



Date: May 18, 2015

To: Joint Committee on Way and Means Subcommittee on Human Services

From: Director Holly Mercer – Health Licensing Office

Subject: Senate Bill 696 section by section analysis

Given the complexity of SB 696A, and general confusion around the Behavior Analysis Regulatory Board, we write to document our understanding of SB 696A. Here is a section-by-section analysis of SB 696A.

Section 1: Defines applied behavior analysis and licensed health care professional.

Section 2: Board composition: Changes seven member board to a nine member board: three members will be licensed by the Behavior Analysis Regulatory Board (BARB) and six will be non-licensees. The revised board will include:

- 3 who are licensed by BARB under section 3 of this 2015 Act;
- 1 who is a licensed psychiatrist or developmental pediatrician, with experience or training in treating autism spectrum disorder;
- 1 licensed psychologist;
- 1 licensed speech-language pathologist;
- 1 licensed health care professional; (**new**)
- 1 general public member with no financial interest in the provision of applied behavior analysis and does not have a ward or family member who has been diagnosed with autism spectrum disorder;
- 1 parent, guardian or family member of an individual who has been diagnosed with autism spectrum disorder and has received some form of applied behavior analysis therapy. (**new**)

Sections 3-4: Changes licensing criteria for Behavior Analysts, Assistant Behavior Analysts and Behavior Analysis Interventionists. **Creates two paths to become a licensed behavior analyst by either:**

- Having national certification as a Board Certified Behavior Analyst (BCBA), **or by**
- Submitting a declaration form by Dec. 31, 2015, and meeting additional criteria as established by rule by the Board.
 - In July 2018, individuals in this group can seek permanent licensure as behavior analysts by meeting criteria established by BARB.

Section 5: Creates a title act

- Prohibits use of unlicensed title and contains an affirmative authorization for BARB licensees to practice ABA

Section 6: Clarifies the amendments to 2013 law become operative in 2022.

Section 7-8: Amends ORS 676.160, 676.583 to include BARB.

- This is administrative cleanup of HLO statutes to align BARB with other HLO boards.

Section 9: Changes insurance laws to include definitions for “medically necessary,” “treatment for autism spectrum disorder” and dictates what is and is not covered by health benefit plans.

Section 10: Creates new terms for BARB members.

Section 11: Allows those who are “actively practicing applied behavior analysis,” as defined in Section 1 of this 2015 Act as of Aug. 14, 2013, to claim reimbursement until July 1, 2018.

- Individuals in this group must submit a declaration and other documentation to HLO by Dec. 31, 2015. HLO and the Board will identify the “universe” of these individuals, then develop rules that establish criteria for licensure under Section 3(2)(b)(B).
- After July 1, 2018, every licensee must be either certified by the Behavior Analyst Certification Board (national organization) or meet other criteria as established by BARB in rule.

Section 12-16: Amends ORS 676.610, 676.613, 676.622 to include BARB, and amends 676.805 and 676.992 to reference bill.

Section 17: Allows health benefit plans to establish separate credentialing requirements.

Section 18-19: Operative dates.