

A decorative graphic in the top left corner consisting of several overlapping, semi-transparent blue triangles of varying shades, creating a dynamic, abstract shape.

# Behavior Analysis Regulatory Board

**OREGON REVISED STATUTES**  
**(UNOFFICIAL COPY)**  
**CHAPTER 676.802 - 830**  
**2017 EDITION**



## **HEALTH LICENSING OFFICE**

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## APPLIED BEHAVIOR ANALYSIS

**676.802 Definitions for ORS 676.802, 676.806 and 676.810 to 676.820.** As used in this section, ORS 676.806 and 676.810 to 676.820:

(1)(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce significant improvement in human social behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior.

(b) “Applied behavior analysis” does not mean psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy or long-term counseling as treatment modalities.

(2) “Licensed health care professional” means an individual whose scope of practice includes applied behavior analysis and who is licensed by:

- (a) The Occupational Therapy Licensing Board;
- (b) The Oregon Board of Licensed Professional Counselors and Therapists;
- (c) The Oregon Medical Board;
- (d) The Oregon State Board of Nursing;
- (e) The Physical Therapist Licensing Board;
- (f) The State Board of Examiners for Speech-Language Pathology and Audiology;
- (g) The State Board of Licensed Social Workers; or
- (h) The Oregon Board of Psychology. [2015 c.674 §1; 2017 c.6 §27]

**676.805** [2013 c.771 §11; 2015 c.674 §15; renumbered 676.825 in 2015]

**676.806 Behavior Analysis Regulatory Board.** (1) There is created, within the Health Licensing Office, the Behavior Analysis Regulatory Board consisting of nine members appointed by the Governor, including:

- (a) Four members who are licensed by the board under ORS 676.810;
- (b) One member who is a licensed psychiatrist, with experience or training in treating autism spectrum disorder;
- (c) One member who is a licensed psychologist, with experience or training in treating autism spectrum disorder;

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(d) One member who is a licensed developmental pediatrician, with experience or training in treating autism spectrum disorder;

(e) One member of the general public who does not have a 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; and

(f) One member who is a 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.

(2) Not more than one member of the board may be an employee of an insurer.

(3) The appointments of the members of the board are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(4) 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.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) The 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.

(7) A majority of the members of the board constitutes a quorum for the transaction of business.

(8) The board shall meet at least once every year as determined by the office. 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. [Formerly 676.800]

**Note:** Section 4, chapter 771, Oregon Laws 2013, provides:

**Sec. 4.** (1) An individual actively practicing applied behavior analysis as defined in section 1 of this 2015 Act [676.802] on August 14, 2013, may continue to claim reimbursement from a health benefit plan, the Public Employees' Benefit Board or the Oregon Educators Benefit Board for services provided without a license before July 1, 2018.

(2) An individual may claim reimbursement under subsection (1) of this section only if the individual submits a satisfactory declaration and other required documentation to the Health Licensing Office not later than April 30, 2016. [2013 c.771 §4; 2015 c.674 §11]

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**Note:** Section 10, chapter 674, Oregon Laws 2015, provides:

**Sec. 10.** (1) Notwithstanding the term of office specified in ORS 676.800 [renumbered 676.806] or any provision of section 3a, chapter 771, Oregon Laws 2013, of the board members added to the Behavior Analysis Regulatory Board by the amendments to ORS 676.800 by section 2 of this 2015 Act:

(a) One shall serve for a term ending October 31, 2018.

(b) One shall serve for a term ending October 31, 2019.

(2) The terms of office specified in subsection (1) of this section commence on November 1, 2015.

(3) A person who is a member of the board as of the effective date of this 2015 Act [July 6, 2015] is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565. [2015 c.674 §10]

**676.810 Board duties; licensure of behavior analysts and assistant behavior analysts; rules.** (1) The Behavior Analysis Regulatory Board shall establish by rule criteria and procedures for the licensing of:

(a) Behavior analysts; and

(b) Assistant behavior analysts.

(2) The criteria for the licensing of a behavior analyst:

(a) Must include the requirement that the applicant have successfully completed a state and nationwide criminal records check that requires fingerprinting; and

(b) May include, but are not limited to, the requirement that the applicant:

(A) Be certified by the Behavior Analyst Certification Board, Incorporated, or its successor agency, or another agency approved by the Behavior Analysis Regulatory Board, as a board certified behavior analyst or equivalent; or

(B) Meet other requirements of the board that include the submission of a declaration to the Health Licensing Office that satisfies the requirements of section 4, chapter 771, Oregon Laws 2013.

(3) The criteria for the licensing of an assistant behavior analyst:

(a) Must include the requirement that the applicant have successfully completed a state and nationwide criminal records check that requires fingerprinting; and

(b) May include, but are not limited to, the requirement that the applicant:

(A) Be certified by the Behavior Analyst Certification Board, Incorporated, or its successor agency, or another agency approved by the Behavior Analysis Regulatory Board, as a board certified assistant behavior analyst or equivalent; and

(B) Be supervised by a behavior analyst who is licensed by the board.

(4) The Behavior Analysis Regulatory Board shall adopt rules to establish guidelines for the professional methods and procedures to be used by individuals licensed under this section. [2015 c.674 §3]

**676.815 Behavior analysis interventionists; rules.** The Health Licensing Office shall establish by rule criteria for the registration of behavior analysis interventionists. The criteria must include, but are not limited to, the requirement that the applicant:

(1) Have a high school diploma, a modified diploma, a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test or a degree from a post-secondary institution;

(2) Be at least 18 years of age;

(3) Have successfully completed a state and nationwide criminal records check that requires fingerprinting;

(4) Have completed at least 40 hours of professional training in applied behavior analysis approved by the office by rule; and

(5) Receive ongoing training and supervision by a licensed behavior analyst, by a licensed assistant behavior analyst or by another licensed health care professional. [2015 c.674 §4; 2017 c.66 §26; 2017 c.167 §1; 2017 c.726 §13]

**676.820 Use of titles “licensed behavior analyst,” “licensed assistant behavior analyst,” “registered behavior analysis interventionist.”** (1) An individual licensed under ORS 676.810 or registered under ORS 676.815 may practice applied behavior analysis.

(2) Only an individual who is licensed under ORS 676.810 or registered under ORS 676.815 may use the title “licensed behavior analyst,” “licensed assistant behavior analyst” or “registered behavior analysis interventionist.” [2015 c.674 §5]

**676.825 Disciplinary authority over persons licensed or registered.** In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person licensed or registered under ORS 676.810 or 676.815 for any of the prohibited acts listed in ORS 676.612 and for any violation of a rule adopted under ORS 676.810 or 676.815. [Formerly 676.805]

**676.830 Health benefit plan credentialing for applied behavior analysis providers.** A health benefit plan as defined in ORS 743B.005 may establish credentialing requirements for the provision of applied behavior analysis as defined in ORS 676.802 by licensed health care professionals as

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defined in ORS 676.802, by behavior analysts or assistant behavior analysts licensed by the Behavior Analysis Regulatory Board or by behavior analysis interventionists registered by the Health Licensing Office. [2015 c.674 §17]

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