SENATE AMENDMENTS TO
A-ENGROSSED SENATE BILL 365

By JOINT COMMITTEE ON WAYS AND MEANS

June 27

1   On page 1 of the printed A-engrossed bill, line 3, delete "414.710,".

2   On page 3, delete lines 43 through 45.

3   On page 4, line 1, delete "(12)" and insert "(11)".

4   In line 2, delete "2015" and insert "2016".

5   In line 5, delete "(13)" and insert "(12)".

6   On page 5, line 42, delete the comma and insert "or".

7   In line 43, delete "or under the state medical assistance program".

8   On page 6, line 20, delete the second comma and insert "or".

9   In line 21, delete "or the state medical assistance program".

10   Delete lines 26 through 34 and insert:

11   "**SECTION 6.** **Not later than August 30, 2013, the Health Evidence Review Commission**

12   **shall begin the process of evaluating applied behavior analysis, as defined in section 2 of this**

13   **2013 Act, as a treatment for autism spectrum disorder, as defined in section 2 of this 2013**

14   **Act, for the purpose of updating the list of health services recommended under ORS 414.690.**

15   **Any adjustments to the list of health services that result from the evaluation process must**

16   **be implemented not later than:**

17   **"(1) October 1, 2014, if the adjustments do not require the development of new medical**

18   **coding; and**

19   **"(2) April 1, 2015, if the adjustments require the development or adoption of new medical**

20   **coding.".**

21   On page 12, delete lines 35 through 45 and delete page 13.

22   On page 14, delete lines 1 through 34 and insert:

23   "**SECTION 19.** Section 3 of this 2013 Act is amended to read:

24   "**Sec. 3.** (1) There is created, within the Oregon Health Licensing Agency, the Behavior Analysis

25   Regulatory Board consisting of seven members appointed by the Governor, including:

26   "(a) Three members who are licensed by the board;

27   "(b) One member who is a licensed psychiatrist or developmental pediatrician, with experience

28   or training in treating autism spectrum disorder;

29   "(c) One member who is a licensed psychologist registered with the board;

30   "(d) One member who is a licensed speech-language pathologist registered with the board; and

31   "(e) One member of the general public who does not have a financial interest in the provision

32   of applied behavior analysis and does not have a ward or family member who has been diagnosed

33   with autism spectrum disorder.

34   "(2) Not more than one member of the Behavior Analysis Regulatory Board may be an employee

35   of an insurer.

"(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on November 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

"(4) A member of the Behavior Analysis Regulatory Board is entitled to compensation and expenses as provided in ORS 292.495.

"(5) The Behavior Analysis Regulatory Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

"(6) A majority of the members of the Behavior Analysis Regulatory Board constitutes a quorum for the transaction of business.

"(7) The Behavior Analysis Regulatory Board shall meet at least once every three months at a place, day and hour determined by the board. The board may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the board.

"(8) In accordance with ORS chapter 183, the Behavior Analysis Regulatory Board shall establish by rule criteria for the:

"(a) Licensing of:

"(A) Behavior analysts; and

"(B) Assistant behavior analysts; and

"(b) Registration of:

"(A) Licensed health care professionals; and

"(B) Behavior analysis interventionists.

"(9) The criteria for the licensing of a behavior analyst must include, but are not limited to, the requirement that the applicant:

"(a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Behavior Analyst; and

"(b) Have successfully completed a criminal records check.

"(10) The criteria for the licensing of an assistant behavior analyst must include, but are not limited to, the requirement that the applicant:

"(a) Be certified by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Assistant Behavior Analyst;

"(b) Be supervised by a behavior analyst who is licensed by the Behavior Analysis Regulatory Board; and

"(c) Have successfully completed a criminal records check.

"(11) The criteria for the registration of a behavior analysis interventionist must include, but are not limited to, the requirement that the applicant:

"(a) Have completed coursework and training prescribed by the Behavior Analysis Regulatory Board by rule;

"(b) Receive ongoing oversight by a licensed behavior analyst or a licensed assistant behavior analyst, or by another licensed health care professional approved by the board; and

"(c) Have successfully completed a criminal records check.

"(12) In accordance with applicable provisions of ORS chapter 183, the Behavior Analysis Regulatory Board shall adopt rules:

"(a) Establishing standards and procedures for the licensing of behavior analysts and assistant

1 behavior analysts and for the registration of licensed health care professionals and behavior analysis

2 interventionists in accordance with this section;

3 "(b) Establishing guidelines for the professional methods and procedures to be used by individ-

4 uals licensed and registered under this section;

5 "(c) Governing the examination of applicants for licenses and registrations under this section

6 and the renewal, suspension and revocation of the licenses and registrations; and

7 "(d) Establishing fees sufficient to cover the costs of administering the licensing and registration

8 procedures under this section.

9 "(13) The Behavior Analysis Regulatory Board shall issue a license to an applicant who:

10 "(a) Files an application in the form prescribed by the board;

11 "(b) Pays fees established by the board; and

12 "(c) Demonstrates to the satisfaction of the board that the applicant meets the criteria adopted

13 under this section.

14 "(14) The Behavior Analysis Regulatory Board shall establish the procedures for the registration

15 of licensed health care professionals and behavior analysis interventionists.

16 "(15) All moneys received by the Behavior Analysis Regulatory Board under subsection (13) of

17 this section shall be paid into the General Fund of the State Treasury and credited to the Oregon

18 Health Licensing Agency Account.

19 "[*(16) An individual who has not been licensed or registered by the Behavior Analysis Regulatory*

20 *Board in accordance with criteria and standards adopted under this section may not claim reimburse-*

21 *ment for services described in section 2 of this 2013 Act under a health benefit plan or under a self-*

22 *insured health plan offered by the Public Employees' Benefit Board or the Oregon Educators Benefit*

23 *Board.*]".

24 In line 35, delete "20a" and insert "20".

25 On page 16, delete lines 11 through 17 and insert:

26 "**SECTION 23.** Sections 2 and 10 of this 2013 Act and the amendments to ORS 743A.190

27 **and 750.055 by sections 7 and 8 of this 2013 Act apply to health benefit plan policies and cer-**

28 **tificates:**

29 **"(1) Offered by the Public Employees' Benefit Board or the Oregon Educators Benefit**

30 **Board for coverage beginning on or after January 1, 2015; and**

31 **"(2) Other than for plans offered by the Public Employees' Benefit Board or the Oregon**

32 **Educators Benefit Board, for coverage beginning on or after January 1, 2016.**

33 "**SECTION 24.** The amendments to section 3 of this 2013 Act by section 19 of this 2013

34 **Act and the amendments to ORS 743A.190 and 750.055 by sections 20 and 21 of this 2013 Act**

35 **become operative January 2, 2022.**".

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