

SB 135 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/13

WHAT THE MEASURE DOES:

Prohibits employer or, of entity contracting with, behavior analyst from requiring behavior analyst to perform act prohibited by the Behavior Analysis Regulatory Board. Authorizes Health Licensing Office to impose civil penalty on employer of or entity that violates prohibition. Applies to acts performed on or after January 1, 2020. Takes effect on 91st day following adjournment sine die.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Clarifies Health Licensing Office civil monetary penalty and disciplinary authority.
- 2 Prohibits person not licensed or registered by the Behavior Analysis Regulatory Board from practicing applied behavior analysis for the purpose of treating a mental, emotional or behavioral disorder. Exempts licensed health care professionals and family members acting under the direction of an appropriately licensed professional from prohibition. Allows Health Licensing Office to impose civil monetary penalty or other disciplinary action.

BACKGROUND:

Applied Behavior Analysis (ABA) is a therapy based on the science of learning and behavior. ABA therapy applies our understanding of how behavior works to real situations. The goal is to increase behaviors that are helpful and decrease behaviors that are harmful or affect learning.

Senate Bill 365 (2013) created the Behavior Analysis Regulatory Board to license providers of ABA in Oregon. Senate Bill 696 (2015) established a statutory definition of "applied behavior analysis and established criteria for licensure of behavior analysts and assistant behavior analysts.

Senate Bill 135 prohibits individuals not authorized by the Behavior Analysis Regulatory Board from performing behavior analysis and allows the Oregon Health Licensing Office to impose civil monetary penalties and other disciplinary action.