

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 Senate Bill 696 (2015).
- (4) "Authorization" has the definition set forth in ORS 676.580.
- (5) "Autism spectrum disorder" has the definition set forth in ORS Chapter 771 Section 2(1)(B)(b).
- (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) "Direct supervision" means the training or the observation of an interventionist providing client services and at a minimum requires the participation of the supervisor, the interventionist and client. Participation can include remote supervision through technology, as long as it is synchronous audio and visual, and in real time.
- (11) "Indirect supervision" means supervisory functions including: training the interventionist without the client present, consulting with families or caregivers regarding interventionist service delivery, or completing evaluations or assessments of interventionists without the client present.
- (12) "Interventionist" means a Behavior Analysis Interventionist.
- (13) "Licensed health care professional" has the definition set forth in Senate Bill 696 Section 1 (2)(a-h).
- (14) "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 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.
- (6) Authorizations issued prior to Nov. 1, 2015, for Behavior Analysts remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

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.
- (7) Authorizations issued prior to Nov. 1, 2015, for Assistant Behavior Analysts remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

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;
- (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 Senate Bill 696, Section 1(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.

(7) Authorizations issued prior to Nov. 1, 2015, for Behavior Analyst Interventionists remain valid after Nov. 1, 2015, and are subject to the requirements and regulations in the current rules and statutes.

DIVISION 35

DECLARATION OF PRACTICE

824-035-0005

Declaration requirements

(1) Under Section 11, Senate Bill 696, an individual was actively practicing applied behavior analysis on Aug. 14, 2013, may continue to claim reimbursement from a health benefit plan, the Public Employees Benefit Board or the Oregon Educators Board only if the individual submits a satisfactory declaration and other required documentation to the Office not later than April 30, 2016. The declaration form is available on the Office's website

(2) The declaration must be accompanied by a curriculum vitae that includes a description of the individual's education, professional experience, training, scholarship, publications, presentations at conferences and any other professional activities.

DIVISION 40

REGISTERED BEHAVIOR ANALYSIS INTERVENTIONIST TRAINING AND SUPERVISION

824-040-0010

Training and Supervision

(1) Prior to independent service delivery, a Registered Behavior Analysis Interventionist must:

(a) Enter into an agreement with a 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 a supervisor on the form at the Office's website. 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, consisting of:

(a) Direct supervision from the supervisor for a minimum of two hours prior to independent service delivery with any new client. This requirement can be met through training;

(b) Direct and indirect supervision for at least 10 percent of the interventionist's direct service hours, of which at least 5 percent must be direct supervision;

(c) Direct supervision at least once a month or 60 direct service hours, whichever comes first; and

(d) Direct supervision with each client on the interventionist's caseload at least once every three months.

(3) A Registered Behavior Analysis Interventionist must be evaluated by the supervisor at least every six months after initial competency assessment on the form available on the Office's website.

(4) A Registered Behavior Analysis Interventionist must maintain a log of ongoing training and supervision on the form available on the Office's website.

(5) A Registered Behavior Analysis Interventionist must notify the Office in writing within five business days if they are no longer being supervised or have a change in supervision.

(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. Upon request, such records must be made available for inspection by the Office.

DIVISION 50

RENEWAL

824-050-0010

Renewal of license and registration

(1) An authorization is subject to the provisions of OAR 331-030-0000 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.
- (7) If an individual was issued a license or registration prior to Nov. 1, 2015, the authorization remains valid and is subject to the current rules.
- (8) If an individual was licensed by the Board prior to Nov. 1, 2015, they must pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004 to renew the license.

DIVISION 60

STANDARDS OF PRACTICE, PROFESSIONAL METHODS AND PROCEDURES

824-060-0010

- (1) Licensees and registrants must rely on the principles of behavior analysis in their practice and use research-based behavior analytic services.
- (2) Licensees and registrants must not:
- (a) Exploit persons over whom they have supervisory, evaluative or other authority.

(b) Misuse assessment techniques, interventions, results and interpretations, including representing non-behavior analytic practices as behavior analysis.

(c) Promote or delegate the use of behavioral assessment and intervention techniques by unqualified persons.

(d) Engage in behaviors that are sexual in nature, harassing, exploitative or demeaning to clients, clients' family members, students or other supervisees.

(e) Use professional relationships to further personal, religious, political or economic interests outside of the service-provision relationship.

(f) Enter into or maintain a relationship that may impair the objectivity or interfere with the ability to effectively provide behavior analytic services.

(g) Terminate or disrupt services to a client without notifying the client, client's parent or guardian, and providing information related to the transfer or referral to another service provider.