

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 926]

6 Approved

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

8 **1. That § 54.1-2957.17 of the Code of Virginia is amended and reenacted and that the Code of**  
9 **Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered**  
10 **54.1-2957.18 as follows:**

11 **§ 54.1-2957.17. Exceptions to licensure requirements.**12 A. The provisions of § 54.1-2957.16 shall not be construed as prohibiting any professional licensed,  
13 certified, or registered by a health regulatory board from acting within the scope of his practice.14 B. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the applied*  
15 *behavior analysis activities of a student participating in a defined course, internship, practicum, or*  
16 *program of study at a college or university, provided such activities are supervised by a member of the*  
17 *faculty of the college or university or by a licensed behavior analyst and such student does not hold*  
18 *himself out as a licensed behavior analyst and is identified as a "behavior analyst student," "behavior*  
19 *analyst intern," or "behavior analyst trainee."*20 C. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities*  
21 *of unlicensed individuals pursuing supervised experiential training to meet eligibility requirements for*  
22 *certification by the Behavior Analyst Certification Board or for state licensure, provided such activities*  
23 *are supervised by a licensed behavior analyst who has been approved by the Behavior Analyst*  
24 *Certification Board to provide supervision, the individual does not hold himself out as a licensed*  
25 *behavior analyst, and no more than five years have elapsed from the date on which the supervised*  
26 *experiential training began.*27 D. *The provisions of § 54.1-2957.16 shall not be construed as prohibiting or restricting the activities*  
28 *of an individual employed by a school board or by a school for students with disabilities licensed by the*  
29 *Board of Education from providing behavior analysis when such behavior analysis is performed as part*  
30 *of the regular duties of his office or position and he receives no compensation in excess of the*  
31 *compensation he regularly receives for the performance of the duties of his office or position. No person*  
32 *exempted from licensure pursuant to this subsection shall hold himself out as a licensed behavior*  
33 *analyst or a licensed assistant behavior analyst unless he holds a license as such issued by the Board.*34 **§ 54.1-2957.18. Advisory Board on Behavior Analysis.**35 A. *The Advisory Board on Behavior Analysis (Advisory Board) shall assist the Board in carrying out*  
36 *the provisions of this chapter regarding the qualifications, examination, and regulation of licensed*  
37 *behavior analysts and licensed assistant behavior analysts.*38 B. *The Advisory Board shall consist of five members appointed by the Governor for four-year terms*  
39 *as follows: two members shall be, at the time of appointment, licensed behavior analysts who have*  
40 *practiced for at least three years; one member shall be, at the time of appointment, a licensed assistant*  
41 *behavior analyst who has practiced for not less than three years; one member shall be a physician*  
42 *licensed by the Board who is familiar with the principles of behavior analysis; and one member shall be*  
43 *a consumer of applied behavior analysis who does not hold a license as a behavior analyst or assistant*  
44 *behavior analyst who is appointed by the Governor from the Commonwealth at large. Vacancies*  
45 *occurring other than by expiration of terms shall be filled for the unexpired term.*46 C. *The Advisory Board shall, under the authority of the Board, recommend to the Board for its*  
47 *enactment into regulation the criteria for licensure as a behavior analyst or an assistant behavior*  
48 *analyst and the standards of professional conduct for holders of such licenses.*49 *The Advisory Board shall also assist in such other matters relating to behavior analysis as the Board*  
50 *in its discretion may direct.*51 **2. That the initial terms for the members appointed to the Advisory Board on Behavior Analysis**  
52 **pursuant to § 54.1-2957.18 of the Code of Virginia, as created by this act, shall be staggered as**  
53 **follows: two members shall be appointed for one-year terms, two members shall be appointed for**  
54 **two-year terms, and one member shall be appointed for a three-year term.**