

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1715**

---

---

**Introduced by Assembly Member Holden**

January 26, 2016

---

---

An act to amend Sections 27 and 2920 of, to amend, repeal, and add Sections 2922, 2923, and 2927 of, to add Chapter 6.7 (commencing with Section 2999.10) to Division 2 of, and to repeal Sections 2999.20, 2999.26, 2999.31, and 2999.33 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1715, as amended, Holden. Healing arts: behavior analysis: licensing.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards within the Department of Consumer Affairs, including the Board of Psychology. Under existing law, until January 1, 2017, the board is vested with the power to enforce the Psychology Licensing Law, and the board consists of 9 members, 4 of whom are public members and 5 of whom are licensed psychologists. Existing law specifies that a quorum of the board requires 5 members. Existing law requires the board to post information on its licensees, including the license status and address of record for a licensee, as specified.

This bill would enact the Behavior Analyst Act and would, until January 1, 2022, vest the board with the power to enforce the act.

This bill would, on and after July 1, 2018, increase the number of members that constitute a quorum of the board to 6 members, and would require the Governor to appoint 2 additional members to the board that meet certain requirements, including, but not limited to, that one member is licensed as a psychologist and is qualified to practice behavior analysis, as defined. The bill would also additionally require the board to post license information regarding behavior analysts, assistant behavior analysts, behavior analysis technicians, and behavior analyst interns.

This bill would require a person to apply for and obtain a license from the board prior to engaging in the practice of behavior analysis, as defined, either as a behavior analyst or an assistant behavior analyst. The bill would require these applicants to, among other things, meet certain educational and training requirements, and ~~submit fingerprints for both a~~ *pass a specified* state and federal criminal background check. The bill would require an assistant behavior analyst applicant to provide proof to the board of ongoing supervision by a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis, as specified. The bill would provide that those licenses expire 2 years after the date of issuance and would authorize the renewal of unexpired licenses if certain requirements are met, including the completion of specified continuing education. The bill would also require an applicant *for relicensure or reinstatement* to certify, under penalty of perjury, that he or she is in compliance with that continuing education requirement. By expanding the crime of perjury, the bill would impose a state-mandated local program.

This bill would require the registration of a behavior analyst intern by the board and would require the intern to be supervised by a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis. In order to be registered, the bill would require an intern applicant to meet certain educational requirements, ~~submit fingerprints for a~~ *pass a specified state and federal* criminal background check, and pay an application fee, as provided. The bill would make these intern registrations subject to renewal every 2 years and would require the payment of a renewal fee.

This bill would also require *the registration of* a behavior analysis technician, as defined, who practices under the direction and supervision of *a registered behavioral analyst intern*, a licensed behavior analyst, a licensed assistant behavior analyst, or a licensed psychologist who is qualified to practice behavior ~~analysis, to submit, analysis. The bill,~~

among other things, *would require that technician to submit an application subject to board approval, fingerprints for a application, pass a specified state and federal criminal background check, and payment of pay an application fee.* The bill would make these ~~approvals~~ *registrations* subject to renewal every 2 years and would require the payment of a renewal fee.

This bill would, until January 1, 2022, create the Behavior Analyst Committee within the jurisdiction of the board, and would require the committee to be composed of 5 members who shall be appointed as specified. The bill would authorize the committee to make recommendations to the board regarding the regulation of the practice of behavior ~~analysis~~. *analysis, as provided.*

This bill would require the board to conduct disciplinary hearings, as specified. The bill, on and after July 1, 2019, would make it unlawful to, among other things, practice behavior analysis without being licensed by the board, except as specified.

This bill would make a licensee or health care facility, as defined, that fails or refuses to comply with an authorized client request or court order for the medical records of a client subject to a specified civil penalty, except as specified. The bill would also make a licensee or health care facility with multiple violations of those court orders subject to a crime. By creating a new crime, the bill would impose a state-mandated local program.

This bill would make a violation of the act a misdemeanor punishable by 6 months in the county jail or a fine not to exceed ~~\$2,500~~, \$2,000, or by both imprisonment and a fine. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 27 of the Business and Professions Code  
2 is amended to read:

1     27. (a) Each entity specified in subdivisions (c), (d), and (e)  
2 shall provide on the Internet information regarding the status of  
3 every license issued by that entity in accordance with the California  
4 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
5 of Division 7 of Title 1 of the Government Code) and the  
6 Information Practices Act of 1977 (Chapter 1 (commencing with  
7 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).  
8 The public information to be provided on the Internet shall include  
9 information on suspensions and revocations of licenses issued by  
10 the entity and other related enforcement action, including  
11 accusations filed pursuant to the Administrative Procedure Act  
12 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
13 Division 3 of Title 2 of the Government Code) taken by the entity  
14 relative to persons, businesses, or facilities subject to licensure or  
15 regulation by the entity. The information may not include personal  
16 information, including home telephone number, date of birth, or  
17 social security number. Each entity shall disclose a licensee's  
18 address of record. However, each entity shall allow a licensee to  
19 provide a post office box number or other alternate address, instead  
20 of his or her home address, as the address of record. This section  
21 shall not preclude an entity from also requiring a licensee, who  
22 has provided a post office box number or other alternative mailing  
23 address as his or her address of record, to provide a physical  
24 business address or residence address only for the entity's internal  
25 administrative use and not for disclosure as the licensee's address  
26 of record or disclosure on the Internet.

27     (b) In providing information on the Internet, each entity specified  
28 in subdivisions (c) and (d) shall comply with the Department of  
29 Consumer Affairs' guidelines for access to public records.

30     (c) Each of the following entities within the Department of  
31 Consumer Affairs shall comply with the requirements of this  
32 section:

33     (1) The Board for Professional Engineers, Land Surveyors, and  
34 Geologists shall disclose information on its registrants and  
35 licensees.

36     (2) The Bureau of Automotive Repair shall disclose information  
37 on its licensees, including auto repair dealers, smog stations, lamp  
38 and brake stations, smog check technicians, and smog inspection  
39 certification stations.

1 (3) The Bureau of Electronic and Appliance Repair, Home  
2 Furnishings, and Thermal Insulation shall disclose information on  
3 its licensees and registrants, including major appliance repair  
4 dealers, combination dealers (electronic and appliance), electronic  
5 repair dealers, service contract sellers, and service contract  
6 administrators.

7 (4) The Cemetery and Funeral Bureau shall disclose information  
8 on its licensees, including cemetery brokers, cemetery salespersons,  
9 cemetery managers, crematory managers, cemetery authorities,  
10 crematories, cremated remains disposers, embalmers, funeral  
11 establishments, and funeral directors.

12 (5) The Professional Fiduciaries Bureau shall disclose  
13 information on its licensees.

14 (6) The Contractors' State License Board shall disclose  
15 information on its licensees and registrants in accordance with  
16 Chapter 9 (commencing with Section 7000) of Division 3. In  
17 addition to information related to licenses as specified in  
18 subdivision (a), the board shall also disclose information provided  
19 to the board by the Labor Commissioner pursuant to Section 98.9  
20 of the Labor Code.

21 (7) The Bureau for Private Postsecondary Education shall  
22 disclose information on private postsecondary institutions under  
23 its jurisdiction, including disclosure of notices to comply issued  
24 pursuant to Section 94935 of the Education Code.

25 (8) The California Board of Accountancy shall disclose  
26 information on its licensees and registrants.

27 (9) The California Architects Board shall disclose information  
28 on its licensees, including architects and landscape architects.

29 (10) The State Athletic Commission shall disclose information  
30 on its licensees and registrants.

31 (11) The State Board of Barbering and Cosmetology shall  
32 disclose information on its licensees.

33 (12) The State Board of Guide Dogs for the Blind shall disclose  
34 information on its licensees and registrants.

35 (13) The Acupuncture Board shall disclose information on its  
36 licensees.

37 (14) The Board of Behavioral Sciences shall disclose  
38 information on its licensees, including licensed marriage and family  
39 therapists, licensed clinical social workers, licensed educational  
40 psychologists, and licensed professional clinical counselors.

1 (15) The Dental Board of California shall disclose information  
2 on its licensees.

3 (16) The State Board of Optometry shall disclose information  
4 regarding certificates of registration to practice optometry,  
5 statements of licensure, optometric corporation registrations, branch  
6 office licenses, and fictitious name permits of its licensees.

7 (17) The Board of Psychology shall disclose information on its  
8 licensees, including psychologists, psychological assistants,  
9 registered psychologists, behavior analysts, assistant behavior  
10 analysts, behavior analysis technicians, and behavior analyst  
11 interns.

12 (d) The State Board of Chiropractic Examiners shall disclose  
13 information on its licensees.

14 (e) The Structural Pest Control Board shall disclose information  
15 on its licensees, including applicators, field representatives, and  
16 operators in the areas of fumigation, general pest and wood  
17 destroying pests and organisms, and wood roof cleaning and  
18 treatment.

19 (f) The Bureau of Medical Marijuana Regulation shall disclose  
20 information on its licensees.

21 (g) “Internet” for the purposes of this section has the meaning  
22 set forth in paragraph (6) of subdivision (f) of Section 17538.

23 SEC. 2. Section 2920 of the Business and Professions Code is  
24 amended to read:

25 2920. (a) The Board of Psychology shall enforce and  
26 administer this chapter and Chapter 6.7 (commencing with Section  
27 2999.10). The board shall consist of nine members, four of whom  
28 shall be public members.

29 (b) On and after July 1, 2018, notwithstanding subdivision (a),  
30 the board shall consist of 11 members, five of whom shall be public  
31 members.

32 (c) This section shall remain in effect only until January 1, 2017,  
33 and as of that date is repealed.

34 (d) Notwithstanding any other law, the repeal of this section  
35 renders the board subject to review by the appropriate policy  
36 committees of the Legislature.

37 SEC. 3. Section 2922 of the Business and Professions Code is  
38 amended to read:

39 2922. (a) In appointing the members of the board, except the  
40 public members, the Governor shall use his or her judgment to

1 select psychologists who represent, as widely as possible, the varied  
2 professional interests of psychologists in California.

3 (b) The Governor shall appoint two of the public members and  
4 the five licensed members of the board qualified as provided in  
5 Section 2923. The Senate Committee on Rules and the Speaker of  
6 the Assembly shall each appoint a public member.

7 (c) This section shall become inoperative on July 1, 2018, and,  
8 as of January 1, 2019, is repealed.

9 SEC. 4. Section 2922 is added to the Business and Professions  
10 Code, to read:

11 2922. (a) In appointing the licensed members of the board,  
12 the Governor shall use his or her judgment to select psychologists  
13 and behavior analysts who represent, as widely as possible, the  
14 varied professional interests of psychologists and behavior analysts  
15 in California.

16 (b) The Governor shall appoint three of the public members and  
17 the six licensed members of the board qualified as provided in  
18 Section 2923. The Senate Committee on Rules and the Speaker of  
19 the Assembly shall each appoint a public member.

20 (c) This section shall become operative on July 1, 2018.

21 SEC. 5. Section 2923 of the Business and Professions Code is  
22 amended to read:

23 2923. (a) Each member of the board shall have all of the  
24 following qualifications:

25 (1) He or she shall be a resident of this state.

26 (2) Each member appointed, except the public members, shall  
27 be a licensed psychologist.

28 (b) The public members shall not be licentiates of the board or  
29 of any board under this division or of any board referred to in the  
30 Chiropractic Act or the Osteopathic Act.

31 (c) This section shall become inoperative on July 1, 2018, and,  
32 as of January 1, 2019, is repealed.

33 SEC. 6. Section 2923 is added to the Business and Professions  
34 Code, to read:

35 2923. (a) Each member of the board shall be a resident of this  
36 state.

37 (b) Five members of the board shall be licensed as psychologists  
38 under this chapter.

(c) One member shall be licensed as a psychologist and qualified to practice behavior analysis, as defined in Section 2999.12, as follows:

(1) For the first appointment after the operative date of this section, the member shall hold a certificate as a certified behavior analyst from a certifying entity, as defined in Section 2999.12.

(2) For subsequent appointments, the member shall be licensed as a behavior analyst under Chapter 6.7 (commencing with Section 2999.10).

(d) The public members shall not be licentiates of the board or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

(e) This section shall become operative on July 1, 2018.

SEC. 7. Section 2927 of the Business and Professions Code is amended to read:

2927. (a) Five members of the board shall at all times constitute a quorum.

(b) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 8. Section 2927 is added to the Business and Professions Code, to read:

2927. (a) Six members of the board shall at all times constitute a quorum.

(b) This section shall become operative on July 1, 2018.

SEC. 9. Chapter 6.7 (commencing with Section 2999.10) is added to Division 2 of the Business and Professions Code, to read:

## CHAPTER 6.7. BEHAVIOR ANALYSTS

### Article 1. General Provisions

2999.10. This chapter shall be known, and may be cited, as the Behavior Analyst Act.

2999.11. (a) The Legislature finds and declares that the practice of behavior analysis in California affects the public health, safety, and welfare, and is subject to regulation to protect the public from the unauthorized and unqualified practice of behavior analysis, and unprofessional, unethical, or harmful conduct by persons licensed to practice behavior analysis.



(b) It is the intent of the Legislature that the board begin accepting applications for ~~behavior analyst licensure, assistant behavior analyst licensure, behavior analysis technician approval, and behavior analyst intern registration licensure~~ *as a behavior analyst or an assistant behavior analyst no later than July 1, 2019. It is the intent of the Legislature that the board begin accepting applications for registration as a behavior analysis technician or a behavior analyst intern no later than January 1, 2018, provided that the funds necessary to implement this chapter have been appropriated by the Legislature as specified in Section 2999.98. 2018.*

2999.12. For purposes of this chapter, the following terms have the following meanings:

(a) “Behavior analysis technician” means an individual who works directly with a client to implement applied behavior analysis services under the direction and supervision of *a registered behavior analyst intern*, a licensed behavior analyst, a licensed assistant behavior analyst, or a licensed psychologist who is qualified to practice behavior analysis, and has successfully completed the application requirements described in Section 2999.36.

(b) “Board” means the Board of Psychology.

(c) “Certifying entity” means the Behavior Analyst Certification Board or its successor, or another national credentialing organization with behavior analyst certification programs approved by the board and accredited by the National Commission for Certifying Agencies.

(d) “Committee” means the Behavior Analyst Committee.

(e) “Department” means the Department of Consumer Affairs.

(f) “Licensed assistant behavior analyst” means a person licensed under this chapter to practice behavior analysis under the supervision of a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis ~~analysis~~ *and who maintains active certification with the certifying entity during the entire period of licensure.*

(g) “Behavior analyst intern” means a person registered under this chapter to practice behavior analysis under the supervision of a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis.

(h) “Licensed behavior analyst” means a person licensed under this chapter to practice behavior ~~analysis~~; *analysis and who maintains active certification with the certifying entity during the entire period of licensure.*

(i) “Practice of behavior analysis” or “to practice behavior analysis” means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, interventions based on scientific research and the direct observation and measurement of behavior and the environment, and utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(1) The practice of behavior analysis does not include psychological testing and assessment, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, counseling, prescribing drugs, performing surgery, or administering electroconvulsive therapy.

(2) The Legislature recognizes that the scopes of practice of healing arts licensees regulated under this division sometimes contain similar practices. However, nothing herein shall be construed to allow a licensed behavior analyst or a licensed assistant behavior analyst to engage in those practices, *or those in Section 2903*, including, but not limited to, assessments, other than specific to their scope of practice within behavior analysis as described herein. Any person practicing behavior analysis under this chapter who violates this provision is subject to disciplinary action by both the Board of Psychology and the board overseeing the relevant practice.

## Article 2. Administration

2999.20. (a) The Board of Psychology is vested with the power to administer the provisions and requirements of this chapter, and

1 may make and enforce rules and regulations that are reasonably  
2 necessary to carry out its provisions.

3 (b) This section shall remain in effect only until January 1, 2022,  
4 and as of that date is repealed. Notwithstanding any other law, the  
5 repeal of this section renders the board subject to review by the  
6 appropriate policy committees of the Legislature.

7 2999.21. Protection of the public shall be the highest priority  
8 for the board in exercising its licensing, regulatory, and disciplinary  
9 functions pursuant to this chapter. Whenever the protection of the  
10 public is inconsistent with other interests sought to be promoted,  
11 the protection of the public shall be paramount.

12 2999.22. The board shall adopt, amend, and repeal regulations  
13 to implement the requirements of this chapter. All regulations  
14 adopted by the board shall comply with the provisions of Chapter  
15 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
16 Title 2 of the Government Code.

17 2999.23. The board shall adopt a program of consumer and  
18 professional education in matters relevant to the ethical practice  
19 of behavior analysis. The board shall establish standards of ethical  
20 conduct relating to the practice of behavior analysis that are based  
21 on current standards published by a national credentialing  
22 organization with behavior analyst certification programs approved  
23 by the board and accredited by the National Commission for  
24 Certifying Agencies. These standards shall be applied by the board  
25 as the accepted standard of ~~ethics~~ *ethical conduct* in all law and  
26 ethics licensing examination development and in all board  
27 enforcement policies and disciplinary case evaluations involving  
28 the practice of behavior analysis.

29 2999.24. The board may employ, subject to civil service and  
30 other laws, employees as may be necessary to carry out the  
31 provisions of this chapter under the direction of the executive  
32 officer of the board.

33 2999.25. The board shall maintain, and make available to the  
34 public, a list of all licensees. The board shall make available on  
35 its Internet Web site information regarding the status of every  
36 license issued by the board under this chapter pursuant to Section  
37 27.

38 2999.26. (a) The Behavior Analyst Committee is hereby  
39 created within the jurisdiction of the board to make  
40 recommendations to the board regarding the regulation of the

1 practice of behavior analysis in the state in order to protect the  
2 public from the unauthorized and unqualified practice of applied  
3 behavior analysis, and unprofessional, unethical, or harmful  
4 conduct by persons licensed to practice behavior analysis.

5 (b) The committee shall consist of five members. Two members  
6 shall be licensed behavior analysts, one of which shall also be a  
7 member of the board. One member shall be a psychologist licensed  
8 under Chapter 6.6 (commencing with Section 2900) and who holds  
9 a current certification from a certifying entity as a behavior analyst.  
10 One member shall be a licensed assistant behavior analyst. One  
11 member shall be a public member who is not licensed under this  
12 chapter, under any chapter within this division, or by any board  
13 referred to in the Chiropractic Act or the Osteopathic Act.

14 (c) The Governor shall appoint one licensed behavior analyst  
15 member, the licensed psychologist member, and the licensed  
16 assistant behavior analyst member. The Senate Committee on  
17 Rules shall appoint the public member, and the Speaker of the  
18 Assembly shall appoint one licensed behavior analyst member.

19 (d) Notwithstanding subdivisions (b) and (c), the initial  
20 appointed members of the committee shall be appointed as follows:

21 (1) The initial members appointed by the Governor shall be as  
22 follows:

23 (A) One member shall be currently certified by a certifying  
24 entity as a certified behavior analyst and shall serve an initial term  
25 of one year.

26 (B) One member shall be currently certified by a certifying  
27 entity as a certified assistant behavior analyst and shall serve an  
28 initial term of two years.

29 (C) One member shall be a licensed psychologist who is  
30 currently certified by a certifying entity as a certified behavior  
31 analyst and shall serve an initial term of three years.

32 (2) The initial member appointed by the Senate Committee on  
33 Rules shall serve a term of four years.

34 (3) The initial member appointed by the Speaker of the  
35 Assembly shall be currently certified by a certifying entity as a  
36 certified behavior analyst and shall serve an initial term of four  
37 years.

38 (e) Except as provided in subdivision (d), each member of the  
39 committee shall hold office for a term of four years, and shall serve  
40 until the appointment of his or her successor or until one year has

1 elapsed since the expiration of the term for which he or she was  
2 appointed, whichever occurs first. Vacancies shall be filled by the  
3 appointing power for the unexpired portion of the terms in which  
4 they occur. A member shall not serve for more than two  
5 consecutive terms.

6 (f) All terms shall begin on July 1 and expire on June 30.

7 (g) Each member of the committee shall receive per diem and  
8 expenses as provided in Sections 103 and 113.

9 (h) Three members of the committee shall at all times constitute  
10 a quorum.

11 (i) This section shall become operative on July 1, 2018.

12 (j) This section shall remain in effect only until January 1, 2022,  
13 and as of that date is repealed.

14 2999.27. The committee shall do all of the following:

15 (a) Meet at least once per ~~quarter~~ <sup>year</sup>. All meetings of the  
16 committee shall be public meetings. Notice of each regular meeting  
17 of the committee shall be given in accordance with the  
18 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
19 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
20 the Government Code).

21 (b) Committee meetings may be called upon reasonable notice  
22 at the discretion of the chair, and shall be called at any time upon  
23 reasonable notice by a written request of two committee members  
24 to the chair.

25 (c) The committee shall elect a chair and a vice chair from  
26 among its members at the first meeting held in each fiscal year.  
27 The chair shall preside at all meetings of the committee and shall  
28 work with the executive officer of the board to coordinate the  
29 committee's business. If the chair is unable to attend a meeting,  
30 the vice chair shall preside at the meeting.

31 2999.28. (a) The committee may make recommendations to  
32 the board regarding licensing and practice standards.

33 (b) The committee may make recommendations to the board  
34 regarding the adoption, amendment, and repeal of regulations to  
35 implement the requirements of this chapter including, but not  
36 limited to, the setting of fees and the establishment of disciplinary  
37 guidelines.

## Article 3. Licensing

2999.30. To qualify for licensure as a licensed behavior analyst or a licensed assistant behavior analyst, each applicant shall meet the board's requirements for behavior analyst or assistant behavior analyst licensure, as applicable, including all of the following:

~~(a) The applicant has not committed acts or crimes constituting grounds for denial of licensure under Section 480.~~

~~(b) The board shall not issue a license or registration to any person who has been convicted of a crime in this state, or another state, or in a territory of the United States that involves sexual abuse of a child, or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.~~

~~(c) The applicant has successfully passed a state and federal level criminal offender record information search conducted through the Department of Justice, as follows:~~

~~(a) The applicant has successfully passed a state- and federal-level criminal offender record information search conducted through the Department of Justice.~~

~~(1)~~

~~(b) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to this subdivision.~~ *section.*

~~(2) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.~~

2999.31. (a) In order to obtain a license as a behavior analyst, an individual shall submit an application on a form approved by the board accompanied by the fees required by the board as specified in Section 2999.93.

(b) An applicant shall include, with the application, verification from the certifying entity that the applicant meets both of the following requirements:

(1) Has passed the Board Certified Behavior Analyst examination or an equivalent examination administered by the certifying entity.

(2) Maintains an active status as a certified behavior analyst with the certifying entity.

(c) Each applicant shall obtain a passing score on a California law and ethics examination administered by the board.

1 (d) This section shall become inoperative on July 1, 2019. An  
2 applicant who submits his or her application prior to July 1, 2019,  
3 shall be required to meet the requirements of this section to be  
4 licensed by the board.

5 (e) This section shall remain in effect only until January 1, 2020,  
6 and as of that date is repealed.

7 2999.32. (a) In order to obtain a license as a behavior analyst,  
8 an individual shall submit an application on a form approved by  
9 the board accompanied by the fees required by the board as  
10 specified in Section 2999.93.

11 (b) An applicant shall include, with the application, verification  
12 from the certifying entity that the applicant meets both of the  
13 following requirements:

14 (1) Has passed the Board Certified Behavior Analyst  
15 examination or an equivalent examination administered by the  
16 certifying entity.

17 (2) Maintains an active status as a certified behavior analyst  
18 with the certifying entity.

19 (c) Each applicant shall obtain a passing score on a California  
20 law and ethics examination administered by the board.

21 (d) The applicant shall meet one of the following requirements:

22 (1) Possess a master's degree or higher level of education from  
23 an institution, which meets the requirements described in Section  
24 2999.35, that was conferred in behavior analysis, psychology, or  
25 education.

26 (2) Possess a master's degree or higher level of education, which  
27 meets the requirements described in Section 2999.35, and  
28 completed a behavior analysis course sequence approved by the  
29 certifying entity.

30 (e) In addition to subdivisions (a) to (d), inclusive, an individual  
31 shall meet one of the following paragraphs in order to be licensed  
32 under this chapter:

33 (1) An individual shall have completed both of the following:

34 (A) Two hundred seventy hours of classroom graduate-level  
35 instruction in all of the following content areas:

36 (i) Ethical and professional conduct coursework consisting of  
37 45 hours. The content must be taught in one or more freestanding  
38 courses devoted to ethical and professional conduct of behavior  
39 analysts.

- 1 (ii) Concepts and principles of behavior analysis consisting of  
2 45 hours.
- 3 (iii) Research methods in behavior analysis, consisting of 25  
4 hours of measurement, including data analysis, and 20 hours of  
5 experimental design.
- 6 (iv) Applied behavior analysis, consisting of 45 hours of  
7 fundamental elements of behavior change and specific behavior  
8 change procedures, 30 hours of identification of the problem and  
9 assessment, 10 hours of intervention and behavior change  
10 considerations, 10 hours of behavior change systems, and 10 hours  
11 of implementation, management, and supervision.
- 12 (v) Elective coursework in behavior analysis consisting of 30  
13 hours.
- 14 (B) Supervised experiential training by any of the following:
  - 15 (i) One thousand five hundred hours of independent field work  
16 in behavior analysis supervised in accordance with the requirements  
17 of the certifying entity.
  - 18 (ii) One thousand hours of supervised practicum in behavior  
19 analysis within a university practicum approved by the certifying  
20 entity, taken for graduate academic credit, and completed with a  
21 passing grade.
  - 22 (iii) Seven hundred fifty hours of supervised intensive practicum  
23 in behavior analysis within a university practicum approved by  
24 the certifying entity, taken for graduate academic credit, and  
25 completed with a passing grade.
  - 26 (iv) A combination of the supervised experience in clause (i),  
27 (ii), or (iii). Hours may be completed in any combination of the  
28 categories of supervised experience. Hours accrued through a  
29 combination of supervised experience shall be proportionately  
30 calculated.
- 31 (2) An individual shall meet all of the following requirements:
  - 32 (A) Have a faculty appointment of at least three years,  
33 cumulatively, of full-time work as a faculty member at a fully  
34 accredited higher education institution within a five-year period.
  - 35 (B) Taught at least five sections or iterations of behavior analysis  
36 coursework. An applicant shall have taught at least two behavior  
37 analysis content areas, which are concepts and principles of  
38 behavior, single-subject research methods, applied behavior  
39 analysis, and ethics in behavior analysis, in separate courses. Each  
40 course taught shall have been exclusively or primarily devoted to



1 behavior analysis content, and shall have been taught at the  
2 graduate level. An applicant shall submit proof of completion of  
3 the faculty appointment and teaching requirements from a  
4 department head, including the syllabus for each course taught, to  
5 the board.

6 (C) Published one article with all of the following  
7 characteristics:

- 8 (i) Behavior analytic in nature.
- 9 (ii) Includes at least one experimental evaluation.
- 10 (iii) Published in a high-quality, peer reviewed journal.
- 11 (iv) The applicant is the first, second, or corresponding author.
- 12 (v) The article may have been published at any time during the  
13 applicant's career.

14 (D) Obtained supervised experiential training by any of the  
15 following:

16 (i) One thousand five hundred hours of independent field work  
17 in behavior analysis supervised in accordance with the requirements  
18 of the certifying entity.

19 (ii) One thousand hours of supervised practicum in behavior  
20 analysis within a university practicum approved by the certifying  
21 entity, taken for graduate academic credit, and completed with a  
22 passing grade.

23 (iii) Seven hundred fifty hours of supervised intensive practicum  
24 in behavior analysis within a university practicum approved by  
25 the certifying entity, taken for graduate credit, and completed with  
26 a passing grade.

27 (iv) A combination of the supervised experience in clause (i),  
28 (ii), or (iii). Hours may be completed in any combination of the  
29 categories of supervised experience. Hours accrued through a  
30 combination of supervised experience shall be proportionately  
31 calculated.

32 (3) An individual shall have completed all of the following:

33 (A) A doctoral degree in behavior analysis, psychology, or  
34 education from an accredited higher education institution.

35 (B) Ten years of postdoctoral experience practicing behavior  
36 analysis. The duration of practice shall be at least 10 years,  
37 cumulatively, of full-time practice. An applicant's practice shall  
38 have occurred under a relevant state professional credential or  
39 license.

1 (C) At least 500 hours of supplemental supervised experiential  
2 training that meets current experience standards of the certifying  
3 entity, commencing after the 10 years of postdoctoral experience  
4 required in paragraph (b).

5 (f) This section shall become operative on July 1, 2019.

6 2999.33. (a) To obtain a license as an assistant behavior  
7 analyst, an individual shall submit an application on a form  
8 approved by the board accompanied by the fees required by the  
9 board as specified in Section 2999.93.

10 (b) An applicant shall include, with the application, verification  
11 from the certifying entity that the applicant meets all of the  
12 following requirements:

13 (1) Has passed the Board Certified Assistant Behavior Analyst  
14 examination or equivalent examination administered by the  
15 certifying entity.

16 (2) Maintains an active status as a certified assistant behavior  
17 analyst with the certifying entity.

18 (c) Each applicant shall obtain a passing score on a California  
19 law and ethics examination administered by the board.

20 (d) Each applicant shall provide proof to the board of ongoing  
21 supervision by a licensed behavior analyst or a licensed  
22 psychologist who is qualified to practice behavior analysis in a  
23 manner consistent with the certifying entity's requirements for  
24 supervision of assistant behavior analysts.

25 (e) This section shall become inoperative on July 1, 2019. An  
26 applicant who submits his or her application prior to July 1, 2019,  
27 shall be required to meet the requirements of this section to be  
28 licensed by the board.

29 (f) This section shall remain in effect only until January 1, 2020,  
30 and as of that date is repealed.

31 2999.34. (a) In order for an individual to be licensed as an  
32 assistant behavior analyst under this chapter, he or she shall possess  
33 a baccalaureate degree or higher level of education from an  
34 institution that meets the requirements described in Section  
35 2999.35.

36 (b) An applicant shall include, with the application, verification  
37 from the certifying entity that the applicant meets both of the  
38 following requirements:

1 (1) Has passed the Board Certified Assistant Behavior Analyst  
2 examination or an equivalent examination administered by the  
3 certifying entity.

4 (2) Maintains an active status as a certified assistant behavior  
5 analyst with the certifying entity.

6 (c) Each applicant shall obtain a passing score on a California  
7 law and ethics examination administered by the board.

8 (d) Each applicant shall provide proof to the board of ongoing  
9 supervision by a licensed behavior analyst or a licensed  
10 psychologist who is qualified to practice behavior analysis in a  
11 manner consistent with the certifying entity's requirements for  
12 supervision of assistant behavior analysts.

13 (e) In addition to subdivisions (a) to (d), inclusive, an individual  
14 shall meet all of the following requirements in order to be licensed  
15 under this chapter:

16 (1) Completed a baccalaureate degree or higher level of  
17 education from an institution that meets the requirements in Section  
18 2999.35.

19 (2) An applicant shall meet both of the following:

20 (A) Completed 180 classroom hours of undergraduate or  
21 graduate level instruction in all of the following content areas:

22 (i) Ethical and professional conduct coursework of behavior  
23 analysis consisting of 15 hours.

24 (ii) Concepts and principles of behavior analysis consisting of  
25 45 hours.

26 (iii) Research methods in behavior analysis, consisting of 10  
27 hours of measurement, including data analysis, and five hours of  
28 experimental design.

29 (iv) Applied behavior analysis, consisting of 45 hours of  
30 fundamental elements of behavior change and specific behavior  
31 change procedures, 30 hours of identification of the problem and  
32 assessment, five hours of intervention and behavior change  
33 considerations, five hours of behavior change systems, and five  
34 hours of implementation, management, and supervision.

35 (v) Elective coursework in behavior analysis consisting of 15  
36 hours.

37 (B) Obtained supervised experiential training by any of the  
38 following:

39 (i) One thousand hours of independent field work in behavior  
40 analysis supervised in accordance with the requirements of the

1 certifying entity, taken for academic credit, and completed with a  
2 passing grade: *entity*.

3 (ii) Six hundred seventy hours of supervised practicum in  
4 behavior analysis within a university practicum approved by the  
5 certifying entity, taken for academic credit, and completed with a  
6 passing grade.

7 (iii) Five hundred hours of supervised intensive practicum in  
8 behavior analysis within a university practicum approved by the  
9 certifying entity, taken for academic credit, and completed with a  
10 passing grade.

11 (iv) A combination of the supervised experience in clause (i),  
12 (ii), or (iii). Hours may be completed in any combination of the  
13 categories of supervised experience. Hours accrued through a  
14 combination of supervised experience shall be proportionately  
15 calculated.

16 (f) This section shall become operative on July 1, 2019.

17 2999.35. The education required to obtain a behavior analyst  
18 license or an assistant behavior analyst license shall be from any  
19 of the following:

20 (a) A United States institution of higher education listed by the  
21 Council for Higher Education Accreditation.

22 (b) A Canadian institution of higher education that is a member  
23 of the Association of Universities and Colleges of Canada or the  
24 Association of Canadian Community Colleges.

25 (c) An applicant for licensure trained in an educational  
26 institution outside the United States or Canada shall demonstrate  
27 to the satisfaction of the board that he or she possesses a degree  
28 in a relevant subject that is equivalent to a degree earned from a  
29 regionally accredited university in the United States or Canada.  
30 Such an applicant shall provide to the board a comprehensive  
31 evaluation of the degree performed by a foreign credential service  
32 that is a member of the National Association of Credential  
33 Evaluation Services (NACES), and any other documentation that  
34 the board deems necessary.

35 2999.35.5. (a) A person other than a licensed behavior analyst,  
36 licensed assistant behavior analyst, or ~~approved~~ *registered* behavior  
37 analysis technician may be registered as a behavior analyst intern  
38 by the board in order to prepare for licensure as a behavior analyst.  
39 The behavior analyst intern shall be supervised in accordance with  
40 the board's regulations by a licensed behavior analyst or a licensed

psychologist who is qualified to practice behavior analysis in order to perform behavior analysis services provided that all of the following apply:

(1) The person's title is "behavior analyst intern."

(2) The person meets one of the following requirements:

~~(A) Is enrolled in a defined program of study, course, practicum, internship, or postdoctoral program that meets the requirements of subdivision (d) of Section 2999.32.~~

~~(B) Has completed a defined program of study, course, or postdoctoral traineeship that meets the requirements of subdivision (d) of Section 2999.32 and is currently completing supervised experiential training in accordance with this chapter.~~

*(A) Has received a baccalaureate degree from an institution that meets the requirements in Section 2999.35.*

*(B) Has begun or completed the graduate level instruction set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 2999.32 or in subparagraph (A) of paragraph (2) of subdivision (e) of Section 2999.34.*

*(C) Has begun or completed the supervised experiential training set forth in subparagraph (B) of paragraph (1) of subdivision (e) of Section 2999.32 or in subparagraph (B) of paragraph (2) of subdivision (e) of Section 2999.34.*

(b) The behavior analyst intern's supervisor shall be responsible for ensuring that the extent, kind, and quality of the behavior analysis services the behavior analyst intern performs are consistent with his or her training and experience and shall be responsible for the behavior analyst intern's compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2999.62.

(c) The behavior analyst intern shall be registered by the board. In order to register as a behavior analyst intern an individual shall:

~~(1) Submit fingerprint images to the California Department of Justice for a state and federal criminal background report within 14 days from the date of application.~~

*(1) (A) Have successfully passed a state- and federal-level criminal offender record information search conducted through the Department of Justice.*

*(B) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2*

1 *of the Penal Code, for each person who submitted information*  
2 *pursuant to this paragraph.*

3 *(2) Apply within 14 days of electronic fingerprint image*  
4 *submission.*

5 ~~(2)~~

6 *(3) Pay an application fee, in an amount not to exceed a*  
7 *reasonable regulatory cost, to be determined by the board.*

8 ~~(3)~~

9 *(4) Renew his or her application registration every two years*  
10 *by submitting to the board verification of continued practice, as*  
11 *specified in this section, and by paying to the board a renewal fee*  
12 *in an amount that is 50 percent of the application fee. determined*  
13 *by the board, which does not exceed the reasonable regulatory*  
14 *costs to the board.*

15 ~~(4)~~

16 *(5) An individual may only practice as a behavior analyst intern*  
17 *for up to a cumulative total of six years (72 months) from the date*  
18 *of initial registration.*

19 ~~(d) No licensed behavior analyst or licensed psychologist who~~  
20 ~~is qualified to practice behavior analysis may supervise more than~~  
21 ~~four behavior analyst interns at any given time unless specifically~~  
22 ~~authorized to do so by the board. No behavior analyst intern may~~  
23 ~~provide behavior analysis services to the public except as a~~  
24 ~~supervisee of a licensed behavior analyst or licensed psychologist~~  
25 ~~who is qualified to practice behavior analysis.~~

26 2999.36. (a) Behavior analysis technicians practicing in this  
27 state under the direction and supervision of an individual licensed  
28 or registered under this chapter or a licensed psychologist who is  
29 qualified to practice behavior analysis shall *be registered by the*  
30 *board. In order to register as a behavior analysis technician, an*  
31 *individual shall satisfy all of the following requirements:*

32 *(1) Be at least 18 years of age and possess a minimum of a high*  
33 *school diploma or its equivalent.*

34 *(2) Submit an application on a form approved by the board.*

35 ~~(3) Submit fingerprint images to the California Department of~~  
36 ~~Justice for a state and federal criminal background report within~~  
37 ~~14 days from the date of application.~~

38 *(3) (A) Have successfully passed a state- and federal-level*  
39 *criminal offender record information search conducted through*  
40 *the Department of Justice.*

1 (B) The board shall request from the Department of Justice  
2 subsequent arrest notification service, pursuant to Section 11105.2  
3 of the Penal Code, for each person who submitted information  
4 pursuant to this paragraph.

5 (4) Apply within 14 days of electronic fingerprint image  
6 submission.

7 ~~(4)~~

8 (5) Pay an application fee, in an amount not to exceed a  
9 reasonable regulatory cost, to be determined by the board.

10 ~~(5)~~

11 (6) Renew his or her ~~application~~ *registration* every two years  
12 by submitting to the board verification of continued practice as a  
13 behavior analysis technician and by paying to the board a renewal  
14 fee in an amount that is ~~50 percent of the application fee.~~  
15 *determined by the board, which does not exceed the reasonable*  
16 *regulatory costs to the board.*

17 (b) The board may deny or revoke acceptance of an application  
18 or the renewal of ~~an application~~ *a registration* under this section  
19 if it is determined to be in the best interest of public safety and  
20 welfare, as described in Section 2999.21.

21 2999.37. On and after July 1, 2019, it shall be unlawful for any  
22 person to engage in any of the following acts:

23 (a) Engage in the practice of behavior analysis, as defined in  
24 Section 2999.12, without first having complied with the provisions  
25 of this chapter and without holding a current, valid, and active  
26 license as required by this chapter.

27 (b) Represent himself or herself by using the title “licensed  
28 behavior analyst,” ~~or “licensed assistant behavior analyst”~~ *analyst,”*  
29 *“registered behavior analyst intern,” or “registered behavior*  
30 *analysis technician”* without being duly licensed *or registered*  
31 according to the provisions of this chapter.

32 (c) Make any use of any title, words, letters, or abbreviations  
33 that may reasonably be confused with a designation provided by  
34 this chapter to denote a standard of professional or occupational  
35 competence without being duly licensed.

36 (d) Materially refuse to furnish the board information or records  
37 required or requested pursuant to this chapter.

38 2999.38. This chapter does not apply to any of the following:

39 (a) An individual licensed to practice psychology in this state  
40 under Chapter 6.6 (commencing with Section 2900), if the practice

1 of behavior analysis engaged in by the licensed psychologist is  
2 within the licensed psychologist's training and competence.

3 (b) A speech-language pathologist or an audiologist licensed  
4 under Chapter 5.3 (commencing with Section 2530), an  
5 occupational therapist licensed under Chapter 5.6 (commencing  
6 with Section 2570), a physical therapist licensed under Chapter  
7 5.7 (commencing with Section 2600), a marriage and family  
8 therapist licensed under Chapter 13 (commencing with Section  
9 4980), an educational psychologist licensed under Chapter 13.5  
10 (commencing with Section 4989.10), a clinical social worker  
11 licensed under Chapter 14 (commencing with Section 4991), or a  
12 professional clinical counselor licensed under Chapter 16  
13 (commencing with Section 4999.10), if the services provided by  
14 any of those licensees are within his or her licensed scope of  
15 practice and within the scope of his or her training and competence,  
16 provided that he or she does not represent himself or herself as a  
17 licensed behavior ~~analyst~~ or *analyst*, licensed assistant behavior  
18 ~~analyst~~, *analyst*, *registered behavior analyst intern*, or *registered*  
19 *behavior analysis technician*.

20 (c) *A student or other individual pursuing supervised experience*  
21 *in behavior analysis toward a license described in subdivision (a)*  
22 *or (b) in accordance with the requirements of the respective*  
23 *licensure act in this division.*

24 (e)

25 (d) A parent or guardian, or his or her designee, of a recipient  
26 of behavior analysis services who acts under the direction of a  
27 licensed behavior analyst or an individual exempt pursuant to  
28 subdivision (a) or (b) for that recipient.

29 (d)

30 (e) An individual who teaches behavior analysis or conducts  
31 behavior analysis ~~research, provided that such teaching or research~~  
32 ~~does not involve the direct delivery of behavior analysis services.~~  
33 *research and is employed by an accredited or approved college,*  
34 *junior college, or university, or by a federal, state, county, or*  
35 *municipal governmental entity that is not primarily involved in*  
36 *the provision of direct behavior analysis services. This individual*  
37 *may conduct research and disseminate his or her research findings*  
38 *and scientific information.*

39 (e)



1 (f) A behavior analyst licensed in another state or certified by  
2 the certifying entity to practice independently, and who temporarily  
3 provides behavior analysis services in California during a period  
4 of not more than ~~90~~ 30 days in a calendar year.

5 (f)

6 (g) An individual employed or contracted by a local educational  
7 agency, or a nonpublic agency or school with a contract with a  
8 local educational agency, for the purpose of serving students with  
9 behavioral and developmental issues when in classroom and other  
10 school ~~settings~~. *settings or locations specified in the student's*  
11 *individualized education program*. This individual shall not  
12 represent himself or herself as a licensed behavior analyst or  
13 licensed assistant behavior analyst unless he or she holds a license  
14 under this chapter, and shall not offer behavior analysis services  
15 to any person or entity other than the local education agencies with  
16 which he or she has a contract or accept remuneration for providing  
17 behavior analysis services other than the remuneration received  
18 from those local education agencies unless he or she holds a license  
19 under this chapter.

20 2999.41. A licensee *or registrant* shall give written notice to  
21 the board of a name change within 30 days after each change,  
22 giving both the old and new names. A copy of the legal document  
23 authorizing the name change, such as a court order or marriage  
24 certificate, shall be submitted with the notice.

25 2999.42. (a) *A licensee or registrant shall file with the board*  
26 *his or her address of record, which shall be used as the mailing*  
27 *address for the licensee or registrant and shall be disclosable to*  
28 *the public. The licensee or registrant may provide a post office*  
29 *box number or other alternative address as his or her address of*  
30 *record; however, if a post office box number or alternate address*  
31 *is used as the address of record, the licensee or registrant also*  
32 *shall provide a physical business or residential address for the*  
33 *board's internal administrative use and not for public disclosure.*

34 (b) *Each applicant, licensee, or registrant who has an electronic*  
35 *mail address shall provide to the board that electronic mail address*  
36 *and shall maintain a current electronic mail address, if any, with*  
37 *the board.*

38 (c) *Within 30 days after a change of any address specified in*  
39 *(a) or (b), or both, the applicant, licensee, or registrant shall report*

1 to the board any and all changes, giving his or her new address  
2 or addresses.

3 (d) Failure to comply with the requirements of this section may  
4 subject the licensee to enforcement action.

5 2999.44. (a) A license shall expire and become invalid ~~two~~  
6 ~~years after it is issued at 12 midnight on the last day of the month~~  
7 ~~in which it was issued; at midnight of the last day of the two-year~~  
8 ~~period from the date the license was issued, if not renewed.~~

9 (b) To renew an unexpired license, the licensee shall, on or  
10 before the date on which it would otherwise expire, apply for  
11 renewal on a form provided by the board, accompanied by the  
12 renewal fee set by the board. The licensee shall include verification  
13 from the certifying entity that he or she maintains an active  
14 certification status with the renewal form.

15 (c) To renew an assistant behavior analyst license, in addition  
16 to the requirements in subdivision (b), the licensee shall submit  
17 proof of ongoing supervision by a licensed behavior analyst or a  
18 licensed psychologist who is qualified to practice behavior analysis  
19 in a manner consistent with the board's requirements for  
20 supervision of assistant behavior analysts.

21 2999.45. (a) A license that has expired may be renewed at any  
22 time within three years after its expiration by applying for renewal  
23 on a form provided by the board, payment of all accrued and unpaid  
24 renewal fees, and the delinquency fee specified in Section 2999.93.  
25 The licensee shall include verification from the certifying entity  
26 that he or she maintains an active certification status with the  
27 renewal form.

28 (b) Except as provided in Section 2999.47, a license that is not  
29 renewed within three years of its expiration shall not be renewed,  
30 restored, or reinstated, and the license shall be canceled  
31 immediately upon expiration of the three-year period.

32 2999.46. (a) The board shall not issue any renewal license, a  
33 new license after expiration of an expired license, or a reinstatement  
34 license unless the applicant submits proof that he or she has  
35 completed not less than 32 hours of approved continuing education  
36 in the preceding two-year licensure cycle for licensed behavior  
37 analysts and 20 hours of approved continuing education in the  
38 preceding two-year licensure cycle for licensed assistant behavior  
39 analysts.

(b) Each person renewing ~~or reinstating~~ his or her license ~~or obtaining a new license after expiration of a prior license issued~~ pursuant to this chapter shall submit proof of compliance with this section to the board. *Any false statements submitted pursuant to this section shall constitute a violation subject to Section 2999.80.*

(c) A person applying for ~~renewal, a new license after expiration of a prior license, or relicensure or for~~ reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.

(d) The board may recognize continuing education courses that have been approved by the certifying entity.

(e) The board shall adopt regulations as necessary for implementation of this section.

2999.47. (a) A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(b) A license revoked on disciplinary grounds ~~is subject to expiration as provided in this article, but it may not be renewed.~~ If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee, ~~plus the delinquency fee,~~ and any fees accrued at the time of its revocation.

#### Article 4. Enforcement

2999.60. The board may on its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any licensee. The board shall review a licensee's alleged violation of statute, regulation, or any other law and any other complaint referred to it by the public, a public agency, or the department, and may upon a finding of a violation take disciplinary action under this article.

2999.61. A license issued under this chapter may be denied, revoked, or otherwise sanctioned upon demonstration of ineligibility for licensure, including, but not limited to, failure to maintain active certification by the certifying entity or falsification

1 of documentation submitted to the board for licensure or submitted  
2 to the certifying ~~authority~~ *entity* for certification.

3 2999.62. The board may refuse to issue a registration or license,  
4 or may issue a registration or license with terms and conditions,  
5 or may suspend or revoke the registration or license of any  
6 registrant or licensee if the applicant, registrant, or licensee has  
7 been guilty of unprofessional conduct. Unprofessional conduct  
8 shall include, but not be limited to:

9 (a) Conviction of a crime substantially related to the  
10 qualifications, functions, or duties of a licensed behavior ~~analyst~~  
11 ~~or analyst~~, a licensed assistant behavior ~~analyst~~, *analyst, a*  
12 *registered behavior analyst intern, or a registered behavior*  
13 *analysis technician.*

14 (b) Use of any controlled substance as defined in Division 10  
15 (commencing with Section 11000) of the Health and Safety Code,  
16 dangerous drug, or any alcoholic beverage to an extent or in a  
17 manner dangerous to himself or herself, any other person, or the  
18 public, or to an extent that this use impairs his or her ability to  
19 safely perform the practice of behavior analysis.

20 (c) Fraudulently or neglectfully misrepresenting the type or  
21 status of a license actually held.

22 (d) Impersonating another person holding a license or allowing  
23 another person to use his or her license.

24 (e) Use of fraud or deception in applying for a license or in  
25 passing any examination required by this chapter.

26 (f) Paying, offering to pay, accepting, or soliciting any  
27 consideration, compensation, or remuneration, whether monetary  
28 or otherwise, for the referral of clients.

29 (g) Violating Section 17500.

30 (h) Willful, unauthorized communication of information  
31 received in professional confidence.

32 (i) Violating any rule of professional conduct promulgated by  
33 the board and set forth in regulations duly adopted under this  
34 chapter.

35 (j) Being grossly negligent in the practice of his or her  
36 profession.

37 (k) Violating any of the provisions of this chapter or regulations  
38 duly adopted thereunder.

39 (l) The aiding or abetting of any person to engage in the unlawful  
40 practice of behavior analysis.

1 (m) The suspension, revocation, or imposition of probationary  
2 conditions or other disciplinary action by another state or country  
3 of a license, certificate, or registration to practice behavior analysis  
4 issued by that state or country to a person also holding a license  
5 issued under this chapter if the act for which the disciplinary action  
6 was taken constitutes a violation of this section. A certified copy  
7 of the decision or judgment of the other state or country shall be  
8 conclusive evidence of that action.

9 (n) The commission of any dishonest, corrupt, or fraudulent act.

10 (o) Any act of sexual abuse or sexual relations with a patient,  
11 with a former patient, or with a patient's parent, guardian, or  
12 caregiver within two years following termination of therapy, or  
13 sexual misconduct that is related to the qualifications, functions,  
14 or duties of a licensed behavior ~~analyst~~ or *analyst*, a licensed  
15 assistant behavior ~~analyst~~. *analyst, a registered behavior analyst*  
16 *intern, or a registered behavior analysis technician*.

17 (p) Functioning outside of his or her particular field or fields of  
18 competence as established by his or her education, training, and  
19 experience.

20 (q) Willful failure to submit, on behalf of an applicant for  
21 licensure, verification of supervised experience to the board.

22 (r) Repeated acts of negligence.

23 (s) Failure to comply with all ethical and disciplinary standards  
24 published by the certifying entity.

25 2999.63. (a) Except as provided in subdivisions (b), (c), and  
26 (e), any accusation filed against a licensee pursuant to Section  
27 11503 of the Government Code shall be filed within three years  
28 from the date the board discovers the alleged act or omission that  
29 is the basis for disciplinary action, or within seven years from the  
30 date the alleged act or omission that is the basis for disciplinary  
31 action occurred, whichever occurs first.

32 (b) An accusation filed against a licensee pursuant to Section  
33 11503 of the Government Code alleging the procurement of a  
34 license by fraud or misrepresentation is not subject to the  
35 limitations set forth in subdivision (a).

36 (c) The limitation provided for by subdivision (a) shall be tolled  
37 for the length of time required to obtain compliance when a report  
38 required to be filed by the licensee or registrant with the board  
39 pursuant to Article 11 (commencing with Section 800) of Chapter  
40 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) and the 10-year limitations period provided for by subdivision (e) shall be tolled until the minor reaches the age of majority.

(e) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging sexual misconduct shall be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action, or within 10 years after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first.

(f) The limitations period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation.

2999.64. Notwithstanding Section 2999.62, any proposed decision or decisions issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in Section 728, when that act is with a patient, with a former patient, or with a patient's parent, guardian, or caregiver within two years following termination of services, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

2999.66. The board may deny an application for, or issue subject to terms and conditions, or suspend or revoke, or impose probationary conditions upon, a license or registration after a hearing as provided in Section 2999.70.

2999.67. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions, and duties of a licensed behavior-analyst or analyst, a licensed assistant behavior-analyst analyst, a registered behavior analyst intern, or a registered behavior analysis technician is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent

1 order under Section 1203.4 of the Penal Code allowing the person  
2 to withdraw his or her plea of guilty and to enter a plea of not  
3 guilty, or setting aside the verdict of guilty, or dismissing the  
4 accusation, information, or indictment.

5 2999.68. Any person required to register as a sex offender  
6 pursuant to Section 290 of the Penal Code, is not eligible for  
7 licensure by the board.

8 2999.69. An administrative disciplinary decision that imposes  
9 terms of probation may include, among other things, a requirement  
10 that the licensee who is being placed on probation pay the monetary  
11 costs associated with monitoring the probation.

12 2999.70. The proceedings under this article shall be conducted  
13 by the board in accordance with Chapter 5 (commencing with  
14 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
15 Code.

16 2999.80. A person who violates any of the provisions of this  
17 chapter is guilty of a misdemeanor punishable by imprisonment  
18 in a county jail not exceeding six months or by a fine not exceeding  
19 two thousand ~~five hundred dollars (\$2,500)~~; *dollars (\$2,000)*, or  
20 ~~by both that fine and imprisonment.~~ *both.*

21 2999.81. In addition to other proceedings provided in this  
22 chapter, whenever any person has engaged, or is about to engage,  
23 in any acts or practices that constitute, or will constitute, an offense  
24 against this chapter, the superior court in and for the county  
25 wherein the acts or practices take place, or are about to take place,  
26 may issue an injunction or other appropriate order restraining that  
27 conduct on application of the board, the Attorney General, or the  
28 district attorney of the county. Proceedings under this section shall  
29 be governed by Chapter 3 (commencing with Section 525) of Title  
30 7 of Part 2 of the Code of Civil Procedure, except that it shall be  
31 presumed that there is no adequate remedy at law and that  
32 irreparable damage will occur if the continued violation is not  
33 restrained or enjoined. On the written request of the board, or on  
34 its own motion, the board may commence an action in the superior  
35 court under this section.

36 2999.83. (a) (1) A licensee who fails or refuses to comply  
37 with a request for the medical records of a client, that is  
38 accompanied by that client's written authorization for release of  
39 those records to the board, within 15 days of receiving the request  
40 and authorization, shall pay to the board a civil penalty of one

1 thousand dollars (\$1,000) per day for each day that the documents  
2 have not been produced after the 15th day, unless the licensee is  
3 unable to provide the documents within this time period for good  
4 cause.

5 (2) A health care facility shall comply with a request for the  
6 medical records of a client that is accompanied by that client's  
7 written authorization for release of records to the board together  
8 with a notice citing this section and describing the penalties for  
9 failure to comply with this section. Failure to provide the  
10 authorizing client's medical records to the board within 30 days  
11 of receiving the request, authorization, and notice shall subject the  
12 health care facility to a civil penalty, payable to the board, of up  
13 to one thousand dollars (\$1,000) per day for each day that the  
14 documents have not been produced after the 30th day, up to ten  
15 thousand dollars (\$10,000), unless the health care facility is unable  
16 to provide the documents within this time period for good cause.  
17 This paragraph shall not require health care facilities to assist the  
18 board in obtaining the client's authorization. The board shall pay  
19 the reasonable costs of copying the medical records.

20 (b) (1) A licensee who fails or refuses to comply with a court  
21 order, issued in the enforcement of a subpoena, mandating the  
22 release of records to the board shall pay to the board a civil penalty  
23 of one thousand dollars (\$1,000) per day for each day that the  
24 documents have not been produced after the date by which the  
25 court order requires the documents to be produced, unless it is  
26 determined that the order is unlawful or invalid. Any statute of  
27 limitations applicable to the filing of an accusation by the board  
28 shall be tolled during the period the licensee is out of compliance  
29 with the court order and during any related appeals.

30 (2) Any licensee who fails or refuses to comply with a court  
31 order, issued in the enforcement of a subpoena, mandating the  
32 release of records to the board, shall be subject to a civil penalty,  
33 payable to the board, in an amount not to exceed five thousand  
34 dollars (\$5,000). The amount of the penalty shall be added to the  
35 licensee's renewal fee if it is not paid by the next succeeding  
36 renewal date. Any statute of limitations applicable to the filing of  
37 an accusation by the board shall be tolled during the period the  
38 licensee is out of compliance with the court order and during any  
39 related appeals.



1 (3) A health care facility that fails or refuses to comply with a  
2 court order, issued in the enforcement of a subpoena, mandating  
3 the release of client records to the board, that is accompanied by  
4 a notice citing this section and describing the penalties for failure  
5 to comply with this section, shall pay to the board a civil penalty  
6 of up to one thousand dollars (\$1,000) per day for each day that  
7 the documents have not been produced, up to ten thousand dollars  
8 (\$10,000), after the date by which the court order requires the  
9 documents to be produced, unless it is determined that the order  
10 is unlawful or invalid. Any statute of limitations applicable to the  
11 filing of an accusation by the board against a licensee shall be  
12 tolled during the period the health care facility is out of compliance  
13 with the court order and during any related appeals.

14 (4) Any health care facility that fails or refuses to comply with  
15 a court order, issued in the enforcement of a subpoena, mandating  
16 the release of records to the board, shall be subject to a civil  
17 penalty, payable to the board, in an amount not to exceed five  
18 thousand dollars (\$5,000). Any statute of limitations applicable to  
19 the filing of an accusation by the board against a licensee shall be  
20 tolled during the period the health care facility is out of compliance  
21 with the court order and during any related appeals.

22 (c) Multiple acts by a licensee in violation of subdivision (b)  
23 shall be a misdemeanor punishable by a fine not to exceed five  
24 thousand dollars (\$5,000) or by imprisonment in a county jail not  
25 exceeding six months, or by both that fine and imprisonment.  
26 Multiple acts by a health care facility in violation of subdivision  
27 (b) shall be a misdemeanor punishable by a fine not to exceed five  
28 thousand dollars (\$5,000) and shall be reported to the State  
29 Department of Health Care Services and shall be considered as  
30 grounds for disciplinary action with respect to licensure, including  
31 suspension or revocation of the license or certificate.

32 (d) A failure or refusal of a licensee to comply with a court  
33 order, issued in the enforcement of a subpoena, mandating the  
34 release of records to the board constitutes unprofessional conduct  
35 and is grounds for suspension or revocation of his or her license.

36 (e) The imposition of the civil penalties authorized by this  
37 section shall be in accordance with the Administrative Procedure  
38 Act (Chapter 5 (commencing with Section 11500) of Part 1 of  
39 Division 3 of Title 2 of the Government Code).

(f) For purposes of this section, “health care facility” means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

#### Article 5. Revenue

2999.90. The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time deposit the entire amount thereof in the State Treasury for credit to the Psychology Fund established by Section 2980.

2999.91. (a) The moneys credited to the Psychology Fund under Section 2999.90 shall, upon appropriation by the Legislature, be used for the purposes of carrying out and enforcing the provisions of this chapter.

(b) The board shall keep records that will reasonably ensure that funds expended in the administration of each licensing category bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

2999.93. The board shall establish fees for the application for and the issuance and renewal of licenses to cover, but not exceed, the reasonable regulatory costs of the board related to administering this chapter. The fees shall be fixed by the board in regulations that are duly adopted under this chapter. Fees assessed pursuant to this section shall not exceed the following:

(a) The delinquency fee shall be 50 percent of the biennial renewal fee.

(b) The fee for rescoring an examination shall be twenty dollars (\$20).

(c) The fee for issuance of a replacement license shall be ~~twenty dollars (\$20)~~ *five dollars (\$5)*.

(d) The fee for issuance of a certificate or letter of good standing shall be ~~twenty-five dollars (\$25)~~ *five dollars (\$5)*.

2999.94. (a) A person licensed under this chapter is exempt from the payment of the renewal fee in any one of the following instances:

(1) While engaged in full-time active service in the United States Army, Navy, Air Force, or Marine Corps.

1 (2) While in the United States Public Health Service.

2 (3) While a volunteer in the Peace Corps or AmeriCorps VISTA.

3 (b) Every person exempted from the payment of the renewal  
4 fee by this section shall not engage in any private practice and  
5 shall become liable for the fee for the current renewal period upon  
6 the completion of his or her period of full-time active service and  
7 shall have a period of 60 days after becoming liable within which  
8 to pay the fee before the delinquency fee becomes applicable. Any  
9 person who completes his or her period of full-time active service  
10 within 60 days of the end of a renewal period is exempt from the  
11 payment of the renewal fee for that period.

12 (c) The time spent in that full-time active service or full-time  
13 training and active service shall not be included in the computation  
14 of the three-year period for renewal of an expired license specified  
15 in Section 2999.45.

16 (d) The exemption provided by this section shall not be  
17 applicable if the person engages in any practice for compensation  
18 other than full-time service in the United States Army, Navy, Air  
19 Force, or Marine Corps, in the United States Public Health Service,  
20 or the Peace Corps or AmeriCorps VISTA.

21 2999.98. The licensing and regulatory program under this  
22 chapter shall be supported from fees assessed to applicants and  
23 licensees. Startup funds to implement this program shall be derived,  
24 as a loan, from the Psychology Fund, subject to an appropriation  
25 by the Legislature in the annual Budget Act. The board shall not  
26 implement this chapter until funds have been appropriated.

27 SEC. 10. No reimbursement is required by this act pursuant  
28 to Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.