

# VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

## CHAPTER 584

*An Act to amend and reenact § 54.1-2957.17 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.18, relating to behavior analysis; licensure.*

[H 926]

Approved April 4, 2014

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2957.17 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.18 as follows:**

**§ 54.1-2957.17. Exceptions to licensure requirements.**

A. The provisions of § 54.1-2957.16 shall not be construed as prohibiting any professional licensed, certified, or registered by a health regulatory board from acting within the scope of his practice.

B. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the applied behavior analysis activities of a student participating in a defined course, internship, practicum, or program of study at a college or university, provided such activities are supervised by a member of the faculty of the college or university or by a licensed behavior analyst and such student does not hold himself out as a licensed behavior analyst and is identified as a "behavior analyst student," "behavior analyst intern," or "behavior analyst trainee."*

C. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities of unlicensed individuals pursuing supervised experiential training to meet eligibility requirements for certification by the Behavior Analyst Certification Board or for state licensure, provided such activities are supervised by a licensed behavior analyst who has been approved by the Behavior Analyst Certification Board to provide supervision, the individual does not hold himself out as a licensed behavior analyst, and no more than five years have elapsed from the date on which the supervised experiential training began.*

D. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities of an individual employed by a school board or by a school for students with disabilities licensed by the Board of Education from providing behavior analysis when such behavior analysis is performed as part of the regular duties of his office or position and he receives no compensation in excess of the compensation he regularly receives for the performance of the duties of his office or position. No person exempted from licensure pursuant to this subsection shall hold himself out as a licensed behavior analyst or a licensed assistant behavior analyst unless he holds a license as such issued by the Board.*

**§ 54.1-2957.18. Advisory Board on Behavior Analysis.**

A. The Advisory Board on Behavior Analysis (Advisory Board) shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, and regulation of licensed behavior analysts and licensed assistant behavior analysts.

B. *The Advisory Board shall consist of five members appointed by the Governor for four-year terms as follows: two members shall be, at the time of appointment, licensed behavior analysts who have practiced for at least three years; one member shall be, at the time of appointment, a licensed assistant behavior analyst who has practiced for not less than three years; one member shall be a physician licensed by the Board who is familiar with the principles of behavior analysis; and one member shall be a consumer of applied behavior analysis who does not hold a license as a behavior analyst or assistant behavior analyst who is appointed by the Governor from the Commonwealth at large. Vacancies occurring other than by expiration of terms shall be filled for the unexpired term.*

C. *The Advisory Board shall, under the authority of the Board, recommend to the Board for its enactment into regulation the criteria for licensure as a behavior analyst or an assistant behavior analyst and the standards of professional conduct for holders of such licenses.*

*The Advisory Board shall also assist in such other matters relating to behavior analysis as the Board in its discretion may direct.*

**2. That the initial terms for the members appointed to the Advisory Board on Behavior Analysis pursuant to § 54.1-2957.18 of the Code of Virginia, as created by this act, shall be staggered as follows: two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and one member shall be appointed for a three-year term.**