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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part VIII. Behavior Analysts

**Chapter 3. Application Procedures
and Board Fees**

**§301. Application Procedures for Licensure/State
Certification/Registration**

A. Application and/or Registration

1. An application for a license as a behavior analyst, state certified assistant behavior analyst or registration as a line technician may be submitted after the requirements in R.S. 37:3706-37:3708 are met.

2. Upon submission of application or registration on the forms provided by the board, accompanied by such fee determined by the board, the applicant must attest and acknowledge that the:

a. information provided to the board is true, correct and complete to the best of his knowledge and belief; and

b. the board reserves the right to deny an application in accordance with R.S. 37:3706-R.S. 37:3708, if the application or any application materials submitted for consideration contain misrepresentations or falsifications.

3. An applicant, who is denied licensure based on the information submitted to the board, may reapply to the board after one year, and having completed additional training, if necessary and having met the requirements of law as defined in the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014).

§302. Licensure of Behavior Analysts

A. The applicant for licensure as a behavior analyst shall:

1. submit notarized application along with appropriate fee pursuant to Section 305;

2. provide proof of a masters degree by requesting official transcripts from accredited university;

3. submit verification of successful passage of a national exam administered by a nonprofit organization accredited by the National Commission for Certifying Agencies and the American National Standards Institute to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board;

4. take and successfully pass the Louisiana jurisprudence exam issued by the board;

5. complete a criminal background check as approved by the board; and

6. provide proof of good moral character as approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014).

**§303. Certification of State Certified Assistant
Behavior Analysts**

A. The applicant for certification as a state certified assistant behavior analyst should:

1. submit notarized application along with appropriate fee pursuant to Section 305;

2. provide proof of a bachelors degree by requesting official transcripts from accredited university;

3. submit verification of successful passage of a national exam administered by a nonprofit organization accredited by the National Commission for Certifying Agencies and the American National Standards Institute to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board;

4. take and successfully pass the Louisiana jurisprudence exam issued by the board;

5. complete a criminal background check approved by the board;

6. provide proof of good moral character as approved by the board; and

7. provide proof of supervision by a Louisiana licensed behavior analyst on the form required by the board. If there is more than one supervisor, a form must be submitted for each supervisor.

B. If the supervision relationship between a Louisiana licensed behavior analyst and state certified assistant behavior analyst ends, both parties are responsible for notifying the board in writing, within 10 calendar days of the termination of the arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3707.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014).

§304. Registration of Line Technicians

A. A Louisiana licensed behavior analyst must register with the board all line technicians functioning under their authority and direction. It is the responsibility of both the licensed behavior analyst and line technician to submit registration paperwork for each supervisory relationship. The registration must be completed on the form provided by the board along with payment of the appropriate fee pursuant to Section 305.

B. A line technician must complete a criminal background check approved by the board.

C. If the supervision relationship between a Louisiana licensed behavior analyst and line technician ends, both parties are responsible for notifying the board in writing, within 10 calendar days of the termination of the arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014).

§305. Licensing and Administrative Fees

A. Licensing Fees

Licensing and Administrative Fees	
Application for Licensed Behavior Analyst	\$400
Application for State Certified Assistant Behavior Analyst	\$250
Registration for Line Technicians	\$ 50
Temporary Licensure	\$125
Annual Renewal - Behavior Analyst	\$400
Annual Renewal - Assistant Behavior Analyst	\$250
Annual Renewal - Line Technicians	\$ 50
Jurisprudence Examination	\$ 75
Criminal Background Check	\$ 50

B. Administrative Fees

Administrative Fees	
Late fees	\$50
Duplicate copy of license	\$15
Official Name Change on License	\$25
License Verification	\$15
Insufficient Check Fee	\$15
Copies of documents	\$2/page

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014).

Chapter 4. License, Certification and Registration Renewal Process

§401. Renewal Process

A. A licensed behavior analyst shall renew their current license every year by December 31 beginning in December 2014. The renewal period shall open in October and will close December 31 annually. The licensed behavior analyst must submit the required renewal forms, renewal fee and

proof of fulfillment of all continuing education requirements as approved by the board.

B. A state certified assistant behavior analyst shall renew their current license every year by December 31 beginning in December 2014. The renewal period shall open in October and will close December 31 annually. The state certified assistant behavior analyst must submit the required renewal forms, renewal fee and proof of fulfillment of all continuing education requirements as approved by the board.

C. A licensed behavior analyst shall renew the registration of all registered line technicians under their supervision every year by December 31 beginning December 2014. The renewal period shall open in October and will close December 31 annually. The licensed behavior analyst in conjunction with the registered line technicians must complete the proper renewal forms accompanied with the renewal fee as determined by the board.

D. A license, certificate or registration may be valid for one year beginning January 1 through December 31 for each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3709.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1932 (October 2014).

§402. Noncompliance—Renewal Process

A. Noncompliance shall include, in part, incomplete forms, unsigned forms, failure to file all of the required renewal forms by December 31, failure to postmark the renewal package by December 31 and failure to report a sufficient number of acceptable continuing education credits as determined by the board.

B. If the license, certificate or registration is not renewed by the end of December, due notice having been given, the license, certificate, or registration shall be regarded as lapsed effective January 1. An individual shall not practice applied behavior analysis in Louisiana while the license is lapsed.

C. A lapsed license, certificate, or registration may be reinstated, at the approval of the board, if all applicable requirements have been met, along with payment of the renewal fee and a late filing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3709.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1932 (October 2014).

§403. Extensions/Exemptions—Renewal Process

A. The board may grant requests for renewal extensions or exemptions on a case-by-case basis. All requests must be made in writing, submitted via U.S. mail, to the board office and shall be reviewed at the next regularly scheduled board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3709.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1933 (October 2014).

Chapter 5. Supervision Requirements for State Certified Assistant Behavior Analysts [SCABA]

§501. Supervision—General

A. A state certified assistant behavior analyst [hereinafter referred to as "SCABA"] shall assist a licensed behavior analyst [hereinafter referred to as "LBA"] in the delivery of applied behavior analysis in compliance with all state and federal statutes, regulations, and rules.

B. The SCABA may only perform services under the direct supervision of a LBA as set forth in this Rule.

C. Supervision shall be an interactive process between the LBA and SCABA. It shall be more than peer review or co-signature.

D. There shall be a written supervisory agreement between the LBA and the SCABA that shall address:

1. the domains of competency within which services may be provided by the SCABA; and
2. the nature and frequency of the supervision of the practice of the LBA by the LBA.

E. A copy of the written supervisory agreement must be maintained by the LBA and the SCABA and made available to the board upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analysts Board, LR 40:1933 (October 2014).

§502. Supervision Requirements

A. The manner of supervision shall depend on the treatment setting, patient/client caseload, and the competency of the SCABA. At a minimum, for full-time SCABAS, working at least 30 hours per week, a face-to-face supervisory meeting shall occur not less than once every four weeks, with each supervisory session lasting no less than one hour for full-time SCABAS. The qualifying supervision activities may include:

1. direct, real-time observation of the SCABA implementing behavior analytic assessment and intervention procedures with clients in natural environments and/or training others to implement them, with feedback from the supervising LBA;
2. one-to-one real-time interactions between the supervising LBA and the SCABA to review and discuss assessment procedures, assessment outcomes, possible intervention procedures and materials, data collection procedures, intervention outcome data, modifications of intervention procedures, published research, ethical and professional standards and guidelines, professional

development needs and opportunities, and relevant laws, regulations, and policies.

B. More frequent supervisory activities may be necessary as determined by the LBA or SCABA dependent on the level of expertise displayed by the SCABA, the practice setting, and/or the complexity of the patient/client caseload. These additional supervisory activities, however, do not qualify towards the once per month requirements. The non-qualifying additional supervision activities may include, but are not limited to:

1. real-time interactions between a supervising LBA and a group of SCABAS to review and discuss assessment and treatment plans and procedures, client assessment and progress data and reports, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies;
2. informal interactions between supervising LBAs and SCABAs via telephone, electronic mail, and other written communication.

C. Supervision requirements for part-time practice, less than 30 hours per week, may be modified at the discretion of the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analysts Board, LR 40:1933 (October 2014).

§503. Supervisor Responsibilities

A. Qualifying supervision shall ensure that the quality of the services provided by the SCABA to his employer and to consumers is in accordance with accepted standards, including the guidelines for responsible conduct for behavior analysts and professional disciplinary and ethical standards for the Behavior Analyst Certification Board or other nation credentialing bodies as approved by the board.

B. Qualifying supervision shall guide the professional development of the SCABA in ways that improve the practitioner's knowledge and skills.

C. The LBA or the supervisor's alternate LBA designee must be available for immediate consultation with the assistant behavior analyst. The supervisor need not be physically present or on the premises at all times.

D. The LBA is ultimately responsible and accountable for client care and outcomes under his clinical supervision. The supervising LBA shall:

1. be licensed by the board as a LBA;
2. not be under restriction or discipline from any licensing board or jurisdiction;
3. not have more than 10 full-time-equivalent SCABAs under his/her supervision at one time without prior approval by the board;

4. provide at least one hour of face-to-face, direct supervision per month per each SCABA.

5. be responsible for all referrals of the patient/client;

6. be responsible for completing the patient's evaluation/assessment. The SCABA may contribute to the screening and/or evaluation process by gathering data, administering standardized tests, and reporting observations. The SCABA may not evaluate independently or initiate treatment before the supervising LBA's evaluation/assessment;

7. be responsible for developing and modifying the patient's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The SCABA may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the SCABA within the competency level of the SCABA.

E. Be responsible for developing the patient's discharge plan. The SCABA may contribute to the preparation, implementation, and documentation of the discharge plan. The supervising LBA shall be responsible for the outcome of the discharge plan and assigning of appropriate tasks to the SCABA within the competency level of the SCABA.

F. Ensure that all patient/client documentation becomes a part of the permanent record.

G. Conduct at least one on-site observation per client per month.

H. The supervisor shall ensure that the SCABA provides applied behavior analysis as defined in R.S. 37:3702 appropriate to and consistent with his/her education, training, and experience.

I. Inform the board of the termination in a supervisory relationship within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analysts Board, LR 40:1934 (October 2014).

§504. SCABA Responsibilities

A. The supervising LBA has the overall responsibility for providing the necessary supervision to protect the health and welfare of the patient/client receiving treatment from an SCABA. However, this does not absolve the SCABA from his/her professional responsibilities. The SCABA shall exercise sound judgment and provide adequate care in the performance of duties. The SCABA shall:

1. not initiate any patient/client treatment program or modification of said program until the behavior analyst has evaluated, established a treatment plan, and consulted with the LBA;

2. not perform an evaluation/assessment, but may assist in the data gathering process and administer specific

assessments where clinical competency has been demonstrated, under the direction of the LBA;

3. not analyze or interpret evaluation data;

4. monitor the need for reassessment and report changes in status that might warrant reassessment or referral;

5. immediately suspend any treatment intervention that appears harmful to the patient/client and immediately notify the supervising LBA; and

6. ensure that all patient/client documentation prepared by the SCABA becomes a part of the permanent record;

7. meet these supervision requirements, even if they are not currently providing behavior analysis services. If not currently providing behavior analysis services, supervision from the supervising LBA may focus on guiding the development and maintenance of the SCABA's professional knowledge and skills and remaining current with the professional literature in the field;

8. inform the board of the termination in a supervisory relationship within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analysts Board, LR 40:1934 (October 2014).

Chapter 6. Rules for Disciplinary Action

§601. Applicability; Confidentiality

A. These rules shall be applicable to any action of the Louisiana Behavior Analyst Board to withhold, deny, revoke or suspend any behavior analysts license on any of the grounds set forth in R.S. 37:3704 or under any other applicable law, regulation or rule, when such action arises from a complaint as defined in this Section.

B. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.

C. A complaint remains confidential and may only be released to the public if the licensee is found guilty of a violation of a provision of the agreement or subsequent violation of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1931 (October 2014).

§602. Complaints

A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a behavior analyst, or any other individual working under a behavior analyst's

legal functioning authority, under the provisions of 37:3712, or other applicable law, regulation or rule.

B. Upon receipt of a complaint, the board may initiate and take such action, as it deems appropriate.

C. Complaints may be initiated by any person or by the board on its own initiative.

D. Upon receipt of complaints from other persons, the board will make available the required investigation form(s) to said person(s). Ordinarily, the board will not take additional action until the form is satisfactorily completed.

1. Except under unusual circumstances, the board will take no action on anonymous complaints.

2. If the information furnished in the request for investigation form is not sufficient, the board may request additional information before further considering the complaint.

E. The investigation form(s) shall be addressed confidential to the complaints committee of the board and sent to the board office.

F. All complaints received shall be assigned a sequentially ordered complaint number, which shall be utilized in all official references.

G. The board's complaints coordinator shall determine whether the complaint warrants further investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704 and R.S. 37:3712.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1931 (October 2014).

§603. Investigation

A. If the complaint's coordinator determines that a complaint warrants further investigation, the board's complaint's coordinator shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent") by certified mail. The notice to the respondent shall include the following:

1. notice that a complaint has been filed;
2. a statement of the nature of the complaint;
3. a reference to the particular sections of the statutes, rules or ethical standards that may be involved;
4. copies of the applicable laws, rules and regulations of the board; and
5. a request for cooperation in obtaining a full understanding of the circumstances.

B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances, which are the subject of the complaint. If the respondent refuses to reply to the board's inquiry or cooperate with the board, the board shall continue its investigation.

C. The board may conduct such other investigation, as it deems appropriate.

D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704 and R.S. 37:3712.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1931 (October 2014).

§604. Formal Hearing

A. The purpose of a formal hearing is to determine contested issues of law and fact; whether the person did certain acts or omissions and, if he/she did, whether those acts or omissions violated the Louisiana Behavior Analyst Licensing Act, the rules and regulations of the board, the code of ethics of the behavior analysts, or prior final decisions and/or consent orders involving the licensed behavior analyst or applicant for licensure and to determine the appropriate disciplinary action.

B. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a behavior analyst's license or assistant's certificate, the board shall initiate a formal hearing.

C. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act.

D. Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action, as it deems appropriate on the record of the proceeding. Disciplinary action under R.S. 37:3712 requires the affirmative vote of at least four of the members of the board.

E. The form of the decision and order, application for rehearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.

F. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704 and R.S.37:3712.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1932 (October 2014).

§605. Withdrawal of a Complaint

A. If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board's complaints coordinator judges the issues to be of such

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importance as to warrant completing the investigation in its own right and in the interest of public safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704 and R.S. 37:3712.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1932 (October 2014).