

# LEGAL SERVICES

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## MEMORANDUM

March 11, 2014

**SUBJECT:** HB 361 Sectional Summary (Work Order No. 28-LS1474\A)

**TO:** Representative Dan Saddler  
Attn: Kim Skipper

**FROM:** Hilary Martin *Hilary V. Martin*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

**Section 1.** Adds behavior analysts to the list of professions covered by AS 08.01.

**Section 2.** Adds behavior analysts to the list of professions that must use an appropriate professional designation.

**Section 3.** Adds a new chapter regulating behavior analysts.

Sec. 08.15.010. Prohibits practicing behavior analysis without a license.

Sec. 08.15.020. Sets out qualifications for a license as a behavior analyst and assistant behavior analyst, including passing the Board Certified Behavior Analyst Examination, certification by the Behavior Analyst Certification Board, and passing a background check.

Sec. 08.15.030. Allows the department to issue a temporary license for 30 days or less in a calendar year.

Sec. 08.15.040. Allows for renewal of a license upon proof of continued certification by the Behavior Analyst Certification Board, Inc.

Sec. 08.15.050. Lists the grounds for suspension, revocation, or refusal to issue a license.

Sec. 08.15.060. Lists the disciplinary sanctions the department may impose on a licensee.

Sec. 08.15.070. Lists exemptions from the licensing requirements of the chapter.

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**Sec. 08.15.080.** Requires the department to adopt regulations to implement the chapter, including regulations on continuing education requirements and standards for licensure by credentials.

**Sec. 08.15.090.** Sets out the definitions for the chapter.

**Section 4.** Adds behavior analysts and assistant behavior analysts to the definition of "health care provider" which grants immunity for providing free health care services.

**Section 5.** Adds behavior analysts and assistant behavior analysts to the list of people who are required to report child abuse or neglect.

**Section 6.** Makes the licensing requirements of the bill applicable immediately to persons who have never practiced behavior analysis in the state before the effective date of the Act, and two years after the effective date of the Act to persons who have practiced behavior analysis in the state for at least three of the five years immediately preceding the effective date of the Act, and are certified by the Behavior Analyst Certification Board, Inc.

HVM:Ind

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