

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 694

An Act to amend and reenact § 54.1-2957.16 of the Code of Virginia, relating to behavior analysts; assistant behavior analysts; licensure criteria; certifying entities.

[S 1406]

Approved March 27, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957.16 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957.16. Licensure of behavior analysts and assistant behavior analysts; requirements; powers of the Board.

A. It ~~shall be~~ *is* unlawful for any person to practice or to hold himself out as practicing as a behavior analyst or to use the title "Licensed Behavior Analyst" unless he holds a license as a behavior analyst issued by the Board. It ~~shall be~~ *is* unlawful for any person to practice or to hold himself out as practicing as an assistant behavior analyst or to use the title "Licensed Assistant Behavior Analyst" unless he holds a license as an assistant behavior analyst issued by the Board. The Board shall issue licenses to practice as a behavior analyst or an assistant behavior analyst to applicants for licensure who meet the requirements of this chapter and the Board's regulations.

B. The Board shall establish criteria for licensure as a behavior analyst, which shall include, but not be limited to, the following:

1. Documentation that the applicant is currently certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board or ~~any other entity that is nationally accredited to certify practitioners of behavior analysis~~ *its successor*;

2. Documentation that the applicant conducts his professional practice in accordance with the Behavior Analyst Certification Board ~~Guidelines for Responsible Conduct and Professional Ethical and Disciplinary Standards~~ *ethics code for behavior analysts* and any other accepted professional and ethical standards the Board deems necessary; and

3. Documentation that the applicant for licensure has not had his license or certification as a behavior analyst or as an assistant behavior analyst suspended or revoked and is not the subject of any disciplinary proceedings by the certifying board or in another jurisdiction.

C. The Board shall establish criteria for licensure as an assistant behavior analyst, which shall include, but not be limited to, the following:

1. Documentation that the applicant is currently certified as a Board Certified Assistant Behavior Analyst by the Behavior Analyst Certification Board or ~~any other entity that is nationally accredited to certify practitioners of behavior analysis~~ *its successor*;

2. Documentation that the applicant conducts his professional practice in accordance with the Behavior Analyst Certification Board ~~Guidelines for Responsible Conduct and Professional Ethical and Disciplinary Standards~~ *ethics code for behavior analysts* and any other accepted professional and ethical standards the Board deems necessary;

3. Documentation that the applicant for licensure has not had his license or certification as an assistant behavior analyst suspended or revoked and is not the subject of any disciplinary proceedings by the certifying board or in another jurisdiction; and

4. Documentation that the applicant's work is supervised by a licensed behavior analyst in accordance with the supervision requirements and procedures established by the Board.

D. The Board shall promulgate such regulations as may be necessary to implement the provisions of this chapter related to (i) application for and issuance of licenses to behavior analysts or assistant behavior analysts, (ii) requirements for licensure as a behavior analyst or an assistant behavior analyst, (iii) standards of practice for licensed behavior analysts or licensed assistant behavior analysts, (iv) requirements and procedures for the supervision of a licensed assistant behavior analyst by a licensed behavior analyst, and (v) requirements and procedures for supervision by licensed behavior analysts and licensed assistant behavior analysts of unlicensed individuals who assist in the provision of applied behavior analysis services.

E. The Board shall establish a fee, determined in accordance with methods used to establish fees for other health professionals licensed by the Board of Medicine, to be paid by all applicants for licensure as a behavior analyst or assistant behavior analyst.