

Table of Contents

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VIII. Behavior Analysts

Chapter 3.	Application Procedures and Board Fees	1
§301.	Application Procedures for Licensure/State Certification/Registration	1
§302.	Licensure of Behavior Analysts	1
§303.	Certification of State Certified Assistant Behavior Analysts	1
§304.	Registration of Line Technicians	2
§305.	Licensing and Administrative Fees	2
Chapter 4.	License, Certification and Registration Renewal Process	2
§401.	Renewal Process	2
§402.	Noncompliance—Renewal Process	2
§403.	Extensions/Exemptions—Renewal Process	2
Chapter 5.	Supervision Requirements	3
Subchapter A.	Supervision Requirements for State Certified Assistant Behavior Analysts (SCABA)	3
§501.	Supervision—General	3
§503.	Supervision—Requirements [Formerly §502]	3
§505.	Supervisor Responsibilities [Formerly §503]	3
§507.	SCABA Responsibilities [Formerly §504]	4
Subchapter B.	Supervision Requirements for Registered Line Technicians (RLT)	4
§509.	Supervision—General	4
§511.	Supervision Requirements	5
§513.	Supervision Documentation	5
§515.	Supervisor Responsibilities	5
§517.	RLT Responsibilities	6
Chapter 6.	Rules for Disciplinary Action	6
§601.	Applicability; Confidentiality	6
§602.	Complaints	7
§603.	Investigation	7
§604.	Formal Hearing	7
§605.	Withdrawal of a Complaint	8
Chapter 8.	Continuing Education Requirements for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts	8
§801.	Preface	8
§803.	Requirements	8
§805.	Extensions/Exemptions	9
§807.	Noncompliance	9
§809.	Reinstatement	9
Chapter 10.	Ethical Standards	9
§1001.	Professional and Ethical Compliance Code	9

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

Subchapter A. 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 SCABA 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), amended by the Department of Health, Behavior Analyst Board, LR 42:1516 (September 2016).

§503. Supervision—Requirements [Formerly §502]

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; and
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; and
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 Analyst Board, LR 40:1933 (October 2014), amended by the Department of Health, Behavior Analyst Board, LR 42:1516 (September 2016).

§505. Supervisor Responsibilities [Formerly §503]

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;

PROFESSIONAL AND OCCUPATIONAL STANDARDS

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; and

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 10 calendar 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 Analyst Board, LR 40:1934 (October 2014), amended by the Department of Health, Behavior Analyst Board, LR 42:1516 (September 2016).

§507. SCABA Responsibilities [Formerly §504]

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; and

8. inform the board of the termination in a supervisory relationship within 10 calendar 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 Analyst Board, LR 40:1934 (October 2014), amended by the Department of Health, Behavior Analyst Board, LR 42:1517 (September 2016).

Subchapter B. Supervision Requirements for Registered Line Technicians (RLT)

§509. Supervision—General

A. A registered line technician (hereinafter referred to as RLT) shall be responsible for implementing, not designing, the behavior plans designed by their supervising licensed behavior analyst.

B. The RLT may only perform behavior analytic services under the direct supervision of a LBA as set forth in this rule.

C. Supervision can be conducted by either the LBA or SCABA.

D. Supervision shall be an interactive process between the LBA or SCABA and RLT. It shall be more than peer review or co-signature. The supervisor and supervisee

should maintain appropriate documentation on all supervision activities.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1517 (September 2016).

§511. Supervision Requirements

A. The manner of supervision shall depend on the treatment setting, client caseload, and the competency of the RLT. The qualifying supervision must include the following criteria.

1. The LBA must ensure ongoing supervision for a minimum of 5 percent of the hours the RLT spends providing applied behavior-analytic services per month for the clients under their jurisdiction.

2. Supervision must include:

a. at least two face-to-face contacts per month with at least one being real time 1:1 contact;

b. at least one on-site contact with each RLT/client dyad every two months.

3. The LBA may delegate supervisory responsibilities to a SCABA under their direct supervision.

4. Other supervisory activities may include real-time interactions between a supervising LBA or SCABA and a group of RLTs 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.

5. In the case of multiple supervisors, the RLT must be supervised by the LBA or SCABA for the clients assigned under each supervisor's jurisdiction.

6. RLT's who provide substitute services will not be subject to the twice-monthly on-site contact supervisory contact. Substitute services are defined as eight hours or less per client per month. However, it is expected that the RLT will be provided with essential information and assistance pertinent to the client's case. This does not exempt the RLT from the requirement in Paragraph A.1 of this Section for the 5 percent of monthly supervision time.

B. More frequent supervisory activities may be necessary as determined by the LBA, SCABA, or RLT dependent on the level of expertise displayed by the RLT, the practice setting, and/or the complexity of the client caseload. Supervision should occur at a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs. These additional supervisory activities, however, do not qualify towards minimum supervision requirements. The non-qualifying additional supervision activities may include, but are not limited to, informal interactions between supervising LBA or SCABA and RLT via telephone,

electronic mail, and other written or electronic communications.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1517 (September 2016).

§513. Supervision Documentation

A. All supervision should be documented and must contain a minimum of the client's identifier, RLT's name, date, time, brief description of supervision activities, and initials of both RLT and LBA.

B. All supervision documentation should be kept a minimum of six years.

C. Random audits will be conducted.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1518 (September 2016).

§515. Supervisor Responsibilities

A. Supervision shall ensure that the quality of the services provided by the RLT to his employer and to consumers is in accordance with accepted standards, including the *Professional and Ethical Compliance Code for Behavior Analysts*, adopted by the Behavior Analyst Certification Board (BACB) board of directors on 08/07/14 and effective as of 01/01/16.

B. Supervision shall guide continuing professional development of the RLT in ways that improve the practitioner's knowledge and skills.

C. It is the responsibility of the designated supervisor to determine which tasks an RLT may perform as a function of his or her training, experience, and competence.

D. The LBA, SCABA, or the supervisor's alternate LBA or SCABA designee must be available for immediate consultation with the RLT. The supervisor need not be physically present or on the premises at all times.

E. 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. provide the minimum qualifying supervision requirements as stated in section, however more supervision may be necessary and should be conducted on a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs;

4. be responsible for all referrals of the client;

5. be responsible for completing the client's evaluation/assessment. The RLT may contribute to the screening and/or evaluation process by gathering data and

reporting observations. The RLT may not evaluate independently or initiate treatment before the supervising LBA's evaluation/assessment;

6. be responsible for developing and modifying the client's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The RLT may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall actively review all aspects of the RLT's contributions and be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the RLT within the competency level of the RLT;

7. be responsible for developing the client's discharge plan. The RLT 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 RLT within the competency level of the RLT;

8. inform the board of the termination in a supervisory relationship within 10 calendar days;

9. ensure that all client documentation becomes a part of the permanent record; and

10. if a RLT is not currently providing behavior analysis services, proper documentation must be maintained on reasons for not meeting qualifying supervision requirements.

F. 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. provide the minimum qualifying supervision requirements as stated in section, however more supervision may be necessary and should be conducted on a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs;

4. ensure that all client documentation becomes a part of the permanent record; and

5. if a RLT is not currently providing behavior analysis services, proper documentation must be maintained on the reasoning for not meeting qualifying supervision requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1518 (September 2016).

§517. RLT Responsibilities

A. The supervising LBA has the overall responsibility for providing the necessary supervision to protect the health and welfare of the client receiving treatment from an RLT. However, this does not absolve the RLT from his/her

professional responsibilities. The RLT shall exercise sound judgment and provide adequate care in the performance of duties. The RLT shall:

1. be primarily responsible for the direct implementation of skill acquisition and behavior-reduction plans developed by the supervisor;

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

3. 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;

4. not analyze or interpret evaluation data;

5. immediately contact the supervising LBA or SCABA if any treatment intervention that appears harmful to the client;

6. ensure that all client documentation completed by the RLT becomes a part of the permanent record;

7. if they are not currently providing behavior analysis services, proper documentation must be maintained; and

8. inform the board of the termination in a supervisory relationship within 10 calendar days.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1518 (September 2016).

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 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).

**Chapter 8. Continuing Education
Requirements for Licensed Behavior
Analysts and State Certified Assistant
Behavior Analysts**

§801. Preface

A. Pursuant to R.S. 37:3713, each licensed behavior analyst and state certified assistant behavior analyst is required to complete continuing education hours within biennial reporting periods. Continuing education is an ongoing process consisting of learning activities that increase professional development. Continuing professional development activities:

1. are relevant to the practice of behavior analysis, education and science;
2. enable behavior analysts to keep pace with emerging issues and technologies; and
3. allow behavior analysts to maintain, develop, and increase competencies in order to improve services to the public and enhance contributions to the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1514 (September 2016).

§803. Requirements

A. For the reporting periods that begin December 2016 and henceforth, 32 credits of continuing professional development will be required in the biennial reporting period for licensed behavior analysts and 20 credits for state certified assistant behavior analysts. The hours must conform to the distribution listed below.

B. Within each reporting period, four of the required hours or credits of continuing professional development must be within the area of ethics.

C. Licensees can accumulate continuing professional development credits in six categories:

1. academic:

a. completion of graduate level college or university courses. Course content must be entirely behavior analytic. Courses must be from a United States or Canadian institution of higher education fully or provisionally

accredited by a regional, state, provincial or national accrediting body, or approved by the board;

b. one academic semester credit is equivalent to 15 hours of continuing education and one academic quarter credit is equivalent to 10 hours of continuing education. Any portion or all of the required number of hours of continuing education may be applied from this category during any two-year certification period;

c. required documentation is a course syllabus and official transcript;

2. traditional approved events:

a. completion of events sponsored by providers approved by the Behavior Analyst Certification Board. Any portion or all of the total required number of hours of continuing education may be applied from this category during any three-year certification period;

b. required documentation is a certificate or letter from the approved continuing education (ACE) provider;

3. non-approved events:

a. completion or instruction of a seminar, colloquium, presentation, conference event, workshop or symposium not approved by the BACB, only if they relate directly to the practice of behavior analysis. A maximum of 25 percent of the total required number of hours of continuing education may be applied from this category during any two-year certification period;

b. required documentation is an attestation signed and dated by the certificant;

c. approval of these events is at the discretion of the board;

4. instruction of continuing education events:

a. instruction by the applicant of a category 1 or 2 continuing education events, on a one-time basis for each event, provided that the applicant was present for the complete event. A maximum of 50 percent of the total required number of hours of continuing education may come from this category during any two-year certification period;

b. required documentation is a letter from the department chair on letterhead from the university at which a course was taught or a letter from the approved continuing education (ACE) provider's coordinator;

5. passing BACB exam:

a. passing, during the second year of the applicant's certification period, the BACB certification examination appropriate to the type of certification being renewed. LBA's may only take the BCBA examination; SCABA's may only take the BCaBA examination for continuing education credit. Passing the appropriate examination shall satisfy the continuing education requirement for the current recertification period;

b. required documentation is a verification letter of passing score from the BACB;

6. scholarly activities:

a. publication of an ABA article in a peer-reviewed journal or service as reviewer or action editor of an ABA article for a peer reviewed journal. A maximum of 25 percent of the total required number of hours of continuing education may come from this category during any two-year certification period. The credit will only be applied to the recertification cycle when the article was published or reviewed:

- i. one publication = 8 hr.;
- ii. one review = 1 hr.;

b. required documentation is a final publication listing certificant as author, editorial decision letter (for action editor activity), or letter of attestation from action editor (for reviewer activity).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1514 (September 2016).

§805. Extensions/Exemptions

A. Licensees on extended active military service outside the state of Louisiana during the applicable reporting period and who do not engage in delivering behavior analysis services within the state of Louisiana may be granted in extension or an exemption if the board receives a timely confirmation of such status.

B. Licensees who are unable to fulfill the requirement because of illness or other personal hardship may be granted an extension or an exemption if timely confirmation of such status is received by the board.

C. Newly licensed behavior analysts or state certified assistant behavior analysts are exempt from continuing professional development requirements for the remainder of the year for which their license or certification is granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1514 (September 2016).

§807. Noncompliance

A. Noncompliance shall include, in part, incomplete reports, unsigned reports, failure to file a report, and failure to report a sufficient number of acceptable continuing professional development credits.

B. Failure to fulfill the requirements of the continuing professional development Rule shall cause the license to lapse pursuant to §402 of this Part.

C. If the licensee fails to meet continuing professional development requirements by the appropriate date, the

license shall be regarded as lapsed at the close of business December 31 of the year for which the licensee is seeking renewal.

D. The Behavior Analyst Board shall serve written notice of noncompliance on a licensee determined to be in noncompliance. The notice will invite the licensees to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be requested by the licensee and scheduled by the board in compliance with any time limitations of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1515 (September 2016).

§809. Reinstatement

A. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing professional development requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:3714.

B. After a period of two years from the date of lapse of the license, the license may be renewed by payment of a fee equivalent to the application fee and renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713-3714.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1515 (September 2016).

Chapter 10. Ethical Standards**§1001. Professional and Ethical Compliance Code**

A. The Louisiana Behavior Analyst Board incorporates by reference and maintains that licensed behavior analysts, state certified assistant behavior analysts and registered line technicians shall follow the national Behavior Analyst Certification Board's (hereinafter referred to as BACB's) *Professional and Ethical Compliance Code*, approved by the BACB's Board of Directors on August 7, 2014, with an effective date of January 1, 2016. This code serves as the BACB's guide on ethical matters and as the basis for disciplinary complaints and will also be the Louisiana Behavior Analyst Board's (hereinafter referred to as LBAB) guide on ethical matters and as such enforceable by the LBAB. The information regarding the code can be found on the BACB's official website, bacb.com, under the ethics section.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 42:1515 (September 2016).