

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 479

Introduced by Senator Bates

February 26, 2015

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 ~~Section 2999.25~~ *Sections 2999.20, 2999.25, 2999.31, and 2999.33* of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 479, as amended, Bates. Healing arts: behavior analysis: licensing.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, 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 consists of 9 members, 4 of whom are public members and 5 of whom are licensed psychologists. Existing law requires the board to post information on its licensees, as specified, including, among others, psychological assistants. Existing law specifies that a quorum of the board requires 5 members.

This bill would, on and after July 1, 2017, increase the number of members on the board to 11, and would increase the number of members for a quorum to 6 members. The bill would require the 2 new members to meet certain requirements, including, but not limited to, that ~~they~~ *one of the new members is qualified to practice behavior analysis, as defined.*

This bill would establish the Behavior Analyst Act. The 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 applicants to, among other things, meet certain educational and training requirements, and submit fingerprints for both a state and federal criminal background check.

This bill would, until January 1, 2021, vest the board with the power to enforce the Behavior Analyst Act, and would require the board to, among other things, post information regarding licensed behavior analysts and licensed assistant behavior analysts, as specified. The bill would, until January 1, 2021, create the Behavior Analyst Committee within the jurisdiction of the board, and would require the committee to be comprised of 5 members who shall be appointed as specified. The bill would authorize the committee to make recommendations to the board regarding the ~~implementation of the act.~~ *regulation of the practice of behavior analysis in the state.*

This bill would define certain terms for these purposes. The bill would require the board to conduct disciplinary hearings, as specified. The ~~bill~~ *bill*, on and after ~~January 1, 2018;~~ *July 1, 2018,* 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 violation of any of these provisions a misdemeanor punishable by 6 months in the county jail or a fine not to exceed \$2,500, or by both imprisonment and a fine. By creating a new crime, this bill would result in 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:
- 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
- 4 shall provide on the Internet information regarding the status of

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

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

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

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

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

38 (3) The Bureau of Electronic and Appliance Repair, Home
39 Furnishings, and Thermal Insulation shall disclose information on
40 its licensees and registrants, including major appliance repair

1 dealers, combination dealers (electronic and appliance), electronic
2 repair dealers, service contract sellers, and service contract
3 administrators.

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

9 (5) The Professional Fiduciaries Bureau shall disclose
10 information on its licensees.

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

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

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

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

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

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

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

32 (13) The Acupuncture Board shall disclose information on its
33 licensees.

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

38 (15) The Dental Board of California shall disclose information
39 on its licensees.

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

5 (17) The Board of Psychology shall disclose information on its
6 licensees, including psychologists, psychological assistants,
7 registered psychologists, behavior analysts, and assistant behavior
8 analysts.

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

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

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

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

20 2920. (a) The Board of Psychology shall enforce and
21 administer this chapter and Chapter 6.7 (commencing with Section
22 2999.10). The board shall consist of nine members, four of whom
23 shall be public members.

24 (b) On and after July 1, 2017, notwithstanding ~~paragraph~~
25 *subdivision* (a), the board shall consist of 11 members, ~~four~~ *five*
26 of whom shall be public members.

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

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

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

34 2922. (a) In appointing the members of the board, except the
35 public members, the Governor shall use his or her judgment to
36 select psychologists who represent, as widely as possible, the varied
37 professional interests of psychologists in California.

38 (b) The Governor shall appoint two of the public members and
39 the five licensed members of the board qualified as provided in

1 Section 2923. The Senate Committee on Rules and the Speaker of
2 the Assembly shall each appoint a public member.

3 (c) This section shall become inoperative on July 1, 2017, and,
4 as of January 1, 2018, is repealed.

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

7 2922. (a) In appointing the licensed members of the board,
8 the Governor shall use his or her judgment to select psychologists
9 and behavior analysts who represent, as widely as possible, the
10 varied professional interests of psychologists and behavior analysts
11 in California.

12 (b) The Governor shall appoint ~~two~~ *three* of the public members
13 and the ~~seven~~ *six* licensed members of the board qualified as
14 provided in Section 2923. The Senate Committee on Rules and
15 the Speaker of the Assembly shall each appoint a public member.

16 (c) This section shall become operative on July 1, 2017.

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

19 2923. (a) Each member of the board shall have all of the
20 following qualifications:

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

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

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

27 (c) This section shall become inoperative on July 1, 2017, and,
28 as of January 1, 2018, is repealed.

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

31 2923. (a) Each member of the board shall be a resident of this
32 state.

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

35 ~~(c) One member shall be licensed as a psychologist under this
36 chapter and shall be qualified to practice behavior analysis, as
37 defined in Section 2999.12, as follows:~~

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

1 ~~(2) For subsequent appointments, the member shall be licensed~~
2 ~~as a behavior analyst under Chapter 6.7 (commencing with Section~~
3 ~~2999.10).~~

4 ~~(d)~~

5 (c) One member shall be qualified to practice behavior analysis,
6 as defined in Section 2999.12, as follows:

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

10 (2) For subsequent appointments, the member shall be licensed
11 as a behavior analyst under Chapter 6.7 (commencing with Section
12 2999.10).

13 (d) *One public member appointed by the Governor shall be a*
14 *consumer of behavior analysis services.*

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

18 (f) This section shall become operative on July 1, 2017.

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

21 2927. (a) Five members of the board shall at all times
22 constitute a quorum.

23 (b) This section shall become inoperative on July 1, 2017, and,
24 as of January 1, 2018, is repealed.

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

27 2927. (a) Six members of the board shall at all times constitute
28 a quorum.

29 (b) This section shall become operative on July 1, 2017.

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

32
33 CHAPTER 6.7. BEHAVIOR ANALYSTS

34
35 Article 1. General Provisions

36
37 2999.10. This chapter shall be known and may be cited as the
38 Behavior Analyst Act.

39 2999.11. (a) The Legislature finds and declares that the practice
40 of behavior analysis in California affects the public health, safety,

1 and welfare, and is subject to regulation to protect the public from
2 the unauthorized and unqualified practice of behavior analysis,
3 and unprofessional, ~~unethical~~ *unethical*, or harmful conduct by
4 persons licensed to practice behavior analysis.

5 (b) It is the intent of the Legislature that the board begin
6 accepting applications for behavior analyst licensure and assistant
7 behavior analyst licensure no later than January 1, 2018, provided
8 that the funds necessary to implement this chapter have been
9 appropriated by the Legislature as specified in Section 2999.98.

10 2999.12. For purposes of this chapter, the following terms have
11 the following meanings:

12 (a) “Board” means the Board of Psychology.

13 (b) “Certifying entity” means the Behavior Analyst Certification
14 Board or its successor, or ~~a national~~ *another national credentialing*
15 organization with ~~a behavior analyst certification program~~
16 *programs* approved by the board and accredited by the National
17 Commission for Certifying Agencies.

18 (c) “Committee” means the Behavior Analyst Committee.

19 (d) “Department” means the Department of Consumer Affairs.

20 (e) “Licensed assistant behavior analyst” means a person
21 licensed under this chapter to practice behavior analysis under the
22 supervision of a licensed behavior analyst and who meets the
23 requirements of Section 2999.33.

24 (f) “Licensed behavior analyst” means a person licensed under
25 this chapter to practice behavior analysis and who meets the
26 requirements of Section 2999.31.

27 (g) (1) “Practice of behavior analysis” or “to practice behavior
28 analysis” means the design, implementation, and evaluation of
29 instructional and environmental modifications to produce socially
30 significant improvements in human behavior and includes ~~any~~ *all*
31 of the following:

32 (A) The empirical identification of functional relations between
33 behavior and environmental factors, known as functional
34 assessment and analysis.

35 (B) Interventions based on scientific research and the direct
36 observation and measurement of behavior and the environment.

37 (C) Utilization of contextual factors, motivating operations,
38 antecedent stimuli, positive reinforcement, and other consequences
39 to help people develop new behaviors, increase or decrease existing

1 behaviors, and emit behaviors under specific environmental
2 conditions.

3 (2) The practice of behavior analysis does not include
4 psychological ~~testing~~, *testing and assessment*, diagnosis of a mental
5 or physical disorder, neuropsychology, psychotherapy, cognitive
6 therapy, sex therapy, psychoanalysis, hypnotherapy, or counseling
7 as treatment modalities.

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9

Article 2. Administration

10

11 2999.20. (a) The Board of Psychology is vested with the power
12 to administer the provisions and requirements of this chapter, and
13 may make and enforce rules and regulations that are reasonably
14 necessary to carry out its provisions.

15 (b) This section shall remain in effect only until January 1, 2021,
16 and as of that date is repealed. Notwithstanding any other law, the
17 repeal of this section renders the board subject to review by the
18 appropriate policy committees of the Legislature.

19 2999.21. Protection of the public shall be the highest priority
20 for the board in exercising its licensing, regulatory, and disciplinary
21 functions pursuant to this chapter. Whenever the protection of the
22 public is inconsistent with other interests sought to be promoted,
23 the protection of the public shall be paramount.

24 2999.22. ~~Upon recommendation of the committee, the~~ *The*
25 board shall adopt, amend, and repeal regulations to implement the
26 requirements of this chapter. All regulations adopted by the board
27 shall comply with the provisions of Chapter 3.5 (commencing with
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
29 Code.

30 2999.23. The board may employ, subject to civil service and
31 other laws, employees as may be necessary to carry out the
32 provisions of this chapter under the direction of the executive
33 officer of the board.

34 2999.24. The board shall maintain, and make available to the
35 public, a list of all licensees. The board shall make available on
36 its Internet Web site information regarding the status of every
37 license issued by the board under this chapter pursuant to Section
38 27.

39 2999.25. (a) The Behavior Analyst Committee is hereby
40 created within the jurisdiction of the board to *make*

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

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

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

22 (d) Notwithstanding subdivisions (b) and (c), the initially
23 appointed members of the committee shall be appointed as follows:

24 (1) The initial members appointed by the Governor shall be as
25 follows:

26 (A) One member shall ~~hold a certificate~~ *be currently certified*
27 *by a certifying entity* as a certified behavior analyst ~~from a~~
28 ~~certifying entity~~ and shall serve an initial term of one year.

29 (B) One member shall ~~hold a certificate~~ *be currently certified*
30 *by a certifying entity* as a certified assistant behavior analyst ~~from~~
31 ~~a certifying entity~~ and shall serve an initial term of two years.

32 (C) One member shall be a licensed psychologist who ~~holds a~~
33 ~~certificate~~ *is currently certified by a certifying entity* as a certified
34 behavior analyst ~~from a certifying entity~~ and shall serve an initial
35 term of three years.

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

38 (3) The initial member appointed by the Speaker of the
39 Assembly shall ~~hold a certificate~~ *be currently certified by a*

1 *certifying entity* as a certified behavior analyst ~~from a certifying~~
2 ~~entity~~ and shall serve an initial term of four years.

3 (e) Except as provided in ~~paragraph~~ *subdivision* (d), each
4 member of the committee shall hold office for a term of four years,
5 and shall serve until the appointment of his or her successor or
6 until one year has elapsed since the expiration of the term for which
7 he or she was appointed, whichever occurs first. Vacancies shall
8 be filled by the appointing power for the unexpired portion of the
9 terms in which they occur. A member shall not serve for more than
10 two consecutive terms.

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

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

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

16 (i) This section shall become operative on July 1, 2017.

17 (j) This section shall remain in effect only until January 1, 2021,
18 and as of that date is repealed. Notwithstanding any other law, the
19 repeal of this section renders the committee subject to review by
20 the appropriate policy committees of the Legislature.

21 2999.26. The committee shall do all of the following:

22 (a) Meet at least once per quarter. All meetings of the committee
23 shall be public meetings. Notice of each regular meeting of the
24 ~~board committee~~ shall be given in accordance with the
25 Bagley-Keene Open Meeting Act (Article 9 (commencing with
26 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
27 the Government Code).

28 (b) Committee meetings may be called upon reasonable notice
29 at the discretion of the chair, and shall be called at any time upon
30 reasonable notice by a written request of two committee members
31 to the chair.

32 (c) The committee shall elect a chair and a vice chair from
33 among its members at the first meeting held in each fiscal year.
34 The chair shall preside at all meetings of the committee and shall
35 work with the executive officer of the board to coordinate the
36 committee's business. If the chair is unable to attend a meeting,
37 the vice chair shall preside at the meeting.

38 2999.27. (a) The committee may make recommendations to
39 the board regarding licensing and practice standards.

1 (b) The committee may make recommendations to the board
 2 regarding the adoption, amendment, and repeal of regulations to
 3 implement the requirements of this chapter including, but not
 4 limited to, the setting of fees and the establishment of disciplinary
 5 actions: *standards*.
 6 ~~2999.28. Any action taken by the committee under this chapter~~
 7 ~~shall only be effective after adoption by majority vote of the~~
 8 ~~members of the committee and after adoption by a majority vote~~
 9 ~~of the members of the board.~~

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Article 3. Licensing

13 2999.30. To qualify for licensure as a licensed behavior analyst
14 or a licensed assistant behavior analyst, each applicant shall meet
15 the board’s regulatory requirements for behavior analyst or assistant
16 behavior analyst licensure, as applicable, including all of the
17 following:

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

20 (b) The board shall not issue a license or registration to any
21 person who has been convicted of a crime in this state, or another
22 state, or in a territory of the United States that involves sexual
23 abuse of a child, or who is required to register pursuant to Section
24 290 of the Penal Code or the equivalent in another state or territory.

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

28 ~~(1) The board shall direct applicants to electronically submit to~~
29 ~~the Department of Justice fingerprint images and related~~
30 ~~information required by the Department of Justice for the purpose~~
31 ~~of obtaining information as to the existence and content of a record~~
32 ~~of state and federal level convictions and arrests and information~~
33 ~~as to the existence and content of a record of state or federal level~~
34 ~~arrests for which the Department of Justice establishes that the~~
35 ~~person is free on bail or on his or her own recognizance pending~~
36 ~~trial or appeal.~~

37 ~~(2) The Department of Justice shall forward the fingerprint~~
38 ~~images and related information received pursuant to paragraph (1)~~
39 ~~to the Federal Bureau of Investigation and request a federal~~
40 ~~summary for criminal history information.~~

1 ~~(3) The Department of Justice shall review the information~~
2 ~~returned from the Federal Bureau of Investigation and compile~~
3 ~~and disseminate a response to the board pursuant to paragraph (1)~~
4 ~~of subdivision (p) of Section 11105 of the Penal Code.~~

5 ~~(4)~~

6 (1) The board shall request from the Department of Justice
7 subsequent arrest notification service, pursuant to Section 11105.2
8 of the Penal Code, for each person who submitted information
9 pursuant to ~~paragraph (1)~~: *this subdivision.*

10 ~~(5)~~

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

13 2999.31. (a) ~~To~~*In order to* obtain a license as a behavior
14 analyst, an individual shall submit an application on a form
15 approved by the board accompanied by the fees required by the
16 board as specified in Section 2999.93.

17 (b) The board shall verify with the certifying entity that the
18 applicant meets ~~all~~ *both* of the following requirements:

19 (1) Has passed the Board Certified Behavior Analyst
20 examination *or an equivalent examination* administered by the
21 ~~Behavior Analyst Certification Board~~: *certifying entity.*

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

24 ~~(3) Is in compliance with all ethical and disciplinary standards~~
25 ~~published by the certifying entity.~~

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

28 (d) *This section shall become inoperative on July 1, 2018. An*
29 *applicant who submits his or her application prior to July 1, 2018,*
30 *shall be required to meet the requirements of this section to be*
31 *licensed by the board.*

32 (e) *This section shall remain in effect only until January 1, 2019,*
33 *and as of that date is repealed.*

34 2999.32. (a) ~~In order for an individual to be licensed to obtain~~
35 ~~a license as a behavior analyst under this chapter, he or she shall~~
36 ~~possess a master's degree or higher level of education from an~~
37 ~~institution, which meets the requirements described in Section~~
38 ~~2999.35, that was conferred in behavior analysis or other natural~~
39 ~~science, education, human services, engineering, medicine, or a~~
40 ~~field related to behavior analysis and approved by the certifying~~

1 ~~entity~~. *analyst, an individual shall submit an application on a form*
2 *approved by the board accompanied by the fees required by the*
3 *board as specified in Section 2999.93.*

4 (b) *An applicant shall maintain active status as a certified*
5 *behavior analyst in good standing with a certifying entity. The*
6 *board shall verify with the certifying entity that the applicant has*
7 *passed the Board Certified Behavior Analyst Examination or an*
8 *equivalent examination administered by the certifying entity.*

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

11 (d) *The applicant shall possess a master's degree or higher*
12 *level of education from an institution, which meets the requirements*
13 *described in Section 2999.35, that was conferred in behavior*
14 *analysis, psychology, or education, or conferred in a degree*
15 *program in which the applicant completed a behavior-analytic*
16 *course sequence approved by the certifying entity.*

17 ~~(b)~~

18 (e) ~~In addition to subdivision (a), subdivisions (a) through (d),~~
19 ~~an individual shall meet one of the following paragraphs in order~~
20 ~~to be licensed under this chapter:~~

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

22 (A) ~~Completed 270~~ *Two hundred seventy* hours of classroom
23 *graduate-level instruction in all of the following content areas:*

24 (i) *Ethical and professional conduct coursework consisting of*
25 *45 hours. The content must be taught in one or more freestanding*
26 *courses devoted to ethical and professional conduct of behavior*
27 *analysts.*

28 (ii) *Concepts and principles of behavior analysis consisting of*
29 *45 hours.*

30 (iii) *Research methods in behavior analysis, consisting of 25*
31 *hours of measurement, including data analysis, and 20 hours of*
32 *experimental design.*

33 (iv) *Applied behavior analysis, consisting of 45 hours of*
34 *fundamental elements of behavior change and specific behavior*
35 *change procedures, 30 hours of identification of the problem and*
36 *assessment, 10 hours of intervention and behavior change*
37 *considerations, 10 hours of behavior change systems, and 10 hours*
38 *of implementation, management management, and supervision.*

39 (v) ~~Discretionary~~ *Elective* coursework in behavior analysis
40 *consisting of 30 hours.*

- 1 (B) ~~Obtained experience~~ *Supervised experiential training* by
2 any of the following:
- 3 (i) ~~Completed 1,500~~ *One thousand five hundred* hours of
4 independent field work in behavior analysis supervised in
5 accordance with the requirements of the certifying entity.
- 6 (ii) ~~Completed, with a passing grade, 1,000~~ *One thousand* hours
7 of supervised practicum in behavior analysis within a university
8 practicum approved by the certifying ~~entity and~~ *entity*, taken for
9 graduate academic ~~credit. credit, and completed with a passing~~
10 *grade.*
- 11 (iii) ~~Completed, with a passing grade, 750~~ *Seven hundred fifty*
12 hours of supervised intensive practicum in behavior analysis within
13 a university practicum approved by the certifying ~~entity and~~ *entity*,
14 taken for graduate academic ~~credit. credit, and completed with a~~
15 *passing grade.*
- 16 (iv) ~~Completed a~~ A combination of the supervised experience
17 in clause (i), (ii), or (iii). Hours may be completed in any
18 combination of the categories of supervised experience. Hours
19 accrued through a combination of supervised experience shall be
20 proportionately calculated.
- 21 (2) An individual shall ~~have done both of the following:~~ *meet*
22 *all of the following requirements:*
- 23 (A) ~~Completed one academic year as a full-time faculty~~
24 ~~appointment at a college or university, as described in Section~~
25 ~~2999.35, during which he or she did all of the following:~~
- 26 (i) ~~Taught classes on basic principles of behavior, single-subject~~
27 ~~research methods, applications of basic principles of behavior in~~
28 ~~applied settings, and ethical issues.~~
- 29 (ii) ~~Conducted and published research in behavior analysis.~~
- 30 (B) ~~Obtained experience by any of the following:~~
- 31 (i) ~~Completed 1,500 hours of independent field work in behavior~~
32 ~~analysis supervised in accordance with the requirements of the~~
33 ~~certifying entity.~~
- 34 (ii) ~~Completed, with a passing grade, 1,000 hours of supervised~~
35 ~~practicum in behavior analysis within a university practicum~~
36 ~~approved by the certifying entity and taken for graduate academic~~
37 ~~credit.~~
- 38 (iii) ~~Completed, with a passing grade, 750 hours of supervised~~
39 ~~intensive practicum in behavior analysis within a university~~

1 ~~practicum approved by the certifying entity and taken for graduate~~
2 ~~academic credit.~~

3 ~~(iv) Completed a combination of the supervised experience in~~
4 ~~clause (i), (ii), or (iii). Hours may be completed in any combination~~
5 ~~of the categories of supervised experience. Hours accrued through~~
6 ~~a combination of supervised experience shall be proportionately~~
7 ~~calculated.~~

8 *(A) Have a faculty appointment of at least three years,*
9 *cumulatively, of full-time work as a faculty member at a fully*
10 *accredited higher education institution within a five-year period.*

11 *(B) Taught at least five sections or iterations of behavior*
12 *analytic coursework. An applicant shall have taught at least two*
13 *behavior analytic content areas, which are concepts and principles*
14 *of behavior, single-subject research methods, applied behavior*
15 *analysis, and ethics in behavior analysis, in separate courses.*
16 *Each course taught shall have been exclusively or primarily*
17 *devoted to behavior analytic content, and shall have been taught*
18 *at the graduate level. An applicant shall submit proof of completion*
19 *of the faculty appointment and teaching requirements from a*
20 *department head, including the syllabus for each course taught,*
21 *to the board.*

22 *(C) Published one article with all of the following*
23 *characteristics:*

24 *(i) Behavior analytic in nature.*

25 *(ii) Includes at least one experimental evaluation.*

26 *(iii) Published in a high-quality, peer reviewed journal.*

27 *(iv) The applicant is the first, second, or corresponding author.*

28 *(v) The article may have been published at any time during the*
29 *applicant's career.*

30 *(D) Obtained supervised experiential training by any of the*
31 *following:*

32 *(i) One thousand five hundred hours of independent field work*
33 *in behavior analysis supervised in accordance with the*
34 *requirements of the certifying entity.*

35 *(ii) One thousand hours of supervised practicum in behavior*
36 *analysis within a university practicum approved by the certifying*
37 *entity, taken for graduate academic credit, and completed with a*
38 *passing grade.*

39 *(iii) Seven hundred fifty hours of supervised intensive practicum*
40 *in behavior analysis within a university practicum approved by*

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

3 *(iv) A combination of the supervised experience in clauses (i),*
4 *(ii), or (iii). Hours may be completed in any combination of the*
5 *categories of supervised experience. Hours accrued through a*
6 *combination of supervised experience shall be proportionately*
7 *calculated.*

8 (3) An individual shall have ~~both~~ *completed all* of the following:

9 ~~(i) A doctoral degree, conferred at least 10 years prior to the~~
10 ~~date of application in the field of behavior analysis, psychology,~~
11 ~~education, or a related field approved by the certifying entity.~~

12 (A) *A doctoral degree in behavior analysis, psychology, or*
13 *education from an accredited higher education institution.*

14 ~~(ii)~~

15 (B) ~~Ten years of verified and documented~~ *postdoctoral*
16 *experience practicing behavior analysis. The duration of practice*
17 *shall be at least 10 years, cumulatively, of full-time practice. An*
18 *applicant's practice shall have occurred under a relevant state*
19 *professional credential or license.*

20 ~~(e) If an individual is certified by a certifying entity whose~~
21 ~~requirements for initial certification as a certified behavior analyst~~
22 ~~at the time of license application meet or surpass the requirements~~
23 ~~in subdivisions (a) and (b), the applicant for licensure shall be~~
24 ~~deemed to have satisfied the requirements in subdivisions (a) and~~
25 ~~(b).~~

26 (C) *At least 500 hours of supplemental supervised experiential*
27 *training that meets current experience standards of the certifying*
28 *entity, commencing after the 10 years of postdoctoral experience*
29 *required in paragraph (b).*

30 (f) *This section shall become operative on July 1, 2018.*

31 2999.33. (a) To obtain a license as an assistant behavior
32 analyst, an individual shall submit an application on a form
33 approved by the board accompanied by the fees required by the
34 board as specified in Section 2999.93.

35 (b) The board shall verify with the certifying entity that the
36 applicant meets all of the following requirements:

37 (1) Has passed the Board Certified Assistant Behavior Analyst
38 examination *or equivalent examination* administered by the
39 certifying entity.

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

3 ~~(3) Is in compliance with all ethical and disciplinary standards~~
 4 ~~published by the certifying entity.~~

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

7 (d) Each applicant shall provide proof *to the board* of ongoing
 8 supervision by a licensed behavior analyst in a manner consistent
 9 with the certifying entity’s requirements for supervision of assistant
 10 behavior analysts.

11 *(e) This section shall become inoperative on July 1, 2018. An*
 12 *applicant who submits his or her application prior to July 1, 2018,*
 13 *shall be required to meet the requirements of this section to be*
 14 *licensed by the board.*

15 *(f) This section shall remain in effect only until January 1, 2019,*
 16 *and as of that date is repealed.*

17 2999.34. (a) In order for an individual to be licensed as an
 18 assistant behavior analyst under this chapter, he or she shall possess
 19 a baccalaureate degree or higher level of education from an
 20 institution that meets the requirements described in Section
 21 2999.35.

22 *(b) An applicant shall maintain active status as a certified*
 23 *behavior analyst in good standing with a certifying entity. The*
 24 *board shall verify with the certifying entity that the applicant has*
 25 *passed the Board Certified Behavior Analyst Examination or an*
 26 *equivalent examination administered by the certifying entity.*

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

29 *(d) Each applicant shall provide proof to the board of ongoing*
 30 *supervision by a licensed behavior analyst in a manner consistent*
 31 *with the certifying entity’s requirements for supervision of assistant*
 32 *behavior analysts.*

33 ~~(b)~~

34 *(e) In addition to ~~subdivision (a)~~, subdivisions (a) to (d),*
 35 *inclusive, an individual shall meet ~~both~~ all of the following*
 36 *requirements in order to be licensed under this chapter:*

37 *(1) Completed a baccalaureate degree or higher level of*
 38 *education from an institution that meets the requirements in Section*
 39 *2999.35.*

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

- 1 ~~(H)~~
- 2 (A) Completed 180 classroom hours of undergraduate or
- 3 graduate level instruction in *all of* the following content areas:
- 4 ~~(A)~~
- 5 (i) Ethical and professional conduct coursework of behavior
- 6 analysis consisting of 15 hours.
- 7 ~~(B)~~
- 8 (ii) Concepts and principles of behavior analysis consisting of
- 9 45 hours.
- 10 ~~(C)~~
- 11 (iii) Research methods in behavior analysis, consisting of 10
- 12 hours of measurement, including data analysis, and five hours of
- 13 experimental design.
- 14 ~~(D)~~
- 15 (iv) Applied behavior analysis, consisting of 45 hours of
- 16 fundamental elements of behavior change and specific behavior
- 17 change procedures, 30 hours of identification of the problem and
- 18 assessment, five hours of intervention and behavior change
- 19 considerations, five hours of behavior change systems, and five
- 20 hours of implementation, ~~management~~ *management*, and
- 21 supervision.
- 22 ~~(E) Discretionary~~
- 23 (v) *Elective* coursework in behavior analysis consisting of 15
- 24 hours.
- 25 ~~(2) Obtained experience~~
- 26 (B) *Obtained supervised experiential training* by any of the
- 27 following:
- 28 ~~(A) Completed 1,000~~
- 29 (i) *One thousand* hours of independent field work in behavior
- 30 analysis supervised in accordance with the requirements of the
- 31 certifying ~~entity~~; *entity, taken for academic credit, and completed*
- 32 *with a passing grade.*
- 33 ~~(B) Completed, with a passing grade, 670~~
- 34 (ii) *Six hundred seventy* hours of supervised practicum in
- 35 behavior analysis within a university practicum approved by the
- 36 certifying ~~entity~~ and *entity, taken for academic credit, and*
- 37 *completed with a passing grade.*
- 38 ~~(C) Completed, with a passing grade, 500~~
- 39 (iii) *Five hundred* hours of supervised intensive practicum in
- 40 behavior analysis within a university practicum approved by the

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

3 ~~(D) Completed a~~

4 ~~(iv) A combination of the supervised experience in paragraph~~
5 ~~(A), (B), or (C): clause (i), (ii), or (iii).~~ Hours may be completed
6 in any combination of the categories of supervised experience.
7 Hours accrued through a combination of supervised experience
8 shall be proportionately calculated.

9 ~~(e) If an individual is certified by a certifying entity whose~~
10 ~~requirements for initial certification as a certified assistant behavior~~
11 ~~analyst at the time of license application meet or surpass the~~
12 ~~requirements in subdivisions (a) and (b), the applicant for licensure~~
13 ~~shall be deemed to have satisfied the requirements in subdivisions~~
14 ~~(a) and (b):~~

15 ~~(f) This section shall become operative on July 1, 2018.~~

16 2999.35. The education required to obtain a behavior analyst
17 license or an assistant behavior analyst license shall be from any
18 of the following:

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

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

24 ~~(c) An institution of higher education located outside the United~~
25 ~~States or Canada that, at the time the applicant was enrolled and~~
26 ~~at the time the applicant graduated, maintained a standard of~~
27 ~~training equivalent to the standards of training of those institutions~~
28 ~~accredited in the United States as demonstrated by a member of~~
29 ~~the National Association of Credential Evaluation Services:~~

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

1 2999.36. On and after ~~January~~ July 1, 2018, it shall be unlawful
2 for any person to engage in any of the following acts:

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

7 (b) Represent himself or herself by the title “licensed behavior
8 analyst,” or “licensed assistant behavior analyst” without being
9 duly licensed according to the provisions of this chapter.

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

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

16 2999.37. This chapter does not apply to any of the following:

17 (a) An individual licensed to practice psychology in this state
18 under Chapter 6.6 (commencing with Section 2900), if the practice
19 of behavior analysis engaged in by the licensed psychologist is
20 within the licensed psychologist’s training and competence.

21 (b) ~~An~~ *A speech-language pathologist or an audiologist licensed*
22 *under Chapter 5.3 (commencing with Section 2530), an*
23 *occupational therapist licensed under Chapter 5.6 (commencing*
24 *with Section 2570), a physical therapist licensed under Chapter*
25 *5.7 (commencing with Section 2600), a marriage and family*
26 *therapist licensed under Chapter 13 (commencing with Section*
27 *4980) or 4980), an educational psychologist licensed under Chapter*
28 *13.5 (commencing with Section ~~4980.10~~ acting 4980.10), a*
29 *clinical social worker licensed under Chapter 14 (commencing*
30 *with Section 4990.1), or a professional clinical counselor licensed*
31 *under Chapter 16 (commencing with Section 4999.10) if the*
32 *behavior analysis engaged in by those licensees is within his or*
33 *her licensed scope of practice and within the scope of his or her*
34 *training and competence, provided that he or she does not represent*
35 *himself or herself as a licensed behavior analyst or licensed*
36 *assistant behavior analyst.*

37 (c) An individual, including a paraprofessional technician,
38 *student, or postdoctoral trainee* acting under the authority and
39 direction of a licensed behavior analyst, a licensed assistant

1 behavior analyst, or an individual described in ~~paragraph~~
2 *subdivision* (a) or (b).

3 (d) A family member of a recipient of behavior analysis services
4 who acts under the extended authority and direction of a licensed
5 behavior analyst or a licensed assistant behavior analyst.

6 (e) A matriculated college or university student who practices
7 behavior analysis as a part of a defined program of study, course,
8 practicum, internship, or postdoctoral ~~fellowship~~; *trainee*, provided
9 that the behavior analysis activities are directly supervised by a
10 licensed behavior ~~analyst~~ *analyst, a licensed psychologist*, or by
11 an instructor in a course sequence approved by the certifying entity.

12 (f) An unlicensed individual pursuing supervised experience in
13 behavior analysis consistent with the experience requirements of
14 the certifying entity, provided such experience is supervised in
15 accordance with the requirements of the certifying entity.

16 (g) An individual who teaches behavior analysis or conducts
17 behavior analytic research, provided that such teaching or research
18 does not involve the direct delivery of behavior analysis services.

19 (h) A behavior analyst licensed in another state or certified by
20 the certifying entity to practice independently, and who temporarily
21 provides behavior analysis services in California during a period
22 of not more than 90 days in a calendar year.

23 (i) An individual who is vendorized by one or more regional
24 centers of the ~~California State~~ Department of Developmental
25 Services while practicing behavior analysis services authorized
26 under that vendorization. That individual shall not represent himself
27 or herself as a licensed behavior analyst or licensed assistant
28 behavior analyst unless he or she holds a license under this chapter,
29 and shall not offer behavior analysis services to any person or
30 entity other than the regional centers with which he or she is
31 vendorized or accept remuneration for providing behavior analysis
32 services other than the remuneration received from those regional
33 centers.

34 (j) An individual employed by a school board performing the
35 duties of his or her position, provided that he or she shall only
36 offer behavior analysis services within the scope of that
37 employment by the school board.

38 ~~2999.40. (a) The board shall issue a license to a person who~~
39 ~~is licensed as a behavior analyst or an assistant behavior analyst~~
40 ~~in another state, if that state currently imposes comparable licensure~~

1 requirements as those required by this state and if that state offers
2 reciprocity to individuals licensed under this chapter. Applicants
3 for a license under reciprocity shall submit an application on a
4 form approved by the board accompanied by the fees required by
5 the board as specified in Section 2999.93. Each applicant shall
6 complete any other eligibility requirements established by the
7 board, including, but not limited to, the criminal background check
8 required by Section 2999.30.

9 (b) The board shall verify that the applicant meets all of the
10 following:

11 (1) Holds an active license as a licensed behavior analyst or
12 licensed assistant behavior analyst in another state.

13 (2) Is not subject to any disciplinary action by another state or
14 certifying entity.

15 (3) Maintains an active status as board-certified behavior analyst
16 or board-certified assistant behavior analyst with the certifying
17 entity.

18 (4) Is in compliance with all ethical and disciplinary standards
19 published by the certifying entity.

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

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

27 2999.44. (a) A license shall expire and become invalid two
28 years after it is issued at 12 midnight on the last day of the month
29 in which it was issued, if not renewed.

30 (b) To renew an unexpired license, the licensee shall, on or
31 before the date on which it would otherwise expire, apply for
32 renewal on a form provided by the board, accompanied by the
33 renewal fee set by the board. The board shall obtain verification
34 from the certifying entity that the renewal applicant maintains an
35 active certification status with the certifying entity.

36 (c) To renew an assistant behavior analyst license, in addition
37 to the requirements in ~~paragraph~~ subdivision (b), the licensee shall
38 submit proof of ongoing supervision by a licensed behavior analyst
39 in a manner consistent with the ~~certifying entity's~~ board's
40 requirements for supervision of assistant behavior analysts.

1 2999.45. (a) A license that has expired may be renewed at any
 2 time within three years after its expiration by applying for renewal
 3 on a form provided by the board, payment of all accrued and unpaid
 4 renewal fees, and the delinquency fee specified in Section 2999.93.
 5 The board shall obtain verification from the certifying entity of
 6 the licensee's active certification status with the certifying entity.

7 (b) Except as provided in Section 2999.46, a license that is not
 8 renewed within three years of its expiration shall not be renewed,
 9 restored, or reinstated, and the license shall be canceled
 10 immediately upon expiration of the three year-period.

11 2999.46. (a) A suspended license is subject to expiration and
 12 shall be renewed as provided in this article, but such renewal does
 13 not entitle the licensee, while the license remains suspended, and
 14 until it is reinstated, to engage in the licensed activity or in any
 15 other activity or conduct in violation of the order or judgment by
 16 which the license was suspended.

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

23
 24
 25

Article 4. Enforcement

26 2999.60. The board may on its own, and shall, upon the receipt
 27 of a complaint from any person, investigate the actions of any
 28 licensee. The board shall review a licensee's alleged violation of
 29 statute, regulation, or any other law and any other complaint
 30 referred to it by the public, a public agency, or the department,
 31 and may upon a finding of a violation take disciplinary action
 32 under this article.

33 2999.61. A license issued under this chapter may be denied,
 34 revoked, or otherwise sanctioned upon demonstration of
 35 ineligibility for licensure, including, but not limited to, failure to
 36 maintain active certification by the certifying entity or falsification
 37 of documentation submitted to the board for licensure or submitted
 38 to the certifying authority for certification.

39 2999.62. The board may deny a license application, may issue
 40 a license with terms and conditions, may suspend or revoke a

1 license, or may place a license on probation if the applicant or
2 licensee has been guilty of unprofessional conduct. Unprofessional
3 conduct shall include, but not be limited to:

4 (a) Conviction of a crime substantially related to the
5 qualifications, functions, or duties of a licensed behavior analyst
6 or a licensed assistant behavior analyst.

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

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

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

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

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

22 (g) Violating Section 17500.

23 (h) Willful, unauthorized communication of information
24 received in professional confidence.

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

28 (j) Being grossly negligent in the practice of his or her
29 profession.

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

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

34 (m) The suspension, revocation, or imposition of probationary
35 conditions or other disciplinary action by another state or country
36 of a license, certificate, or registration to practice behavior analysis
37 issued by that state or country to a person also holding a license
38 issued under this chapter if the act for which the disciplinary action
39 was taken constitutes a violation of this section. A certified copy

1 of the decision or judgment of the other state or country shall be
2 conclusive evidence of that action.

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

4 (o) Any act of sexual abuse or sexual relations with a patient or
5 former patient within two years following termination of therapy,
6 or sexual misconduct that is—~~substantially~~ related to the
7 qualifications, functions, or duties of a licensed behavior analyst
8 or a licensed assistant behavior analyst.

9 (p) Functioning outside of his or her particular field or fields of
10 competence as established by his or her education, training, and
11 experience.

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

14 (r) Repeated acts of negligence.

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

17 2999.63. (a) Except as provided in subdivisions (b), (c), and
18 (e), any accusation filed against a licensee pursuant to Section
19 11503 of the Government Code shall be filed within three years
20 from the date the board discovers the alleged act or omission that
21 is the basis for disciplinary action, or within seven years from the
22 date the alleged act or omission that is the basis for disciplinary
23 action occurred, whichever occurs first.

24 (b) An accusation filed against a licensee pursuant to Section
25 11503 of the Government Code alleging the procurement of a
26 license by fraud or misrepresentation is not subject to the
27 limitations set forth in subdivision (a).

28 (c) The limitation provided for by subdivision (a) shall be tolled
29 for the length of time required to obtain compliance when a report
30 required to be filed by the licensee or registrant with the board
31 pursuant to Article 11 (commencing with Section 800) of Chapter
32 1 is not filed in a timely fashion.

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

37 (e) An accusation filed against a licensee pursuant to Section
38 11503 of the Government Code alleging sexual misconduct shall
39 be filed within three years after the board discovers the act or
40 omission alleged as the ground for disciplinary action, or within

1 10 years after the act or omission alleged as the ground for
2 disciplinary action occurs, whichever occurs first.

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

8 2999.64. Notwithstanding Section 2999.62, any proposed
9 decision or ~~decision~~ *decisions* issued under this chapter in
10 accordance with the procedures set forth in Chapter 5 (commencing
11 with Section 11500) of Part 1 of Division 3 of Title 2 of the
12 Government Code that contains any finding of fact that the licensee
13 engaged in any act of sexual contact, as defined in Section 728,
14 when that act is with a patient, or with a former patient, within two
15 years following termination of services, shall contain an order of
16 revocation. The revocation shall not be stayed by the administrative
17 law judge.

18 2999.66. The board may deny an application for, or issue
19 subject to terms and conditions, or suspend or revoke, or impose
20 probationary conditions upon, a license or registration after a
21 hearing as provided in Section 2999.70.

22 2999.67. A plea or verdict of guilty or a conviction following
23 a plea of nolo contendere made to a charge which is substantially
24 related to the qualifications, functions, and duties of a licensed
25 behavior analyst or licensed assistant behavior analyst is deemed
26 to be a conviction within the meaning of this article. The board
27 may order the license suspended or revoked, or may decline to
28 issue a license when the time for appeal has elapsed, the judgment
29 of conviction has been affirmed on appeal, or when an order
30 granting probation is made suspending the imposition of sentence,
31 irrespective of a subsequent order under Section 1203.4 of the
32 Penal Code allowing the person to withdraw his or her plea of
33 guilty and to enter a plea of not guilty, or setting aside the verdict
34 of guilty, or dismissing the accusation, information, or indictment.

35 2999.68. Any person required to register as a sex offender
36 pursuant to Section 290 of the Penal Code, is not eligible for
37 licensure by the board.

38 2999.69. An administrative disciplinary decision that imposes
39 terms of probation may include, among other things, a requirement

1 that the licensee who is being placed on probation pay the monetary
2 costs associated with monitoring the probation.

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

7 2999.80. A person who violates any of the provisions of this
8 chapter is guilty of a misdemeanor punishable by imprisonment
9 in a county jail not exceeding six months or by a fine not exceeding
10 two thousand five hundred dollars (\$2,500), or by both that fine
11 and imprisonment.

12 2999.81. In addition to other proceedings provided in this
13 chapter, whenever any person has engaged, or is about to engage,
14 in any acts or practices that constitute, or will constitute, an offense
15 against this chapter, the superior court in and for the county
16 wherein the acts or practices take place, or are about to take place,
17 may issue an injunction or other appropriate order restraining that
18 conduct on application of the board, the Attorney General, or the
19 district attorney of the county. Proceedings under this section shall
20 be governed by Chapter 3 (commencing with Section 525) of Title
21 7 of Part 2 of the Code of Civil Procedure, except that it shall be
22 presumed that there is no adequate remedy at law and that
23 irreparable damage will occur if the continued violation is not
24 restrained or enjoined. On the written request of the board, or on
25 its own motion, the board may commence an action in the superior
26 court under this section.

27
28 Article 5. Revenue
29

30 2999.90. The board shall report each month to the Controller
31 the amount and source of all revenue received pursuant to this
32 chapter and at the same time deposit the entire amount thereof in
33 the State Treasury for credit to the Psychology Fund established
34 by Section 2980.

35 2999.91. (a) The moneys credited to the Psychology Fund
36 under Section 2999.90 shall, upon appropriation by the Legislature,
37 be used for the purposes of carrying out and enforcing the
38 provisions of this chapter.

39 (b) The board shall keep records that will reasonably ensure
40 that funds expended in the administration of each licensing

1 category bear a reasonable relation to the revenue derived from
2 each category, and shall so notify the department no later than
3 May 31 of each year.

4 2999.93. The board shall ~~assess~~ *establish* fees for the
5 application for and the issuance and renewal of licenses to cover,
6 but not exceed, ~~administrative and operating expenses the~~
7 *reasonable regulatory costs* of the board related to *administering*
8 this chapter. The fees shall be fixed by the board in regulations
9 that are duly adopted under this chapter. Fees assessed pursuant
10 to this section shall not exceed the following:

11 ~~(a) The fee for the application for licensure shall be not more~~
12 ~~than _____ dollars (\$_____).~~

13 ~~(b) The fee for the law and ethics examination shall be not more~~
14 ~~than _____ dollars (\$_____).~~

15 ~~(c) The fee for the issuance of a license shall be not more than~~
16 ~~_____ dollars (\$_____).~~

17 ~~(d) The fee for a biennial renewal of a license shall be not more~~
18 ~~than _____ dollars (\$_____).~~

19 ~~(e)~~
20 (a) The delinquency fee shall be 50 percent of the biennial
21 renewal fee.

22 ~~(f)~~
23 (b) The fee for rescoring an examination shall be twenty dollars
24 (\$20).

25 ~~(g)~~
26 (c) The fee for issuance of a replacement license shall be twenty
27 dollars (\$20).

28 ~~(h) The fee to change a name or address on the board's records~~
29 ~~shall be twenty dollars (\$20).~~

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

33 2999.94. (a) A person licensed under this chapter is exempt
34 from the payment of the renewal fee in any one of the following
35 instances:

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

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

39 (3) While a volunteer in the Peace Corps or ~~Vista: AmeriCorps~~
40 *VISTA.*

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

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

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

20 2999.98. The licensing and regulatory program under this
21 chapter shall be supported from fees assessed to applicants and
22 licensees. Startup funds to implement this program shall be derived,
23 as a loan, from the ~~reserve fund of the Board of Psychology,~~
24 *Psychology Fund*, subject to an appropriation by the Legislature
25 in the annual Budget Act. The board shall not implement this
26 chapter until funds have been appropriated.

27 SEC. 10. No reimbursement is required by this act pursuant to
28 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.