22 (E) Has training and experience in providing services for  
23 pervasive developmental disorder or autism pursuant to Division  
24 4.5 (commencing with Section 4500) of the Welfare and  
25 Institutions Code or Title 14 (commencing with Section 95000)  
26 of the Government Code.

27 (5) “Qualified autism service paraprofessional” means an  
28 unlicensed and uncertified individual who meets all of the  
29 following criteria:

30 (A) Is employed and supervised by a qualified autism service  
31 provider.

32 (B) Provides treatment and implements services pursuant to a  
33 treatment plan developed and approved by the qualified autism  
34 service provider.

35 (C) Meets the criteria set forth in the regulations adopted  
36 pursuant to Section 4686.3 of the Welfare and Institutions Code.

37 (D) Has adequate education, training, and experience, as  
38 certified by a qualified autism service provider.

39 (d) This section shall not apply to the following:

1 ~~(1) A specialized health insurance policy that does not cover~~  
2 ~~mental health or behavioral health services or an accident only,~~  
3 ~~specified disease, hospital indemnity, or Medicare supplement~~  
4 ~~policy.~~

5 ~~(2) A health insurance policy in the Medi-Cal program (Chapter~~  
6 ~~7 (commencing with Section 14000) of Part 3 of Division 9 of the~~  
7 ~~Welfare and Institutions Code).~~

8 ~~(3) A health insurance policy in the Healthy Families Program~~  
9 ~~(Part 6.2 (commencing with Section 12693)).~~

10 ~~(4) A health care benefit plan or policy entered into with the~~  
11 ~~Board of Administration of the Public Employees' Retirement~~  
12 ~~System pursuant to the Public Employees' Medical and Hospital~~  
13 ~~Care Act (Part 5 (commencing with Section 22750) of Division 5~~  
14 ~~of Title 2 of the Government Code).~~

15 ~~(e) Nothing in this section shall be construed to limit the~~  
16 ~~obligation to provide services under Section 10144.5.~~

17 ~~(f) As provided in Section 10144.5 and in paragraph (1) of~~  
18 ~~subdivision (a), in the provision of benefits required by this section,~~  
19 ~~a health insurer may utilize case management, network providers,~~  
20 ~~utilization review techniques, prior authorization, copayments, or~~  
21 ~~other cost sharing.~~

22 ~~(g) This section shall remain in effect only until January 1, 2017,~~  
23 ~~and as of that date is repealed, unless a later enacted statute, that~~  
24 ~~is enacted before January 1, 2017, deletes or extends that date.~~

25 ~~SEC. 3.~~

26 *SECTION 1.* Section 4648.32 is added to the Welfare and  
27 Institutions Code, to read:

28 4648.32. (a) For purposes of this section, "behavioral health  
29 treatment" shall have the same meaning as provided in Article 5.6  
30 (commencing with Section 1374.60) of Chapter 2.2 of Division 2  
31 of the Health and Safety Code and Article 2.5 (commencing with  
32 Section 10140) of Chapter 1 of Part 2 of Division 2 of the Insurance  
33 Code.

34 (b) A regional center shall classify a vendor as a Behavior  
35 Management Assistant if the vendor does both of the following:

36 (1) Designs or implements behavioral health treatments under  
37 the direct supervision of a Behavior Management Consultant,  
38 classified as provided in subdivision (c), or assesses the function  
39 of a behavior of a consumer and designs, implements, and evaluates  
40 instructional and environmental modifications to produce socially

1 significant improvements in the consumer’s behavior through skill  
2 acquisition and the reduction of behavior, under direct supervision  
3 of a Behavior Analyst, classified as provided in Section 54342 of  
4 Title 17 of the California Code of Regulations, or a Behavior  
5 Management Consultant, classified as provided in subdivision (c).  
6 (2) Meets either of the following requirements:  
7 (A) Possesses a bachelor of arts or science degree and has either  
8 of the following:  
9 (i) Twelve semester units of applied behavior analysis or  
10 behavioral health treatment and one year of experience in designing  
11 or implementing behavioral health treatment.  
12 (ii) Two years of experience in designing or implementing  
13 behavioral health treatment.  
14 (B) Is either of the following:  
15 (i) A registered psychological assistant or licensed psychologist  
16 pursuant to Chapter 6.6 (commencing with Section 2900) of  
17 Division 2 of the Business and Professions Code.  
18 (ii) An associate clinical social worker registered with the Board  
19 of Behavioral Sciences pursuant to Section 4996.18 of the Business  
20 and Professions Code.  
21 (3) For purposes of this section, a regional center shall only  
22 classify as a vendor a Behavior Management Assistant who designs  
23 or implements behavioral health treatments that are consistent with  
24 the vendor’s experience and education.  
25 (c) A regional center shall classify a vendor as a Behavior  
26 Management Consultant if the vendor designs or implements  
27 behavioral health treatments and meets all of the following  
28 requirements:  
29 (1) Has two years of experience designing and implementing  
30 behavioral health treatments.  
31 (2) Is licensed as one of the following:  
32 (A) A psychologist pursuant to Chapter 6.6 (commencing with  
33 Section 2900) of Division 2 of the Business and Professions Code.  
34 (B) A licensed clinical social worker pursuant to Chapter 14  
35 (commencing with Section 4991) of Division 2 of the Business  
36 and Professions Code.  
37 (C) A licensed marriage and family therapist pursuant to Chapter  
38 13 (commencing with Section 4980) of Division 2 of the Business  
39 and Professions Code.

1 (D) Any other licensed professional under the laws of this state  
2 whose license permits the design or implementation of behavioral  
3 health treatments.

4 (3) For individuals vended as a behavior management  
5 consultant prior to, or as of, December 31, 2006, have completed  
6 12 semester units in applied behavior analysis by December 31,  
7 2008.

8 (4) For individuals vended as a behavior management  
9 consultant on or after January 1, 2007, completes 12 semester units  
10 of applied behavior analysis or behavioral health treatment.

11 (5) For purposes of this section, a regional center shall only  
12 classify as a vendor a Behavior Management Consultant who  
13 designs or implements behavioral health treatments that are  
14 consistent with the vendor's experience and education.

15 (d) *The department shall amend its regulations as necessary to*  
16 *implement to this section.*