



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 19

PRINTERS NO. 2669

PRIME SPONSOR: Mehaffie

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
State Board of Medicine Restricted Account	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Establishes licensure of behavior analysts and assistant behavior analysts under the State Board of Medicine (board). This legislation would take effect in 60 days.

ANALYSIS: This legislation amends Act 112 of 1985, otherwise known as the Medical Practice Act, to require licensure of behavior analysts and assistant behavior analysts.

Licensure Requirements: To qualify for licensure as a behavior analyst, an applicant shall meet the following criteria:

- Be at least 21 years of age and of good moral character;
- Complete an application and pay a fee as established by the board by regulation;
- Receive a master's degree or higher in a course of study required for certification from a certifying entity and hold a current certification as a board-certified behavior analyst from a certifying entity;
- Pass the examination for certification as a board-certified behavior analyst by a certifying entity as approved by the board;
- Submit proof of professional liability insurance coverage.

To qualify for licensure as an assistant behavior analyst, an applicant shall meet the following criteria:

- Be at least 21 years of age and of good moral character;
- Complete an application and pay a fee as established by the board by regulation;
- Receive a bachelor's degree or higher in a course of study required for certification from a certifying entity and hold a current certification as a board-certified assistant behavior analyst from a certifying entity;
- Pass the examination for certification as a board-certified assistant behavior analyst by a certifying entity as approved by the board;
- Provide a letter from a licensed behavior analyst in this Commonwealth who is approved by a certifying entity to supervise licensed assistant behavior analysts stating that the licensed behavior analyst is supervising the applicant in accordance with the certifying entity's current requirements.

Under the legislation, two years after the effective date it shall be unlawful for an individual to hold oneself out to the public as a behavior analyst or an assistant behavior analyst or to practice or assist in the practice of applied behavior analysis or offer to practice or assist in the practice of applied behavior analysis unless the individual holds a license.

Also, the legislation provides that within two years after the effective date, an individual who has practiced applied behavior analysis for three of the five years immediately preceding the effective date of this section shall be eligible for licensure if the applicant submits to the board proof of the required experience and complies with specific requirements.

Title Protection: The legislation contains title protection for the term "licensed behavior analyst" and "licensed assistant behavior analyst" or use of any similar words or symbols indicating that the individual is a behavior analyst or an assistant behavior analyst or the abbreviation of "B.A.," "L.B.A.," "A.B.A." or "L.A.B.A."

Exemptions: Licensing provisions contained in the legislation shall not be construed as prohibiting or restricting the practice of any of the following:

- An individual licensed under any other section of this act or any other law of this Commonwealth, while acting within the scope of practice of the individual's license and training, including, but not limited to, any of the following:
 - Licensed psychologists, licensed speech-language pathologists, licensed occupational therapists, and licensed behavior specialists.
- An individual employed by the Federal Government to provide applied behavior analysis services while in the discharge of the individual's official duties.
- A behavior analyst who practices with non-humans, including an applied animal behaviorist or animal trainer.
- An individual who provides general applied behavior analysis services to an organization for which the individual is employed if the services are for the benefit of the organization and do not involve direct services to individuals.
- A student of an accredited college or university or a postdoctoral fellow whose applied behavior analysis activities are part of a defined program of study, course, practicum, internship or fellowship and are directly supervised by a licensed behavior analyst or qualified faculty member.
- An individual pursuing supervised experiential training in applied behavior analysis consistent with a certifying entity's requirements if the training is supervised by a licensed behavior analyst or licensed psychologist who is approved by the certifying entity to provide the supervision.
- An individual who teaches behavior analysis or conducts behavior-analytic research at an accredited college or university if the activities do not involve the direct delivery of applied behavior analysis services beyond the typical parameters of applied research.
- An individual employed or contracted by an entity regulated by the Department of Education who delivers applied behavior analysis services to an individual served by the same entity.

Temporary Licenses: The legislation authorizes the board to grant a temporary license to an applicant if the applicant submits all the required documentation to the board. A temporary license shall be valid until the board completes the processing of the application and denies or grants licensure.

Renewal: The legislation outlines requirements for biennial renewal. The board may issue a license renewal to a licensee upon the submission of all of the following:

- An application and a fee as established by the board by regulation;
- Verification of current certification in good standing by a certifying entity;
- Evidence of having active professional liability insurance coverage;
- Completion of 30 hours of continuing education.

Miscellaneous Provisions: The legislation includes other provisions as follows:

- Updates references for terminology throughout the Medical Practice Act as it relates to “Good Moral Character” and consistency with Act 53;
- Adds a provision that licensure under this legislation shall not be construed as requiring new or additional third-party reimbursement or otherwise mandating coverage under 75 Pa.C.S. Ch. 17 (relating to financial responsibility) or the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act;
- Prohibits behavior analysts and assistant behavior analysts from issuing a diagnosis of a disorder.

Regulations: The board shall promulgate final regulations necessary to implement the addition of this new section within 180 days of the effective date of this section.

FISCAL IMPACT: According to the Department of State, there would be one-time costs of \$15,000 for system upgrades to the Pennsylvania Licensure System. The Department also indicates that new staff may be needed depending on the number of new licensees. All these costs would be offset by new biennial licensing revenues by these new licensees.

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House Appropriations Committee (R)

DATE: February 4, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.