



Behavior Analysis Regulatory Board

OREGON ADMINISTRATIVE RULES

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CHAPTER 824, DIVISION 010 – 070

PERMANENT RULES EFFECTIVE

JULY 28, 2017



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DIVISION 10

GENERAL ADMINISTRATION

824-010-0005

Definitions

- (1) “Accredited college or university” means a college or university as listed in the Council on Higher Education database, or evaluated through the National Association of Credential Evaluations Services or World Education Services for equivalency.
- (2) “Affidavit of Licensure” has the meaning set forth in OAR 331-030-0040.
- (3) “Applied behavior analysis” has the definition set forth in ORS 676.802.
- (4) “Authorization” has the definition set forth in ORS 676.580.
- (5) “Autism spectrum disorder” has the definition set forth in Oregon Laws 2013, chapter 771 section 2(1)(B)(b): the meaning given that term in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) published by the American Psychiatric Association.
- (6) “BACB” means the Behavior Analyst Certification Board.
- (7) “BCBA” means a Board Certified Behavior Analyst.
- (8) “BCaBA” means a Board Certified Assistant Behavior Analyst.
- (9) “Board” means the Behavior Analysis Regulatory Board.
- (10) “Declarant” means an individual who submitted a Declaration of Active Practice to the HLO pursuant to Oregon Laws 2013, chapter 771, section 4. For ease of reference, the note under ORS 676.806 (2015) quotes Oregon Laws 2013, chapter 771, section 4.
- (11) “Direct supervision” means the training or the observation of an interventionist or a declarant providing client services and at a minimum requires the participation of the supervisor, the interventionist or declarant and client. Participation can include remote supervision through Health Insurance Portability and Accountability Act-compliant technology, as long as it is synchronous audio and visual, and in real time.
- (12) “Indirect supervision” means supervisory functions including: training the interventionist or declarant without the client present, consulting with families or caregivers regarding interventionist or declarant service delivery, or completing evaluations or assessments of an interventionist or declarant without the client present.
- (13) “Interventionist” means a Behavior Analysis Interventionist.

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(14) “Licensed health care professional” has the definition set forth in ORS 676.802(2).

(15) “Office” means the Health Licensing Office.

(15) “Official transcript” means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed. The accredited college or university must submit the transcript by mail or courier directly to the Office in a sealed envelope.

(16) “Ongoing supervision and training” means a supervisor is monitoring the service delivery of an interventionist by direct and indirect means.

DIVISION 20

FEEES

824-020-0040

Authorization fees

(1) Fees established by the Board are:

(a) Applications:

(A) Behavior Analyst – \$150.

(B) Assistant Behavior Analyst – \$125.

(C) Behavior Analysis Interventionist – \$75.

(b) Original license or registration – valid for one year:

(A) Behavior Analyst – \$200.

(B) Assistant Behavior Analyst – \$175.

(C) Behavior Analysis Interventionist – \$100.

(c) Renewal of license or registration – valid for one year:

(A) Behavior Analyst – \$200.

(B) Assistant Behavior Analyst – \$175.

(C) Behavior Analysis Interventionist – \$100.

(d) Other administrative fees:

(A) Late renewal of license or registration – \$50.

(B) Replacement license or registration, including name change – \$25.

(C) Affidavit of Licensure – \$50.

(D) Administrative processing fee – \$25.

DIVISION 30
QUALIFICATIONS

824-030-0010

Licensing of Behavior Analyst

An individual applying for licensure as a Behavior Analyst must:

- (1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.
- (2) Arrange for proof of current certification by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Behavior Analyst or equivalent to be sent from the BACB to the Office;
- (3) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.
- (4) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as a behavior analyst whether the license is active or inactive.
- (5) Submit required license fees.

824-030-0020

Licensing of Assistant Behavior Analyst

An individual applying for licensure as an Assistant Behavior Analyst must:

- (1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.
- (2) Arrange for proof of current certification by the Behavior Analyst Certification Board, Incorporated, as a Board Certified Assistant Behavior Analyst to be sent from the BACB to the Office;
- (3) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.
- (4) Be supervised by a behavior analyst who is licensed by the Board.
- (5) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as an assistant behavior analyst whether the license is active or inactive.
- (6) Submit required license fees.

824-030-0040

Registration of a Behavior Analysis Interventionist

An individual applying for registration as a Behavior Analysis Interventionist must:

- (1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (2) Submit required registration fees.
- (3) Submit proof of being at least 18 years old;
- (4) Submit documentation of a high school diploma or General Educational Development (GED) certificate or a degree from a post-secondary institution;
- (5) Pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004; and
- (6) Submit documentation of 40 hours of professional training in applied behavior analysis on a form prescribed by the Office in the following knowledge and skill areas, as verified by an individual listed in ORS 676.802 2)(a-h) or licensed by the Board:
 - (a) Professional and ethical issues;
 - (b) Foundational knowledge of behavioral change principles;
 - (c) Assessment;
 - (d) Implementation of prescribed intervention plans;
 - (e) Data collection and documentation.

DIVISION 36
GRANDFATHERING

824-036-0001

Requirements for licensure

An individual applying for licensure as a Behavior Analyst through the grandfathering path must:

- (1) Have submitted a declaration of practice to the Office on or before April 30, 2016.
- (2) Submit a completed application form, which must contain the information listed in OAR 331-030-0000;
- (3) Submit required licensing fees.
- (4) Submit proof of having at least a master's degree in:
 - (a) Education,
 - (b) Psychology, or
 - (c) Applied behavior analysis; and
- (5) Submit proof of 10 years of full-time experience in applied behavior analysis as defined in ORS 676.802 (1)(a); this must include a letter that describes the declarant's experience and competencies in measurement, experimental design, behavior change procedures, principles of applied behavior analysis, identification of presenting issues, case management, supervision, assessment and intervention; and
- (6) Submit three letters of recommendation – none can be from a Board or family member – that attest to the applicant's practice in applied behavior analysis as defined in ORS 676.802 (1)(a), with observation and client progress report review. For the purposes of this rule, a family member is related by birth, marriage, adoption or domestic partnership; two must be from a BCBA; no more than one can be from a licensed health-care professional defined in ORS 676.802 (2); no more than one letter can come from a person in the declarant's practice or a current client or client's family; and
- (7) Submit official transcripts showing proof of having completed 270 classroom hours in applied behavior analysis as defined in ORS 676.802 (1)(a), including 45 hours in ethics and professional conduct as related to behavior analysis, 45 hours in principles of behavior analysis as defined in ORS 676.802 (1)(a), 45 hours in behavior analytic research methods and analysis, 105 hours in applied behavior analysis, and 30 discretionary hours; if the courses were completed more than 10 years ago, submit proof of having completed 50 hours of continuing education in applied behavior analysis, 12 of which must be in ethics related to applied behavior

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analysis as defined in ORS 676.802 (1)(a) that were acquired within three calendar years prior to the date of application; and

(8) Submit proof of having completed 1,500 hours of supervised experience, of which 75 hours must be direct supervision, in applied behavior analysis as defined in ORS 676.802 (1)(a), or have 75 hours of direct supervision with a BCBA who signs off on the applicant's competency to practice applied behavior analysis as defined in ORS 676.802 (1)(a); and

(9) Pass a fingerprint-based, nationwide criminal records check pursuant to OAR 331-030-0004.

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DIVISION 40

**REGISTERED BEHAVIOR ANALYSIS INTERVENTIONIST
TRAINING AND SUPERVISION**

824-040-0010

Training and Supervision

- (1) Prior to the Registered Behavior Analysis Interventionist providing any independent service delivery to clients, the interventionist must:
- (a) Enter into an agreement with each supervisor using the form available on the Office's website. A copy of the agreement must be submitted to the Office and given to the client's parent or guardian.
 - (b) Complete the competency assessment with one of the supervisors on the form available on the Office's website, or on another competency form with the same information. A copy of the competency assessment must be retained in the interventionist's file.
- (2) After beginning independent client service delivery, a Registered Behavior Analysis Interventionist must receive ongoing training and supervision by a licensed behavior analyst, licensed assistant behavior analyst or by a licensed health care professional as defined in ORS 676.802(2), consisting of:
- (a) A combination of direct and indirect supervision for at least 5 percent of the interventionist's service hours;
 - (b) Direct supervision at least once per calendar month in the months when services were provided.
- (3) A Registered Behavior Analysis Interventionist must be evaluated by one of the supervisors at least once a year, after the initial competency assessment, on the form available on the Office's website or on another evaluation form with the same information.
- (4) A Registered Behavior Analysis Interventionist must maintain a log of ongoing training and supervision on the form available on the Office's website, or on the supervisor's form that contains all the same information.
- (5) A Registered Behavior Analysis Interventionist must notify the Office in writing within 10 business days if the interventionist is no longer being supervised, or has a change in supervision.

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(6) A Registered Behavior Analysis Interventionist must maintain all training and supervision records for a minimum of five years after the last day of training and supervision and must make records available for inspection by the Office.

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DIVISION 50

RENEWAL

824-050-0010

Renewal of license and registration

- (1) An authorization is subject to the provisions of OAR chapter 331 division 30 regarding the renewal of an authorization, and provisions regarding the use of the title, identification and requirements for issuance of a duplicate authorization.
- (2) Authorization renewal under this rule is valid for one year.
- (3) Authorization holders must pass a state criminal background check pursuant to OAR 331-030-0004;
- (4) To avoid late fees, an authorization renewal must be made prior to the authorization entering inactive status. The authorization holder must submit the following:
 - (a) Renewal application form;
 - (b) Payment of renewal fee pursuant to OAR 824-020-0040;
- (5) Inactive authorization renewal: An authorization holder in inactive status cannot use the title. An authorization may be inactive for up to three years. When renewing, the inactive authorization holder must submit:
 - (a) Renewal application form;
 - (b) Payment of late and renewal fees pursuant to OAR 824-020-0040;
- (6) An authorization that has been inactive for more than three years is expired and the authorization holder must reapply for authorization and meet the requirements listed in OAR 824-030-0010, 824-030-0020 or 824-030-0040.

DIVISION 60

STANDARDS OF PRACTICE, PROFESSIONAL METHODS AND PROCEDURES

824-060-0010

- (1) In Oregon, the statutory definition of applied behavior analysis is stated in 676.802 (1)(a)-(b).
- (2) For both behavior analysts and assistant behavior analysts, the Board adopts sections 1-9 of the 2016 “BACB Professional and Ethical Compliance Code for Behavior Analysts.”

DIVISION 70

CONTINUING EDUCATION

824-070-0005

Continuing education requirements

- (1) For purposes of this rule and 824-070-0010, the licensure year begins on the day of the month that the licensee was originally licensed and extends for the following 364 days.
- (2) To maintain licensure, a behavior analyst must complete a minimum of 16 hours of continuing education every licensure year. At least one hour of continuing education must relate to ethics in applied behavior analysis as defined in ORS 676.802(1).
- (3) To maintain licensure, an assistant behavior analyst must complete a minimum of 10 hours of continuing education every licensure year. At least one hour of continuing education must relate to ethics in applied behavior analysis as defined in ORS 676.802(1).
- (4) A licensee must document compliance with the continuing education requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 824-070-0010 pertaining to periodic audit of continuing education.
- (5) Continuing education must be obtained by participation in or attendance at a course provided by an institution of higher education accredited by the Northwest Association of Accredited Schools, the Northwest Commission on Colleges and Universities, or the State Board of Higher Education; or a course or program approved by the Behavior Analysis Regulatory Board, or other professional organizations or associations that conduct educational meetings, workshops, symposiums, and seminars where CEU credit is offered and where the subject matter meets the requirements under subsection (6) of this rule.
- (6) Continuing education must address subject matter related specifically to applied behavior analysis as set forth in ORS 676.802(1)(a), the rules regulating licensed behavior analysts and assistant behavior analysts, or related applied behavior analysis practices, ethics, or business practices.
- (7) Continuing education may include teaching a course sponsored by a CE provider listed in subsection (5) of this rule where the subject matter meets the requirements under subsection (6) of this rule. No more than half of the required hours shall be from teaching).
- (8) Proof of participation in required continuing education is the responsibility of the licensee.
- (9) The licensee must maintain documentation of compliance with continuing education requirements for a period of two years following renewal, and must make the documentation available to HLO upon request.

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(10) A licensee may carry up to 10 continuing education hours forward to the next renewal cycle.

(11) For the purpose of this rule, continuing education hours mean actual academic, classroom, or course work time, including but not limited to workshops, symposiums, or seminars. Continuing education hours do not include travel time to or from the training site, registration or check-in periods, breaks or lunch periods.

824-070-0010

Continuing education audit, required documentation and sanctions

- (1) The Office will audit 10 percent of licensees, to verify compliance with continuing education requirements.
- (2) Licensees who are selected for audit must submit satisfactory evidence of participation in required continuing education within 30 days of the audit notice.
- (3) If selected for audit, the licensee must provide documentation from sources listed in 824-070-0005(5).
- (4) If documentation of continuing education is incomplete, the licensee has 30 days from the date of notice to submit further documentation to substantiate having completed the required continuing education.
- (5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the license.